



TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Gregory Wheeler
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Thomas

Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, May 16, 2022, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements:
2. Adoption of Minutes
 - March 21, 2022 Regular Meeting Transcript accepted as presented
 - Adoption of the Record of decision of Planning Board on Preservation Way from March 21, 2022 as presented (or as amended)
 - April 11, 2022 Special Called Meeting as presented (or as amended)

B. BUSINESS

1. Public Hearing on a zoning map amendment request at 134 Belle Mead Drive (PIN 8605-81-6159).
2. Public Hearing on a major site plan amendment for a Special Use Permit for Shining Rock Academy at 2150 Russ Avenue (PIN 8616-48-1211).
3. Continuation of Public Hearing from April 11 on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions.
4. Report from the Subdivision Subcommittee on Cottage Development and Conservation Subdivisions.
5. Recommendations from Citizens Groups and discussion.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD (Verbatim Minutes) Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 March 21, 2022

THE WAYNESVILLE PLANNING BOARD held its regular meeting on March 21, 2022 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Vice-Chairman Ginger Hain called the meeting to order at 5:34 p.m. with the following members present:

- Tommy Thomas
- Gregory Wheeler
- Barbara Thomas
- Don McGowan
- Marty Prevost
- Michael Blackburn

The following members were absent:

- Susan Teas Smith (Chairman)
- Stuart Bass

The following staff members were present:

- Elizabeth Teague, Development Services Director
- Byron Hickox, Land Use Administrator
- Olga Groomer, Planner
- Kathy Johnson, Deputy Clerk
- Esther Coulter, Administrative Assistant
- Attorney Ron Sneed
- Jeff Stines, Public Services Director

The following media representatives were present:

- Becky Johnson, The Mountaineer
- Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Chairman Ginger Hahn- Tonight we are going to hold two public hearings which are procedurally different. The first is a site plan hearing on a project known as Preservation Way. In this hearing the Planning Board is determining hearing if the site plan complies with the ordinance. The second is a conditional district hearing for the project called Allison Acres. It requires the Planning Board to evaluate a site specific zoning plan and to make a recommendation to the Board of Aldermen, who have the final decision. If you would like to speak at either public hearing, please make sure you fill out the forms, they are at back, noting which project you are speaking on, and bring them forward up to this desk, and I will recognize you when the time comes. However, first the Planning Board has to take care of some business. One, Board Members, the microphones aren't working very well, so when we have questions or conversations if we could try to speak up so the audience can hear us. Byron, is this one, is the podium working?

Byron Hickox- No, none of the mic's are working.

Ginger Hahn- Ok, so when you do come to the podium, um, I am going to ask you to state your name and your address and I might even interrupt you if you need to project your voice because you are gonna be speaking this way and the audience is in the back. Um, ok. Before we start, I would just like to separate these into the different public hearing so I will know when to call on you. Kris Vankalor, can you tell me which program?

Kris Vankalor- Allison Acres

Ginger Hahn- Thank you. Susan Fender?

Susan Fender- Preservation Way

Ginger Hahn- Matthew Fender?

Matthew Fender- Preservation Way

Ginger Hahn (GH)- Thank you. Janet Clark?

Janet Clark- Preservation Way

GH- Bob Clark

BC- Preservation Way

GH- Scott Cason?

SC- Preservation Way

GH- Henry Kidder?

HK- Preservation Way

GH-Juanita Shade

JS- Preservation Way

GH- oh, you got it good, you win, laughing. Kim Polson?

KP-Preservation Way

GH- Mark Howell?

MH- Allison

GH- Christine Kavanagh?

CK- Both Projects

GH- Kristina, if I lose you will you please remind me? Would you raise your hand please- ok. And Charlotte Rogers Allison.

CR- Allison Way

GH- Alright, now for the board to do some business first before we get into the public hearing. Um, lets look at our minutes and then we will talk about the recuse.

Elizabeth Teague (ET)- Excuse me Ginger, do you want to talk about the scheduling issue first?

GH- yes, yes. Um, and this is about the subcommittee? We have a subcommittee meeting for the fourth at 5:30, is that ok with 1,2 and Susan might be able to join us.

Et- Let me clarify.

GH- Alright.

ET -- Because of these hearings, we have pushed back all of the other agenda items that y'all talked about last month. The actual changes to the ordinance, so our suggestion is to have a special called meeting of this board on April 4th, to talk about the changes to the ordinance that y'all were working on and in the interim with the subcommittee meeting, I am wondering if y'all could get together March 28th at our usual time which is 10 o'clock, 11 o'clock? And the subcommittee is Don, Michael, Ginger and Susan.

Board Member- We had it down for 1030.

GH- Oh that's right- it was 1030, thank you.

Board Member- so what was the other one....

ET- The other one was if this Board would consider calling for a Special Called Meeting on April 4th on, um that's next Monday to discuss the other Agenda items which were changes to the zoning code related to the subdivision ordinance.

Board Member- So that would be at 5:30?

ET- That would be at 5:30 your regular time.

GH- In this room?

ET- Yeah and if that's not a good date for some of you, um, I am happy to entertain some other dates that we can circle back with y'all on.

GH- Can you make it? You all good? Barbara, good? Anybody not good?

Board Member- It's not great but if it works for everyone else, I will do what I can.

GH- You want to throw out another date, or just go for it?

Board Member-Is this just for subcommittee ?

GH- No , this is when we will Multiple speakers at same time inaudible

Board Member – and what date?

GH- 4th

Board Member- ok, yeah

GH- So we'll go with the 4th.

Board Member- And Elizabeth, what is it that's being, that your holding off on? Just the subcommittees?

ET- These were the recommendations of the subcommittee that we presented to you at the last meeting. It looks at conservation subdivision options. Looking at tiers for subdivisions based on size and then a couple other items that had come up, um it was we looked at the subdivision ordinance related to larger types of projects. Ok?

GH- Ok, alright, Thank you.

ET- Thank you.

GH- Alright, lets talk about the adoption of minutes, does anybody have any changes to the minutes they would like to make. I'll have a motion.

Marty Prevost- I make a motion that we accept the minutes as written.

GH- Thank you, do I have a second?

Gregory Wheeler- I second.

GH- Alright, now we will move into public hearing, before we start the first public hearing which will be Preservation Way, um, does anybody on the Board opt to recuse themselves for the preservation Way public hearing?

GW- I believe I will have to.

GH- Alright, thank you, Gregory?

GW- So, yes.

GH- Ok alright Gregory, I'll call open the hearing if you would step down and then you'll join us back.

GW- Thank you.

GH- Alright I am opening this public hearing. This is an introduction to a major site plan and subdivision hearing. This is a public hearing before the Planning Board to consider a major site plan. This process is established by the Town's ordinances and NC general statutes. You are advised that the hearing on this matter will be administrative in nature and that's in which the Planning Board must determine the extent to which the application is in compliance with the Land Development Standards. If anyone desires to provide public input, you must first sign in. Has anybody not signed in for Preservation Way that would like to? Alright thank you. Um, you must first sign in and you will be granted up to 3 minutes for comment. You may be granted up to 10 minutes for comment if you are representing 3 or more people. Also, if you, your point, or your multiple points have already been addressed by a previous person, in interest of time, please tell us that when you get up to the podium and you won't have to reiterate what's already been said. We're gathering information and facts and we don't need to hear the same thing twice, unless you bring some additional information to us. The Board must determine if it has enough information on which to make a decision and to approve or deny the application. The Board can continue a hearing if they feel they need more information from the applicant. This hearing will proceed as follows: Staff will present their staff report and analysis. To the applicant, where's the applicant? The applicant will present their project. Board members will be able to, will be allowed to ask questions of those presenting. The public will be allowed to speak. Board members will be allowed to ask questions of the public speakers, and then the Chairman, that's me, will ask for a motion to close the public hearing for Board deliberation. It is incumbent upon this Board to preserve an accurate record of what transpires here. Therefore, we ask you to observe some rules of conduct. First, do not speak unless you have been recognized by me and are standing at the podium. Secondly, please turn off your cellphones and refrain from side conversations, um, and further distractions from the audience. Thirdly, when you arrive at the podium, please state your name and address for the record. After the hearing this board will deliberate to apply the ordinances to determine their decision. In making its ruling, this Board shall have all powers, all the powers of the administrator. After a decision is reached, the decision will be put in writing and permanently filed in the minutes of the Board and the Town and either party may appeal the decision to the Board of Aldermen within 30 days after being served with that written decision. Alright, so first step was staff making presentation and Olga that is you.

OG- Madam Chair, Board Members, Olga Grooman, town planner. This application is for a 60 unit multi family development on 7.1 acres on two unaddressed parcels. Quartz Properties has included an authorization form to make application and present on behalf of the property owner. It proposes two multifamily apartment buildings, a dog park, two community pavilions, and a community green area for passive recreation as seen on the exhibit.

The developer intends to work with existing topography and limit the buildable and disturbed areas to reduce the grading and overall disruption of the site. The proposed disturbed area is 4 acres impervious surface is 2.1 acres, and preserved area is 3.1 acres, roughly 43.6% of the site. And just to show the Board and the audience.

GH- Could you speak up a little?

Olga- Sure. The preservation areas are the Northeastern boundary here and another preserved area here. And the site has hills all around this area. There is a flat center area and that's where the project.

ET- Olga, I'm gonna pull this out real quick.

Olga- Ok. That's the main development area. The project will be bordered on one side by Belleview Road. It will be also bordered by residential properties of Preservation Way, East Street, Gingko Lane and Park Drive. The proposed main entrance will be through the platted right-of-way off Hillside Road.

This is a major site plan review, which is an administrative procedure since the adoption of State mandated 160D Chapter. The board acts as an administrator. And the board must find that the plan is consistent with the adopted plans and policies of the town, that the plan complies with all applicable requirements of this

ordinance and that the plan has infrastructure as required by the ordinance to support the project as proposed.

The applicant has provided the environmental survey, existing conditions, site development plan, utility plan, and building elevations which staff submits are adequate for zoning consideration. Generally full construction drawings and engineering drawings are required after approval by the board before the building permit is issued.

The applicant met with town staff and submitted preliminary plans for review for technical review committee and the plans were reviewed by public services, public safety, zoning and building inspectors. And the applicant submitted an updated set of plans after that and for this public hearing, this sign was posted. Several signs were posted on the properties. The notification was given to the Mountaineer Newspaper and property owners within 100 feet were notified via first class mail with last known address of records.

Consistency with adopted plans and policies of the town. Verbatim, the comprehensive plan, 'The project lies within an area designated for low to medium density residential within the Comprehensive plan's future land use map'. In the current Waynesville official land development map, which is the regulations, the properties are located in East Waynesville Urban Residential. This zoning district has a permitted density of 16 units per acre. The developer proposes 8.5 units per acre for the density and is therefore compliant. The density the developer proposes reflects the density allowed in Waynesville's medium density districts for residential uses. Therefore, the project is consistent with the future Land Use map and the town's current zoning.

