

TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members

Susan Teas Smith (Vice Chair)
Marty Prevost
H.P. Dykes, Jr.
Don McGowan
Ginger Hain
R. Michael Blackburn
John Thornton Thomas
Gregory Wheeler
Stuart Bass

Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, October 19, 2020, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Discussion of alternate meeting dates for December 21st, 2020, of Christmas week, and January 18, 2021, Martin Luther King Day.
2. Adoption of Minutes
 - September 21, 2020 Regular Meeting as presented (or as amended)
 - August 17, 2020 Regular Meeting as presented (or as amended)

B. BUSINESS

1. Public Hearing for an application for zoning three properties at and adjacent to 1778 Dellwood Road, PINs 8617-10-6618, 8617-10-6745, and 8617-10-7527, in conjunction with an annexation request.
2. Continuation of Public Hearing on 4.5 Accessory Uses and Structures (legislative proceeding), and report from the subcommittee.
3. Continuation of discussion on definitions and zoning relative to halfway houses and other congregate care facilities.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



TOWN OF WAYNESVILLE Planning Board

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

Planning Board Members

Susan Teas Smith (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

Development Services

Director
Elizabeth Teague

Regular Meeting

Town Hall – 9 S Main St., Waynesville, NC 28786
Monday, August 17, 2020, 5:30 pm

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting August 17, 2020 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

The following members were present:

Susan Teas Smith (Vice Chairman)
Stuart Bass
H.P. Dykes, Jr.
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

The following members were absent:

Robert M Blackburn
Ginger Hain

The following staff members were present:

Bryon Hickox, Land Use Administrator
Jesse Fowler, Planner
Esther Coulter, Administrative Assistant

The following representative from Landmark were present:

John Stiltner

Vice Chairman Susan Smith Opened the meeting at 5:31pm.

A. Welcome/Calendar/Announcements

Vice Chairman Susan Smith read the announcement that the Comprehensive Plan will be presented to the Board of Aldermen on September 8, 2020 and is on the Towns website if anyone wants to review it.

Election of Officers

Planning Board Member Don McGowan asked if they could defer the election of officers until September 21, 2020 due to several new members and two members being absent.

A motion was made by Board Member Don McGowan, seconded by Board Member Bucky Dykes Jr., to defer the election of officers until September 21, 2020 board meeting. The motion passed unanimously.

Adoption of Minutes

A motion was made by Board Member Don McGowan, seconded by Board Member Susan Smith, to approve the minutes of the June 15, 2020 board meeting. The motion passed unanimously.

A motion was made by Board Member Don McGowan, seconded by Board Member Gregory Wheeler, to approve the minutes of the June 29, 2020 Special called meeting. The motion passed unanimously.

B. Business

1. Public hearing to consider Major Site Plan Review for 1230 N. Main Street: adaptive reuse and rehabilitation of the Old Haywood County Hospital (quasi-judicial)

Vice Chairman Susan Smith read the introduction to a Quasi-Judicial Hearings for major Site Plans. She then asked the public if there was anyone who had standing in the case. She asked the applicant John Stiltner to come forward and state their name and address for the record and proceeded to swear them in. She then continued to read the procedure of the hearing.

Vice Chairman Susan Smith declared the hearing open. She then called on staff to present.

Town Planner Jesse Fowler read the staff report for the Major Site Plan Review for the property located at 1230 N. Main street which is the Old Haywood County Hospital. Mr. Fowler read the background for the application which proposes a 54 unit Multi-family residential
Planning board Special Meeting
August 17, 2020

redevelopment On January 8, 2019 the Board of Alderman's designated it "Redevelopment Area" and pledged to have financial assistance toward the redevelopment of the Old Hospital through grants, waivers, and public improvements:

1. Waive permitting, water tap, sewer tap, and system development fees through a \$7,200 grant.
2. Provide the necessary water and sewer to the master meter at an estimated value of \$58,000.
3. Construct sidewalks to meet ADA and Tow's development standards in an amount not to exceed \$106,842.

Mr. Fowler read the findings for the Major site Plan Review which are:

1. The plan is consistent with the adopted plans and policies of the Town.
2. The plan complies with all applicable requirements of the ordinance.
3. The plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
4. The application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Mr. Fowler submitted into evidence:

1. Notice of public hearing to the newspaper.
2. Notice of public hearing to adjacent property owners.
3. Recipients of notice of public hearing to adjacent property owners
4. Zoning Map
5. Property location map with parcel data report
6. Topography map
7. Board of Aldermen Resolution R-02-19
8. Board of Aldermen Resolution R-03-19
9. Resolution by the Haywood County Board of County Commissions of initiation of Adaptive Reuse the "Old Hospital Building"
10. National Register of Historic Places cover sheet for the Haywood County Hospital
11. Major Site Plan Review application
12. Application cover sheet for quasi-Judicial proceeding.
13. Resolution: Haywood County Board of County Commissioners Sale of the Historic Haywood County Hospital to Landmark Asset Services Inc.
14. Brookmont Lofts' abridged environmental Survey
15. Brookmont Lofts' site plan
16. Land Development Standard of the Town of Waynesville Appendix A
17. 2020 Comprehensive Land Use Plan
18. Authorization for the agent to appear before Town of Waynesville Board.

A motion was made by Board Member Susan Smith, seconded by Board Member Marty Prevost, to Except all items into Evidence. The motion passed unanimously.

**John Stiltner
Landmark Asset Service Inc.
406 East Fourth Street
Winston-Salam, NC. 27104**

The applicant recited that it is a 54 Unit multi-family residential redevelopment. The complex will have 31 one bedroom and 23 two-bedroom apartments. The development cost 9,000,000 they have secured funding state and federal tax credits. He is here to ask for board's approval to go forward and to answer any questions.

Board member Don McGowan asked when the start date is?

Mr. Stiltner stated September.

Vice Chairman Susan Smith when do you target completion?

Mr. Stiltner stated within 13 months from the start date.

Mr. Don McGowan asked if they would be acting as property manager also?

Mr. Stiltner stated yes, they own, develop and manage all their properties. They do not use third party managers.

Board Member John Thomas asked about structure analysis of the existing building?

Mr. Stiltner said they had John Grazier, engineer, do the structure analysis and have received the report and will continue to work with the structural engineer throughout the project.

Mr. John Thomas asked about handicap accessibility issues with existing opening and widths?

Mr. Stiltner stated that he thought they were all 42" and that there were no issues.

Mr. John Thomas asked if there is any intention on utilizing any of the existing material in the building now?

Mr. Stiltner said absolutely. The project went through State Historic Preservation Office review. SHPO staff came out and walked the site to understand what was being done.

Mr. John Thomas asked if he was going to incorporate fire suppression system? Which ones?

Mr. Stiltner said NFPS-13 and devices in all four stairwells and plans are to have a fire hydrant.

