



Town of Waynesville, NC

Board of Aldermen – Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: **May 24, 2016** Time: **6:30 p.m.**

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A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: To approve the minutes of the May 10, 2016 regular meeting and the minutes of the special called meeting on May 17, 2016 and the closed session minutes from the May 17, 2016 special called meeting, as presented [or as corrected].

B. CALL FOR PUBLIC HEARING

3. Call for Public Hearing to consider a zoning map and text amendment request to reclassify an area as the Howell Mill Road Urban Residential District

Motion: To call for a Public Hearing to be held on Tuesday, June 14, 2016 at 6:30 p.m. or as closely thereof as possible, in the Town Hall Board Room located at 9 South Main Street, Waynesville to consider a zoning map and text amendment request to reclassify an area as the Howell Mill Road Urban Residential District.

C. NEW BUSINESS

4. Street Closure Request – Main Street Mile

Motion: To approve the closing of Main Street on Friday, August 26, 2016 from 5:00 pm – 10 pm for the Main Street Mile footrace and related fundraising events associated with the annual “Run for the Children”, benefitting Shriners Hospital, Greenville, SC.

D. PUBLIC HEARING

5. Public Hearing to consider a zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses

Motion: To find that the subject Text Amendment is consistent with the 2020 Land Development Plan, as presented.

Motion: To approve the proposed zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

May 24, 2016

- 2 -

E. COMMUNICATIONS FROM STAFF

6. Manager's Report – Interim Town Manager Mike Morgan
7. Attorney's Report – Town Attorney Woody Griffin

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

G. CALL ON THE AUDIENCE

H. FIRE FIGHTERS PROMOTION CEREMONY

8. The following Fire Fighters are being advanced to the rank of Captain
 - Darrell Calhoun
 - Demetrius Massey
 - Ricky Mehaffey
 - Allen Stewart

Audience members are invited to attend a reception immediately following the conclusion of the meeting.

I. ADJOURN

SPECIAL CALLED MEETING – TUESDAY, MAY 31, 2016 AT A TIME TO BE ANNOUNCED FOR CLOSED SESSION FOR SECONDARY SCREENING OF APPLICANT INFORMATION WITH DEVELOPMENTAL ASSOCIATES.



TOWN OF WAYNESVILLE

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CALENDAR May 24, 2016

2016	
Tues, May 17 6:30 PM Conf Room, Town Hall	Special Called Meeting – Closed Session – initial screening of Town Manager Applicants with Developmental Associates
Sat, May 21 5:30 – 11:00 PM Laurel Ridge CC	Haywood Healthcare Foundation “Casino Night”
Mon, May 23 6:30 PM Location TBD	Southwestern Commission Board Meeting
Tue, May 24 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, May 25 4:00 PM Hemlock Street	Groundbreaking Ceremony for the Haywood County Emergency Medical Services and Emergency Management Base
Sat, May 28 6:00 – 9:00 PM Downtown	Another Rockin’ Block Party - DWA
Mon, May 30	Memorial Day Holiday Town Offices Closed
Tues, May 31 Time TBA Location TBA	Special Called Meeting – Closed Session – secondary screening of Town Manager Applicants with Developmental Associates
Fri, Jun 3 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Sat, Jun 4 1:00 PM – 5:00 PM Pathways Center	Open House – Haywood Pathways 3:00 p.m. Dedication Ceremony
Sat, Jun 4 Noon Old Armory	Dedication Ceremony for new Public Art Commission piece – a bench by Stefan Bonitz at the Old Armory
Tues, Jun 7 6:30 p.m. Board Room, Town Hall	Special Called Meeting – Public Hearing for Budget FY 16/17
Wed, Jun 8 All Day Raleigh, NC	NCLM Town Hall Day

Sat, Jun 11 10:00 AM – 5:00 PM Downtown	Appalachian Lifestyle Celebration - DWA
Tue, Jun 14 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, Jun 15 5:00 – 7:00 PM Historic Courthouse & Downtown	Elder Abuse Awareness Walk – sponsored by Southwestern Commission Area Agency on Aging, Mountain Projects and the Haywood County Senior Resource Center
Wed – Thur, Jun 15 & 16 8:30 AM – 5:00 PM Municipal Building & Town Hall	Assessment Centers for Town Manager hiring process; review of assessments will be done in special called meetings in closed session on the afternoon of June 16 th
Week of Jun 20 Times and Locations TBA	Special called meeting – Closed Session – Interviews with Candidates for Town Manager
Fri, Jun 24 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Mon, Jun 27 5:30 PM Location TBD	Haywood COG – Haywood County Hosting
Tue, Jun 28 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 1 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Mon, Jul 4	Independence Day Holiday Town Offices Closed
Mon, Jul 4 11:00 AM – 3:00 PM Downtown	Stars & Stripes Celebration – DWA
Fri, Jul 8 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 12 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Jul 23 10:00 AM Main Street / Historic Courthouse	Folkmoor USA Parade of Nations & Opening Ceremonies Parade: Line-up at 9:30 AM from Blue Ridge Books/Academy Street Opening Ceremonies: 10:00 AM
Fri, Jul 22 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 26 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 29 6:30 PM Location TBD	Southwestern Commission Annual Dinner

Sat, Jul 30 10:00AM – 5:00 PM Main Street, Downtown	“Where the World Meets on Main Street” International Day Festival
Fri, Aug 5 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fri, Aug 5 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Sat, Aug 6 9:00 AM – 1:00 PM Courthouse Lawn	Sarge’s Annual Downtown Dog Walk
Tue, Aug 9 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Mon, Aug 22 5:30 PM Location TBD	Haywood COG – Maggie Valley Hosting
Tue, Aug 23 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, Aug 31 6:00 PM Waynesville Inn Resort & Spa	Haywood Healthcare Foundation 2016 Annual Gala
Fri, Sep 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Sa, Sep 2-3	47 th Annual Smoky Mountain Folk Festival Lake Junaluska
Mon, Sep 5	Labor Day Holiday Town Offices Closed
Tue, Sep 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Sep 17 6:00 – 9:00 PM Downtown	Block Party - DWA
Mon, Sep 26 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Oct 7 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Sat, Oct 8 10:00 AM – 5:00 PM Main Street, Downtown	33 rd Annual Church Street Art & Craft Show
Tue, Oct 11 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Oct 15 10:00 AM – 5:00 PM Main Street, Downtown	28 th Annual Apple Harvest Festival – Haywood Chamber of Commerce

Su-Tu, Oct 23-25	NCLM Annual Conference CityVision 2016 Raleigh, NC
Mon, Oct 24 5:30 PM Location TBD	Haywood COG – Waynesville Hosting
Tue, Oct 25 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 4 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Tue, Nov 8 6:30 AM – 7:30 PM All voting precincts	Election Day - General Election
Tue, Nov 8 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 11	Veterans' Day Holiday Town Offices Closed
Th-Fr, Nov 24-25	Thanksgiving Holiday Town Offices Closed
Mon, Nov 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Dec 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Mo, Dec 2-5	Holly Days Downtown – seasonal events downtown throughout the weekend
Mon, Dec 5 6:00 PM Main Street, Downtown	Waynesville Holiday Parade Line-up begins at 4:30 PM at Walnut and Main Parade begins at 6:00 PM
Sat, Dec 10 5:00 PM Fire Station #1	Waynesville Fire Department Annual Holiday Family Dinner (tent)
Sat, Dec 10 6:00 – 9:00 PM Main Street, Downtown	A Night Before Christmas / Bethlehem Market Place – DWA & First Baptist Church
Tue, Dec 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fr-Tu, Dec 23, 26-27	Christmas Holiday Town Offices Closed

2017

	New Year Holiday Town Offices Closed
	Martin Luther King Jr Holiday Town Offices Closed

Board and Commission Meetings – June 2016

ABC Board	ABC Office – 52 Dayco Drive	June 21 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	June 7 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	June 23 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	June 7 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	June 20 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	June 9 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	June 22 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	June 7 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Th – Sa, Jun 23-25, 2016	Town Manager	NCCMA Manager's Continuing Ed - Summer Seminar Asheville, NC
Th – Sa, Aug 4-6, 2016	Town Attorney	NC Association of Municipal Attorneys Summer Seminar Asheville, NC
Th – Sa, Aug 18-20, 2016	Admin Svc Dir & Deputy Clerk	NC Association of Municipal Clerks Summer Seminar Asheville, NC

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
May 10, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, May 10, 2016 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman LeRoy Roberson

Alderman Julia Freeman had noted at the last regular meeting she would not be present.