Staff also finds the project to be consistent with the Land Use plan goal number two to "create a range of housing opportunities and choices" by encouraging new housing within Waynesville's city limits and promoting a diverse housing stock.

Zoning district urban residential purpose and intent from Land Development Standards. East Waynesville Urban Residential District is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district. Dwelling, multifamily. A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging. So, the proposed density is 16 units per acre on 7.1 acres.

Zoning district there. Density is compliant at 60 units on 7.1 acres. On this lot we could, the developer could have gotten 113 units without a special use permit, he could get more with a special use permit. Project will create two buildings, 30 units each. There will be a total of 40 two-bedroom units and 20 one-bedroom units. The project complies with the required setbacks including the distance between the buildings. There are no supplemental standards for that.

The two residential buildings are designed so that the primary façade of the building is three stories, with the first floor partially built into the hillside. So it will appear more like a 2 ½ story. Developer stated it will be below 60 feet which is the standard. The exact height needs to be provided for us.

Go back here. Basic lot and use standards are compliant as the development fronts the public right-of-way coming up from Hillside Road, which will be used as a main entrance. And I'll show it this way. The primary entrance, for the board, it will be Southeastern side, completed right-of-way for the audience here. This right-of-way matches, the plot has changed a little bit but it measures the right-of-way shown on the 1966 old plat. There's an old plan on the subdivision which was to be built and it wasn't. The width for the right-of-way on this old plat is 40 feet and the developer indicated their only required to give us 20 feet access, primary access to the development by the building and fire code. Although the developer has commissioned a survey to determine exact boundaries of this right-of-way. The secondary entrance is not required based on the number of units for the fire code. However, the developer proposes a secondary entrance off the private 30 feet right-

of-way on Preservation Way. That would be only for emergency access entrance and then if provided the developer would need to specify the width and the building material for the building inspectors. Back to design, the buildings have flat roofs. Flat roofs are allowed. Useable porches and stoops are recommended on the front and side of the building. The buildings show stoop entries on the front and side elevations. The buildings will also have balconies as indicated on rear elevations. At least 15% of the facades should be main entrance doors and glass windows. And the rough calculation indicates the developer exceeds this requirement with at least 29% of the facades are windows. The following five architectural features are shown on the elevation drawings, meeting the minimum standard for design. They are balconies, offsets in building face, window trims, stoop entries, and recessed entries. In addition, there is a decorative pattern on exterior finish, window overhands and painted brick masonry. The design of these buildings is modern while all out Land Development Standards are geared more towards traditional design buildings. And the developer gave us compliance a little more for that. Staff finds it appropriate. The façade design is in compliance. The exterior building walls are arranged in the vertical board and batten and horizontal lap siding. There will be a painted brick masonry veneer at the first level of each building. And this complies with our materials for the buildings and the roof material also complies with the standards.

Now, connectivity. The project will connect to the Hillside Road through the public right-of-way. The minimum width is mentioned, 20 feet. There is 22, four or more feet, exact widths to be determined by the survey, although the developers did mention that. Considering the topography and location of the lots, the staff finds the connectivity to existing streets to be appropriate. The project is designed to have 111 parking spaces and 6 bicycle racks. It will not create new streets.

As far as the pedestrian facilities the applicant provides a network of interconnected pedestrian walkways inside the development. The pedestrian paths start at the right-of-way go all the way up, they wind around the buildings, they go all the way to the Preservation Way, to the west and they go to the community green area in the Southwestern corner and around the dog park as well, so there's good connectivity inside the development for the pedestrian paths. The approximate width of the pedestrian facilities is 6 feet based on the side plan and in compliance with the standards. The plan shows six pedestrian crosswalks.

The traffic analysis study is not required because the project will generate less than 3,000 trips a day. However, the applicant has voluntarily commissioned the TIA to assess the current road conditions.

Both lots are located within direct Town limits. The Public Services has vouched that can provide sewer and water and utilities within the city to the development. Now as for the sewer, there were questions there. So if we are looking at the site plan, you're looking all the way up, there are two utilities and they do match the plan from 1966. However, the developer is not intending to utilize them, not to disturb the properties down here from them, what they want to do, there is a solid sewer line coming off Preservation Way that's where they intend to hookup to use the utilities. There are two proposed fire hydrants, one at the main entrance, and one in the back of the parking lot all the way on the Northern side. The one on the Northern side will have to be moved from the parking lot so not to be blocked.

Civic space. Our standards call for 5% of civic space for this district. The total acreage of this project is 7.1 acres. A minimum of .36 acres must be dedicated to civic space. The developer proposes the community green area by preserving the trees and providing the pedestrian cross. The minimum size of the community green area is ½ an acre and the developer proposes one acre total exceeding this requirement. In addition, the project proposes other civic amenities such as two pavilions, one with a firepit, and the dog park. The landscape of the community green shall consist of lawn and trees. The developer meets the requirement. Civic space must be centrally and internally located and be accessible to all residents of the development. And the project achieves this goal through the connected pedestrian path. There are three benches proposed in the green area. A minimum of 2.5 linear feet of seating shall be provided for 10,000 square feet. The greenspace is one acre so there'll be one more bench required. A minimum of one tree shall be planted per 350 square feet of soil or one preserved tree shall remain for every 2,500 square feet of required civic space. The developer has two preserved areas, .37 and .19 acres in the community green area, which is compliant.

We also need more garbage receptacles in the civic space. That's a minor requirement.

So, the staff submits that the project complies with the main civic space requirements such as location, connectivity's, size, type of civic space. The other requirements such as benches, trash and recycling receptacles will need to be met at the time of the building permit before it's issued.

Vegetation. Reading from the Land Development Standards. The use of existing trees or shrubs to satisfy the landscaping requirements of the section is expected. Significant existing vegetation within landscaped areas shall be preserved and credited towards required landscaping. The developer preserves approximately 3.1 acres of the wooded areas of the site. The Town expects new development, through the protection of trees and existing vegetation to be creative in design and placement of buildings, structures, parking, and other impervious surfaces as to preserve natural features and to complement the existing topography when practical. The staff submits that the applicant meets this requirement by reducing density by almost 50%, preserving about 43.6% of the site, adding green space with inclusion of existing trees, and placing the two apartment buildings with parking lot on the flattest, central part of the site to minimize disturbance and reduce grading.

No buffer is required because the project is adjacent to another residential district which is a neighborhood residential.

Parking lot shall be screened from sidewalks, streets and adjacent properties with canopy trees the project is compliant. The preserved area along the perimeter of the project serve as a screen among the adjacent properties. There's a thin buffer going around the project as was shown on the first drawing.

The project is compliant with no parking space being more than 40 feet from the base of a canopy tree, and there is at least one canopy tree per 12 parking spaces. The developer greatly exceeds the landscaping requirement by preserving an additional 3.1 acres, in addition to the landscaping they had given us. There is one proposed dumpster enclosure in the Northeastern part of the project, which is compliant.

Parking and driveways. The developer has exceeded the requirement. The parking would be 90 spaces, the developer has given us 111 which is 1.85 per unit, that's almost 2 per unit. One bicycle parking is required per 20 auto spaces. The developer meets the requirement with 6 proposed racks. There are 6 ADA spaces included. Per North Carolina Building code, the project needs to have 5, the development exceeds it by 1.

Interior pedestrian connectivity provided along with pathways serving each building inside the perimeter and a sidewalk connection from the main entrance to pedestrian facilities and parking areas. The crosswalks connect pedestrian facilities across parking areas as well.

Lighting plan will be submitted to Town at the time of the building permit. At this stage, for zoning approval, it is not required. We do have requirements for their spacing, for pedestrian scale, the control of glare, building façade lighting and the developer sent me the detailed drawings for the town building permit before it's issued. Any signage will have to comply with the town's sign ordinance. And this is also achieved at the time of building permit, at this stage it's not required.

The applicant has submitted an environmental survey. The project is not in the floodplain and the project is below 29 hundred feet so it doesn't need to have hillside protection ordinances in place. The development is over an acre, so they will have to seek a grading permit from the State. At this time, again the stormwater facilities are not required to be shown on the master plan for our procedure. And the detailed stormwater management plan will be required before the building permit is issued. The development does show a stormwater structure, I'll actually let the developer speak to that if you have any questions. Northeastern part of the project, and just to remind everybody, here the Town does have a stormwater program and developer will be compliant with that which includes, agreements, protected covenants. Um, the stormwater management plan will be registered with the deed and we have post-construction stormwater requirement. Before we issue a final certificate of occupancy there'll be a walk-thru to make sure that the stormwater facility's compliant with our ordinance and any other regulations at State and Federal level. In general, stormwater management facilities, structures, devices and methods shall be designed and built with sufficient capacity to accommodate surface runoff caused by the development in excess of that runoff which would

occur from the site if left in its pre-development condition, in other words the developer cannot make it worse. Whatever we have now it has to be minimum that or better. Although not required, the applicant also submitted 2015 soil testing results. There is no indication of potential land slides either. I'll let the developer speak more about the boring and the soil tests. What we have here is an exhibit, it's a Western North Carolina landslide map by the NC Geological Survey. This area does not indicate any potential dangers according to this map. And again this information's not required.

Staff recommendations. Staff recommends the approval of the application with the following findings of fact and contingencies: the proposed major site plan is consistent with the 2035 Comprehensive Land Use Plan, goal two to create a range of housing opportunities and choices. The plan complies with all applicable requirements of the ordinance. Zoning and dimensional requirements, building design guidelines, civic space, landscape, parking and driveways, environmental standards. The condition of approval is as follows: we just need to clarify building height in feet specifically. The plan has infrastructure as required by the ordinance to support the plan as proposed. The staff recommends that the Board approves this application for the major site plan. If you have any questions for zoning I'll be happy to answer them. Other than that our developer would like to speak as well.

GH- Any questions at this point for Olga? Alright, thank you. Alright, if the applicant will come to the podium. Give your name and address please.