Mr. John Thomas asked about sprinkler systems?

Planning board Special Meeting
August 17, 2020

Mr. Stiltner stated that there are 100% of sprinklers throughout the whole building.

Board Member Marty Prevost asked what type of heating and cooling would be in each unit?

Mr. Stiltner said that they are going to use mini splits along with dehumidifiers.

Ms. Prevost asked the procedure on the underground storage tanks?

Mr. Stiltner responded, when we dig them up, we hope it's all dry dirt around tank. If it is not, then we will have to run tests and do a cleanup.

Ms. Smith asked about the trees that need to be removed?

Mr. Stiltner said they are not cutting down any trees but, will be trimming the trees. Mr. Fowler spoke up and said there are supposed to be 50 Feet between trees. There is a Minimum requirement of trees on the street frontage and that has been met.

Vice Chairman Susan Smith asked if there were any more questions from the Board or if staff had any comments or questions.

A motion was made by Board member Don McGowan, seconded by Marty Prevost, to close the hearing. The motion passed unanimously.

Vice Chairman Susan Smith referred Board to pages 23-26 of the agenda packet. The Board received the town criteria for the project approval. The Board must determine if the plan is consistent with the policies of the Town. There are 4 criteria's for finding.

- 1. A motion was made by Board member Marty Prevost, seconded by Stuart Bass, that the plan is consistent with the adopted plans and policies of the Town. The motion passed unanimously.**
- 2. A motion was made by Board member Don McGowan, seconded by Marty Prevost, that the plan complies with all applicable requirements of this ordinance except the landscape adjustments. The motion passed unanimously.**
- 3. A motion was made by Board member Marty Prevost, seconded by John Thomas, that the proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site. The motion passed unanimously.**
- 4. A motion was made by Board member Don McGowan, seconded by Gregory Wheeler, that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. The motion passed unanimously.**

A motion was made by Vice Chairman Susan Smith, seconded by Marty Prevost, that staff address and handles the items that's been identified in the staff report and be responsible to get with the developer going forward. The motion passed unanimously.

2. Discussion and Board feedback regarding a staff-initiated proposal to amend the Land Development Standards Section 4.5 Accessory Uses and Structures.

Land Use Administrator Byron Hickox came and read the definition of Accessory Structures.

Accessory Structures: A detached subordinate structure(s), the use of which is clearly incidental to and customarily found in connection with principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. This term includes "accessory buildings."

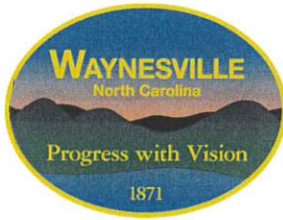
Mr. Hickox explained and gave them some examples of the Standards 4.5.2 Location, Setback, and Height, 4.5.3 Maximum Number and Area, he wants input from the board to make some changes with the size of the lot to how many accessory buildings one can have on their lot. He said that he will make some revision and bring it back next month. The board members agreed.

C. ADJOURN

With no further business, a motion was made by Board Member Marty Prevost, seconded by Board Member Don McGowan to adjourn the meeting at 7:05 p.m. The motion passed unanimously.

Susan Teas Smith, Vice Chairman

Esther Coulter, Administrative Assistant



TOWN OF WAYNESVILLE Planning Board

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

Planning Board Members

Susan Teas Smith (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

Development Services

Director
Elizabeth Teague

Regular Meeting

Town Hall – 9 S Main St., Waynesville, NC 28786
Monday, September 21, 2020, 5:30 pm

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting September 21, 2020 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

The following members were present:

Susan Teas Smith (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

The following Attorney were present:

Ron Sneed

The following staff members were present:

Bryon Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant

Vice Chairman Susan Smith called the meeting to order at 5:31pm.

Planning board Special Meeting
September 21, 2020

1. Welcome/Calendar/Announcements

Vice Chairman Susan Smith asked Land Use Administrator Byron Hickox about the Comprehensive Plan. Mr. Hickox presented each of the Planning Board members a paper copy of the updated Comprehensive Plan adopted by the Board of Alderman.

Mr. Hickox gave the board a copy of a checklist of changes from the School of Government about the General Statutes Chapter 160D, he told them there was a website to access information about 160D and what it means for local governments there are also videos to view.

Attorney Ron Sneed gave a brief description of 160D. He stated it's a provision of the Local Planning and Development Regulation. They took chapters 153A and 160A and put into a single unified chapter. It places the statutes into a more logical, coherent organization.

Mr. Hickox gave the board a copy of information on Planning Board Membership for the new members to read and the ongoing members to review the power and duties of a Planning Board Member.

2. Election of Officers

A motion was made by Board Member Marty Prevost, seconded by Board Member Michael Blackburn to nominate Susan Smith for Chairman.

A motion was made by Board Member Bucky Dykes Jr., seconded by Board Member Don McGowan to nominate Gregory Wheeler as Chairman.

Board member Gregory Wheeler said he appreciated the nomination and that he cares a lot for Waynesville, he was born here and grew up here. He has a desire to give back to the community, but with being a new member he wants to be able to have more experience before taking that seat.

The motion passed with 5 votes in favor of Board Member Susan Smith for Chairman and 2 votes in favor for Board Member Gregory Wheeler for Chairman.

A motion was made by Board Member Susan Smith, seconded by Board Member Ginger Hain, to nominate Board Member Gregory Wheeler for Vice-Chairman. The motion passed unanimously.

B. Business

1. Public hearing on staff-initiated text amendments to Section 4.3.4 Encroachments, (f) Handicapped ramps (legislative proceeding)

Mr. Hickox read the definition of handicapped ramps and is asked for the board input on changing some of the wording to clarify and separate handicapped ramps and fire escapes.

Handicapped Ramps: Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three feet to any property line.

Mr. Hickox said staff recommends that Section 4.3.4(F)- **Handicapped Ramps** be retitled and changed to read:

Accessibility Ramps: and Emergency Escape and Rescue Openings, or Fire Escapes: Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard. When an accessibility ramp is constructed in a yard that adjacent to a public sidewalk, the ramp may encroach into the required yard to the extent necessary to connect to the sidewalk.

Mr. Hickox stated that some goals are consistence with the 2035 Comprehensive Land Development Plan and could apply:

- Create walkable and attractive neighborhoods and commercial centers.
- Context-sensitive development.
- Promote a diverse housing stock including market rate workforce housing and affordable options appeal to a variety of households.
- Encourage creativity designed, mixed-use walkable centers and commercial districts that appeal to residents and visitors.
- Provide and interconnected transportation network of roadways, greenways, freight mobility bicycle routes, and sidewalks that improves safety and strategic address for all users.

A motion was made by Board Member Don McGowan, Seconded by Board Member Michael Blackburn to find the recommended text amendment to LDS Section 4.3.4 Encroachments as attached (or as amended) as being consistent with the 2035 Land Use Plan. The motion passed unanimously.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Ginger Hain to recommend staff-initiated text amendment as attached (or as amended) to the Board of Aldermen.

