

**Town of Woodfin
Planning Board
Town Hall
October 4, 2022
6:00 P.M.**

A. Call to Order

1. Meeting Call to Order

B. Approval of the Agenda

C. Approval of the Minutes

1. August 2, 2022

D. Public Comment

Everyone wishing to address the Board must sign up with the Town Clerk 15 minutes prior to the meeting. Each speaker will be recognized by the Chair when it is their time to be heard. Comments are limited to three minutes per speaker and the time allotted to public comment will be at the discretion of the Chair.

E. New Business

Legislative Public Hearings

1. A request for text amendments to Chapters 46 and 54 of the Town of Woodfin Code of Ordinances to establish standards for sidewalks and update standards for subdivisions.
2. A request for text amendments to Chapters 30 and 54 of the Town of Woodfin Code of Ordinances to update standards related to short-term rentals.

F. Adjournment



DRAFT MEETING ACTION MINUTES

Board Members Present

Chairperson Jay Grimmatt
Member Jeff Angel
Member Glenda Overbeck

Vice Chair Kimberly Hunter
Member Dylan Dechant

Board Members Absent

Town Staff Present

Adrienne Isenhower, Planning Director
Ryan Vinson, Town Clerk / HR Analyst

Shannon Tuch, Town Manager

Chairperson Grimmatt called the meeting to order at 6:00 p.m.

A. Approval of the Agenda (0:44)

Member Angel made a motion to approve the agenda. Member Dechant seconded the motion, which passed unanimously, 5-0.

B. Approval of the May 3, 2022, Regular Meeting Minutes (1:14)

Member Overbeck made a motion to approve the minutes. Vice Chair Hunter seconded the motion, which passed unanimously 5-0.

C. Public Comment (1:24)

Everyone wishing to address the Board must sign up with the Town Clerk 15 minutes prior to the meeting. Each speaker will be recognized by the Chair when it is their time to be heard. Comments are limited to three minutes per speaker and the time allotted to public comment will be at the discretion of the Chair.

Chairperson Grimmatt opened public comment at 6:02 pm. There being nobody to speak, Chairperson Grimmatt closed public comment at 6:02 pm.

D. New Business (2:26)

1. Item 1. Public Hearing – Rezoning (4:12)

The Town of Woodfin recommends the following parcels be rezoned from Mountain Village (MV) to R-21:

- Elk Mountain Property, LLC – 99999 Robinhood Road – Buncombe County Property Identification Number 974132007100000
- Mark Pankonin – 68 Robinhood Road – Buncombe County Property Identification Number 974141037000000
- HBG II Holdings, LLC – 99999 Robinhood Road – Buncombe County Property Identification Number 974141073700000
- Lisa M Marcuz Revocable Living Trust – 100 Robinhood Road – Buncombe County Property Identification Number 974141973300000

- Robinhood Property Company LLC – 99999 Robinhood Road – Buncombe County Property Identification Number 974152606400000

Chairperson Grimmert opened the public hearing at 6:08 pm. Chairperson Grimmert closed the public hearing at 6:20 pm.

Member Overbeck made a motion that the Town of Woodfin Planning Board, having considered the proposed zoning map amendment in relation to the comprehensive plan, and finding the proposed zoning map amendment to be consistent with the comprehensive plan, recommend approval of the proposed zoning amendment to the Board of Commissioners. Member Dechant seconded the motion, which passed unanimously, 5-0.

2. Item 2. Public Hearing – Text Amendments (22:24)

Text amendments to zoning ordinance and steep slope ordinance.

- a. *Zoning Ordinance:* Amendments to Section 54-10, Sections 54-145 through 54-149, and Sections 54-154 through 54-155 regarding lot width

Chairperson Grimmert opened the zoning ordinance public hearing at 6:24 pm. There being nobody to speak, Chairperson Grimmert closed public hearing at 6:24 pm.