Jake Libaire (JL)- Good evening, my name is Jake Libaire, with Quartz Properties and my address is 315 Cascade Court, Montana. Thank you to the board for hearing both of these applications, and thank you to Ms. Teague and her staff they've been extremely professional and comprehensive as you can see from their staff report. It is impressive for a small municipality. Um we are a small, relatively small residential developer. Asheville, the greater Asheville area is our primary market. We have a project in Black Mountain, Fairview and we have two projects in West Asheville. We're very excited about Waynesville and really looking forward to working with Town Staff. We think it's a great small town and we are just trying to add housing stock that will benefit locals. We build what we call obtainable housing, so we're not a high-end luxury builder. We try to hit the middle of the market or below the middle. Our objective is to sell homes, not rent apartments or condos, or townhomes, we don't like to own our own product, so pricing people out does nothing for us. Preservation Way as Ms. Grooman explained is a multi-family project. Um, I'd like to touch on a few points that Ms. Grooman made that I just want to clarify. The secondary access to Preservation, ah to Preservation Way as she mentioned is not required by the fire code. Um, we're kinda leaving that up to the neighbors who share Preservation Way, whether they want that or not. Uh, it will be an emergency access, so it will be a gate with whats called a Knox Box. That only EMS and the landlord of this property and a neighbor will have access to so tenants will not be able to come and go. If the uh, the Blumers, or the neighbors do not want it we are happy to remove it. Um, we thought its better to include it and remove it later as opposed to coming back and trying to add it, so. Additionally, we are getting an additional survey done at this moment to clarify the right-of-way that connects from our side to Hillside, uh, we don't believe it's 40 feet wide. It's most likely between 35 and 38 feet wide, and that's based on plats from the 1920's, the 1960's. Pretty tangled web that we are trying to unravel. That being said if it is 35 feet that is wide enough for a 20 foot wide access that is required by the fire code. Another point is the old easement that connects our site to East, East Street. Uh, that originally was put in, in that 1961 plat for the East Hill Subdivision. We will not be using that for sewer so it's designated on that plat for sewer and for stormwater, we may use it for stormwater discharge so if we have a pond down there we need to safely get that discharge to the public system so that we don't inundate neighbors with runoff. So, we may use it for stormwater but not for sewer. I have our private planner, project engineer and our land use attorney here with me, so between the four of us we better be able to answer your questions or I'll be asking for a refund. Ah, do you have any questions for me at this moment that I can answer or any clarifications?

Alright, thank you

JL: Alright, I will try not to repeat myself for the next application

GH- Alright, Board Members do you questions of either the applicant or staff? Barbara you good?

Barbara- Yes I'm good.

GH- alright, so now I'll call and not in any kind of order, except that I would like to clarify a few things. Scott Cason, you are speaking for several neighbors?

SC- I have authorization forms from approximately 20 neighbors.

GH- ok and you would like a full 10 minutes is that what you are asking?

SC- yes

GH- ok, alright, and Janet, you have something from Paul Cunningham

Janet- yes

GH- you want to speak....

Janet- He is giving me his 3 minutes.

GH- you want to speak, you need more than that, you need 3 people, do you have somebody else?

Janet- No, no I just want 6 minutes.

GH-mmmhmm,

Henry Kidder- I can give her mine.

GH- and your name?

HK- Henry Kidder

GH- Do I have you here?

HK- yes

GH- ok , just a second. Henry thank you – ok so I'm gonna put you with Janet and who is your other person?

Oh- Mr. Cunningham, I don't have a card for you though. Would you mind filling one out so you can be entered in the record? It's just a formality, you don't have to talk. Then for, let's do this..

Bob Clark-Excuse me, I am sorry to interrupt, I have two people, I didn't know they had to specifically say earlier they were gonna speak.

GH- ok – hold on, so, hold on, Bob, So Bob, you are gonna speak for the Fenders and you would like 10 minutes?

Bob- Yes, I don't know if I'll use it but yes please.

Citizen- and also Ms. Hahn, Sheila Cason- signed waivers to add to my time also.

GH- Ok would you mind presenting that to the secretaries so that it will go on record... 10 minutes. Alright, so we have 3 parties who would like to speak for 10 minutes and I believe.....thank you... I think we'll do the 10 minutes first. So I will call Janet Clark, if you'll come to the podium and give us your address and just for the record – Janet is speaking for Paul Cuning .. ham? Cunningham and Henry Kidder.

Janet Clark- Let me just get some handouts before I..... *inaudible side talk* ...

GH- so actually there's 4 that want to speak for 10 minutes.

Inaudible side talk

JC- are we good on who needs copies? Alright I have to take a deep breath here, um, we have what I'm gonna be talking about is wastewater treatment. We have a wastewater treatment capacity issue that directly effects the viability of the Preservation Way development as well as planning the future of the town of Waynesville. Our wastewater treatment plant is 57 years old and in it's old age it has capacity issues. As a result of it's capacity issues the Town of Waynesville has to follow a special order of consent and this is per the Division of Water Resources. Now if you look at the front page of the memorandum, you'll see the special order of consent. Now what that special order of consent is, ok, now there is a thing called the 80/90 rule. If 80% to capacity a municipality has to file and get a special order of consent because that means they are at 80% of capacity in their wastewater treatment plant. At 90% the municipality has to begin construction if they hit that marker. They have to begin construction. So, with ours we are on that special order of consent, so we are at that 80%. Um, now on the top of the memorandum, you will see the terms of our special order of consent and development tracking which has to be done. New flow over, and its called the soc, cannot exceed 155,000 gallons per day and after this I'm gonna call it gpd and the length, the term length is December 31, 2020 through July 1, 2024. So that 155,000 gallons is for 4 years. Now I will say in this memorandum, there is

a math order, math error and I bet you it is significant and I will address it. With the SOC term I want to emphasize that we're currently at 80% capacity as part of the rule. Um, the 80/90 rule is not just some kind of bureaucratic regulation, it is a rule that deals with a finite amount of capacity to treat our wastewater. Of the 155,000 gallons per day allowed, per the SOC, 117,480 gallons per day has already been approved for development, that's gone out of that 155. The Preservation Way and the other development being discussed, Allison Acres, adds another 29,400 gpd's. Now, please note here, there is a math error with this calculation, on the last page you will see where they add up the gpd estimated for Preservation Way and for Allison Acres and they added up, I believe (inaudible), to 19,400 it is 29,400. And that does effect it, so this changes if you look back on the front the known demand of flow via planning and zoning to be 153,780 leaving 1220 gallons per day capacity left until the end of this period, 2024. That means, there is no capacity, no room left, new commercial, if we have an infrastructure need, there's no capacity left. And, so, alrighty, so note that in there it says that we just need to ask for this amount more capacity. So if we hit that 90%, we've gotta begin construction. And as you well are familiar the cost to building the plants here, our fundings here, we're not here yet, so if we're required to start building before we get our funding, we've got a problem. We've got to get those two to meet. In the meantime, in the meantime, we have big issues with stormwater after heavy rain and it overwhelms the wastewater treatment plant. Once the stormwater infiltrates our systems through leaky pipes in a number of different ways, this is, our wastewater treatment plant is overwhelmed and it temporarily goes over capacity. The result are fines, fines for noncompliance are nothing more than our tax dollars being flushed down the toilet. While some may say, the last year, fines were 20,000 dollars and while some may say well, that's not that much money, I want to put it in a more personal way. Most of my neighbors I know are in the first four rows. That's probably the amount we pay in taxes per year and that's significant. Now how does all this relate specifically to Preservation Way, and two people: Juanita and Kim, are going to give you examples of how these issues are affecting our community now. And if you flip on through the handout I gave you, you'll see some pictures and that's what they will be addressing.

GH- Questions? Any questions? Questions?

Board Member- I'm still trying to digest

GH- yeah, me too. Hold on, just a minute Janet.

Board Member- I guess I would like to hear from the town at the appropriate time in response * inaudible- multiple individuals speak*

GH- I think that's a good idea. I do have a question from Janet, the table in your handout, table 1 and table 2, where you said there was a discrepancy. Where did these tables originate?

JC- These are from, this is all part of Elizabeth Teague's memo that went out that's on the front page and yeah, you see that's where the discrepancy is. But yes, the front of it is part of that, that was all the same memo.

GH- ok, gotcha

ET- Ms. Clark, may I have a copy of what you passed out?

JC- do you want the pictures also?

ET- Whatever the Board is looking at..

JC- Yes

GH- So this is dated February 22, ok alright, um, alright and you think that there's a discrepancy in the numbers?

JC- On the last page.

GH- Yes

JC- It's where you see the..

GH- Yes

JC- It carries over to the front page, where it's talking about the capacity right here.

Board Member- Instead of 19, its 29.

GH- Ok

JC- It's off by 10 thousand.

GH- Before we start asking questions, do we need to go all the way through?

Attorney Ron Sneed (RS)- Not necessarily, this is an administrative hearing you can take each issue.

GH- Ok, why don't we do that then. Don?

Board member Don McGowan (DM)- Well, I'd like to hear from the town regarding the issue.

GH- Elizabeth, are you able to speak to the circumstance of this memorandum and how it might impact?

ET – Yep. Jeff I might call on you to assist. We were asked to put together, a sort of tracking device, this is actually an earlier version of a memorandum that doesn't reflect all of the back and forth, so you're correct if you, this is not the final version of what we shared internally with staff. Just please note that. Um, the second thing is that, unfortunately and we will go down and make sure you have this, not in your packet is a memo or a letter from our consultants on the sewer plant as well as a email, you usually get an email from the public services director showing that we have verified our sewer capacity and our ability to provide water and sewer. So, we will make sure you have those in your packet before the evenings out as well as the more recent memorandum that's available here. But, in short, what I will tell you is that, with each new development we look at future buildout. Which is often years from where we are now. Um, related to our agreement with the state to upfit our plant to meet the requirements of the SOC. As of this moment right here, this snapshot, we are still under the 155,000 gallons per day that's allowed in the agreement with those projects calculated into that, that haven't been built yet. So, we're projecting out. We are in this agreement with the state until 2024. We're going back to the State to change that timeline because of changes in cost for the sewer plant upfit. We're hoping that the Town of Waynesville will also be recipients of some of the infrastructure money that's coming down the pipe through the Federal government and the State. And our goal is to work with each individual developer at the time of their building permit to make sure that we don't issue a building permit on any building that we can't provide sewer to. We've been very transparent with every developer that's come through to explain the situation. And as of right now, all of the projected development over the next 4 years, is still within our SOC allotment. There will come a time though if we do not get money down from the state to be able to move forward with our project, there will be a time that which we have to put the brakes on new large scale development. What we have agreed internally as a staff and with our consultants is that we're not there yet and that's in a nut shell of what I can tell you. I will make sure you have that information.

Board Member- I didn't catch your name?

Multiple responses: Janet Clark

Board Member – You did a good job. Is her math reasonably right that we'll be within 1200 gallons of capacity?

ET- I'm not gonna check her math right now, I haven't checked it, her math.

Janet Clark- It's your memo.

ET- Yeah, this is an earlier memo and we've made corrections on this one, so I'd like to get you the updated one.

GH- So we're missing two pieces of information, the updated.....

ET- Yeah we are missing a couple pieces of information. One is updates to this spreadsheet and then the other, it is the letter from our consultant that we're working with the SOC on that was submitted to us prior to getting, it's not in your packet I apologize for that.

Board member- Is that who McGill was?

ET- Yeah McGill, is it in there?

Board member – yeah its in there.

DM -that doesn't really answer the question because all that McGill or Miguel is saying is that the outflow of the preservation way which is estimated at 14,400 GPD is within the 155,000 GPD limit. My concern, is that she's raised, is that combined with the other development that's being presented tonight will get us basically to our total capacity under the SOC of the 155,000 GPD which means we can't accommodate anything else. Without some kind of special intervention.

ET- You can accommodate these developments and you can accommodate, there's still some headroom to move, but like I said there may be a point at which we're gonna have to say to a new developer coming in, We're maxed out and this point it's between you and the state but the Town of Waynesville can't provide you sewer, but we're not there yet. So what I'd like to do is get you a more up to date memo, and I'm not sure Ms. Clark where you got this one but....