2. Public hearing on 4.5 Accessory Uses and Structures (legislative proceeding).

Mr. Hickox stated the Table of Permitted Uses on page 8 of the staff report is an example to amend the LDS Section 4.5. Staff has added one more column to the chart to create equal size lots with the right size and number of the accessory uses and structures.

Mr. Hickox stated that some goals are consistence with the 2035 Comprehensive Land Development Plan and could apply

- Create walkable and attractive neighborhoods and commercial centers.
- Context-sensitive development.

Ms. Hain gave examples of some of her neighbors and suggest that the maximum number go up to 3,3,5. Some other board members gave their opinions and discussion began with different scenarios of what kind accessory structures and lot size and number of structures.

Mr. McGowan asked if staff could make changes and bring it back to the board. Mr. Hickox suggested a sub-committee and Chairman Smith agreed. The Sub-Committee consists of Don McGowan, Ginger Hain, Susan Smith. Chairman Smith. Mr. Hickox suggested a tour to look at various accessory buildings to provide visual examples. Chairman Smith said that the sub-committee will discuss with staff to decide on changes and bring result back to the board for approval.

3. Public hearing on Zoning Board of Adjustment initiated text amendment to Section 13.5 Non-conforming Uses and Structures (legislative proceeding).

Mr. Hickox stated the Land Development Standards Chapter 13 addresses non-conformities which generally are lots, uses and/or structures.

A nonconforming lot: is a lot of record that does not meet the dimensional requirements. (not grandfathered in)

Nonconforming Use: A nonconforming use is a use which was once a permitted use on a parcel of land or with a structure, or which precedes and Ordinances. (grandfathered in)

Nonconforming Structure: A nonconforming structure does not conform to dimensional, design locational, or other requirements of this Ordinance.

As written, the Land Development Standards interchange language among paragraphs creating confusion among how nonconforming uses and structures are addressed in the code. Mr. Hickox referred the Board to suggested language clarifying these paragraphs, specifically, 13.5.2 and 13.5.3, for Board review.

Mr. Hickox continued that staff believes that this text amendment is consistent with the 2035 Comprehensive Land Development Plan, because it clarifies rules associated with pre-existing non-conforming structures and how they can be re-used and restored. Specifically, this text amendment will:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage infill, mixed -use and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate workforce housing and affordable options appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creativity designed, mixed-use walkable centers and commercial districts that appeal to residents and visitors.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Susan Smith to find the recommended text amendment to LDS Section 13.5 Nonconforming Uses and Structures as attached as being consistent with 2035 Land Use Plan. The motion passed unanimously.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Susan Smith to recommend Zoning Board of Adjustment initiated text amendment as attached to the Board of Aldermen. The motion passed unanimously.

4. Discussion and Board feedback on definitions and Zoning relative to Outdoor recreation.

Mr. Hickox stated on August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services Staff and the Planning Board to "refer to the definition of "Recreation Facilities, Outdoor" for review. Mr. Hickox asked the Board to consider the current definition:

***Recreation Facilities, Outdoor:** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campground, and golf courses and their customary accessory uses including, but not limited to maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations. (adopted in 2011 LDS).*

He noted that the definition appears to combine definitions from the previous 2006 LDS which had defined some of the uses in the uses listed distinctly. Mr. Hickox then shared definitions from other local government ordinances which the Board considered: Campgrounds, Camping Cabins, Park Model, Travel Trailer, Travel Trailer/RV Parks. Mr. Hickox then proposed new definitions as follows:

Recreation Facilities, Outdoor. Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, and riding stables and their customary accessory uses including, but not limited to, maintenance sheds, food concessions, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Golf Course/Country Club. A clearly defined area designed for playing golf, consisting of a course of at least 9 holes, each with a tee, fairway, and green. Accessory facilities and uses may include, but are not limited to, clubhouses (with or without food and beverage service), locker and shower facilities, event facilities (ballrooms, pavilions, conference rooms, etc.), lodging facilities, driving ranges, the retail sale of golf-related merchandise,

maintenance buildings, and golf cart storage, rental, and sale facilities. This definition does not include miniature golf courses or stand-alone driving ranges.

Campground. A designated area in which tents or recreational vehicles may be set up for temporary occupancy. Accessory facilities and uses may include, but are not limited to, bathing facilities, swimming pools, the retail sale of camping-related merchandise, maintenance buildings, and picnic shelters.

There was Board discussion surrounding each of the definitions and how they might fit into the permitted uses table. Some Board members proposed that campgrounds and RV parks be excluded from all districts within the table, indicating that they were more suited to rural, county areas as opposed to in Waynesville.

Mr. Hickox asked Attorney Ron Sneed to determine if Campground and Travel Trailer/RV park could be left off of the permitted uses table all together – explaining that this would leave a blank all the way across the table that will explicitly mean that it is a prohibited use. Mr. Sneed indicated that he would have to consider whether that would be legal.

Board directed staff to move their recommendation on to the Board of Aldermen to avoid delay in getting proposed text amendment back to the Board as they requested.

A motion was made by Chairman Susan Smith, Seconded by Board Member Ginger Hain to have Mr. Hickox amend the definition in the definition chapter and update the Table of Permitted Uses. The motion passed unanimously.

Mr. Hickox summarized the planning board members directions stating that will draft the following changes for the Aldermen:

- Amend the definition of Outdoor Recreation Facilities, remove campground, and golf courses supplemental standards will continue to apply still be permitted where they are permitted.
 - Add a definition in the definition chapter for campground and specifically prohibited in all districts.
 - Add a definition in the definition chapter for RV/Travel Trailer park and specifically prohibited in all districts.
 - Add a definition in the definition chapter for Golf Courses/Country Clubs will only be permitted in the 4 low density residential districts.
5. Discussion and Board feedback on definitions and zoning relative to hallway houses and other congregate care facilities.

Board Member Bucky Dykes Jr. and Don McGowan are on the board of the Housing Authority and want to discuss with the Chairman if there is a conflict of interest before proceeding with this discussion. Chairman Susan Smith stated the board will continue with this discussion at next month's meeting.

C. ADJOURN

A motion was made by Board Member Bucky Dykes, seconded by Board Member Don McGowan to adjourn the meeting at 7:36 p.m. The motion passed unanimously.