Vice Chair Hunter Motion to adopt the following resolution that the Town of Woodfin Planning Board finds the proposed text amendment is consistent with the Town of Woodfin comprehensive plan. The following reasons and other matters were considered in the deliberations of the Town of Woodfin Planning Board with respect to this motion:

- a. The proposed text amendment is reasonable considering the potential benefits to development of the Town of Woodfin and surrounding community; and
b. The proposed text amendment advances the public health, safety, and welfare of the Town of Woodfin.

Member Angel seconded the motion, which passed unanimously, 5-0.

- b. *Steep Slope Ordinance:* Amendments to Section 4 and Section 5 regarding accessory structure height

Chairperson Grimmert opened the steep slope ordinance public hearing at 6:27 pm. There being nobody to speak, Chairperson Grimmert closed public hearing at 6:27 pm.

Member Dechant made a motion to approve the zoning ordinance amendments as proposed by staff. Member Angel seconded the motion, which passed unanimously, 5-0.

3. Item 3. Work Session (32:12)

Discussion on proposed subdivision ordinance amendments.

- a. *Street Standards Discussion*
b. *Flag Lots Discussion*

E. Adjournment

Member Angel made a motion to adjourn the meeting. Member Overbeck seconded the motion, which passed unanimously, 5-0.

Chairperson Grimmatt adjourned the meeting at 7:23 pm.

Jay Grimmatt
Planning Board Chairperson

Attest: _____
Ryan Vinson
Town Clerk



STAFF REPORT

Agenda Title: Public Hearing – Text Amendments
Staff Contact: Shannon Tuch
Meeting Date: October 4, 2022 (*Cont'd. from September 6, 2022*)

Summary:

A text amendment to Chapter 46-Subdivisions and Chapter 54-Zoning updating lot and street requirements and adding new standards for sidewalks.

Background:

Based on intermittent feedback from appointed and elected officials, staff began to examine certain sections of the town's existing development code. A work session was held with the Planning Board on August 2, 2022 to discuss potential changes to the lot and street requirements along with options for new sidewalk requirements for projects that met certain criteria. Based on the Board's feedback, staff returned to the September 6, 2022 meeting with recommendations for specific ordinance amendments. Due to a lack of quorum, a vote on the proposed text amendments was deferred to the following meeting.

Staff Analysis:

Staff used the feedback provided by the planning board, comparisons to neighboring jurisdictions, and a survey of prior site plans to draft text amendments on subdivision design. The following is a brief synopsis of staff recommendations, and a draft version is attached.

Sec. 46-117. Subdivision Design

Lots

- The ordinance requires all subdivision lots abut a public street, and an exception has been added to allow up to four residential lots to be accessed by a privately maintained easement.

Flag Lots

- A new section is added to regulate flag lots. The text is written to discourage flag lots, but provides some regulation for proposed flag lots, to include:
 - No flag lot driveways within 20 feet of another driveway
 - Flag lots may not abut another flag lot
 - Minimum width of the flagpole is 20 feet
 - Maximum length of the flagpole is 150 feet
 - The area of the flagpole does not contribute to the required minimum lot area

Sec. 46-118. Streets

Street Standards

- The right-of-way width for all new roads shall be 45 feet, except for steep slope areas, where a minimum right-of-way of 32 feet may be permitted.

- New developments with road extensions of less than 100' require a minimum right-of-way of 16' (or existing width, whichever is greater) and road extensions of more than 100' must meet with minimum road standards width for new streets.
- Language amended to clarify offers of dedication on accepted after formal submittal and review by the Town Manager.
- Superfluous language removed due to redundancy to NCDOT Streets Manual or information was outdated.

Article VIII. Sidewalks

- Sidewalks are required for major subdivisions containing 20 lots or more, new buildings over 30,000 square feet or more than 20 units, and projects generating over 100 vehicle trips per hour or 1000 trips per day.
- Minimum sidewalk width depends on location and/or speed limit
 - 35 mph or greater = 5 feet with 8-foot planting strip between sidewalk and edge of pavement
 - Less than 35 mph = 5 feet with a 4-foot planting strip between sidewalk and edge of pavement
 - Steep slope areas = 6 feet back-of-curb
- Basic construction standards are provided including minimum width of concrete and the gravel bed, in addition to cross-slope and maximum grade standards.
- Fee-in-lieu option for large developments located on roads with posted speed limit of 35 mph or less, a greenway exists (or is funded) on the property, and extensions of existing communities.
- Maintenance requirements for public and private sidewalks included.