The following staff members were present:

Mike Morgan, Interim Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
David Foster, Public Services Director
Julie Grasty, Asset Services Director
Kyle Cook, Water Treatment Superintendent
Jeff Stines, Water/Sewer Maintenance Superintendent
Willy Jackson, Crew Leader
James Robertson, Tax Collector
Roger Patterson, Assistant Water Treatment Plant Manager
Brittany Buchanan, Human Resource Specialist

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and asked Town Clerk Amie Owens to highlight additions to the calendar including:

- May 17th through 19th - Haywood County Schools Art Show at the old Hazelwood School library
- May 25th – Groundbreaking ceremony for the new Haywood County Emergency Medical Services and Emergency Management Base – 4:00 p.m.
- June 4th – Haywood Pathways Open House from 1:00 p.m. to 5:00 p.m. with dedication ceremony at 3:00 p.m.

Mayor Brown announced that there would be a special called meeting of the Board on Tuesday, May 17 at 4:00 p.m. in the Municipal Building Conference Room with the purpose of entering into closed session to meet with Developmental Associates to review applications for the Town Manager position.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Roberson, to approve the minutes of the April 26, 2016 regular meeting, and the minutes of the May 3, 2016 special called meeting, as presented. The motion carried unanimously.

3. Proclamations

a. Public Works Week – May 15 – 21, 2016

Mayor Brown signed a Proclamation Recognizing Public Works Week, May 15 – 21, 2016. A copy of the proclamation was read by Public Services Director David Foster and the Mayor presented the official proclamation to several staff members including the newly promoted Crew Leader, Willy Hickman, Asset Services Director Julie Grasty, Water Treatment Superintendent Kyle Cook and Water/Sewer Maintenance Superintendent Jeff Stines.

Mayor Brown thanked those in attendance and all of the Public Services staff for their commitment to serving and noted that “everyone in town is impacted by the job that these individuals do.”

b. National Police Week – May 15-21, 2016 and Peace Officers Memorial Day, May 19th

Mayor Brown read aloud the Proclamation Recognizing National Police Week, May 15- 21, 2016 and Peace Officers Memorial Day on May 19, 2016. Following the reading, Mayor Brown noted the funeral services for retired police officer James “Barney” Wood were held earlier in the day and he commented on the professionalism of the police department and their participation as pall bearers. Mayor Brown commended the police department for the manner in which they conduct themselves daily and for their service outside of their normal duties.

B. PRESENTATION

4. Town of Waynesville Wellness Committee Update

James Robertson, Tax Collector and Chairman of the Wellness Committee addressed the board and explained that there had been many things done by the Wellness Committee to help improve the health and well-being of employees. On behalf the Wellness Committee, Mr. Robertson thanked the board for allowing continued funding for wellness programming as it is a benefit for the employees. He added that both he and the committee have learned much over the last couple of years and he was pleased to report that the Town has a stellar program that other organizations model their programs around.

Brittany Buchanan, HR Specialist, informed the Board about the WorkWise Award that the Town received in March. She explained that MountainWise is a coalition of employers in Western North Carolina who work together to share information about wellness programming and share successes. MountainWise is developing a wellness video to share among businesses to highlight wellness programs and the Town's Wellness Committee is serving as mentors for those developing programs and will be featured on the video.

Mr. Robertson added that part of the wellness program is offering educational opportunities called Lunch and Learns. Since the beginning of the FY 15/16, there have been nine (9) offered with average attendance of 15. Mr. Robertson explained that individuals attending these offerings and with exercise and other activities earn points that are tracked and rewards provided for participation. He alluded to the upgraded new Garmin devices and provided a handout to board members. Mr. Robertson commented that part of what sets the Town apart in its wellness efforts is that we have the Recreation Center with resources built in.

Roger Patterson, Assistant Water Treatment Plant Manager, has been deemed the ambassador for the wellness program preaching the gospel of wellness. Mr. Patterson provided t-shirts to the board members and encouraged them to participate in the wellness program. He noted that the theme for this year's program is "All In" and he truly wants everyone to be involved. As indicated earlier, the devices used to help track activity have been upgraded and the cost has been kept to a minimum. Mr. Patterson was pleased to remind the board that insurance premiums have remained flat and that the wellness program has had a part in this trend. He added that the Wellness program was specifically designed to keep employees well and to keep costs low.

Mr. Robertson concluded the presentation by announcing future wellness activities such as Fresh Fruit Fridays where all departments will receive fresh items rather than other snacks; opportunities to partner with other municipalities and organizations for sharing of ideas and possibly some competitions. Mr. Robertson again thanked the board for supporting the wellness programs.

Mayor Brown thanked the Wellness Committee for their diligence and their commitment to making Waynesville's employees healthier and keeping health care costs low.

C. CALL FOR PUBLIC HEARING

5. Call for Public Hearing to consider a zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses

Elizabeth Teague, Development Services Director, explained that The Town has seen increased interest in mobile food vendors and there is a need to ensure that mobile vendors operating within Town limits are compliant with health department requirements and are present within the Town at the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space. Also it is important that mobile food vendors are located in a manner that allows workers access to bathrooms and that assures compliance with applicable building and fire safety codes. Ms. Teague noted that this was to call for the public hearing for May 24.

Alderman Robertson made a motion, seconded by Alderman Feichter to call for a Public Hearing to be held on Tuesday, May 24, 2016 at 6:30 p.m. or as closely thereafter as possible, in the Town Board Room located at 9 South Main Street Waynesville to consider a zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses, as presented. The motion carried unanimously.

D. NEW BUSINESS

6. Resolution of Intent to Close and existing Right of Way on Town-owned property and Call for Public Hearing

This business item was removed from the agenda as Town Attorney Woody Griffin may have an alternate way to complete this closure which may be brought back to the board at a later date.

7. Street Closure Request for Academy Street – Waynesville First United Methodist Church

Manager Morgan noted that a request had been received from Waynesville First United Methodist Church regarding street closure of Academy Street for various activities. The three requested dates were for:

- Pig Pickin’ – Church Community Event on Sunday, June 5 beginning at 4pm and ending at 8pm. Close street by 1pm Sunday, June 5.
- Back to School Bash – Church Community Event on Sunday, August 28 beginning at 4 and ending at 7pm. Close street by 1pm Sunday, August 28.
- Trunk or Treat – Community Event on Monday, October 31 beginning at 5pm and ending at 8pm. Close street by 3:30pm, Monday, October 31.

Manager Morgan noted that all of these events had been previously approved by the board including the street closure for each.

Mayor Brown inquired if there was something that the Town should be doing related to the number of street closure requests that are received. He asked Manager Morgan if this was common everywhere and if there were policies in place that exclude certain streets from being closed. Manager Morgan noted that there are lots of festivals in this community, but street closures are common and there is no policy in place in Waynesville that addresses specific streets.

Alderman Caldwell made a motion, seconded by Alderman Roberson to approve the requested closure of Academy Street for the various events for the First United Methodist Church through the remainder of 2016, as presented. The motion carried unanimously.

8. Request from Mountain View Garden Club for Arboretum at the Waynesville Recreation Center

Jonathan Yates, Outside Facilities Supervisor, explained that he had met with the Mountain View Garden Club to discuss a potential partnership for an arboretum in the park system at the Waynesville Recreation Center. Mr. Yates frequently receives questions about the types of trees and plants around town and at the parks; while there is signage in place for some, not all are marked. An arboretum would allow the opportunity for beautification as well as a place for education, research, and

public outreach. Efforts had been established before, but with no fulfillment. This would be an opportunity to work collaboratively with the Mountain View Garden Club and others to make this a reality.

The Mountain View Garden Club is supportive of these efforts and is committed to assisting with grant opportunities to help fund such a project. In fact, they have committed \$2,000 for the upcoming fiscal year to the Town if this project moves forward.

Mr. Yates explained that a tree inventory was completed in 2010 that indicated that approximately 1,300 trees were catalogued. If approved, Mr. Yates could contact the vendor, WNC GIS to assist with indication of additional larger tree areas and help with signage and identification. The plan is to have signage that will have QR readers to give extensive information on trees and plants.

Ms. Diane Kornse with the Mountain View Garden Club explained that the Club is in its 65th year and is committed to the beautification and education about plants and trees in this area. The Mountain View Garden Club cares for several areas within the town including planters at the post office, Shelton House garden, the Town welcome sign and topiaries at the library. Ms. Kornse added that this arboretum would be a new venture for the organization and commented that she hoped that the board will support the project.

Mr. Yates concluded by noting several of the collaborative relationships with other entities who could assist with the project including Haywood Community College, Haywood Waterways Association and Boy and Girl Scouts. Mr. Yates thanked the board for the opportunity to present this project and thanked the Mountain View Garden Club for their assistance.

Mayor Brown inquired about the timeframe for the project. Mr. Yates answered that this would be an ongoing project fairly open ended because plant materials change and opportunities to educate will continue to arise over time. It is the plan to introduce new species when possible.

Alderman Roberson noted that it may be beneficial to partner with the Young Professionals Group through the Chamber of Commerce since they were instrumental in greenway signage. Alderman Feichter added his thanks to the Mountain View Garden Club and his pleasure at seeing entities work together to make Waynesville the treasure that it is.