JC- I went through the Department channels of, um, this came through Town Manager Ron Hite and he approved me getting this memo.

ET- Well as he should but

JC- I also talked with Jesse Fowler concerning the amount of fines. I went through all the proper channels.

ET- No and I appreciate that, there's just, that it's not the most up to date memo so we'll make sure you get the right one and our Board gets the right one.

Board Member- that makes more sense then Feb 20th.

ET- I urge you to continue and we'll go down and get that information.

GH- Ok, more questions of staff regarding this? Alright, thank you Ms. Clark.

JC- I request that it makes sense for following my to go to Juanita and then Kim because they're talking about....

GH- I've got Scott, Bob, Sheila and Tim

Board Member – No, Juanita and Kim

GH- I'm Sorry...

Board Member – Juanita and Kim

GH- Alright, Travis, Sheila, Bob, Scott and Juanita, So I've got Scott, who is going to represent Juanita and Kim is that right?

Board Member- No.

Scott- Well, I can represent 15-20 people here.

GH- I'm just trying to get organized for the records so Scott, you would like to represent who?

Sheila Cason- Me.. we handed the waivers, there was two stacks of waivers.

GH- Sheila, also you can't represent the same people.

Sheila- There not, I gave them two stacks.

GH- you have two stacks. Alright, hold on, don't talk yet. Wait, ok, so Juanita and Kim would you raise your hands please? You are individuals and you would like to each speak for three minutes is that correct?

Citizen- Yes

GH- Ok. Juanita would you like to come to the podium?

Juanita Shade- sure

JS- My name is Juanita Shade and I live at 299 Bellevue Road, so my property is directly underneath this proposed development. Uh, I'm just going to seg-way from what Janet was talking about. I have lived in this neighborhood, almost 16 years during that time we had almost sewage backup in our basement at least 5 times to the tune of about 200 top dollars each time. So we had to have it cleaned out. We had our contractor lay new sewer pipe in two stages so that all the pipe was new from our basement to the road. When our contractor placed the sewer pipes, he told us and showed us that there was nothing wrong with our original pipes. Four weeks ago, after all of our pipes had been replaced it backed up again. So we called the Town as we were sure that the backup was coming from under the road on Bellevue Road. The town responded quickly, they cleaned out the pipes, they dug up part of the road on Bellevue and they replaced some sewer pipe. So far we haven't had another issue and we were hoping the city sewer issue had been alleviated, until last night. There is a new house across the street from us, facing Craven Road. This 5-bedroom house is an Air-BNB and is generally used only 2 days a week on weekends. As we drove past the house, it was clear that the sewage clean out valve at the end of the property was overflowing and raw sewage was flowing down the street. It was still backed up before I left today to come to this meeting, but I did leave a message with the

town and they are usually very good about responding quickly. And you have some pictures there of the cleanout valve and the raw sewage going down the street.

GH- this is the one you said tonight, today?

JS- That was today. Yesterday and today.

GH- This one, Juanita?

JS- All of those pictures. Ok, so here is my point, since the proposed development is directly up the hill behind my house and both manholes for their sewage are directly above my house. I am a bit concerned about the capacity of the lines in our neighborhood to be able to handle all of this new sewage. Now this piece of land that Quartz Property is proposing to develop is a nice piece of property...

GH- Juanita?

JS- Yes?

GH- Your time's almost gone.

JS- What?

GH-Your time is almost gone,

JS- Oh, ok, well, and desirable and suitable for new housing, I have seen some of the developments on facebook that Quartz Property has done. None of them is an apartment complex. They have done some beautiful single-family homes, so I am just concerned that this property is suitable for it and that they actually know what they are doing.

GH- Thank you. Kim Polson

Kim Polson- You have the pictures? My name is Kim Polson and I live at 184 Park Drive and on East Street for about 11 years and I am below Janet and Juanita and around the curve, down the hill. Uh, I didn't have any drainage problems until about 3 years ago. A house was built on Yarborough and all the drainage comes down around the corner and down the hill and then one was built on Burma and the same thing is happening. They put in a new drain, er, a sewer drain, but it's not collecting enough of the water, so the water is coming forcibly down the hill, ruining the road, coming down across and then down, and most of the time the drains are not clear. The overflow, uh, since we have had these drainage issues, the drains are overcapacity and cannot handle anymore additional water. The overflow comes across the street and flows into our yard. We have a beautifully landscaped yard and we've spent over 5 thousand dollars trying to divert this water. We have spent countless dollars for mulch and it just keeps getting washed away and washed down the street onto Friendship Circle. The maintenance alone is very costly to sweep up all the mulch and debris. Drains on our street are not being maintained. My neighbors are mostly renters and have no interest in cleaning the drain of the debris. We are constantly out there cleaning drains. The town does a poor job, at best, of keeping the drains open. I went by today and 2 of the 5 drains were completely covered with leaves and debris. I have to constantly call Chris Schneider, at the streets division, and I'm sure that he is tired of hearing from me. He has come out but it's still a constant battle. Ah, today I did take those pictures and I have them on my phone, so they are not included here today. Um, and it was a sunny day, so it was a good day for them to come out and clean drains but it's not being done and I shouldn't have to go up and down the street and police the drains. There's also another where Queen Street is and the first time after they built that house, the water rushed down there so hard, it was all the way down East Street and it was like a pond. And I have a video but I couldn't find it. Um, I spoke to one gentleman that came out from the Town and he was cleaning out the ditch, after I called repeatedly, and I asked him, What can I do? He said, honestly, if you were located at the Golf Course, you would not have this issue. I didn't like that answer. I run a retreat and I have paid over 1900 dollars in occupancy tax this year in addition to my regular taxes and I deserve to have clean drains and not all this overfill. I have asked for a berm to stop the water from coming across the road and there has been no answers. I have had this escalated months ago and still no one has contacted me.

Board Member –Your on short time.

JS- I don't know how the town will handle 60 more customers and 60 more drains. We are over capacity, please help, this is my walking neighborhood, I love it but the streets division and the water drainage has failed us.

GH- Thank you. Scott Cason? Scott, you are representing multiple people, so you have ten minutes.

SC- My name is Scott Cason, I live at 421 Park Drive. This is my wife Sheila, handing out some documents that I've prepared. First of all, love this town, Elizabeth Teague and the inspection department have been great to work with. My wife and I came here in 2019 and were looking for 30-50 acres to buy. We ended up driving into town, fell in love with the town immediately. Elizabeth is the first person we met after ten minutes, we talked to her, we were back in her office 45 minutes later and we found us a property and in 90 minutes we had an offer on a property. So, we drove into town and an hour and a half later, we were looking to be residents. So, I am representing a lot of my neighbors tonight, so this development does back up to the Pigeon Street neighborhood. It is in the East Waynesville Urban Residential but it does back up to the Pigeon Street neighborhood and that affects the Pigeon Street neighborhood most drastically. Um, my personal experience as a builder and developer um, working in lower socio-economic development in historically black neighborhoods in Auston, Texas and San Antonio. So, I am very familiar with these neighborhoods feeling like they cannot be heard, have not been heard and are being overlooked.

And from now on this neighborhood does have a voice, you can just call my wife and I, Mr. and Mrs. Pigeon. Um, they voiced similar concerns, er I sent out a survey. The noble concerns on top of their list were depreciation home value with the, with a multi-family residence er development going into a single-family residential neighborhood. Uh, they also expressed concerns about increased vehicle traffic due to our narrow winding roads, blind curves and blind hills. And they also voiced concerns about the lack of pedestrian safety and the lack of sidewalk. So let me address the depreciation and market value. That is not really an arguable point if you take a house of 1200 square foot and let's say next to a meat processing plant and let's say you take the same house amicable with all sizes, features, price that's in the middle of a residential neighborhood And you ask someone which one would they rather have, I don't think they're going to take the one next to a meat processing plant. An apartment complex is not a meat processing plant, but it is a different type of structure. It is residential and then there's single-family residential. Single-family residences are the most fragile element of a zoning district. They must be protected. It's up to the zoning to protect it and if the zoning does not protect the single-family residence, then it's up to development code, and if development code doesn't protect it, it's up to the planning boards. Um, the current zoning we have in town is basically, what I call four based. Uh, it is, you draw a line around an area and you specify uses within that area. Uh, it makes no difference if your lot is 6 acres, 7 acres, or 1/3 of an acre, or 1/10 of an acre, it's all treated the same. Four based zoning works really well in homogenous areas where lots are of similar character throughout that neighborhood as opposed to parcel zoning which specifies single-family 1, single-family 2, which means you got to have a single family residence in a block, or you might have duplexes but generally functional zoning goes by block and it tries to examine the context, it's a micro-view as opposed to the macro view of four-based zoning. Um, so what we have here, if you can picture a round pool of water, full of water, with single-family residences right in the middle if you toss a stone that's Preservation Way development. It's completely surrounded by single-family residences. There are 19 residences directly surrounding that, there are no other relationships even close to that being multi-family. Uh, depreciation and value, if you look at the handout that my wife presented, uh, I looked at square footages, I looked at acreages. I looked, there's three recent sold comps in the area, I think you might, if you have a realtor on the board, they might look at it and say these are pretty reasonable values compared to the current market. From there I assigned the proximity of that house to the front entrance, call it boundaries to the developed, to how much effect that properties going to have on those houses. So, in that case, we are right at the front entrance, we have two vacant properties across the street that we are betting are going to take a large hit. Uh, we have neighbors across the hill that just bought, they have a lot of common ground, they have a semi-historic home. They're gonna take a large hit. Um, and as you progress, you throw that stone in a pool of water, a big wave tapers out as you get further away, so a

quarter of a mile away the depreciation is not going to be as real. What my study found was of those 19 properties, on average, if 5 of those on a vacant lot, the average depreciation we're looking at 26,000 dollars depreciation and market value per property. The total of the 19 properties, we're looking at half a million dollars in depreciation. That's just 19 properties surrounding that, it could be extrapolated further, I didn't want to go there. I just wanted to show the immediate effect, right there. Ok, to address, moving on to the increase in vehicles, if you switch to page 2. I looked back on the study, and since the zoning ordinance was passed in 2002, which uh could be a conflict, I think Elizabeth actually told me it might have been submitted in 2002 and passed in 2004, but essentially twenty years. In 20 years, this neighborhood as seen a total vehicle increase, under my calculations of 2 units, of 2 cars per unit, per house of 19 vehicles. The city's code on that is 1, 2 vehicle per house, is what they require for parking. So if you look at the percentages, aw, I'm waiting, Preservation Way is adding 100 cars, and if you look at that you can output some 536% increase overnight. We looked at 19 vehicles being added over twenty years. Now we're adding 100 overnight. Um, if you look at the actual memo standards, which uh, gets you up to my 100% increase, overnight, compared to what we saw over 22 years. Uh, another interesting thing is pedestrian safety. I know my neighbors they love to walk. The zoning district paints this picture of our neighborhood as being a lot more neighborhood. Uh, the streets are very narrow. We have no sidewalk. I liken that to me drawing a stick figure of a lady and holding it up to you and saying, "This is the Mona Lisa." You don't walk our streets without fear of getting hit. One of the issues I brought up with the developer in the previous meeting was, are they going to contribute to the neighborhood by adding sidewalks? They're not required to, they are doing what the development requires. My point was the development requires a front-end sidewalk. They're adding 60 units, the minimum lot width in that area is 50 feet. 60 units times 50 feet if these were single-family homes. That's 3,000 feet of sidewalk at 5 feet, that's 15,000 feet of sidewalk, \$150,000 dollars at a rate \$10 a square foot. Sounds like a lot of money, but to a developer that's chump change. That's gonna add two months to each unit, it's gonna add approximately 2500 dollars per unit to get our neighborhood 3,000 linear feet of sidewalk. And they're going to recoup that in rent in 2 months. But I have actually talked to Elizabeth Teague about the sidewalk situation...