Staff Recommendation:

Staff recommends approval of the proposed subdivision and zoning text amendments.

Suggested Motion:

I move that the Town of Woodfin Planning Board finds the proposed text amendment is reasonable, is in the public interest, is consistent with the Town of Woodfin comprehensive plan, and meets the development needs of the community in that the request:

1. Provides additional clarity and predictability to development requirements, thereby supporting economic development;
2. Enhances standards for orderly growth and development resulting in compatible infill development, including a more urban form along strategic corridors; and
3. Advances public health, safety, and welfare by increasing multi-modal transportation options where it is needed most in the town.

Attachments:

- (1) Proposed Subdivision Mark-ups
- (2) Proposed Zoning Mark-ups
- (3) Draft Ordinance
- (4) Planning Board Consistency Statement

Sec. 46-117. Subdivision design.

(a) *Blocks.*

- (1) The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- (2) Blocks shall not be less than 400 feet or more than 1,800 feet.
- (3) Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- (4) Where deemed necessary by the board of commissioners, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- (5) Block numbers shall conform to the town street numbering system, if applicable.

(b) *Lots.* All lots in new subdivisions shall conform to the zoning requirement, which means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of chapter 54. It is not sufficient merely for the average lot to meet the zoning requirements. All subdivision lots shall abut on a public street with the following exceptions:

- (1) Up to four residential lots may be served by a privately maintained easement or right-of-way with a minimum width of twenty (20) feet or up to four (4) commercial lots with a minimum width of thirty (30) feet. Privately maintained easements with a length greater than 150' must include a sufficient turnaround for emergency vehicle access as established by NCDOT Subdivision Roads Minimum Construction Standards Manual.

(c) *Flag Lots.* Flag lots are discouraged and restricted. Where proposed, flag lots are encouraged to share access with existing driveways. Flag lots may be permitted provided the following standards are satisfied:

(1) Flag lot driveways may not be within 20 feet of an existing driveway. This shall not apply to the use of existing shared driveways.

(2) A flag lot may not abut another flag lot.

(3) The pole of the flag lot must maintain a minimum width of twenty (20) feet and may not exceed a maximum length of 150 feet.(4) The pole of the flag lot shall not contribute to the minimum lot area.

(d) *Easements.* Easements shall be provided as follows:

(1) *Utility easements.* Easements for underground or above ground utilities shall be provided, where necessary, and as required by the companies involved, All easements shall be delineated on proposed subdivision plats.

A. Offset to utility poles. Poles for overhead utilities should be located clear of roadway shoulders and be set back a minimum of 30 feet from the edge of pavement for roads with a posted speed of 35 miles per hour or greater. For all other streets, utility poles should be set back a minimum of six feet from the edge of pavement or back of the curb, whichever is greater.

(Ord. of 5-18-2021)

Sec. 46-118. Streets.

(1) Street Standards

All newly constructed streets, including streets dedicated to the public and private streets, shall be built to the standards found in NCDOT Subdivision Roads Minimum Construction Standards Manual, with the following exceptions:

a. *Pavement Width* – A minimum pavement width of 20' is required for all newly constructed streets within the Town of Woodfin.

b. *Right-of-Way Width* – A minimum right-of-way width of 45' shall be required for all newly constructed streets, except for streets located in a steep slope area, where a minimum right-of-way width of 32' is required.

c. *Existing Road Extensions*– When a new development requires the extension of a road less than 100', the minimum right-of-way and pavement width shall be 16' or the existing width, whichever is greater. When the new development requires an extension greater than 100', the minimum road standards shall apply but allow for an appropriate transition taper as determined by a licensed engineer.