Alderman Feichter made a motion, seconded by Alderman Caldwell to approve the request from the Mountain View Garden Club to work with the Town of Waynesville staff to develop an arboretum of local plant and tree species around the Waynesville Recreation Center and park system, as presented. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

9. Manager's Report - Interim Town Manager Mike Morgan

Town Manager Search

Manager Morgan reported that the manager search posting ends on Sunday May 15th at midnight. A special called meeting for the Board to enter into closed session to review applications will take place on May 17, 2016 at 4:00 p.m. in the Municipal Building Conference room.

Budget

The Board of Aldermen will hold the special called meeting for the purpose of the public hearing on the budget on June 7, 2016 at 6:30 p.m. in the Board Room of the Town Hall.

Manager Morgan explained that for future years, something to consider is a rural fire tax for those individuals who are receiving services, but are located outside of the city limits. The Haywood County Board of County Commissioners can approve the levy of such a tax up to 10 cents. Discussion was held and Mayor Brown noted that this was the dilemma faced by the Board daily, how to set fees to equitably assess the users of services.

Alderman Caldwell provided his first draft of the special appropriations as part of the annual budget. Board members were asked to continue to review the proposed budget and if there were any changes to please let Manager Morgan or Finance Director Eddie Caldwell know.

10. Attorney's Report - Town Attorney Woody Griffin

Town Attorney Woody Griffin had nothing to report.

E. COMMUNICATION FROM THE MAYOR AND BOARD

Mayor Brown noted that Board Members received a copy of a letter to John Stiltner related to in-kind services for the proposed renovation of the old Haywood County Hospital. The letter was drafted as a not-to-exceed amount to protect the Town. The costs outlined in the letter reflect the bottom line numbers for material and labor. Mayor Brown added that this is a needed housing opportunity for those in the Town of Waynesville.

Mayor Brown also showed Information about travel and tourism with a sample of the new BuyHaywood and local adventures brochures. He noted that there were many things going on in the background and economic development in travel and tourism that will benefit the Town and the County.

Mayor Brown thanked Alderman Feichter and Alderman Roberson for attending a meeting during the previous week regarding job creation.

F. CALL ON THE AUDIENCE

No one addressed the Board.

G. ADJOURN

There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Freeman to adjourn the meeting at 7:39 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Michael J. Morgan, Interim Town Manager

Amanda W. Owens, Town Clerk

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
SPECIAL CALLED MEETING
MAY 17, 2016**

THE WAYNESVILLE BOARD OF ALDERMEN held a special called meeting on Tuesday, May 17, 2016 at 4:00 p.m. in the Conference Room of the Municipal Building, 16 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 4:08 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman LeRoy Roberson

The following staff members were present:

Amie Owens, Town Clerk

The following others were present:

Dr. Stephen Straus, Developmental Associates
Dr. Heather Lee, Developmental Associates

1. Welcome

Mayor Gavin Brown welcomed everyone to the meeting and thanked Dr. Stephen Straus and Dr. Heather Lee for their participation and the board members for taking time for this meeting. Alderman Freeman had a conflict and could not be present.

2. Closed Session

Closed session for the purpose of reviewing of applications for Town Manager position under NC GS 143-318.11(a)(6) – Personnel

Alderman Roberson made a motion, seconded by Alderman Caldwell to enter into closed session for the purpose of review of applications for the Town Manager position with the consultants from Developmental Associates. The motion carried unanimously.

The board entered into closed session at 4:10 p.m.

The board returned from closed session at 6:14 p.m.

B. ADJOURN

There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Roberson to adjourn the meeting at 6:15 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Amanda W. Owens, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: May 24, 2016

SUBJECT: Call for a Public Hearing to be held on June 14, 2016 to consider a map and text amendment to rezone the following properties from Howell Mill Road Medium Density Residential to Urban Residential:

1. 333 Howell Mill Road, which consists of 7 individual lots, PINs: 8616-42-3466, 8616-42-6671, 8616-42-6329, 8616-42-5167, 8616-42-4173, 8616-42-3089, 8616-42-5404; (5.29 acres); of Robert Timothy and Patricia Shook
2. 11 Palmer Hill Road, PIN 8616-42-7327; (0.87 acres); of Nell Moody Heirs
3. An unaddressed lot on Calhoun Road, PIN 8616-42-6749; (0.5326 acres); of Romualda McCrorie

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This area is convenient to Town and the Town's Recreation Center. The original rezoning request was for the Russ Avenue Regional Center District, the least restrictive commercial district after commercial-industrial zoning, and would impact the architecture, traffic pattern and scenic nature of that area. A zoning designation of Urban Residential would maintain the residential character of the area but would allow for increased density to take advantage of this location's convenience and the pedestrian amenities that are now available as part of the roadway corridor. It would also create a transitional district between the heavy commercial of Russ Avenue and the Medium Density residential neighborhood. To designate the UR zoning in this area, the Town will need to create a new zoning district: The Howell Mill Road Urban Residential District (HM-UR).

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held on June 14, 2016 at the next Board of Aldermen Meeting at 6:30 pm in order to consider a zoning map and text amendment request to reclassify this area as the Howell Mill Road Urban Residential District.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Staff Report
2. Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for the public hearing only; no further action is required.

Planning Board Staff Report
Request for Rezoning Multiple Properties along Howell Mill and Calhoun Roads
May 16, 2016

Agenda Item: Zoning Text to accompany the recommended Map Amendment (Rezoning) – from the Hearing of March-April.

Address, PINs, acreage, owners:

1. 333 Howell Mill Road, which consists of 7 individual lots, PINs: 8616-42-3466, 8616-42-6671, 8616-42-6329, 8616-42-5167, 8616-42-4173, 8616-42-3089, 8616-42-5404; (5.29 acres); of Robert Timothy and Patricia Shook
2. 11 Palmer Hill Road, PIN 8616-42-7327; (0.87 acres); of Nell Moody Heirs
3. An unaddressed lot on Calhoun Road, PIN 8616-42-6749; (0.5326 acres); of Romualda Mcorrie

Acreage of area: 6.6926 acres total

Requested Rezoning: From Howell Mill Medium Density Residential District to Urban Residential.

Other: These properties are all within the Town’s extra-territorial jurisdiction (ETJ).

Background:

The Planning Board voted to recommend a change in zoning designation for the above properties to “Urban Residential.” This zoning designation is residentially focused, but would allow professional offices and business services uses. To designate this zoning classification in a new area requires additional text changes in order to keep consistency with the format and descriptions provided in the Town’s Land Development Standards. Therefore, staff has prepared the attached recommended text changes to accommodate the zoning map amendment recommendations. Once the Planning Board has reviewed and revised this language to the Board’s approval, then the text will be forwarded to the Board of Aldermen to accompany the zoning map amendment to be considered in that public hearing.

The purpose and intent of the Howell Mill Road Residential District as established by the Land Development Standards, Section 2.3.3(C) states:

The **Howell Mill Residential—Medium Density District (HM-RM)** shall develop as a residential neighborhood providing a mix of housing types and densities. Long, narrow lots are encouraged to provide for the establishment of good block widths throughout the area. Higher density housing is encouraged south of Howell Mill Road with lower density housing provided to the north. The center of the neighborhood is the Waynesville Recreation Center, providing recreational and social opportunities for all of Waynesville but with particular convenience and importance for those residing in this district. The proximity of this area to Russ Avenue shall be enhanced with improved transportation connections. Development occurring off of Howell Mill Road shall also incorporate connectivity between streets and shall include, where appropriate, pedestrian access to the Recreation Center and the Richland Creek Greenway. Nonresidential uses typically found in residential areas are permitted.

The Urban Residential zoning category currently has two designated districts with the following purpose and intent, Section 2.3.4:

- A. The **East Waynesville Urban Residential District (EW-UR)** is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district.

- B. The **Hazelwood Urban Residential District (H-UR)** is a traditional walkable neighborhood of mostly small, well-built housing in an area where sufficient urban facilities are available. It is a self-contained community with affordable housing, smaller well-kept lots, narrow tree-lined streets and distinct edges and centers. Major public spaces including a park and the "old" Hazelwood School are located in this neighborhood. Since it is convenient to shopping and employment, the goal for Hazelwood is to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area. Pedestrian amenities are to be enhanced with all new development as are the development of access points to different parts of Waynesville from the Hazelwood neighborhood. Parking on public streets is permitted and encouraged as an alternative to the development of new parking lots.

Urban Residential allows for up to 16 units/acre which is double the residential density of that allowed in the current zoning of medium density residential (8 units/acre). It allows for multi-family developments and a higher density of up to 24 units/acre as part of a special use permit. Also on the list of permitted uses of those districts which would be a change are bed and breakfasts, adult and child day care, professional services, general commercial less than 100,000 sf (Hazelwood UR only), cultural and community facility, recreation facility, riding stables, and cemetery.