GH- Mr. Cason, you're almost done.

Scott Cason- Ok, and me and Sheila agreed that we will seed the property, just come talk to us. We will seed our property as needed, we will put in the sidewalk, lets get going on this, it's been too long. Thank you

GH- Questions?

Board member – I have one about this attachment that you were showing on depreciation. So, you did it by some formula, and that's how you come up with the number? You don't need to tell me the formula, just...

Inaudible- multiple talking

Scott Cason- It is very reasonable, uh...

Board Member- I'm not saying that. I'm saying the process was you developed it from a formula, is that...

SC- Yes.

Board Member – Is that right? I just wanted to...

SC- Yes, it's based on a sold house down the road. Uh, and then comparing the square footages to those 3 comps, those recent sales.

BM- I was just trying to understand what I was looking at, so.

SC- Are you sure now?

BM- I'm good.

GH- I have a question about your depreciation, so, um the depreciation percent you're saying that if these homes were on the market today they would sell for the assessed value or the market value?

SC- The market value

GH- and that's a depreciation?

SC- No, depreciate, the market value um, is what the house would be worth if they put it on the market.

GH- Ok, yep

SC- Depreciation is the number, the percentage I assigned. Again, due to proximity to the development and what the effect...

GH- And that's the formula you are asking about, ok, gotcha.

SC- So there's no real formula for that, there's just talking to a realtor...

GH- ok, so these are values that you assigned to it, to come up.. ok.

SC- Yeah.

GH- And I have a question about your sidewalks, are you, um, was your primary point that the developer is not providing enough sidewalks?

SC- This goes to discussion with Elizabeth, um, that they, they she said we can't make builders uh pay for sidewalks. You can, almost all of them are required if you turn in a permit for single-family residence and there are no sidewalks in front of your house per the law you have to put in a sidewalk or you have to pay to a fund for that frontage. Uh, this development has very little street frontage, their gonna have to put in very little sidewalk that is really no benefit..

GH- You are asking for sidewalks outside the development, am I saying that correctly?

SC- What I'm saying is that there is opportunities, yes, and as a developer you really need to be conscientious about the context of the neighborhood you are getting into. And you have to work with people, and you have to provide something for that neighborhood, other than, hey we're building here.

GH- So, is it your expectation that the developer would put in sidewalks but it would come off of your property? The sidewalk on your property, he would put the side.., or they would put the sidewalk on but you'd have to give them the right-of-way?

SC- I,um, if they wanted to do that, I would do that.

GH- Ok

SC- They made no concessions at all.

GH- I'm sorry?

SC- They made no concessions in their plans to really address the loss and depreciation in the neighborhood, think they're adding to the neighborhood to mitigate our loss in market value.

GH- Any questions? Alright, thank you very much. Uh, Sheila, do you want to go now? And you are also representing a group of people, so you also have ten minutes.

SC- ok, so, sorry for the size of these.

SC- Their old-school but wanted to make sure y'all could see.

SC- Marty would you like one? I thought you looked familiar.

SC- Ginger, would you like a set?

GH- Yes

SC- Are you Ron?

RS- Yes

SC- Ok, you are carbon-copied on one of my emails concerning this project.

GH- Allright Sheila if you'll give us your name and address please.

SheilaC- Sheila Cason, 421 Park Drive. As y'all can see, we went ahead and go an opinion from *inaudible*, in Asheville. We provided him background information along with the original plat from the 1920 circuit. My deep research shows that was probably recorded in the system a little bit later than what was actually recorded in history time, but, uh for all intense and purposes, it was around 1921. Um you can see. Um, you can see the highlighted area for the original Park Drive.

ScottC- Page 1 of your plans

SheilaC- So, uh excuse me, what you're looking at is where the "J" is, that is the Belleview side. And it goes through the proposed Preservation Way and out the other side where the green stops is where the Park Dr, all of that was never built, it has all been vacant and ends into Central, well Hillside now, and Park Drive. So from there, we're gonna go ahead and look at we're gonna look at...

Board Member- *inaudible asks question

GH- page two

SheilaC- Yes the second page is the East Hills. That's the East Hills 1966 plat and they re-named the original right-of-way through there from Park Drive to Overlook Drive and that all remains the same. Everything before (*inaudible papers shuffling) remains the same. So, we're gonna go ahead and read from an agreement letter between the Malenas and the Massies, where they rewrote the right-of-way between, on the, between lots 27 and 28 on the East hills subdivision. This agreement letter between the Malenas and the Massies rewrote this right-of-way excuse me, from the forty foot right-of-way that used to be Park Drive and moved that right-of-way to a 30 foot, a 10 foot right-of-way, uh sorry, um a 10 foot right-of-way that ended at lot 27 and this is in the agreement. The meets and bounds are in number one. It says the parties do hereby agree and promise that the 40 ft right-of-way, for Overlook Drive as it runs along Lots 28 and 29 of East Hills Subdivision and further described as a portion of Overlook Drive, which is located north of the new iron pipe at the beginning of the 30 foot right-of-way. and located south of the new iron pipe at the ending quaint of the 30 foot right of way, shall not be used as access to any of the properties owned by parties of the 1st and parties of the 2nd and to the extent possible as hereby withdrawn from dedication as a public and private right-of-way.

When they did that knowingly or unknowingly the Massies and the Malenas dissolved and released the rest of Park Drive right-of-way for their access to property they owned. Furthermore, it states in article 3, um, the parties further agree that they shall not petition or request the Town of Waynesville to open said portion of Overlook Drive, formally known as Park Drive or in any way encourage said portion to be open. In the opinion letter, he is stating that they released the right-of-way from Park Drive on the Park Drive side of the Bellevue side renaming it Overlook Easement, only shown if you go to the next uh, filed in 2002 this was lot 33 for this subdivision, at East Hill Subdivision showing the current easement onto that property from the Bellevue side stopping at the now point 6 point six point five seven five acres that they are wanting to develop into Preservation Way. They do not show any other easements however, if you look there is no easement showing into their property on the other side. And, I have a survey of the Bramlett lots, on this survey, the surveyor pointed out and highlighted green forty foot roadway from East Hill Subdivision cabinet B 175, 172 reference and 418 page 182 which is the agreement attached to our opinion letter for right-of-way release. They have no access from the Park Side Drive of that subdivision.

Board Member- Have you discussed this with the developer and the town?

SheilaC- No.

Board Member- So this is new information?

SheilaC- Yes, and granted I was out of town, I didn't get back until Monday, um, last Monday from Texas after the meeting of the development. I was out of town, um, but this has all been researched and looked at and referenced and got a legal opinion about.

Board Member *inaudible and papers shuffling

SheilaC- No, it runs with the land, with whoever purchases that land the Bramletts now own one side of that agreement and the Blumers, here, own the other side of that agreement.

Board Member- *inaudible

SheilaC- Oh yes, but this particular agreement runs with the land.

GH- any questions? Ok, you're done.

SheilaC- Ok, thank you for your time and I really petition y'all to really think about this. We are prepared to take legal action if this is approved, uh, so. Thank you.

GH- Bob Clark, Bob you are representing yourself and two other people, Matt Fender and Susan Fender, so you also have ten minutes.

Bob Clark- It will take about 45 seconds to set up.

ET- Bob do you have more copies for the secretary?

BC- no, * inaudible, away from mic.

BC- I'm gonna touch on, again, I'm Bob Clark and I apologize for the casual dress, I am a volunteer coach at Tuscola and the middle school track team, and had to stay with the kids too late. Uh, I want to touch very quickly on a couple things. I never met the gentleman that spoke from Whitefish but man, you don't have any idea what the price points for those apartments gonna be, do ya? And what I heard was well market, well kinda market, well kinda below market, well sort of and then in the next breath their gonna build it and sell it. I don't know if their gonna lease it back and run it and manage it themselves but what I heard was Boom, we're selling it. And I know we got one real estate agent here, how do you figure out what your gonna pay for an apartment building? How much rent can you get? So if he's coming to be a good guy and do this at below market rate with the sense of selling it at below market rate, well that's great. Well, what's the new owner gonna do? So, I'm gonna touch on that when we get into the development. Also, for clarification, y'all are nervous about that number of the gallons, how about that 117 thousand on the other page, they're not online yet and we're paying 20 thousand dollars in fines. What's gonna, so when they come online, we're gonna pay a hundred next year? I'm just really amazed that we're under a state order and it's ok to run it up to the brink and then say well we'll ask the state for more. I've been in business where you negotiate with the other side and the other side can say no. So, get in the night, want to keep it to the facts, right now about forty houses access Park Drive form and these pictures are from Park Drive, this is coming down and out the road from the development. In 300 yards, 400 yards there are 4 blind curves and a drop-off on the left side for about half of that. That pavement is sixteen feet wide. Dump truck's 8 feet wide, school bus average 7 ½ feet wide and I think my F150's close to six feet wide. So, say 6 and 6 is 12, so there's 12 feet of pavement and two pickup trucks, not very rare here, pass one another. Well, 4 feet of pavement, want you to look at the two top pictures. Look at that bank coming down on the right. The one on the left is really misleading you have to stand there and see how steep that is, it's extremely steep. And an engineer ought to look at that road and increase traffic. Well, those 40 houses that access it primarily now, if this plan's approved, we go from 40 to a hundred. Alright, so that's two and a half times the traffic we have now. East Waynesville Urban Residential District, this is reading from the plan, higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. We got steeper slopes. It will be important as new development and redevelopment occurs for connections to be made to such public spaces throughout the district. You see what we have, I walk that road a lot, we walk to town but there's four times where you as a pedestrian have to break the rule and go well, this is a blind curve so I can't stay facing traffic. I gotta go over here and walk with traffic behind me. And without going into the depths of it, electric vehicles are comin' and that's an enhanced danger to the pedestrians that urban environments are gonna be dealing with. Goals in the plan, development plan. This is 2035, goal number 1, page 19, continue to promote smart growth principles. First thing under that goal 1, create walkable and attractive neighborhoods. Right under that, encourage infill. We're all for infill, our builders, our local builders are doin it now and you know it. You drive around, I know up in our neighborhood, probably within a half mile from our house, there's a minimum of 15 new houses that have been built and occupied. You go down by Wells Funeral Home, how many of you were surprised to see 3 houses down there, that's from the Ball's their local builders. There nine houses down, next, between Giles and WNS, there are modes houses being built. Some condos are goin in down there. You've got all these other things goin on. We're doin the infill. That's the first goal of the 2035 plan. This one doesn't fit it whatsoever. Goal 2, promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households. They're not tellin you that. Next, and again you'll have to go to the report, I saved this for ya. They did an online survey, over 3 % of the community answered. Most pressing issues facing Waynesville. Jobs and economics, next growth management 34%, redevelopment 30%, affordable housing 30%, housing development 9%. Last and least in the introduction in the traffic plan. Comments avoid becoming Asheville or Atlanta, we need housing with mindfulness. Concerns over density and keep in mind why people moved to Waynesville. Promote local businesses and shops. We're doin that with our builders. So in terms of just the 2035 plan the goals are all backwards. The infill is going up and it's going on at a pace. So, you can either fill up the sewer with outside