Susan Teas Smith, Chairman

Esther Coulter, Administrative Assistant

DRAFT

Planning Board Staff Report

Agenda Item: Map Amendment (Rezoning)
Location: 1778 Dellwood Road and adjacent undeveloped lots
PINs: 8617-10-6618, 8617-10-6745 and 8617-10-7527
Area: 1.343 acres (0.473 + 0.35 + 0.52)
Owner: Big Rods Investments Inc
Requested Rezoning: From no zoning to Dellwood/Junaluska RC for PINs *6618 and *7527
From no zoning to Dellwood RM for PIN *6745
Date of meeting: October 19, 2020

Background:

The Town received an application for a non-contiguous, satellite annexation for the above properties. The Board of Aldermen has scheduled a public hearing for their October 27 Regular Meeting to consider the annexation request and will need a recommendation from the Planning Board for the appropriate zoning to assign to these three lots. The property was formerly a restaurant and has been purchased for the purpose of retail. The applicant has requested that the property be zoned as Dellwood/Junaluska Regional Center District for the two lots that are adjacent to Dellwood Road, and requested Dellwood RM (medium density residential) zoning for the lot that is adjacent to Ivy Hill.

The purpose and intent of the Dellwood Residential Medium Density District per the Land Development Standards §2.3.2.B states:

The **Dellwood Residential Medium Density District (D-RM)** shall develop as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Center. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.

The purpose and intent of the Dellwood/Junaluska Regional Center District per the Land Development Standards §2.3.7.A states:

The **Dellwood/Junaluska Regional Center District (DJ-RC)** will develop in the future into a hub for retail, service and employment uses serving Waynesville and the region. It is envisioned that such uses be concentrated here in order to limit sprawling strip commercial development in the area. The vision for the district is that of a well-defined area, but one designed to accommodate large-scale development. Development should encourage the intermixture of uses and provide for residential uses in addition to those uses heavily dependent on the automobile.

Transportation improvements made in this district will form a network of roads and pedestrian ways and provide accommodations for all modes of travel. An improved Russ Avenue with a landscaped median should enhance the traffic situation in the area. Rear accessways connecting adjacent development shall be required to provide access between development supplementary to the public streets. The outdoor auditorium at Lake Junaluska will serve as the town center for this area.

Staff Comment:

The built upon property, 1778 Dellwood Road, held a restaurant and already receives water from the Town, and has sewer availability but no connection. The three lots are located near a cluster of other noncontiguous annexations along the Dellwood / U.S. 19 corridor. These annexations are zoned either Dellwood Residential Medium Density or Dellwood Junaluska Regional Center. Town staff recommends that the Planning Board support the requested zoning in keeping with the characteristics and uses of the surrounding properties.

Consistency Statement Information

In accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board could find that this text amendment is consistent with the Town of Waynesville's Comprehensive 2035 Plan, and that this map amendment is reasonable and in the public interest.

The Dellwood Residential Medium Density District is designated as a low to medium density residential district which is of similar use, density and lot size to the residential neighborhood. By applying this residential zoning, it provides a protective buffer of land use between the commercial use and the unincorporated neighborhood. The Dellwood/Junaluska Regional Center District is consistent with the other Town zoning along this commercial corridor that stretches between Waynesville and Maggie Valley, meeting the following:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 1: Create opportunities for a sustainable economy

- Promote Waynesville's downtown districts, inns, restaurants and reputation as the "Gateway to the Smokies."

Requested Action:

1. Motion to find/not find the request to zone lot PIN 8617-10-6745 as Dellwood Residential Medium Density, and to find/not find the request to zone PINs 8617-10-6618 (1778 Dellwood Road) and 8617-10-7527 as Dellwood/Junaluska Regional Center District, as being consistent with the Comprehensive 2035 Plan.

2. Motion to recommend approval by the Board of Aldermen for the application of Dellwood Residential Medium Density District and Dellwood/Junaluska Regional Center zoning to the lots as proposed.

Attachments:

- Application for Annexation
- Property information and location from Haywood Land Records
- Resolution from the October 13, 2020 Board of Aldermen Meeting.

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

9/24/20
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows: See Attached
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME Rogelio (Roy) Rodriguez SIGNATURE 

ADDRESS 1778 Dellwood Rd., Waynesville, NC 28785.

President of Big Rods Investments, Inc. 954-249-5007

PENDING REVIEW FOR TAX LISTING

DATE 2020-09-22 BY SL

HAYWOOD COUNTY TAX CERTIFICATION

Gregory W. West, Haywood County Tax Collector

Date: 2020-09-22 By: CINDY

There are no delinquent taxes due that are a lien against parcel(s)

2020009446

HAYWOOD COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$320.00

PRESENTED & RECORDED

09/22/2020 03:11:50 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: TARA E. REINHOLD

DEPUTY

BK: RB 1008

PG: 249 - 251

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 320.00

Parcel Identifier No. 8617-10-6618/6745/7527 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Wenzel & Wenzel, PLLC, 166 Branner Avenue, Ste A, Waynesville, NC 28786

This instrument was prepared by: Derek M. Wenzel, a Licensed NC Attorney, 166 Branner Avenue, Suite A, Waynesville, NC 28786. Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Brief Description for the index:

Ivy Hill Development

THIS DEED made the 22nd day of September, 2020 by and between:

GRANTOR(S)	GRANTEE(S)
Gaddy Trio, LLC, a NC limited liability company	Big Rods Investments, Inc., a NC corporation
275 Seawell Rosser Road Sanford, NC 27332	2404 Heath Peak Rd Waynesville, NC 28785

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Ivy Hill Township, Haywood County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 478, Page 286.

A map showing the above described property is recorded in Flat Cabinet D, Slot 889.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

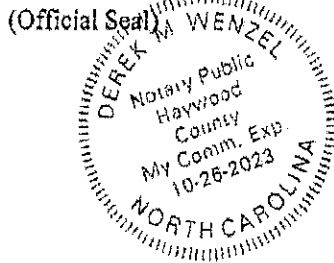
Gaddy Trio, LLC, a NC limited liability company

Phyllis Kay Gaddy (SEAL)
By: Phyllis Kay Gaddy

STATE OF North Carolina, COUNTY OF Haywood

I, the undersigned Notary Public for the County of Haywood and State aforesaid, certify that Phyllis Kay Gaddy, personally came before me this day and acknowledged that she is the Member/Manager of Gaddy Trio, LLC, a NC limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this the 22nd day of September, 2020.