To extend the UR District in this new area of Howell Mill Road, staff has drafted a new "purpose and need statement," based on the value statements provided at the community meeting on April 4, 2016. Additionally staff has incorporated language denoting this new zoning designation within the Land Development Standards for lots and the permitted uses table.

Consistency with 2020 Land Development Plan:

As discussed at the community meeting and in the Planning Board's deliberations last month, the rural and residential nature of the area was identified by the residents as an important value in the area. In the Town's Comprehensive Plan, Waynesville Our Heritage, Our Future, 2020 Land Development Plan. The Plan states that the land use goal is to:

"Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p 4-2)

With an objective to:

“Designate appropriate amounts of land to reflect the desired development patterns and to accommodate the projected residential, commercial, industrial and institutional needs of the Town of Waynesville.” (p. 4-2)

The Land Development Plan specifically speaks to the goal of creating a variety of residential opportunities for all incomes and to promote infill development and mixed use areas. The Future Land Use Map of the 2020 Plan (Maps 12 and 13) show the area on the opposite side of Howell Mill Road and adjacent to the Town’s Recreation center as Medium to high density residential. Adjusting the map amendment request and the accompanying text description for a more residentially focused district with limited commercial uses of a residential scale, would keep the protective nature of the original zoning and promote residential development along a corridor identified in the Future Land Use Map.

Surrounding Land Use/Zoning Patterns:

The area proposed for rezoning is adjacent to the recently expanded Ingles and the Ingles’ Russ Avenue Regional Center Conditional District Zoning. Across Howell Mill Road to the south is the DC Plus LLC Packaging warehouse. To the north and across the street is residential property and the Town substation. The property abuts residential property to the east. At the community meeting concerns were expressed regarding traffic impacts to Calhoun Road if the zoning were to change. Calhoun is a two lane road that serves the residential lots to the north and which becomes a dirt road before finally dead-ending at private residential property. The proposed zoning text should therefore describe the transitional nature of the area and the buffer it provides from the strictly medium density zoning of the Town’s ETJ and the commercial zoning of the Russ Avenue Regional Center District.

Staff Recommendation:

See attached.

Requested Actions:

1. Motion to recommend the proposed text as provided (or as amended) to the Board of Aldermen as part of the Zoning Map Amendment to rezone the property at Howell Mill, Calhoun and Palmer to Urban Residential District.



1 inch = 200 feet
March 4, 2016

Haywood County

1. Shook
2. Moody

3. McRorie

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

**Proposed Text to Describe the Howell Mill Road Urban Residential Neighborhood District
Revised by Planning Board May 16, 2012.**

2.2 - Districts by District Type.

The following 31 base districts are organized into categories that standardize various regulations while allowing some limited customization of each district.

Residential—Low Density (RL)	Country Club Residential - Low Density (CC-RL) Eagles Nest Residential - Low Density (EN-RL) Francis Cove Residential - Low Density (FC-RL) Hall Top Residential - Low Density (HT-RL)
Residential—Medium Density (RM)	Chestnut Park Residential - Medium Density (CP-RM) Dellwood Residential - Medium Density (D-RM) Howell Mill Residential - Medium Density (HM-RM) South Waynesville Residential - Medium Density (SW-RM)
Neighborhood Residential (NR)	Allens Creek Neighborhood (AC-NR) Love Lane Neighborhood (LL-NR) Main Street Neighborhood (MS-NR) Ninevah Neighborhood (N-NR) Pigeon Street Neighborhood (PS-NR) Plott Creek Neighborhood (PC-NR) Raccoon Creek Neighborhood (RC-NR) Sulphur Springs Neighborhood (SS-NR) Walnut Street Neighborhood (WS-NR)
Urban Residential (UR)	East Waynesville Urban Residential Neighborhood (EW-UR) Hazelwood Urban Residential Neighborhood (H-UR) <i>Howell Mill Urban Residential Neighborhood (HM-UR)</i>
Neighborhood Center (NC)	North Main Street Neighborhood Center (NM-NC) Pigeon Street Neighborhood Center (PS-NC) Raccoon Creek Neighborhood Center (RC-NC)
Business District (BD)	Central Business District (CBD) Hazelwood Business District (H-BD) South Main Street Business District (SM-BD)
Regional Center (RC)	Dellwood/Junaluska Regional Center (DJ-RC) Hyatt Creek Regional Center (HC-RC) Russ Avenue Regional Center (RA-RC)
Commercial Industrial (CI)	Commercial-Industrial (CI)

2.3.4 Urban Residential Districts (UR) Purpose and Intent.

- A. The East Waynesville Urban Residential District (EW-UR) is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district.

- B. The Hazelwood Urban Residential District (H-UR) is a traditional walkable neighborhood of mostly small, well-built housing in an area where sufficient urban facilities are available. It is a self-contained community with affordable housing, smaller well-kept lots, narrow tree-lined streets and distinct edges and centers. Major public spaces including a park and the "old" Hazelwood School are located in this neighborhood. Since it is convenient to shopping and employment, the goal for Hazelwood is to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area. Pedestrian amenities are to be enhanced with all new development as are the development of access points to different parts of Waynesville from the Hazelwood neighborhood. Parking on public streets is permitted and encouraged as an alternative to the development of new parking lots.

- C. *The Howell Mill Road Urban Residential District (HM-UR) is a transitional neighborhood that buffers rural and medium density residential areas from the intense commercial and manufacturing uses. It is convenient to town and the Recreation Center and served by the multi-modal Howell Mill Road, yet valued for its green spaces, vistas and peaceful character. Future development should build on, and connect to, this transportation infrastructure and accommodate vehicles, pedestrians and cyclists and be of a residential scale and design.*

2.4 - Dimensional Standards by District.

2.4.1 Table of Dimensional Standards by Residential District (*Adding HM-UR to column heading – standards for UR stay the same*)

Standard	Residential- Low-Density (RL)	Residential – Medium Density (RM)	Neighborhood Residential – (NR)	Urban Residential (UR)
1. Applicable Districts	CC-RL, EN-RL, FC-RL, HT-RL	CP-RM, D-RM, HM-RM, SW-RM	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	EW-UR, H-UR HM-UR

2. Development Standards				
a. Density (max base)	6 units/acre	8 units/acre	10 units/acre	16 units/acre
b. Density (max with SUP)	12 units/acre	12 units/acre	16 units/acre	24 units/acre
c. Civic Space (min) per CH 7	10%—Open Space Only	10%	5%	5%
3. Lot Standards				
a. Lot Area—House	½ acre	¼ acre	1/6 acre	1/6 acre
b. Lot Area—All bldg. types with rear vehicular access	Subject to density	Subject to density	Subject to density	Subject to density
c. Lot Width (min)— With rear vehicular access	60 ft. n/a	50 ft. 16 ft.	50 ft. 16 ft.	50 ft. 16 ft.
d. Frontage at Front Setback	n/a	n/a	n/a	n/a
e. Pervious Surface (min)	20%	20%	10%	10%
4. Building Setback (min)				
a. Principal Front ¹	20 ft.	10 ft.	10 ft.	10 ft.
b. Street Side/Secondary Front ¹	20 ft.	5 ft.	5 ft.	5 ft.
c. Side (from adjacent lot)	10 ft.	10 ft.	10 ft.	10 ft.
d. Setback Between Bldgs.	15 ft. (10 ft.)	6 ft.	6 ft.	6 ft.
e. Rear	20 ft.	6 ft.	6 ft.	6 ft.
5. Accessory Structure Setback				
a. Side	5 ft.	5 ft.	5 ft.	5 ft.
b. Rear	5 ft.	5 ft.	5 ft.	5 ft.
c. Other Standards	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3
6. Building Height (in Stories)				
a. Principal Building (max)	3 stories	3 stories	3 stories	3 stories
b. Accessory Structure (max)	2 stories	2 stories	2 stories	2 stories
7. Outdoor Storage				
a. Residential Uses	Permitted in all districts ²			
b. Nonresidential Uses	Not permitted	Not permitted	Not permitted	Not permitted