projects that people are gonna hit and run from this community and you're goin with rental apartments, the average I've seen 2 years that somebody stays in an apartment. You're gonna have all these citizens livin' on that road and we're gonna deal with new drivers every month negotiating those roads. You've seen the speeds go up in town. Work with local agencies to address the housing shortage, promote a living wage, and increase Waynesville's medical health and wellness resources part of the growth. Create walkable and attractable neighborhoods and commercial centers. It's repeat through here that I think it's good lip service to be frank with ya. We get , well there's no sidewalks there so I guess we just have to do x, y or z. Well, I know where we live, you can't put sidewalks there, so sometimes you have to look, ok this development fits the box and that's kinda what we heard a lot about Sunnyside. Well, some of you felt and you may be so if it fits in there, we have to allow it. Well, how about lookin where those cars are gonna go, do you owe, I mean ask yourselves do you owe any safety to your citizens? You look at those streets. I won't go through all the pedestrian workabout but it comes from the 2022 plan. I like my wife was on there, the Town of Waynesville is a safe and healthy place to live, work, learn and play. Our community is, our town's a community where walking is a major travel mode. Provide pedestrians convenient, safe and enjoyable access and mobility throughout the developed portions of town. That's directly,

beeping

Bob Clark- One minute warning. That's a peg right there that's your 2035 Land Plan adopts in the ordinance, adopt these to what they speak repeat through it. That we adopt and recognize these. So right there, this plan is going to totally violate the vision right off the gate of making this a walkable community. In terms of, the end of my time, is that we gotta slow down. We just do. Let our local builders, you know it talks in here about local jobs, you know what this company is gonna do we believe, there gonna bring in modular units and their gonna bring in their crew. I don't even know if their gonna buy a nail from Lowe's or Haywood Builders. They're not gonna employ anybody locally and then their gone. We're still here. And we're already working on paying twenty...

GH- You need to finish.

BC- the last thing I want you to remember. We're paying 20 thousand dollars worth of fines. I do look forward to the new memo because this is apparently an incorrect or inaccurate one that was done 27 days ago. Thank you.

GH- Thank you.

BC- I just want to make sure I passed out that little to let you know, Janet and her compadres, we walk and we talk in the community, just wanted to explain what that was.

GH- Walking and talking, I figured as much. Travis Bramlett.

Travis Bramlett- I think I am just gonna defer, I'm ok.

GH- Anybody else who would like to speak and hasn't been called on? Does the board have any questions to ask before we deliberate?

Ron Sneed- You might want the developer to respond to, or maybe Elizabeth will be able to answer some questions.

GH- All right. Um, so I think we have a couple things maybe for the developer, um. I'd like some sort of..

Jake Libaire- Do you need me to like clarify on some comments?

GH- Yes, come up.

Jake Libaire- I just want to speak to the old plat that Ms. Cason referenced from 1920 and the subsequent plats and agreements after that. SO our attorney and our title company has looked at that extensively, um it's very convoluted. A 1920 plat created a right-of-way through our site. A 1961 plat kind of altered it slightly, then in 1991 the right-of-way abandonment agreement um, terminated part of that right-of-way which then became Preservation Way so the legal description describes what is now Preservation Way. So that public right-of-way became a private road track which is now Preservation Way. They did not abandon the rest of the right-of-way through the site. So, in 1920 there is a JR Thomas plat which is that fuzzy image you have there. Created that, dedicated to the public, uh and that, we believe that still exists, so we believe there is an unopened right-of-

way that goes through our property that connects to Preservation Way. In order to get title insurance, we had to show the title company that we have no building or vertical improvements in that old right-of-way. So if the Town ever decides to build a road through our site, they have the right to and we will not be obstructing them with any permanent improvements. So, that whole right-of-way follows our access drive and then it stoves at the end of Preservation Way near the Bloomer's house. Uh, and that's the only way we could get title insurance. So it was looked at very closely and that's the conclusion our attorney and the title company came to.

Citizen- Well the problem is you have an opinion to the contrary. So we're not lawyers here. I think until you move this little cloud that appears to be on that right-of-way, I don't know how we move forward with this? JL- Uh, the point that Ms. Cason made that Overlook Drive will never be used for accessing any properties, any new homes or anything like that. Overlook Drive ends at our eastern property, so it does not connect to Hillside. That stretch from our property line to Hillside is the old right-of-way from 1920 or 1921. So that is, was not part of that 1991 agreement and I understand you're not an attorney and frankly, anyone can write up a legal brief and present it and try to cloud a title, but it doesn't actually do that. Uh, I'd be happy to have our attorney come up and clarify it.

GH- that'd be good.

Bob Ellis- My name is Bob Ellis from the Asheville Law Firm, the McGuire Wood and Bissette. Mr. Libaire is right, our firm has looked at the document that provides title to the property and the attempt to close, the attempt to block it, in Asheville there are ways you can do that, but in this case those ways were not followed. So it is our opinion that the right-of-way still exists. Now they have said that they don't plan to build on that, and if the project goes forward, there are ways they can ask this town to close the right-of-way, but that's not happened yet. Chuck, I respect him a lot, but I think in this case, the actions that were taken to record to withdraw that right of way from dedication just aren't accepted.

GH- I have a question, What does that ordinance say about us um, you know where I'm going.

RS- All of a sudden, you guys are judges in a property case and that's not your role. And I don't know a good solution you have opposing legal opinions on whether or not that right-of-way exists or doesn't exist. And I will tell you in a hurry, that I can't sit here and analyze that in a hurry.

GH- and I won't do that either

RS- but the things that you gotta look at first off is the withdrawal properly done by the proper people and for that matter what does this description describe. Description of it being closed might have gone away but Preservation Way is there now so your back where you started from. Again, that's your opposing opinions and I don't know your answer and you're not in a position to answer that. Um, and I don't know how to tell you to answer that. A third thing that is a separate opinion that is for this Board, as an attorney directed by this Board, might look into that but I don't know any other way to do it other than court to prove an easement and that shouldn't be the town's job

Board Member- I agree, I think the legal process has to work its way through before it comes back here, that's my own opinion.

GH- Did you want to say something?

Applicant Attorney- Nothing in relation to that but with respect to the sewer capacity um, I would say that your planning staff and their consultants have said that there is adequate capacity for this project to the next one and I don't think that it would be a sound base for a denial if y'all were to deny this project on that basis. You got the opinion of these experts, so, and similar respect to traffic safety and property values. If this were an official hearing, which I understand y'all used to do you would require expert testimony and had they spoke on some of what they said, I would have objected, but it's not that kind of hearing today is it. It is an administrative hearing to approve a site plan, and as I understand it is a use by right in this other classification and we ask that y'all do that.

Patrick Bradshaw- Madam Chair, Patrick Bradshaw 52 Merry Gold Court, I am with civil designs concepts and we represent the court's property as well on this project and just to hit on a couple of items. Again, and a

simple reminder of the type of process, this is an administrative hearing um for a major site plan approval. You heard clearly from staff that they recommend approval of it um, they know the book as well as anyone in the parts and pieces of that pertain to site plans of any variety minor or major, um, to the sewer specialer consent again that is there is a number certain, that is 155 thousand gallons. Ms. Clark denoted we have been working within that for some time now the Town has largely. At some point as Ms. Teague eluded to, that day will come when that 155 thousand gallons is extinguished, it also takes time to build things, um you know so again we have, the town has, we as a town have a consultant, McGill and Associates, who has spoken to that as well as we have a civil engineer that there is capacity available at the sewer plant, um I will just remind you of that. General infrastructure matters, you know, curiously it's interesting to hear 3 or 4 instances of single-family homes causing storm drainage issues on downstream properties which is not all that in ordinary. Um, curiously, single-family homes, fly below the radar on the threshold for storm water management practices. Um, they just don't develop, they don't, um if they don't have like 24 thousand square feet of impervious area, well then you could build a 20 thousand square foot home on a 2 thousand square foot driveway, or whatever the case might be and have to do zero stormwater management. Um, this property will be employing stormwater management practices as Ms. Grooman noted, so um, and then again to the right-of-way matter, you know, I think that this is not the place to decide that, would be my opinion. Mr. McGowan, I'm not different then you, I'm not an attorney and I don't portray to be one but at the same time I would simply encourage, I don't think that this venue is the place that that issue will be resolved. Um, I would say that that is in a court of competent jurisdiction and it behooves any developer, set aside this project or this process, if they start to embark or encroach on an easement right-of-way or otherwise that does or does not exist, there is a path and a vehicle, there is a path to play that out, and it's not to come back to the Planning Board to resolve that. So, for you to portray that you think the project would not go forward until that is cleared up, I think is simply erroneous at this place and I would encourage you to re-think that position. So, thanks for your time and I'd be glad to answer any other specific questions you might have for me as I stand here today.

GH- Anything? I have a question for staff. Elizabeth, um for the SOC .. um, maybe, for the SOC, um, Board takes staff recommendation and that takes it, um, receives staff information.

Ron Sneed- Correct.

GH- And we consider that vetted?

Ron Sneed- Then it's not just the staff information, you've also got your report from the engineering company that you've got.

GH- So that we have other information, this Board cannot determine whether that's, other information is erroneous or correct. What we have to do is take our vetted information.

Sneed- Yep, you work with the information you have and not the speculation.

GH- That makes sense.

Board Member Don McGowan- I guess, so we're gonna be within 1200 gallons of capacity

RS- Is that? And again when there's a new report out, I don't know whether its 1200, but Elizabeth can probably answer better than that. But if you reach that cap would that stop single-family reno or construction?