[Signature]
Notary Public
My Commission Expires: 10/26/23

EXHIBIT "A"

FIRST PARCEL:

BEING Lot 75, Ivy Hill Development, containing 0.352 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SECOND PARCEL:

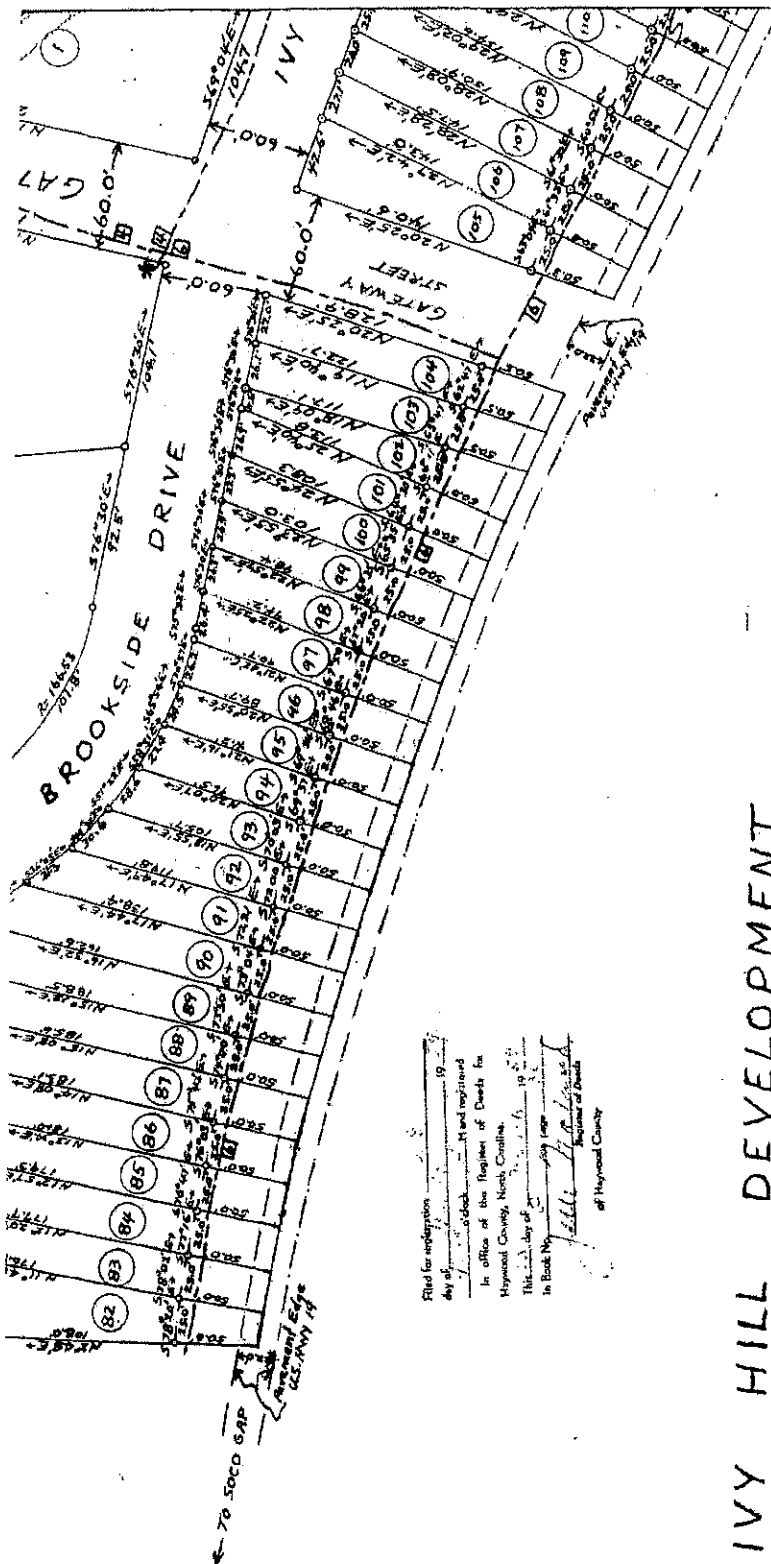
BEING Lot 76, Ivy Hill Development, containing 0.473 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

THIRD PARCEL:

BEING Lot 77, Ivy Hill Development, containing 0.523 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SUBJECT TO the right of way of U.S. Hwy 19 and Ivy Hill Drive to their full legal widths.

ALSO BEING Tract I and Tract II conveyed by warranty deed dated February 15, 2000 from William Boyd Gaddy, Jr. and wife, Kay Marshburn Gaddy to Gaddy Trio, LLC, recorded in Book 478, Page 286, Haywood County Registry; **SUBJECT TO** a life estate to Aline Gaddy Hampton [who died in Buncombe County, North Carolina in 2017] AND to Beatrice Jane Hoglen.



Filed for registration
day of _____ 1959
In Office of the Register of Deeds for
Haywood County, North Carolina.
This _____ day of _____ 1959
In Book No. _____ Page _____

Register of Deeds
Haywood County

IVY HILL DEVELOPMENT

OWNED BY BUILDERS CASH AND CARRY, INC.
LYING NORTH OF U.S. HIGHWAY 19, IVY HILL TOWNSHIP
HAYWOOD COUNTY, N.C.

SCALE 1" = 50'
JANUARY 1959
Iron Pipe Corner
Intermittent Stream
Water Pipe (in inside square)
Hydrant

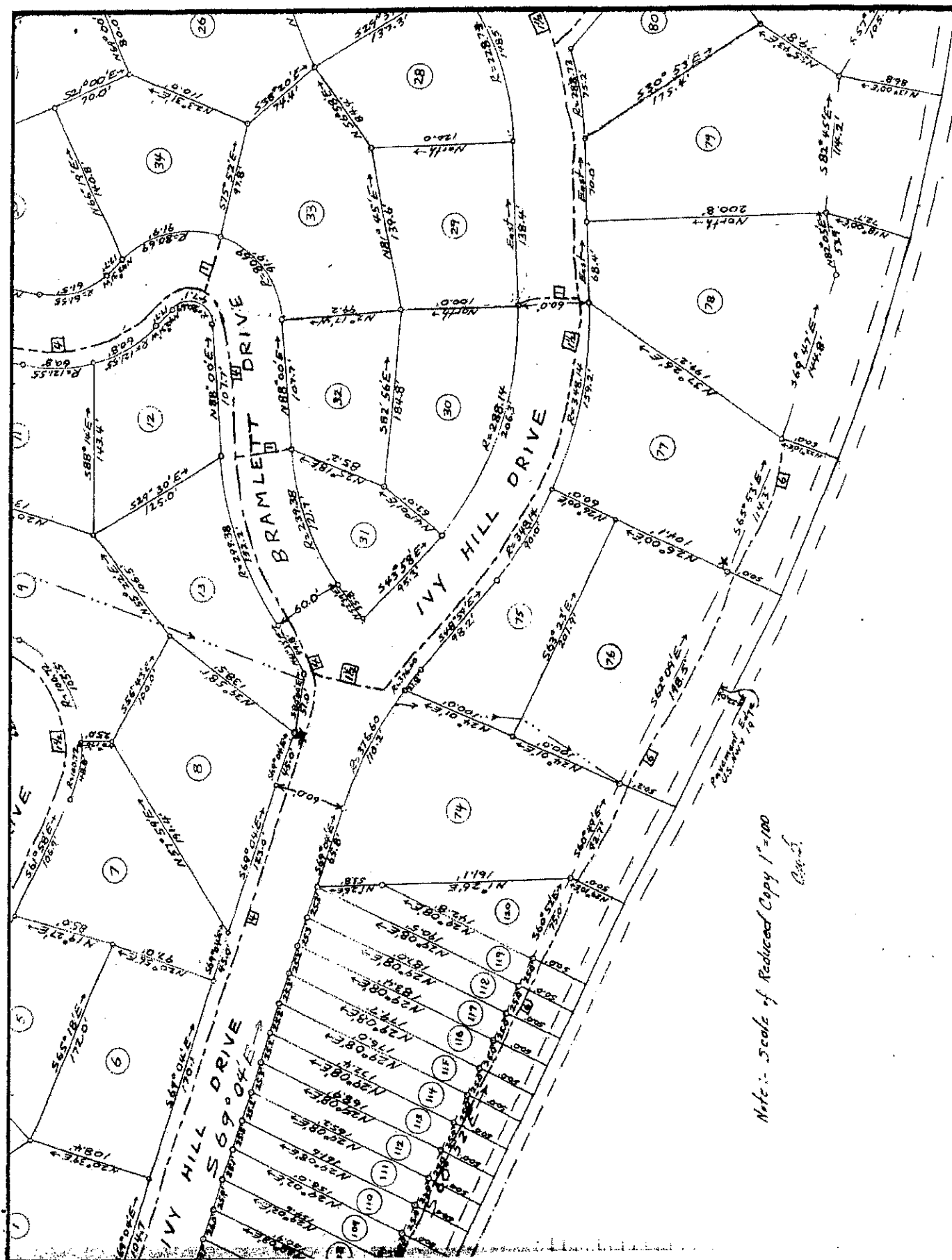
STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
R.A. WILHELM, L.A. & C.E., BEING BY ME FIRST DULY SWORN, DEPOSES
& SAYS: THAT THE ANNEXED PLAT, DESIGNATED AS IVY HILL DEVELOPMENT
OF BUILDERS CASH AND CARRY, INC. IS IN ALL RESPECTS CORRECT AND
WAS PREPARED FROM ACTUAL SURVEYS BY J.A. TODD & T.C. COWART
OCT. 1958 - JAN. 1959 AND WAS DRAFTED BY J.A. TODD & T.C. COWART
Edward J. Todd
LANDSCAPE ARCH. & CIV. ENGR.