2.5 Use Categories and Interpretation of Uses

2.5.3 Table of Permitted Uses (rev. 3/29/12). (*Adding HM-UR to column heading – standards for UR stay the same*)

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)								Urban Residential (UR)			Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)	
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR	SS-NR	WS-NR	EW-UR	H-UR	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI
Bar/Tavern/Night Club	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Drive-Thru Commercial	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	P	-
Gas/Fueling Station	-	-	-	-	-	-	PS	-	PC/PS	-	-	-	-	-	PL/PS	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
General Commercial – Less than 100,000 sf	-	-	-	-	-	-	PS	-	-	-	-	PL	-	-	PL	-	PL	-	PL	PS	PS	PS	PS	PS	PS	P	P	P	P	-
General Commercial – Greater than 100,000 sf	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Outside Sales	-	-	-	-	-	-	PS	-	-	-	-	PL	-	-	PL	-	PL	-	PL	P	P	P	P	P	P	P	P	P	P	-
Outside Storage	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P
Pawnshops	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-
Restaurant	-	-	-	-	-	-	PS	-	-	-	-	PL	-	-	PL	-	PL	-	PL	P	P	P	P	P	P	P	P	P	P	-
Vehicle & Heavy Equipment Sales/Rental	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	PS	PS	-	-	PS	PS	PS	PS	PS	PS	PS	PS
Vehicle Services –Minor Maintenance/Repair/Wash	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Vehicle Services – Major Repair/Body Work	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS
ENTERTAINMENT/ RECREATION																														
Amusements, Indoor	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Amusements, Outdoor	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Billiard/Pool Hall	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Cultural or Community Facility	P	P	P	P	P	P	PS	P	P	P	P	P	P	P	P	P	P	P	P	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Racetrack	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Riding Stables	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	PS	PS	-	-
Shooting Range, Outdoor	-	-	-	-	-	-	SUP	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Theaters, Drive-In	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
Theater, Indoor	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Theater, Outdoor	PS	PS	-	PS	-	PS	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
CIVIC/INSTITUTIONAL																														
Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
College/University	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
Correctional Institution	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	SUP	-	SUP	-	-	-
Hospital	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Religious Institution	P	P	P	P	P	P	PS	P	P	P	P	P	P	P	P	P	P	P	P	PS	PS	PS	PS	PS	PS	P	P	P	P	-
Schools – Elementary & Secondary	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P
Schools – Vocational/Technical	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
MANUFACTURING/ WHOLESALE/STORAGE																														
Freight Hauling/Truck Terminals	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	SUP	SUP	SUP	SUP	P
Landfill	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
Laundry, Dry cleaning Plant	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P	P	P
Manufacturing, Light	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	P	P	P	P	P	P
Manufacturing, Neighborhood	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	P	P	P	P	P	P
Manufacturing, Heavy	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	P	P	P	P	P	P
Materials Recovery & Waste Transfer Facilities	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	P	P	P	P	P	P
Metal Products Fabrication, Machine or Welding Shop	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	P	P	P	P	P	P
Mini-Warehouses	-	-	-	-	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	SUP	SUP	SUP	SUP	SUP	SUP

P Permitted

PC Permitted on corner lots only

PL Permitted in Designated Locations

PS Permitted subject to Additional Standards in Ch 3

SUP Special Use Permit Required (See Ch 3 and

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)								Urban Residential (UR)			Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)	
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR	SS-NR	WS-NR	EW-UR	H-UR	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI
Recycling Collection Stations	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Storage - Outdoor Storage Yard	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	PS
Storage -Warehouse, Indoor Storage	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	P	P	P	P
Wholesaling and Distribution	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	P	P	P	P	P	P	P	P	P	P

AGRICULTURAL																														
Animal Production	PS	-	PS	PS	-	PS	PS	PS	PS	-	-	PS	PS	PS	PS	-	-	-	-	PS	-	-	-	-	-	-	-	PS	-	-
Animal Production Support Services	-	-	P	P	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	P	-	P	-	-	P	-	-
Crop Production & Nurseries	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P
Crop Production Support Services	-	-	P	P	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	P	-	P	-	-	P	-	-
Feed Lots	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-
Fish Hatcheries	-	-	-	-	-	-	■	P	P	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	-	P	-	-
Forestry & Logging	PS																													
Forestry Support Services	-	-	P	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	P	P	P	P
Produce Stands in Conjunction with Crop Production	-	P	P	P	-	P	■	P	P	-	-	P	P	P	P	-	-	-	-	■	-	-	-	-	-	-	-	P	-	-
Swine Farms	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-

INFRASTRUCTURE																														
Wireless Communications Facility, Micro	PS	PS	PS	PS	PS	PS	PS	PS																						
Wireless Communications Facility, Mini	PS	-	PS	PS	PS	PS	PS	PS																						
Wireless Communications Facility, Macro	PS	-	PS	PS	PS	PS	PS	PS																						
Monopole Wireless Communications Tower	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP																						
Parking Lot/Structure – Principal use	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	P	P	P	P	P	P	P	P	P	-
Public Transportation Facilities	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	P	P	P	P	P	P	P	P	P	P
Radio and Television Broadcasting Facilities (Except Towers)	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	P	P	P	P	P	P	P	P	P	P
Utilities – Class 1	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P
Utilities – Class 2	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P	P	P	■	P	P	P	P	P	P	P	P	P	P
Utilities – Class 3	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-	■	-	-	-	-	-	-	SUP	SUP	SUP	P

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 24, 2016

SUBJECT: Special Events – Request for Temporary Street Closing & Use of Mini-park for Main Street Mile (*request of Eric Yarrington*)

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4-C
Department: Administrative Services
Contact: Amie Owens, Administrative Services Director
Presenter: Mike Morgan, Interim Town Manager

BRIEF SUMMARY: The 7th annual Main Street Mile “Run for the Children” footrace, benefitting the Shriners Children’s Hospital in Greenville, SC, is scheduled for Friday, August 26, 2016 at 6:30 pm. Street closing is requested from 5 pm – 10 pm to set up course, and hold a post-race party with live music, food/drinks and children’s activities. The use of the Mini-park is requested from 4 pm to accommodate race registration. This event raises approximately \$5,000 annually for the Shriners Hospital, and serves as another downtown “Block Party” to attract visitors and residents alike. Waynesville Main Street Mile is a 501(c)3 organization, which has cooperated with the Police Department and Downtown Waynesville Association to sponsor this event for the last six years.

The Downtown Waynesville Association has added this event to their calendar of events for the month of August.

MOTION: *To approve the closing of Main Street on Friday, August 26, 2016 from 5:00 pm – 10 pm for the Main Street Mile footrace and related fundraising events associated with the annual “Run for the Children”, benefitting Shriners Hospital, Greenville, SC.*

FUNDING SOURCE/IMPACT: There are few direct costs to the Town associated with street closings, most notably for disposable cleaning supplies, limited staff overtime and electricity for light/sound/vendors/etc. However, the Town commits a significant level of resources in in-kind contributions of materials, use and storage of equipment and staff support for traffic control, event security, emergency response and sanitation.

ATTACHMENTS:

Flyer for Main Street Mile

MANAGER’S COMMENTS AND RECOMMENDATIONS: This event has taken place for the past six years; recommend adoption as presented.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 24, 2016

SUBJECT: Public Hearing to consider a text amendment initiated by the Town of Waynesville Planning Board to Board to expand Chapter 4.6 Temporary Uses to clarify and allow more flexibility in permitting Mobile Food vendors within the Town of Waynesville.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-D
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town has seen increased interest in mobile food vendors and there is a need to ensure that mobile vendors operating within Town limits are compliant with health department requirements and with the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space. Also it is important that mobile food vendors are located in a manner that allows workers access to bathrooms and that assures compliance with applicable building and fire safety codes. In the course of this discussion, two individual cases influenced the Planning Board recommendations. The first was a request for a hot dog stand on Main Street, and the Board determined that use of public space or sidewalk within the downtown services district (and supported by DWA) was not appropriate, but that use of public space could be appropriate in other parts of Town. The second was a request by Glenna Young of Ma's Food Kitchen, to allow a mobile food trailer to be permanently placed on the Mad Anthony's lot on a permanent basis. The Planning Board felt like this could be accommodated but with the condition that the mobile vending unit was on the same private property as its commissary and that it was kept in good condition. Staff recommends that additional language be added to treat mobile units allowed to stay permanently, with similar regulations as an accessory building.

MOTION FOR CONSIDERATION:

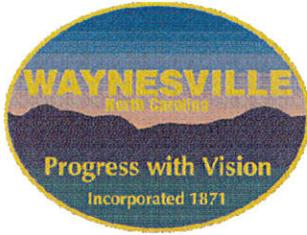
1. Motion to find that the subject Text Amendment is consistent with the 2020 Land Development Plan.
2. Motion to amend Chapter 4.6 Temporary Uses to address Mobile Vending Units as presented (or as amended).

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes and Staff Report
2. Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval per Planning Board Recommendations.



TOWN OF WAYNESVILLE

Planning Board

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

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

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

April 18, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on April 18, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Anthony Sutton
Phillip Gibbs
Marty Prevost
Shell Isenberg
Robert Herrmann
Patrick McDowell
Brooks Hale

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Town Clerk
Tom Maguire, Senior Code Enforcement Official
Ron Sneed, Attorney to the Planning Board

2. Adoption of Minutes

A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate, to approve the minutes of the March 21, 2016 regular meeting as presented. The motion passed unanimously.

B. OLD BUSINESS

1. Discussion and feedback on Community Meeting regarding land use along Howell Mill Road Corridor

Ms. Elizabeth Teague, Development Services Director, said several members of the Board had attended the Community Meeting regarding land use along Howell Mill Road Corridor. She wanted to give them an opportunity to discuss and give feedback from that meeting.