ET- No, no, so Ms. Park brought up a really good piece of information and unfortunately the memo she was sent was not the memo that was correct. So I want to just clarify: you are absolutely right in bringing that forward, um, that is a memo that I wrote, it did have an addition, actually a typo related to these two projects, but since that time we've been keeping a tracking spreadsheet. And what the SOC covers is sewer extensions. This is not single-family homes that are connecting to existing sewer lines on roads where they have access. And it doesn't apply to properties where sewer already exists. Now it should be noted, that there was some sewer line on up to this particular property at one time. However, we felt like we should take it as, for something of this scale, it's based on what we base the SOC off of, which is the number of (inaudible) bedrooms .

Since the date on that memo, we actually received clarification on the number of bedrooms, which was , uh, different than what was originally projected. So, I just want to make it clear that we're working with McGill and

Associates and with the state to look at larger projects to make sure that we're staying within what we're allowed under our SOC.

GH- And that's for future projects?

ET- These are future projects and these are projects that started, the SOC started in 2021, right, so it's 2021 at that point forward. So, um, I just wanted to make sure that you had both copies of the letter from McGill and Associates for each project um, as well as, our public services email showing that they could provide water, sewer and power up to these projects. And then I also went ahead and attached the running spreadsheet of SOC. And what we have is a list of, what you'll see, a list of projects that we've approved Since January of 2021. And then we have these two projects that came to us which put us under the 155 gallon per day threshold but really do get us up to that bubble if you would where we need to consider each new development as it comes in. And we might have to say no. And that's why we're tracking. But at this point, for these two developments, we can't say that we don't have enough sewer capacity because we do. Um, and that's our limitation as a staff. And that's our limitation going forward from the state.

GH- Ok. Michael, anything? Don? Tommy?

Tommy- No

GH-Robert?

Citizen: Ms. Hahn, let me, very briefly question, if the information we brought be vetted and we dropped 20 thousand

GH- I don't think I can let you do that.

Citizen- Can Mr. Stines speak to that

GH- Ok who's Mr. Stines?

Board Member Barbara Thomas- Jeff Stines, Public works.

ET- He is our public works director.

GH- Oh sorry, Jeff do you have anything to add to the conversation?

Jeff Stines- What was your question?

Speaker- If someone from the town would verify we did pay 20 thousand dollars in fines last year.

Jeff Stines (JS)- We did, I want to elaborate on those fines. We get fined for being out of compliance at the waste treatment plant. So, those out of compliance issues are not with the capacity, so to speak, we had inflow and infiltration issues. When we had all the rainfall events, of course we took that water into our sewer system which it basically washes out at the sewer plant. And when I say wash out, I don't mean literally wash it out, it gets us out of compliance with our TSS's and our BOD's, which the primers that the state has set, it's in the SOC and I won't get into that a lot but it throws us off on our numbers as far as testing within the sewer plant. So, as far as the fines, their not directly related to development. Their related to inflow and infiltration, which we are addressing daily. We're replacing pipes, we're repairing pipes. Uh, I think I heard you talk about Bellevue Drive, we have dug up several times there is a, we get large root balls outta there, when we dig that up. As we do other places. Um, that's just, defending the town a little bit those trees are not the towns, that have grown into the sewer lines and inflow into the sewer line and that's what stops it up. So we do get large root balls up, specifically that area.

Citizen- that was me, *inaudible-multiple speaking*

JS- So, yes, we have paid 19 thousand something in fines since the SOC went into effect. That is, you can look back and have all that information. Be glad to share it with whoever wants it. Every one of those fines are related to a heavy rainfall that we had.

GH- Thank you

Citizen- All of our sewage as well and the rain puts it over top, correct?

JS- It will, yes it will

Citizen- so more sewage coming in will put us over the top?

GH- So Mr. Cook I think I have to ask you not to speak out, but I appreciate your, but I would also like to make sure that the fines that the town incurs are not the business of tonight. I'm sorry, I know that's disappointing but our job is to look at our ordinance book. That's all. And I know that's, I can't..

Citizen- Can I speak, I didn't get a turn to speak for uh, just five seconds? I wanted to speak on Allison, but since this came up I also want to add something ** inaudible**

BM- how do we do that?

GH- I think it's the Chair's

Sneed- It is the Chair's call

GH- I'd rather not, I'm sorry, we've got to deliberate and take on another group. Um, you are coming up to speak on Allison though, right?

Speaker- yeah, I'll just sneak it in there with that one.

GH- ok, so I'm about to close the public hearing but I have something to say. I'm a citizen of the Town of Waynesville. I live in the ETJ. Do you know who my new neighbor's gonna be?

Citizen- Jiffy Lube.

GH- 84 units of rental property, two doors down from me. You think I'm happy, I'm not. We're losing all of our trees, this property conserves 2 acres or more of trees. I understand how difficult this is. I don't like it because of the change that we see but you have to understand what this Board's role is. We have to take the book and we have to compare the application to the rules and regulations of the Town and State. Some of the things that you've brought up we can do nothing about. So, I know you're gonna go home disappointed if we don't rule uh, have the motion approved in the way you'd like to see it. But know that that's not this Board's job and it's the State of North Carolina which is pro development, came out of Raleigh from your legislatures who have put new policies and procedures on all local planning boards. And all we can do is go by the book. So we're not voting for or against development, or you, or our neighbors, we're looking at the book. And I'll get off my soap box because I really appreciate you coming in, standing up. I know it's difficult to be in front of people, particularly when you feel you may be losing something valuable. And I, we understand that. And we would encourage you to stay involved and to come to some more meetings. There will be more opportunities to help form local rules and regulations. So thank you for your time, I'm going to close this portion, so that the Board can deliberate. Ready?

GH- OK, um, may I ask the Board. Did you see during any presentation tonight where we're non-compliant.

Board Member- Well, I'm not 100% sure on, I'm still working with the what do we do with the initial plat versus what gets done after so let me just look and see.

Board Member- If I, if I'm right or not, one of the considerations we have, is it has to be compliant not only with our ordinances but with the land use plan as well is that right?

Ron Sneed- Your Ordinances fall from the Land use plan what you're battling here tonight in what is a new Land Use Plan that ordinances is yet to be caught up with. It's so your stuck with your ordinances,

Board Member- So we cannot consider what's in the Land Use Plan.

Ron Sneed- It's a consideration but this is a very administrative thing, it's a checklist as the Chair said. Here's what the ordinance says that we have to have, do they have all of 'em. It's not gonna be a matter of whether we think you should pay attention to this part of the comprehensive plan and not that part of the comprehensive plan. I don't think it would be good to turn your decision when working from the comprehensive plan.

Board Member- I guess what my concern is and I hear you, the Pigeon Street community is a very special, very historical community in Waynesville. And to plop 60 apartments right in the middle of it.

Ron Sneed- But that is a decision made by the Aldermen when they adopted the ordinances 7 years ago.

Board Member- They also adopted the Land Use Plan.

Ron Sneed- but they haven't changed the ordinances yet, your just, again, you guys are still accustomed to a quasi-judicial hearing and you could add that leeway to some of this kinds of stuff. This is an administrative

hearing it is a check 'em off and you can't turn your decision because the Aldermen should have modified the ordinance *inaudible*

Board Member- it appears to be a gloom cloud over this development that we cannot reconcile tonight. That's gonna have to wind it's way through the courts presumably. I don't see how this Board can approve this until this takes place, and then they can come back.

Ron Sneed- Part of that answer is, how do you get, how does that get to court. Do you make a decision that the plan meets everything else, it meets all of the conditions and then the question is, the access question, which isn't, really spelled out as a requirement in the plan approving.

Board Member- But don't you have to have access?

Ron Sneed- Sure, you could get a plane and make it fly in. I think the easement shouldn't be outstanding to them..

GH- Not for us.

Ron Sneed- on whether it be approved or not. And again, it's hard reading when you read the ordinance but when you read through it, does it comply with all the provisions. And I went and re-read it all last night, so it would be fresh in my mind but access is an issue ah, for them, it may not be on your checklist to approve the site plan. That's just something that you deal with, same as they only have to prove that water and sewer is readily available and the capacity is there. Not that the plumbing's in the ground. Uh, you had hearings where water and sewer were available, not directly to the property. The site plan was approved, but the burden was still on them to get the easements to get that water and sewer to their property. Access may be very much the same here, if you approve the site plan, it's still up to them to make sure their easement is solid and they can have access.

GH- Uh, Olga, I have two questions concerning possible additions..um, civic space is very minor on LDS 7 .2.5 a minimum amenities: one more bench will be required, is that a condition or is that something that...

OG- It's not a condition. We're at this point in the master plan stage, we're looking for overall in compliance and very minor things like receptacles or one more bench um, can *inaudible* at this point, we are concerned with the compliance, in which they have achieved and exceeded. With the type of civic space, the size of civic space and central location is accessibility and they comply,

GH- And so the only condition would be to clarify the building height,

OG- That's correct.

GH- So, Ok, Robert.

Robert- I had one. I hate to go back to the utilities but in the third bullet point where it talks about um, there's an existing sewer on Belleview that is adequately sized and they plan to connect to that one therefore avoiding runoff but one of the developers said he didn't plan to use it for sewage but that he might use it for runoff. Stormwater runoff and I don't know if that should be a contingency that he can't use it or is it a problem? I couldn't quite understand.

OG- I would like the developer to speak to that, but easements are there, but I would like to go over to speak to that.

Robert- When you're saying the easement is there, are you saying, he has the right to do it if he wants to?

OG- Yes

Robert- Then I don't need anymore discussion

OG- Ok, and Board Members you have Exhibit 7 which is a letter from the Public Services Director, just to add to the utilities for the parcel in question For the two pins, The Town of Waynesville can supply water, sewer and electric to this property based on the capacity you requested the Town of Waynesville can supply the demand of water, sewer and electric for the records pins, If you have any questions and contact for Director of Public Services. Thank you

GH- Um, Board Members, you know we have a subcommittee looking at updating the ordinances. Those have not been adopted. However, the developer pulled our working plans and they exceeded what the subcommittee is going to likely be proposing, so not only do I find where their nothing out of compliance but

they went above and beyond to find out what our, trying to meet our new vision plan of 2035 and they blew it out of the sky.

Board Member Marty Prevost (MP)- what about sidewalks?

GH- Marty?

MP- What about sidewalks? I know we can't, *inaudible* to build some for us because I know they don't front

GH- the community doesn't have sidewalks right now and they're walking.

MP- *Inaudible*

GH- I know it's a very narrow road, but we saw this at SunnySide but again we have no jurisdiction over those roads. Not this Board, not this Board, we can't. Olga?

OG- If I can Madam Chair, the property is landlocked. They offered a sidewalk over the right-of-way and they have good pedestrian connectivity internally. Also going to the side of Belleview we cannot require the developer to make sidewalks away from their property as we cannot require them to build new fire stations just because the capacity is there. Within the requirements, they are compliant. And they are providing

internal connectivity and connectivity to the entrance of the neighborhood. Thank you Madam Chair

GH- Thank you. All right anymore deliberation? Do I have a motion? We need a motion but we do not have to do a consistency statement. That's the next one. So we just need a motion to approve or deny based on the four points on page 13.