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
SWORN TO AND SUBSCRIBED BEFORE ME BY R.A. WILHELM, L.A.-C.E.
THIS 14 DAY OF JAN 1959. *John D. Davis* Notary Public
MY COMMISSION EXPIRES Dec. 21, 1960

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
THE FOREGOING AFFIDAVIT AND CERTIFICATION SWORN TO BEFORE
CATED BY THE SEAL AFFIRMED, IS IN DUE FORM AND ACCORDING TO LAW;
THEREFORE LET THE SAID PLAT WITH THE FOREGOING AFFIDAVIT AND CERTI-
FICATION BE REGISTERED
WITNESS MY HAND THIS 15 DAY OF JAN 1959
John D. Davis Notary Public

U.S. Hwy 19, 193	U.S. Hwy 19, 193	U.S. Hwy 19, 193	U.S. Hwy 19, 193
LOT	South Boundary of Lot	LOT	South Boundary of Lot
NO.	NO.	NO.	NO.
82	578' 30" E	105	563' 04" E
83	578' 30" E	106	563' 32" E
84	578' 30" E	107	564' 32" E
85	578' 30" E	108	560' 62" E
86	578' 30" E	109	560' 62" E
87	578' 30" E	110	560' 62" E
88	578' 30" E	111	560' 62" E
89	578' 30" E	112	560' 62" E
90	578' 30" E	113	560' 62" E
91	578' 30" E	114	560' 62" E
92	578' 30" E	115	560' 62" E
93	578' 30" E	116	560' 62" E
94	578' 30" E	117	560' 62" E
95	578' 30" E	118	560' 62" E
96	578' 30" E	119	560' 62" E
97	578' 30" E	120	560' 62" E
98	578' 30" E	121	560' 62" E
99	578' 30" E	122	560' 62" E
100	578' 30" E	123	560' 62" E
101	578' 30" E	124	560' 62" E
102	578' 30" E	125	560' 62" E
103	578' 30" E	126	560' 62" E
104	578' 30" E	127	560' 62" E

4-36



4-362

Report For

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

MORNING SIDE DEVELOPMENT
RESTAURANT WALK-IN

Commercial Use

1778 DELLWOOD RD

Heated Area: 1200

Year Built: 1974

Total Acreage: 0.473

Township: Ivy Hill

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 09/21/2020



1 inch = 100 feet

October 5, 2020

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are computed from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public 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.

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

PIN: 8617-10-6745

Legal Ref: 1008/249

Add Ref: 1008/246

CABD/889

IVY HILL DEVELOPMENT

IVY HILL DR

Heated Area:

Year Built:

Total Acreage: 0.35

Township: Ivy Hill

Land Value: \$6,200

Building Value: \$0

Remaining Value: \$0

Market Value: \$6

Market Value:	\$0,200
Deferred Value:	\$0

Deterred Value: \$0

Assessed Value: \$6,200

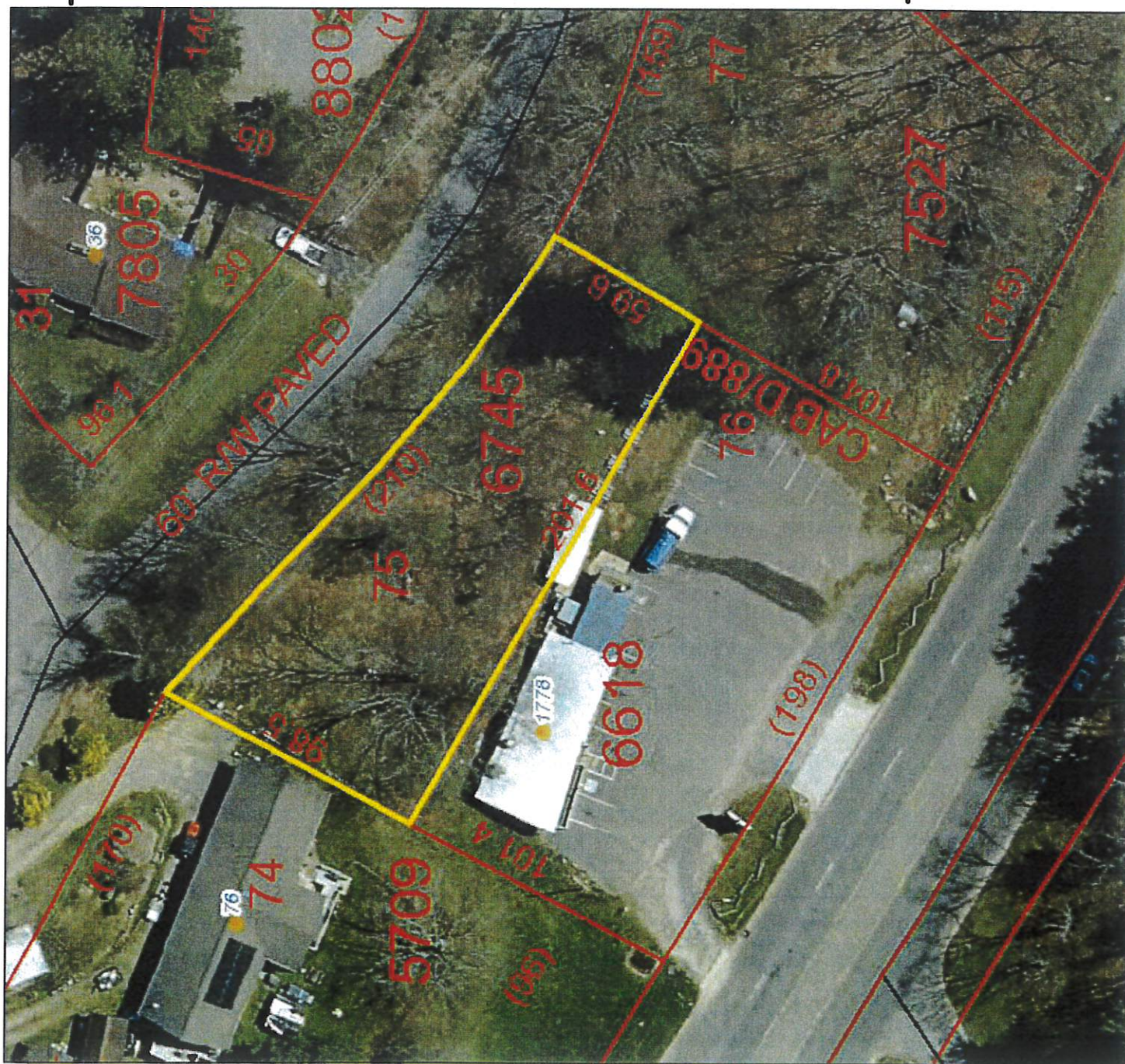
Sale Price: \$160,000

Sale Date: 9/22/2020



October 5, 2020

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.



BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

PIN: 8617-10-7527

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

IVY HILL DEVELOPMENT

IVY HILL DR

Heated Area:

Year Built:

Total Acreage: 0.52

Township: Ivy Hill

Land Value: \$20,800

Building Value: \$0

Market Value: \$20,800

Deferred Value: \$0

Assessed Value: \$20,800

Sale Price: \$160,000

Sale Date: 9/22/2020



1 inch = 50 feet

October 5, 2020

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.

Report For

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246

CABD/889

Site Information

MORNING SIDE DEVELOPMENT

RESTAURANT WALK-IN

Commercial Use

1778 DELLWOOD RD

Heated Area: 1200

Year Built: 1974

Total Acreage: 0.473

Township: Ivy Hill

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 09/21/2020



1 inch = 1,333 feet

October 5, 2020

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 web site provider assume no legal responsibility for the information contained on these maps.

RESOLUTION TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous satellite annexation request, and

WHEREAS, the Board of Aldermen must find that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town of Waynesville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the Town of Waynesville.
- c. The area described is so situated that the Town of Waynesville will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Waynesville; and

WHEREAS, the Board of Aldermen must also find that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described.

WHEREAS, the Board of Aldermen must also hold a duly notified public hearing on this request;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

1. To direct the Town Clerk to certify that the application meets the standards for annexation to the Town of Waynesville; and
2. To direct the Planning Board to make a recommendation regarding the proper zoning for the parcel; and
3. To direct Town staff to notify adjacent property owners and schedule a public hearing for November 10, 2020 at 6:30 pm.

Adopted this 13th day of October, 2020.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date:
 Subject: Text/Map Amendment Statement of Consistency
 Description:
 Address: Town of Waynesville Planning Department ("Development Services Department")

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

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

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

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

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

Planning Board Member _____, made a motion, seconded by _____

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter, Administrative Assistant, Date

Planning Board Staff Report

Subject: Proposal to Amend LDS Section 4.5
 Ordinance Section: 4.5 – Accessory Uses and Structures
 Applicant: Staff-Initiated
 Meeting Date: October 19, 2020

Background

Accessory structures are defined by the Land Development Standards as follows:

A detached subordinate structure(s), the use of which is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. This term includes "accessory buildings."

4.5.2 Location, Setback, and Height

Standards	Single-Family/Two-Family Lots 2 Acres or Less	Single-Family/Two-Family Lots Over 2 Acres	All Other Uses
1. Permitted Location	Side/rear yard only	Permitted in all yards - may not be closer than 30 ft. to right-of-way	Side/rear yard only
2. Side/Rear Yard Encroachment	May not be closer than 5 ft.		Subject to district setbacks (See Section 2.4)
3. Height	Subject to district height provisions (See Section 2.4)		

4.5.3 Maximum Number and Area

Standards	Single-Family/Two-Family Lots Less than 1 Acre	Single-Family/Two-Family Lots 1-3 Acres	All Other Uses and Lots Larger than 3 Acres
1. Maximum Number Permitted	2	2	No Maximum
2. Maximum Area (Accessory Dwelling Unit Area is Exempt)	600 S.F. Per Structure 1,000 s.f. in Aggregate	1,000 S.F. Per Structure 1,400 s.f. in Aggregate	No Maximum

As seen in Tables 4.5.2 and 4.5.3, lots are broken down into three categories per table based on the use being conducted on the lot and on the size of the lot. The primary complaint made by many property owners has been that the maximum number and size of accessory structures is too restrictive for smaller properties. The three categories within Table 4.5.3 are Single-Family/Two-Family Lots Less than 1 Acre, Single-Family/Two-Family Lots 1-3 Acres, and All Other Uses and Lots Larger than 3 Acres. Therefore, according to the LDS, a single-family lot of 0.95 acres would be permitted a considerably smaller accessory structure than a lot of 1.05 acres. These lots would be perceived by most observers to be no different in appearance, scale, or use, yet would have very different allowances for accessory structures.

These tables place lots into a very small number of broad categories. Staff recommends amending this section to create a more graduated, “sliding” scale of standards for accessory structure number and size according to lot size. At its September 21, 2020 meeting, the Planning Board reviewed a staff proposal for amending the accessory structure standards. There were points of contention among board members regarding the maximum number and sizes of accessory structures, especially on residential lots. The Planning Board appointed a subcommittee to work with staff to resolve these issues and bring a proposal back to the full board at its next meeting.

The subcommittee, comprised of Susan Teas Smith, Bucky Dykes, and Don McGowan, met with Byron Hickox on October 12, 2020, and created the attached table as a proposed replacement for the current Tables 4.5.2 and 4.5.3.