Chairman McDowell said he was pleased that there had been a good turnout from the community for the meeting. He said there were strong sentiments from residents about keeping the zoning the same, and concerns about traffic problems. There were also good comments about what they would like to see in the future, and how to maintain the rural feel of the area. Chairman McDowell thanked the staff for a well run meeting.

2. Continuation of Public Hearing to consider zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial.

Chairman McDowell asked for a motion to resume the Public Hearing from the March 21, 2016 Planning Board meeting.

A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann, to resume the Public Hearing from March 21, 2016 concerning consideration of zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road, and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial. The motion passed unanimously.

Ms. Teague stated that after the initial Planning Board Meeting on March 21, 2016, the Tim Shook family, the Tom Moody family, and Ms. Roumalda Mcrorie said they would be open to looking towards a more residentially focused zoning, Urban Residential District, rather than the Russ Avenue Regional Center Commercial. The Urban Residential District is primarily residential but allows more dense residential development. Currently there are two designated Urban Residential Districts in The Town of Waynesville, East Waynesville Urban Residential District (EW-UR), and Hazelwood Urban Residential District (H-UR). Urban Residential allows multi-family developments, bed and breakfasts, adult and child day care, professional services, general commercial less than 100,000 square feet (Hazelwood UR only), cultural and community facility, recreation facility, riding stables, and cemetery. She told the Board that the Hazelwood Urban Residential District does allow small retail under a hundred thousand square feet, whereas the East Waynesville Urban Residential District does

not. She asked for the Board's input as to whether retail is something that might be considered as being appropriate for this district.

The area of Howell Mill Road is convenient to Town and to the Town's recreation Center. A zoning designation of Urban Residential would maintain the residential character of the area but would allow for increased density to take advantage of the area's convenience and pedestrian amenities that are now available as part of the corridor. This could help promote residential development which is walkable to shopping and would connect a sidewalk that leads to the Recreation Center. Ms. Teague said staff felt this district would be consistent with the 2020 Land Use Plan. At the community meeting, several citizens pointed out that the rural and residential nature of the area was identified in the Town's Comprehensive Plan. Also it was abundantly clear that while the upgrade of the roadway will promote increased traffic and development pressure, the overall feeling of the citizens is to maintain the residential nature of the area.

The purpose of this request is to allow the property owners to more easily sell their property given the industrial and commercial structures that are next to them on two sides. The proposed area for rezoning is adjacent to the recently expanded Ingles, and across the road is the DC Plus LLC Packaging warehouse. With these properties, Ms. Teague suggested an Urban Residential Zoning to allow professional offices such as healthcare and business services which can be developed at a residential scale style with only 1 – 2 stories. This would allow greater flexibility while maintaining the residential scale and character of the area.

Ms. Teague brought the Board's attention to a written verification from Mr. Tim Shook and Mr. Thomas Moody that they are agreeable to amending their initial request for consideration to Urban Residential. Also a hand written letter was received from Ms. Mcrorie requesting to amend her request to Urban Residential as well.

Requested Actions:

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential needs of the community and promoting infill and improving an existing neighborhood area.
2. Motion to recommend approval of the applicants' request for rezoning the property at Howell Mill, Calhoun, and Palmer Hill to (Russ Avenue Regional Center District or) to (Urban Residential District).

Chairman McDowell asked if any of the applicants would like to speak.

Tim Shook
333 Howell Mill Road
Waynesville, NC 28786

Mr. Shook thanked the Board for the opportunity to be able to speak to them about his property and he gave a brief history of his family and property. He stated the property had been zoned commercial in 1993 when his parents owned the property. After he inherited the property, he tried to sell the property several different times. During this time Mr. Shook only had inquiries about purchasing his property as commercial, not residential. He would like to sell for the best use, and for the highest value of the land. Mr. Shook stated that each realtor he had dealt with had advised him that the property needed to be zoned commercial.

**Thomas Moody
248 Fairway Hills Dr.
Waynesville, NC 28786**

Mr. Moody stated he and Mr. Shook are in a situation where in the past they would not have wanted their property to be zoned commercial any more than anyone else, but things change, and that change has been beyond their control. He said everyone has to adapt to change. Mr. Moody said his property has been on the market as residential for eight years with no success. He asked the Board for their help in granting rezoning of his property so it can be sold.

**Pat Shook
333 Howell Mill Road
Waynesville, NC 28786**

Ms. Shook gave a brief history of living at the address of 333 Howell Mill Road. She stated that when her in-laws owned the property, no one asked them if they objected to Sonoco or Ingles locating their commercial businesses adjacent and across from their property. She gave many examples of how their property could be used for the Town's benefit if the Board approves the request, and the property is sold.

With no further applicants wishing to speak, Chairman McDowell opened the Public hearing to supporting witnesses.

**Karen Hollingsed (Beverly Hanks)
74 North Main Street
Waynesville, NC 28786**

Ms. Hollingsed stated she was the real estate agent working with Mr. and Mrs. Shook. She stated the only call she had received about the Shook property was concerning commercial purposes. Being zoned as residential will be very difficult to find a buyer because there are no buffers between the Shook property and Sonoco, Ingles, or the Town's sub station. Ms. Hollingsed said she also represents Ms. Mcrorie with the exclusive right to sell her property. She encouraged the Board to grant the rezoning request.

**John Keith (Beverly Hanks)
94 North Main Street
Waynesville, NC 28786**

Mr. Keith said he is employed by Beverly Hanks Real Estate, and he is one of two agents in the downtown Waynesville office that is authorized to sell commercial property. Mr. Keith said this wasn't just about someone trying to get the best price for a piece of property and he felt the Shook's had been harmed by not being allowed to rezone their property. Three of the four sides have commercial businesses located on the property. He reminded the Board that being zoned commercial does not mean having a convenience store or drive thru restaurant on the property, it just means that usually it is for multi-family units. Mr. Keith said there had been articles in the newspaper about the

severe housing shortage in Haywood County. He explained that most of the rentals in the community are vacation rentals, not something young people or nurses who move here to work would be interested in. Also, there is a need for progressive living arrangements here in the area instead of having to move to Asheville later in life. He asked the Board to consider the rezoning request for Urban Residential. He feels this is the best compromise for these properties.

Joe Bob Rogers
263 Calhoun Road
Waynesville, NC 28786

Mr. Rogers said this rezoning will affect about one third or more of Calhoun Road if granted. He said the road would need improvements if there are businesses that are developed along Howell Mill with access to Calhoun. Mr. Rogers said he recognized what a hard job the Planning Board members have making decisions like this one. Chairman McDowell thanked Mr. Rogers for his comment.

Ricky Gregory
61 Radio Tower Road
Waynesville, NC 28786

Mr. Gregory asked the Board what else could go there besides the things that had been discussed. He asked specifically about trailer parks, and also about comments made that the Town was under pressure to rezone Howell Mill Road. Mr. Gregory would like to know where the pressure was coming from.

Chairman McDowell explained that this question came up at the Community Meeting and the word pressure was changed to opportunity. The word pressure was used to describe interest in the rezoning along Howell Mill Road.

Ms. Teague relayed other permitted uses that could be allowed in Chapter 2.5.3 of the Land Use Standards if the Urban Residential District rezoning is approved:

1. Business Support Services
2. Adult and child daycare homes
3. Government Services
4. Personal Services
5. Professional Services

It was noted that manufactured homes and manufactured housing is not allowed in Urban Residential Districts.

Ginger Hain
267 Calhoun Road
Waynesville, NC 28786

Ms. Hain said Calhoun Road was a very quiet, pastoral area, and the proposed zoning of Mr. Shook's property would change the nature of the neighborhood. She had a question concerning a Special Use Permit, and how it would help protect the backside of Calhoun Road. Ms. Teague explained that a Special Use Permit (SUP) is a type of permit that is issued by the Planning Board that

will allow the Board to specify special conditions. This could be related to traffic, buffering, additional bicycle and pedestrian facilities, or whatever would create a safer type of development for that particular location. Adjacent property owners would be notified, advertisements would be placed in the newspaper, and the property would be posted so residents would have an opportunity to be present at a Public Hearing. Ms. Hain said she felt that this could be something that could meet the resident's needs.

John Balentine
274 Calhoun Road
Waynesville, NC 28786

Mr. Balentine said there were issues on Calhoun Road concerning the ditches and right of ways on the sides of the road. Ms. Teague said that if there were higher density residential, that might prompt an annexation of the area for water and sewer purposes. But that cannot be determined until there is development in the new district.

Steve Leonard
365 Calhoun Rd
Waynesville, NC 28786

Mr. Leonard stated he is concerned about the access, right of ways, and the impact of traffic on Calhoun Road. Another concern of Mr. Leonard is the width of the road. He stated that because of the curves in the road, he is worried that Calhoun Road cannot accommodate more traffic.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.