(Supp. No. 2)

Created: 2022-05-25 11:25:03 [EST]

d. NCDOT Driveway Permit - If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation.

2. *Subdivision street disclosure statement.* All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6, but a designation as public shall not be presumed an offer of dedication to the public until the provisions of the street standards policy have been met and the dedication is formally approved by the Town Manager.

3. .

4. *Access to adjacent rights-of-way.* Where possible proposed roads should be extended to existing roads. Where impractical, the new road right-of-way shall be extended to the boundary of such property.

5. Sidewalks. Sidewalks shall be required as per Article VIII of the Zoning Code.

6. *Other requirements.*

(1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to ensure convenient access to parks, playgrounds, schools, or other places of public assembly.

(3) *Street names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the planning board.

-
- (4) *Street name signs.* The subdivider shall be required to provide and erect street name signs to town standards at all intersections within the subdivision.
 - (7) *Wheelchair ramps.* In accordance with G.S. 136-44.14, all street curbs in the state being constructed or reconstructed of maintenance procedures, traffic operations, repairs, corrections of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(Ord. of 5-18-2021)



CONSISTENCY STATEMENT FROM TOWN OF WOODFIN PLANNING BOARD TO WOODFIN TOWN COUNCIL

Having reviewed the **Text Amendments** of the Town of Woodfin Code of Ordinances for amendments to the Subdivision (Ch. 46) and Zoning (Ch. 54) Ordinances, and having considered information from the planning staff of the Town of Woodfin along with comments from other persons, pursuant to 160D-604(d), the Town of Woodfin Planning Board hereby adopts the following motion, effective October 4, 2022:

The Town of Woodfin Planning Board finds the proposed text amendment is reasonable, is in the public interest, is consistent with the Town of Woodfin comprehensive plan, and meets the development needs of the community in that the request:

1. Provides additional clarity and predictability to development requirements, thereby supporting economic development;
2. Enhances standards for orderly growth and development resulting in compatible infill development, including a more urban form along strategic corridors; and
3. Advances public health, safety, and welfare by increasing multi-modal transportation options where it is needed most in the town.

Chair

Date



STAFF REPORT

Agenda Title: Work Session – Text Amendment (Homestays & Short-term Rentals)

Staff Contact: Shannon Tuch

Meeting Date: October 4, 2022

Summary:

An introduction to proposed text amendments to Chapter 46-Short-term Rentals and Chapter 54-Zoning updating standards regulating short-term rentals (STRs) and homestays.

Background:

The Woodfin Board of Commissioners convened a special meeting (Town Hall Meeting) on June 28, 2022 and invited the community to attend and provide comments on a variety of topics. The meeting was held at the Woodfin Community Center with all members of the commission in attendance, along with key management staff. Approximately 50-60 residents also attended the meeting with 26 individuals providing comment, a summary of which is attached to this report. The greatest amount of public comment revolved around the subject of STRs.

Since the rapid rise of Airbnb and other similar on-line rental platforms, communities around the country have been struggling to understand and balance the impacts and benefits of the new use, and what regulatory options can be considered to help manage negative consequences. The town first adopted standards in 2015 which were subsequently amended in 2016. Since this time, additional case law, most notably Schroeder v. City of Wilmington, has helped clarify a municipality's ability to regulate this new land use.

Staff Analysis:

Given western North Carolina's appeal to visitors and vacationers, and based on the personal accounts, information and ideas shared in the meeting, and new information shared by the University of North Carolina School of Government, staff recommends consideration of the following:

A. Reformatting/Re-organization:

1. Reformat the regulations found in Chapter 30-Short-Term Rentals and fold them into Chapter 54-Zoning.
2. Create a consolidated "Permitted Uses Table" in Chapter-54 (currently found in Appendix A) and remove tables in individual districts.