Consistency with the 2035 Comprehensive Land Development Plan

Staff submits that the following goals of the Comprehensive Plan could apply:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill and context-sensitive development.
- Reinforce the unique character of Waynesville.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Attachments

Proposed table amending the accessory structure standards
Consistency Statement Worksheet

Suggested Actions

1. Motion to find the proposed text amendment to Section 4.5 - Accessory Uses and Structures consistent with the 2035 Comprehensive Land Use Plan.
2. Motion to recommend the proposed text amendment to Section 4.5 - Accessory Uses and Structures as attached (or as amended) to the Board of Aldermen.

Standards	Single-Family/Two-Family Lots Less Than 0.5 Acre	Single-Family/Two-Family Lots 0.5 Acre - 1 Acre	Single-Family/Two-Family Lots Greater Than 1 Acre - 3 Acres	Single-Family/Two-Family Lots Greater Than 3 Acres - 5 Acres	All Other Lots
Permitted Location	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	Permitted In All Yards
Height	Not Greater Than Principal Structure	Not Greater Than Principal Structure	Subject to District Height Standards	Subject to District Height Standards	Subject to District Height Standards
Maximum Number Permitted	2	2	3	No Maximum	No Maximum
Maximum Area	1,000 Square Feet Total	1,500 Square Feet Total	1,500 Square Feet Per Structure 2,500 Square Feet In Aggregate	2,000 Square Feet Per Structure 4,000 Square Feet In Aggregate	No Maximum



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Development Services Director
 Date: October 19, 2020
 Subject: Text/Map Amendment Statement of Consistency
 Description: Amendment to Section 4.5 – Accessory Uses and Structures
 Address: Town of Waynesville Development Services Department
 (“Planning Department”)

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

☐

The zoning amendment **is approved and is consistent with the Town’s comprehensive land use plan** because: _____

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

☐

The zoning amendment **is rejected because it is inconsistent with the Town’s comprehensive land plan and is not reasonable and in the public interest** because _____

☐

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

Planning Board Member _____, made a motion, seconded by _____

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

 Susan Teas Smith, Planning Board Chair

 Date

 Esther Coulter, Administrative Assistant

 Date

Planning Board Staff Report – Continued from September 21 Meeting

Subject: Halfway Houses, Family Care Homes and Shelters, Definition(s)
Ordinance Section: Section 17.3 Definitions, Use Type; Section 2.5.3 Table of Permitted Uses
Applicant: Board of Aldermen Initiated
Meeting Date: October 19, 2020

Background:

At their September 8, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “study the Town’s schedule of uses to determine if the Board may restrict the number of congregate care facilities such as halfway houses and shelters within a geographical area... (and) determine if such facilities may be prohibited from residential and institutional zones.”

The current definitions of relevance in the Waynesville Land Development Standards (LDS) are:

Boarding House. Short or long term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related housing services including, but not limited to housekeeping, meals, and laundry services.

Family Care Home (6 or fewer residents). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons and is certified by the State of North Carolina.

Halfway Houses. A place where persons are aided in re-adjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment related to a criminal offense.

Residential Care Facilities (More Than 6 Residents). A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

Missing from the town's definitions is an emergency or homeless shelter definition. Therefore, given the long-standing tenet of zoning and land-use law that a use which is not expressly permitted is prohibited, a homeless shelter would not be a permitted use in any Waynesville district.

Of the use categories defined above, four have supplemental standards which may apply, depending on the district in which they are permitted. The supplemental standards are:

3.3.2 Boarding House.

A. Owner/Manager: The owners or manager of the boarding house shall reside on the premises.

B. Structure/Rooms:

1. A structure used for a boarding house shall appear residential in nature.
2. No cooking facilities shall be provided in the guest rooms.

C. Parking: Parking shall be buffered completely from all adjacent properties and the street as provided in Section 8.6.1.

3.2.2 Family Care Home (6 or fewer residents).

Family Care Homes shall be certified by the State of North Carolina—Division of Health Service Regulation.

3.2.3 Halfway Houses.

No such use may be located within a half mile (2,640 feet) of another such use measured as a straight line on a map.

3.2.7 Residential Care Facilities (More than 6 residents).

A. Buffering: Residential care facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Section 8.5.2.C.

B. Licensing: Prior to the submission of an application for a certificate of land development standards compliance, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.

C. Number of Units: Unless located and having access on a Main Street or higher order street, no residential care facility shall contain more than fifteen (15) units.

D. Maximum Density: The maximum gross density for shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, and every four (4) beds in a residential personal care unit and each six (6) beds in a skilled care nursing facility shall constitute one (1) dwelling unit for the purposes of calculating the density.

E. Development Standards.

1. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
2. All utilities shall be placed underground.
3. Where a community adjoins a residential district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the community shall be located adjacent to the residential district, and non-residential uses and signs shall be located and oriented away from the residential district.

F. Accessory Uses: The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks and barber/beauty shops for residents.

Regarding the districts in which the above use categories are permitted within the Town of Waynesville:

Boarding Houses	Permitted in 7 residential districts (supplemental standards apply) Permitted in all 9 Neighborhood Center, Business, and Regional Center Districts
Family Care Homes	Permitted in all but 2 districts (supplemental standards apply)
Halfway Houses	Permitted only in the 9 Neighborhood Center, Business, and Regional Center Districts (supplemental standards apply)
Res. Care Facilities	Permitted in all but 2 districts Special Use Permit required in any residential district, use-by-right in all others

Note that the single supplemental standard for Halfway Houses requires a half-mile separation from another such use. None of the other three congregate care facilities require any such separation.

Staff Recommendation

Staff recommends that the Planning Board:

1. Consider whether to add a minimum distance separation to the supplemental standards for Boarding Houses, Family Care Homes, and/or Residential Care Facilities, and/or to change the required separation that currently applies to Halfway Houses.
2. Consider whether the Table of Permitted Uses should be amended regarding the districts in which any of the four congregate care facility categories are currently permitted.
3. Consider whether there is a need to create a category and definition for homeless shelters and, if so, consider in which zoning districts this use might be permitted and what supplemental standards should apply.

Based on Board feedback, staff will bring forward a text amendment for consideration and a public hearing at the next meeting. Particular consideration should be given to:

- impacts on surrounding uses, particularly within residential districts,
- supplemental standards that should apply;
- and in consistency with, and goals of, the updated Comprehensive Plan.

Consistency with the 2035 Comprehensive Land Development Plan

Staff submits that the following goals of the Comprehensive Plan could apply:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.
- Reinforce the unique character of Waynesville.

Goal 2: Create a Range of housing opportunities and choices.

- Encourage new housing inside Waynesville's City limits and Extraterritorial jurisdiction.
- Promote a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

- Work with local agencies to address the housing shortage, promote a "living wage," and increase Waynesville's health and wellness resources that serve all ages.