A motion was made by Board Member Shell Isenberg, seconded by Board Member Bucky Dykes, to approve the applicants' requests for rezoning the property at Howell Mill, Calhoun, and Palmer Road to Urban Residential District. The motion passed unanimously.

Ms. Teague explained to the Board the process of proceeding to establish the Howell Mill Urban Residential District. She noted that because this would create a new zoning district, "Howell Mill Road Urban Residential District," that ordinance text would have to be developed that reflected the unique nature of the area and specified uses allowed, and incorporated the new District into the Ordinance. She stated that she would bring draft text back to the Planning Board at their next meeting for their review.

3. Public Hearing on a text amendment to Chapter 4.6 of the Town Code of Ordinances Temporary Uses to clarify regulations pertaining to Mobile Food Vendors.

Chairman McDowell asked Ms. Teague to give background on this text amendment. Ms. Teague said the subject of Food Trucks and Vendors and how they are allowed in the Town's jurisdiction has been discussed at the last two Planning Board meetings. These discussions have been Planning Board Minutes
April 18, 2016

in response to several requests recently for permission to operate Food Trucks and Carts inside the Town. Ms. Teague is presenting a text amendment recommendation to the Town's Code of Ordinances based on Planning Board comments and staff's opinion.

Ms. Teague stated that as previously noted, mobile vendors must be in compliance with health department requirements and they must have permission of property owners, or by invitation of nearby businesses who have requested this use in an identified public space. They must be located in a manner that allows workers access to bathrooms and must be in compliance with applicable building and fire codes.

Ms. Teague told the Board that staff felt that the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan as long as the Town can manage regulation of how and where food vendors can set up and how the area is maintained as far as litter control, signage, smell, noise, traffic and parking, safety, and look. Mobile food vendors will enhance local business economy and not detract or create a negative impact.

There has been much concern that mobile food vendors could set up on a location indefinitely. Mobile vending units are regulated by the North Carolina Administrative Code, with specific requirements for push carts, and mobile food units. Push carts or food truck or trailer are regulated by the health department, and mobile units must have approved commissaries to provide servicing areas and support for that unit. Also, a food truck or trailer is licensed by the NCDMV. A permanently placed food truck or trailer would require that the truck be converted to a permanent structure, abiding by Town development standards such as setbacks, landscaping, signage and would have to be de-licensed from the NCDMV. A mobile food unit must be physically moved periodically, and must be considered a temporary use.

Ms. Teague discussed the amended language in Chapter 4.6 Temporary Uses. Her staff recommendation is that she believes that mobile vending units can enrich the Town of Waynesville, and can be successful in Waynesville by being mobile.

The Board had several questions for Ms. Teague concerning time frames for Temporary Use Permits.

Requested Actions:

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

A motion was made by Board Member Marty Prevost, Seconded by Board Member Anthony Sutton to open the Public Hearing. The motion passed unanimously.

**Glenna Young
677 Mountain Lake Drive
Waynesville, NC 28786**

Ms. Young, co-owner of MA's kitchen, thanked the Board Members, and Town staff who have visited her at her business to see what they are trying to accomplish. Ms. Young said she had paid all
Planning Board Minutes
April 18, 2016

required fees such as taxes, permit fees and insurance for her trailer and equipment. She gave a brief description of her business and its operations. She asked the Board to consider the amendment because she says her business is unique. Ms. Young spoke to how all businesses do not look alike, and how her business does not fit into Main Street. She said she felt her business was not a detriment to the Town in any way.

David Young
384 Thomas Park Drive
Waynesville, NC 28786

Mr. Young thanked everyone for hearing him again. Mr. Young said he had only moved forward with the food truck after conversations with the Development Services office. It was after they had already started with the food truck that the difficulties came up. If he had known he was going to come before the Board three times discussing the same issue, he would not have gone forward with the project. He addressed the definition of mobile food truck in the NC Administrative Code as *A food establishment or push cart designed to be readily moved and vending food.* He said the Code does not say it has to be moved at any time. He said that Branner Avenue where his business is located has many vacant and abandoned houses. He does not consider his food truck a detriment to the area. Mr. Young wants to keep his truck in his parking lot and not move it. He said he is faced with leaving Waynesville to another location where he can make more money.

A motion was made by Board Member Shell Isenberg, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.

There was much discussion among the Board about the pros and cons of making the Food Truck at Mad Anthony's becoming permanent and making exceptions for them in the amendment.

Tom Maguire (Chief Building Inspector)
9 South Main Street
Waynesville, NC 28786

Mr. Maguire explained some of the Building Code violations that were associated with Mad Anthony's that did not apply to the Food Truck itself.

Anthony Sutton asked if the Board would adjust the text to include the provision that food trucks be at least 50' from an existing restaurant during operational hours. Phillip Gibbs added that he thought this was a good idea for the Town's brick and mortar restaurants. Bob Hermann also brought up the time frame of 180 days to ask the Board to consider reducing the requirement for renewing permits for those food trucks on the same property their commissary as in the Mad Anthony request. There was additional discussion among the Board members.

A motion was made by Anthony Sutton, and seconded by Phillip Gibbs to add the requirement that mobile food vendors be at least 50' away from restaurants in operation. The motion passed unanimously.

A motion was made by Bob Hermann, and seconded by Brooks Hale, to eliminate the time limit for mobile vending units on the same lot as their commissary. The motion passed unanimously.

D. ADJOURN

With no further business, the consensus of the Board was to adjourn at 7:10 p.m.


Patrick McDowell, Chairman


Eddie Ward, Deputy Clerk

Planning Board Staff Report

Consideration for initiation of a text amendment to the town's Temporary Use regulations concerning mobile food vendors

May 24, 2016

Agenda Item: Text Amendment Request of the Planning Board to expand Chapter 4.6 Temporary Uses to allow Mobile Food vendors.

Background:

The Town staff currently managed mobile vending units in the same way we do other temporary vendors, following Chapter 4.6 Temporary Uses. This proposed ordinance expands that Chapter to address mobile food vendors specifically and in a way that is in cooperation with our County Health Department and local businesses and property owners. The recommended text amendment is based on Planning Board comments, staff's opinions, inputs from the public and an alternate text amendment request submitted by hand at the March Planning Board meeting by David Young of Mad Anthony's.

The Town already has a successful record of having mobile food vendors as part of special events and festivals. This ordinance does not cover those temporary uses associated with special events, but rather grants an exemption for them. The thinking is that the organizer (such as DWA, Folkmoot, or the library as examples) is responsible for who they invite and allow to participate. This ordinance is not intended to change how special events are managed or to create a new permitting process for mobile food vendors that are already part of a special event permit.

Instead, this ordinance addresses those food vendors that are not associated with events and are operating independently for extended periods of time, particularly those that are in the same location longer than 21 days and considered temporary by the State. The goals of these proposed regulations are to ensure that mobile vendors operating within Town limits:

- are compliant with health department requirements and are duly permitted,
- do not disrupt the character of any zoning district or diminish the appeal of any neighborhood,
- are present within the Town at the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space, and
- that they do not create trash, a hazard for traffic, or other safety issue to the public or to the workers that staff them.

Mobile vending units are regulated by Section 15A NCAC 18A of the North Carolina Administrative Code. There are specific requirements for pushcarts (Section .2671) and specific requirements for mobile food units (Section .2672), and any pushcart or food truck or food trailer that are regulated by the Health Department as mobile units must have approved "commissaries" to provide servicing areas and support for that unit and are defined by the State of North Carolina (15A NCAC 18A.2651 Definitions, excerpts):

“Commissary means a food establishment that services a mobile food unit or pushcart.”

“Food establishment is an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off premises.”

“Mobile Food unit means a food establishment or pushcart designed to be readily moved and vend food.”

“Pushcart means a mobile piece of equipment or vehicle used to vend food.”

“Temporary food establishment means a food establishment that operates for a period of time not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition.”

A food truck or trailer is further licensed by the NCDMV as a vehicle or trailer for roadway travel and commercial use.

Consistency with 2020 Land Development Plan:

The 2020 Development Plan provides an economic vitality goal to “strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction services” (4-19). Creating opportunities for food service that can support existing commercial properties and efforts, and enhance business districts, can certainly be considered supportive of that goal. At the same time, the Town Plan also provides a land use goal to “promote orderly growth, development and enhanced land values by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community” (4-2).

The Plan called for the Town to “provide design guidelines to control development in appropriate areas and incorporate design criteria into the Town’s development ordinances” (4-6). The Town has implemented such design guidelines and worked with local property and business owners to promote attractive commercial areas and to protect community character successfully. Therefore regulation of how and where food vendors can set up and how the area is maintained (litter control, signage, smell, noise, traffic and parking, safety, look) are also important. Mobile food vendors, whether in the form of a food truck, trailer or cart should enhance the local business economy and be suitable to its surroundings, and should not detract or create a negative impact.