B. Update/Add New Definitions:

1. Update definitions for *short-term rental*, *homestay* and *hotels, motels, inns* to clearly distinguish between uses, allowing for individualized regulation.
 - Short-term rental: consider limiting the number of bedrooms to three or fewer.
 - Homestay: remove "owner occupied" and replace with "resident-occupied"
 - Hotels, motels, inns: becomes a catch-all for all other forms of lodging.

C. Create new “Restricted Uses” Category and add to Chapter 54-Zoning & the “Permitted Uses Table”.

1. Clarify that a zoning permit is required.
2. Remove STRs as a permitted use in R7 and R10, explore “amortization”
Amortization is a technique for the removal of non-conforming uses after the value of a non-conforming use has been recovered— or amortized— over a period of time.
This is a method used in some zoning ordinances to phase out different types of non-conforming uses. Establishing a reasonable time period is important to avoid potential litigation. Property owners should be able to recoup a typical investment.
3. Identify where STRs may be permitted either by-right, or as a “restricted use”.
 - Transition & Mountain Village
 - Community Shopping & Light Industrial
4. Add individual “Restricted use” regulations for Homestays and STRs.
 - Limit the number of permits issued to a property owner/LLC
 - Require a contact name, phone number, and email for each property and post on the interior of the unit
 - Require off-street parking (i.e. one space per bedroom)
 - Require proof of insurance
 - Prohibit special events

D. Avoid regulations that are legally problematic, or impractical to administer such as:

1. Annual permit
2. Separation requirements / density requirements
3. A cap on the number of rentals
4. A cap on the number of guests
5. Requiring a minimum stay

Staff Recommendation:

Staff recommends the board consider the different options for regulation and provide feedback to the staff.

Suggested Motion:

N/A

Attachments:

- (1) June 28, 2022 Special (Town Hall) Meeting

Town Hall Meeting Summary

June 28, 2022

Woodfin Community Center

Attendees:

- Woodfin Board of Commissioners incl. Mayor Vebaun and Commissioners McAllister, Edgerton, Ervin, Butler, Thornton, and Lunsford.
- Town Staff incl. Ryan Vinson, Shannon Tuch, Adrienne Isenhower, Chief Michael Dykes, Sheri Powers
- Approximately 50+ residents/members of the public

Welcome:

- Mayor Vebaun opens the meeting at 5:01 p.m. and turns the mic over to Comm. McAllister to get things started.
- Comm. McAllister introduces the BOC, explains the purpose of the meeting, and how the meeting will be conducted. JM highlights items of interest incl.
 - Need for Town Center/Town Hall
 - Feedback on STVRs
 - Future of the Comm. Center
 - Growth & Development

Public Comment:

The following individuals spoke:

- Robert Bayer
- Walt Brewer
- Gary Wall
- Kimmie Hunter
- Scott Wren
- Coral Darby
- Ellen (last name?)
- Ken Kahn
- Collin Willis
- Mike Mc (?)
- Glenda Overbeck
- Stephen Fazo
- Garrett (last name?)
- Elenore Floyd
- Patty Miller
- Richard (Miller?)
- Larry Hopkins
- John (last name?)
- Jessica Bernstein
- Lucy Crown
- Courtney Hammond
- Jeff Feist
- Melissa (last name?)

- Marshal DeBruhl
- Rebecca Robertson
- Serena Townley

A summary of topics and comments includes:

Town Center/Town Hall:

- Reynold's Village is already a town center – infrastructure is already in place for growth
- WVL Hwy hasn't changed much over the years
- Not sure Reynold's Village is the right place for a town center
- Unclear where money for a new town hall would come from
- Town plans to pursue a Needs & Feasibility study this year; study will identify and evaluate potential sites, then can develop a cost estimate and look at funding options; new building construction would have to be financed over many years
- Could have a satellite town center down by the river
- Woodfin doesn't have an existing downtown/main street, so it may make more sense to have multiple town centers in various areas of the town (Merrimon, Riverfront, Reynold's, etc.)
- Certain parts of town have limitations (i.e. WVL Hwy.) – may want to survey private property that could be redeveloped for a new town hall/town center
- The Town of Woodfin currently controls property - could rebuild on property we already have
- A new town hall should be attractive and inviting; issues with no one answering the door at current town hall
- A community center with an amphitheater and communal arts space is needed
- Town facilities need to come with a plan for maintenance – shouldn't have to start over with something brand new
- Town should look at grant opportunities
- Should encourage safe pedestrian access; need for safe pedestrian crossings on Riverside Dr. to new parks

