

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
SEVA INVESTMENTS, LLC,)
for a Major Site Plan Approval)
_____)

ORDER APPROVING MAJOR
SITE PLAN

THIS CAUSE, coming on to be heard before the Planning Board for the Town of Waynesville in the Town Hall Board Room at 9 South Main Street in Waynesville, North Carolina, on July 16, 2018, on the Application of Seva Investments, LLC, for approval of a major site plan for the development of property at 131 Shiloh Trail, Waynesville, North Carolina.

Byron Hickox, Land Use Administrator, appeared for town staff and attorney Martha Bradley appeared as counsel for the Applicant. Byron Hickox presented the application as it was submitted and testified as to the matters in the application, noting which requirements for major site plan applications were contained in the application packet, and Martha Bradley made the initial presentation for the applicant. David Winburn, engineer, testified for the Applicant, and Ms. Swift of 370 Hyatt Creek Road spoke to express concerns about the height and visibility of the proposed structure from her property which adjoins the subject property along its west boundary. No member of the public in attendance asserted that they had standing such that they might participate as parties.

The Planning Board of the Town of Waynesville, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for major site plan approval pursuant to Section 14.3.1.E.1 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards or LDS.)

2. Proper notice of the hearing was posted, published and mailed as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.

3. The Applicant owns that real property located at 131 Shiloh Road, Waynesville, North Carolina, and desires to develop a 65 room hotel with a building footprint of approximately

14,000 square feet on the property which is a 2.56 acre parcel of vacant land. The current PIN number for that property is 8604-48-7954.

4. The property is in the Hyatt Creek Regional Center zoning district, and hotels are allowed as a matter of right in that district, subject to approval of the major site plan by the Planning Board, as required by Section 15.8.2 of the Land Design Standards (“LDS”).

5. The applicant as part of its application did provide an environmental survey in compliance with Section 15.4.1 of the LDS, a master plan in compliance with Section 15.4.3 of the LDS and building plans for design review, all as required by Section 15.8.2.D of the LDS.

6. The environmental survey did show that there were no stream buffers, wetland or other environmentally sensitive areas on the property.

7. To obtain approval of this major site plan the Applicant was required by Section 15.8.2.I to prove:

- (1) The plan is consistent with the adopted plans and policies of the Town; and
- (2) The plan complies with all applicable requirements of the LDS; and
- (3) There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
- (4) 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; and
- (5) 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.

8. The plan is consistent with the adopted plans and policies of the Town, as the purpose and intent statement for the Hyatt Creek Regional Center District does state that the district “will develop as a mixed use center containing retail, service, and employment uses.... Large-scale development can be accommodated here with such development encouraged to contain a mix of uses...” Hotels are a permitted use in this district, subject to approval of the major site plan.

9. The master plan, exhibits and testimony does show that the plan is in compliance with all applicable requirements of the LDS, to wit:

- A. There are no requirements in this zoning district for maximum density, maximum building footprint, lot area or lot width.
- B. The proposed building meets all required setbacks from the fronting thoroughfare and from property lines.

C. The proposed building has a total height of 57 feet 3 inches, and is within the height limitation.

D. The proposed building meets the building design guidelines of Section 5.10 of the LDS, as the facade will consist of two types of materials, with the heavier material used at the bottom, there is sufficient glazing and detailing to meet the limitations on expanses of uninterrupted facade which is visible from the public road, rooftop equipment will be screened from the public right-of-way side of the building by a parapet, the facade articulation visible from public streets and civic spaces is sufficient since the building sits above and away from the public right-of-way, the frontage of the building is divided into a clearly discernible base, body and cap, the frontage of the building is sufficiently divided into distinct sections with each section taller than it is wide, and the requirement that the architectural features emphasize their importance as the planned building features a prominent porte-cochere.

E. The street tree plantings plan is in compliance, and where the location of the sidewalk is limited by the slope of the land which leaves little room for a planting strip between sidewalk and street, the plan as proposed does provide acceptable "Alternative Compliance" as allowed by Section 8.2.4 of the LDS. The property lying to the west of the subject property does need additional screening or buffering to diminish the effect of the structure's size.

F. Parking lot landscaping requirements are met, with adjustments made for the topography of the property, and no parking space will be more than 40 feet from the base of a canopy tree.

G. All dumpsters, loading docks and utility structures will be screened either by evergreen or densely twigged deciduous shrubs or by opaque fencing, and may be screened by existing intervening buffer yards.

H. The parking requirements are met, with 62 standard auto spaces, 3 ADA accessible auto spaces, 6 motorcycle spaces and 3 bicycle spaces.

I. The parking plan complies with the limitation on the number of parking spaces that can be in front of the principal building.

10. There is sufficient access to water and sewer to serve the proposed development and the driveway serving the property connects to Shiloh Drive which can handle the additional traffic to be created by the project.

11. The proposed plan conforms to the character of the neighborhood as it is for the development of property for a hotel and the parcel is next to properties east of the subject

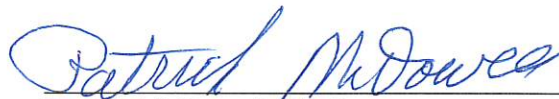
property are a 58 room hotel and an automotive dealership.

12. The planned development 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 as the use of the property for construction of a hotel is the same as the use of neighboring property and hotels are a permitted use in the zoning district. No testimony was received to indicate otherwise.

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 7 to 0, this Board concludes as a matter of law that the Applicant's major site plans should be allowed, conditioned on additional buffering to be installed along the west property line.

IT IS NOW, THEREFORE, ordered that the major site plan application of Seva Investments, LLC, be and is hereby approved, on the condition that the plan be amended to add Type C buffering on the western property line of the subject property.

This the 22 day of August, 2018.



Patrick McDowell, Chairman

If you are dissatisfied with this decision of the Board, an appeal may be taken to the Superior Court of Haywood County within 30 days after the date this order is received by you.