As long as the Town can manage these types of uses with balance for positive economic impact, safety and sensitivity to a location’s surroundings, then the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan.

Staff Recommendation:

Mobile vendors can add diversity and interest to commercial areas as well as convenience, and service to nearby business. Therefore expanding the Temporary Use Chapter to allow them to operate for extended periods of time makes sense, as long as they are there at the invitation of the underlying property owners and are not detrimental to other existing businesses.

As proposed to the Planning Board in March, the ordinance accommodated all of the food vendors that the Town has already permitted except for Ma's Kitchen at Mad Anthony's, in that they wanted to be allowed to operate their mobile food unit on an on-going basis, without time limit, on the Mad Anthony's property. At the April meeting, the owners of Mad Anthony's and Ma's kitchen asked that paragraph D3 be added to the proposed ordinance to allow them to maintain a mobile food trailer on the Mad Anthony's property on a permanent basis and the Planning Board supported their request. Their goal is to provide food service to their customers without having to build a permanent commercial kitchen.

This raised the question for staff as to when something that was "mobile" became permanent under the Town's building codes or zoning ordinance, and the accompanying design guidelines, landscaping, setbacks, parking and other regulations that are part of developing permanent structures. In seeking clarification on how to manage this request under building codes from the NC Department of Insurance, staff was informed by Chief Building Code Consultant Mike Hamm, P.E. of the Manufactures Building Division that:

"There are no HUD or Modular Building Codes that regulate Mobile Food Units or Mobile Kitchens. These units would be regulated by the NCDMV and the local Health Department. The Manufactured Building division would only be involved if an approved modular manufacturer built a permanent structure for use as a modular food or kitchen unit that was 3rd party inspected in the manufacturing plant and labeled with a NC modular validating stamp. An existing mobile food or kitchen unit that is converted to a permanent structure would be regulated by the NC Building Codes subject to local inspection and approval." (April 8, 2016).

The placement of a food truck or trailer permanently at a location would require that the truck or trailer be converted into a permanent structure, and this could happen with some creative engineering and structural enhancements that bring it into compliance with Health Department requirements and state building codes. In that case, the resulting structure would also have to comply with all of the Town development regulations as much as any building or addition would, including setbacks, landscaping, signage, and other rules that may apply. They would also have to be de-licensed from the NCDMV.

Mobile food units and pushcarts are fabricated and regulated to be mobile. They are not designed or built to be permanent and do not comply with state and local building and safety codes as permanent structures. Staff therefore believes that we can not consider them as anything other than temporary uses under our ordinances and must be able to be "readily moved" or, if desired to be permanent than they must convert to a permanent structure and comply with building and zoning codes.

If a mobile unit is to become a permanent feature on a location by default -- administratively allowing a temporary permit to be renewed again and again or to simply do-away with a time constraint -- then there has to be some requirements in place that bring the unit into the same rules as permanent structures . A mobile food unit must be physically moved periodically or should be required to comply with building, zoning, floodplain and other codes that may apply at any given location. I would also be concerned with allowing food trucks to operate on extended time frames that are much longer than other temporary uses, raising questions of both precedence and equity.

Mobile vending units can enrich the Town by allowing them the full extent of the existing temporary use period and to operate at the invitation of the underlying property owner (private or public) outside of special events. Staff recommends the attached ordinance be considered for adoption to the Town Board of Aldermen. As zoning and building code officials, we are uncomfortable with paragraph D3 and would recommend striking this from the ordinance, but will work with it in its proposed form if so directed.

Requested Actions:

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

Text Amendment to Replace Chapter 4.6 Temporary Uses with amended language (in italics) as follows:

4.6 - Temporary Uses.

4.6.1 General Standards/Permits Requirement.

- A. All permitted temporary uses listed in this section require a temporary use permit that shall be reviewed and issued by the Administrator.
- B. Temporary use permits shall be issued for no more than one hundred and eighty (180) days within a calendar year on any individual lot *unless otherwise specified within this section.*
- C. ~~Reserved~~ *Exemptions. Temporary uses associated with special events approved by the Town Manager, seasonal farmer's markets approved by the Town Manager and produce stands in conjunction with crop production.*
- D. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
- E. No temporary use shall be located closer than ~~two hundred (200)~~ *fifty (50)* feet to a dwelling unit. Yard sales are excluded from this requirement.
- F. Parking must be adequate to support the proposed temporary use.
- G. Restroom facilities, if needed, must be provided.
- H. Plans for security and safety must be provided.
- I. All associated approvals inspections and permits required by the building code, fire marshal, *county health department or Town Manager* must be received prior to issuance of the temporary permit.
- J. *Temporary uses must manage waste, trash, recycling or other debris created by the use.*

4.6.2 Temporary Uses Allowed in All Districts.

- A. Permitted Temporary Uses: Civic/cultural events, and yard sales are allowed in all Districts.
- B. Time Limit: Civic/cultural events - thirty (30) days; yard sales - four (4) days.

4.6.3 Temporary Uses Allowed in ~~All~~ Nonresidential Districts.

- A. ~~Permitted Temporary Uses~~: Permitted Temporary uses allowed in all Districts except for the residential districts include: circuses, carnivals, fairs, religious services and similar types of events; the sale of agricultural products including Christmas trees; and tent sales.
- B. Time Limit: Such events shall be allowed for no more than thirty (30) days *but may be renewed by the Administrator.*

4.6.4 Temporary Uses with Specific Requirements.

A. Contractor's Office and Equipment/Storage Sheds.

1. Contractor's office and/or equipment/storage sheds may be placed in any District temporarily on the site of construction of a development for which a certificate of land development standards compliance has been issued.
2. Time Limit: Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. All temporary construction buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a certificate of occupancy or completion of the project, whichever comes first.

B. Real Estate Office in a Construction Trailer or Temporary Modular Unit.

1. One (1) temporary structure, such as a construction trailer or temporary modular unit may be used as a real estate sales office in any new construction project in any District. Such a temporary structure shall be used for the sale of units within that project only.
2. Time Limit: Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than one (1) year or until one-half ($\frac{1}{2}$) of the units for the project are completed, whichever occurs first.

C. Real Estate Office in a Model Home: A model dwelling may be used as a real estate sales office in a new residential development in any District. Such a model home/sales office may be used for the sale of units within that project only.

D. *Mobile Food Vendors*

1. *Mobile food vendor, including food trucks, trailers and pushcarts may be placed in any commercial-industrial, regional center or business district. A permit is only valid for one location. Vendors wanting to serve at multiple locations need individual permits for each site. It shall be unlawful for any vendor to sell or offer to for sale any food or beverage without first obtaining a permit pursuant to this section.*
2. *Time Limit: Such uses shall be allowed for 90 days and may be renewed by the Administrator on a one time basis for up to one hundred and eighty (180) days on any specific site. Allowable days do not have to be contiguous if an alternate schedule is approved by the Administrator and accompanies the permit. Special events do not count toward this limit.*
3. *A mobile food unit operating on the private property of its commissary shall be exempt from the time limit, provided that the mobile food unit is kept in good repair at all times,*

in the rear or side yard of the property, and does not exceed the allowable signage for the business on the lot (staff recommendation in red).

4. *A mobile Food Vendor must present written documentation of the property owners' permission and a copy of its Health Department Permit at the time of application.*
5. *Permission to utilize public parking or sidewalk areas must be approved by the Town Manager and at the request of a sponsoring business owner adjacent to the proposed location. Within the Main Street Public Services District, vendors are permitted on private property only. The Town may require a lease agreement and fees in certain cases.*
6. *No mobile food vendor shall:*
 - a) *Leave a mobile food unit or pushcart unattended, or store, park or leave a mobile food unit or pushcart overnight within any public right-of-way or public property.*
 - b) *Leave any location without removing and disposing of all trash or refuse.*
 - c) *Pour waste products (including hot water or drainage from coolers) down a storm drain.*
 - d) *Operate within 50' of an existing restaurant during the restaurant's business hours.*
3. *Property owners or sponsoring adjacent businesses must make their restroom facility available for mobile food vendor staff.*
4. *All food service operations must obtain an approved mobile food service permit from the Haywood County Health Department or concurrence from the Haywood County Health Department that the vendor has met the equivalent requirements from another county. Permits must be posted on the mobile food vendor vehicle so that they are visible to the public.*
6. *Signage associated with mobile food vendors must abide by the sign regulations as specified in ordinance 11.5.14(H), and shall not be lit or have more than one (1) sign per street frontage. Vehicular signs do not count toward this limit.*
8. *Exhaust outlets shall be located not less than 10 feet from any structure or building.*

17.33 – Definitions, Use Type.

Mobile Food Vendor. *A mobile food vendor is a person or organization that sells food out of a portable vehicle, cart, or trailer. Examples include food trucks, food trailers and food pushcarts.*

Adjustment to the Town Fee Schedule:

Temporary Use Permits

\$50 application fee