Town Identity:

- Should focus on creating a sense of place through wayfinding and welcome to Woodfin signage
- Need to create an identity/brand
- Woodfin is competing with AVL – need a brand that sets us apart
- Need a business association to market/brand the town
- Need someone (or a group) focused on economic development & business recruitment
- An interactive and accessible map could be used by visitors (and residents) to highlight town history and key sites – use QR code for people to access info remotely

Short-term Rentals (STRs):

- 32% of revenues collected for rentals go to “guest services” and occupancy taxes
- Through an act by the General Assembly, occupancy taxes [in Buncombe County] go to the Tourism Development Authority (TDA) to further promote tourism and do not come back to towns or cities to support infrastructure. There have been some efforts to reform how occupancy taxes are distributed, but they have stalled.
- Nuisance issues reported with STRs included general disruption of neighborhood harmony but also issues that come with large groups of unrelated people and/or events (i.e. weddings) that draw large crowds. Specific disturbances noted included:

- Noise/sleep disturbance
- drinking/partying/mischief
- negligence (unattended outdoor fires)
- inadequate off-street parking (on-street parking of cars overwhelming the street)
- large truck traffic making deliveries, etc.
- Inadequate/undersized septic for large groups
- Other concerns cited included:
 - Concern over loss of housing and housing stability (no housing for the people who work in the area); “We live in a tourist economy, and if we don’t provide housing then we are hurting the industry”.
 - lack of controls, either through private restrictions or through town ordinances
 - Misleading marketing where more STRs are added than originally described - no recourse
- Benefits of STRs were also mentioned including that the income provided helps to supplement income and supports housing stability
- If proper oversight is provided, nuisance issues can be minimized
- We should try to find the balance that allows residents to benefit from STRs; support for sensible regulation
- Community harmony can be achieved with housing diversity that includes both homestays and STRs
- Ideas to help address concerns included:
 - Provide clear information on what is currently allowed, and what isn’t
 - Differentiate between whole house STRs and Homestays
 - Require a minimum stay
 - Limit the number of STRs permitted in one area
 - Limit the number per owner
 - Eliminate whole house vacation rentals (only allow homestays)
 - Only allow STRs in commercial districts
 - Require a certain number of affordable housing units with new developments [inclusionary zoning]
 - Need an STR czar
- Town officials have been trying to get a sense of how much of a concern STRs – sounds like this is a high priority [applause]

Environment:

- Woodfin (and WNC) will become a climate refuge – need to move faster to prepare for influx
- Don’t allow high intensity uses in steep slope or other environmentally sensitive areas; should have the least impact on the environment but also on the neighbors
- If we want to promote growth, we have to plan appropriately for infrastructure needed to support that growth
- Please save the trees [applause]
- Should promote sensible development standards that support pollinators and minimize light pollution; town has already done a lot and adopted a native plant list to be used on town property, and a dark sky ordinance
- Need more bike and ped infrastructure (greenways, ped crossings, sidewalks, bike paths); particular concern along Riverside Dr. with new parks

Other:

- Would love a map of Woodfin on the website
- There are additional opportunities for the community to learn more and provide input including monthly Board of Commissioner meetings – liked former practice of a quarterly “state of the town” talks
- Want to welcome newcomers
- Out of state developers do not care about the people who live here, they are not interested in helping address problems
- Asheville is the most expensive city to live in in the state

Mayor thanks everyone for coming out. Encourages everyone to attend meetings or watch at home.

Meeting is adjourned 6:27 p.m.