Board Member Tommy Thomas- I move we approve it.

GH- Do I have a second?

Board Member Michael Blackburn- I'll second it.

GH- Discussion? Don?

DM- I don't know, I hear you Ron. Let them resolve their legal issues first and come back to us, that's my feeling on it.

GH- your point is on the legal cloud.

DM- Right. We can't on the things we can't control, the legal issue is one..

GH- Marty?

MP- The legal issue bothers me too and I know the players in there from when the agreement was written. So I do think that's a cloud on them or on that right of way .

GH- So if it was a legal and then the Board and the Town have nothing to do with and the two parties go to court. How does that impact us tonight?

DM- They come back to us when they have it resolved.

Board Member- Yeah it's not our jurisdiction

GH- I don't think that we can do that

Board Member- It's not our jurisdiction to make that judgement

GH- We recognize it

MB- That's right,

GH- Like we recognize that Sunnyside is a very narrow road. But, is it, we can't fix that. Right?

Sneed- that's an awkward one for me to try to advise and recommend at this point. But, you've got information that covers it sounds like, that's the only issue when you find that maybe they do or don't meet the checklist of the ordinance.

GH- And it's not on the checklist.

Sneed- It's not on the checklist.

MB- Correct.

Sneed- And if you approve it, and let them figure it out, or you deny it, that possibly opens up two doors. One is to appeal your decision and second is they'll be back or they can't come back. And that's be delaying there. But it is a problem, maybe, like I said it's too much for even me and I've been doin law forever to sit here in a few minutes and say take a fifteen minute break and I'll give you an answer, uh, it's a lot of work. But, it's not

on your checklist, it's an issue they gotta resolve before they can build. And if you approve the site plan subject to their ability to affirm that they have good access before they build you won't, at least they won't be back....

DM- Do we put that in as a stated contingency?

Sneed- Not a contingency, just an acknowledgement.

GH- An acknowledgement.

Ron Sneed- It's nothing for you to decide or approve but it's an item out there for them to resolve.

MB- It's not on the checklist, it's not something we can say no to it. But definitely as Ginger just stated, they are already well within compliance. Well within the new form of compliance so if we were gonna deny it on something we can't deny it on.

GH- then we're not doin' our job.

MB- That's the way I see it.

GH- Another alternative, if we were to deny it, um, another developer could come in and somehow resolve it and build it.

MB- They could double it.

DM- Well, that's true it's not in what we do though, we can't do anything. We have to absolutely do the checklist.

MB- True.

DM- It's not quasi-judicial anymore. As much as we wish that it was.

GH – All right, you ready to call for a vote? All in favor?

Board- AYES

GH- All opposed?

GH- All right, thank you , lets take a 5 minute stretch and come back at 5:10.

GH- Call to order please. Could you take your seats please. All right Board, are you ready? Ok we are going to open the second hearing for tonight. This is a conditional district hearing. This is a public hearing on a conditional district rezoning request. This process is established by the Town's ordinances and north Carolina's general statutes. You are advised that the Planning Board is tasked with making a recommendation to our Board of Aldermen in regards to the merit of the site plan and conditions requested by the applicant. This is treated as a site specific rezoning in which the master plan becomes a regulatory zoning for the parcels in question. If anyone desires to provide public input, you must first sign in, and then you will be granted up to 3 minutes for comment. You may be granted up to 10 minutes for comment if you are representing 3 or more people. And in the interest of time if your point, or points have already been addressed, please come to the podium and let us know if you are acknowledging that somebody has made your points so we can enter it in as a record. The Board must determine if it has enough information on which to make a decision to approve or deny the application. The Board can continue a hearing if they feel more information is needed from the applicant. This hearing will proceed as follows: 1 staff presents the staff report and analysis then the applicant will present their project. Board members will be allowed to ask questions of those presenting. The public will be allowed to speak. Board members will be allowed to ask questions of the speaker. And the chairman will ask for a motion to close the hearing to call for Board deliberation. It is incumbent upon this Board to preserve an accurate record of what transpires therefore we ask you to observe some rules of conduct. First do not speak unless you have been recognized by me and are standing at the podium. Secondly, please turn off your cell phones, and refrain from side conversations and distractions within the audience. Thirdly, when you arrive at the podium please state your name and address for the record. After public comment I will close the public hearing for Board deliberations at which time there will be no further comments unless the Board seeks clarification or has questions of, has questions for speakers or staff. All right, Byron, if you could.

Byron Hickox- Thank you folks, good to see you. We are as you said looking at a conditional district map amendment application for what is referred to as the Allison Acres townhome Development. The proposed project consists of 59 two-family and townhome dwelling units divided among 24 structures on 7.7 acres. You can see on the screen there, it is 4 different properties that when totaled are 7.7 acres. The units will be

served by a network of interior streets with perpendicular parking spaces, pedestrian pathways, designated civic space, and associated infrastructure. The plans for this project were reviewed by the Town's Technical Review Committee, TRC, on January 26, 2022, and revised plans and complete application were received March the 2nd, 2022.

Notification for the hearing was in the Mountaineer on March 9th and 16th. Notification letters were mailed to property owners within 500 feet of the proposed project sites on March 4th. And the four properties were posted with signs indicating an advertisement of this meeting tonight on March the 4th. The developers also held a neighborhood meeting on March the 9th, it was held at the Pigeon Street Center. It was fairly well attended.

Again, this is a conditional district application. According to the Land Development Standards, Section 15:

Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with General Statute 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development.

A Conditional District is similar to a text and map amendment in that the Planning Board holds a hearing and determines whether the request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. The Planning Board makes a recommendation to the Board of Aldermen, which then holds a second public hearing, considers a statement of consistency, and approves, denies, or approves with conditions the application. So the things that you, the Planning Board should be considering are compatibility with surrounding properties, area impacts and adequate facilities, infrastructure, etcetera. Building and site design and compatibility with the immediate context.

If approved, the site plan and conditional district designation replaces any conflicting regulated which would otherwise apply. The board may therefore recommend reasonable and appropriate conditions including, but not limited to the location, nature, hours of operation and extent of the proposed use. Such conditions or additional standards quote and this is quoting from the Land Development Standards "shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site." End quote. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either this Board or the Board of Aldermen prior to final action. The developer is requesting the creations of a Conditional District incorporating the following conditions. So if you take a look at page 73, if yours printed like mine did, you have half of seven and half of three. It's the second page of the staff report. These are the following conditions that the developer is requesting as part of their conditional district. Reduction of lot dimensions and setbacks. The intent of this project is to maximize open space and to create fee simple lots for each townhouse and duplex unit. Lot lines will run down party walls and extend behind and in front of each unit, providing small private yards for residences. Therefore, the proposed lot sizes, lot widths, and setbacks will be less than those allowed by the Land Development Standards. Specifically, the following section of the Land Development Standards Section 2.4.1 would not apply. And that is the table of dimensional standards, if your familiar at all with the Land Development Standards that's the most commonly looked for number on that table is where are your setbacks when you want to build something on property folks want to know what their setbacks are but it's full of lots of other dimensional standards. Specifically, these sections would not apply: 3a, lot area, proposed lots will be less than the required 1/6th of an acre; 3c, lot width, proposed lots will be less than 50 foot wide; and 4a, front setback, the two-family and townhome units may be closer than this section allows. Streets and off-street parking. The proposed road network and associated off-street parking are designed to provide adequate and safe access for residents, fire and EMS, while minimizing pavement width to reduce impervious area and allow for more open space along with a significant trail network. Despite proposed lot widths being well below 50 feet, no alleys are proposed, which minimizes both impervious surfaces and the prominence of the automobile in this project. The road network and parking more closely resemble a cottage-style

subdivision, with clustered perpendicular parking in front of the townhouse and duplex units (instead of independent driveways and garages for each unit). So that's what would be fairly typical in an even smaller development than this, would be sort of driveway in front, garage facing the front.

The third section, that would be different from what is required would be section 5.8.4 A and B. No garages are proposed. Off-street parking will not be accessed via alleys. The initial site design concept that Quartz Properties has presented at the TRC meeting adhered to the rear loaded requirement for narrow lots found in this section of the LDS: the result was an extensive road and current layout, which has off-street parking located in front of the dwelling units, coming directly off the right-of-way. Eliminates redundant alleys and maximizes open space.

Section 9.4.2 B3. Townhouse units will have associated parking that does not adhere to the entering and leaving in a forward motion requirement. Vehicles will enter parking spaces in a forward motion and leave by reversing. All the spaces proposed are perpendicular to the vehicular direction of traffic. And finally section 9.4.2 C. Parking for townhome units will require vehicles to back into the right-of-way. So that's another section of the ordinance it references vehicles not backing into the right-of-way.

Zoning compliance. The properties are actually within.... I am going to click forward here if my batteries are not dead, there we go. I'll go back and forth real quick if you'll pay close attention you can sort of see, do you see the four lots. The southeastern most lot, is actually in a different zoning district. So, zoning districts have a stop and end somewhere and they happen to meet here between these, the fourth and the other three properties. So, the entire development will be located within two districts the East Waynesville Urban Residential District and the Raccoon Creek Neighborhood Residential District which have purpose and intent statements laid out in the Land Development Standards.

The East Waynesville Urban Residential District has a maximum base density of sixteen units per acre, while the Raccoon Creek Neighborhood Residential District has a maximum base density of 10 units per acre. The proposed density has a density, um, the proposed project, excuse me has a density of 7.6 units per acre, less than the allowable density in either of those districts. The plan exceeds the minimum set back requirements from the outer property lines, which is 10 on the side, 6 on the rear, 6 feet between buildings. The closest buildings to an exterior property line are two buildings in the northwest corner of the development. Click ahead here, here we go. Up in the northwest corner there are a couple that are approximately 14 feet from the property line. So, they would still meet the setback requirements from the outer property lines. Building height in both of these districts is limited to 3 stories. This project proposes buildings that are two-stories. Let's move on to building design guidelines. There's a little bit of a differentiation, first of all, the word townhome and town house can be used interchangeably and are actually used interchangeably in a couple places in our ordinances. So if I say townhouse or townhome those aren't two different things, those are the same thing The reason however that I'm saying two-family dwelling as well as townhome, is that if you look there in your staff report at the very bottom of the page, Page 74, the last paragraph. Our land development standards defines a townhouse is a building with three or more attached units that are located side by side. The use permitted within the building is determined by the district in which it is located. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The Townhouse typically has one yard (rear) through variations including a small front setback. So, it's 3 units or more that share a common wall.

GH- What's a two unit called?

BH- Two family dwelling, or most of us would just say duplex, but the bureaucratic speak in our Land development Standards says two-family dwelling. So a single-family dwelling is just a regular old house. Two-family dwelling, nearly everyone would call it a duplex. And then this particular configuration because they share common walls between the units of three or more, it's a townhome or a townhouse. So you'll hear me refer probably multiple times throughout the rest of this to a two-family dwelling and a townhome development. Just to be specific and make sure we cross out t's and dot our l's.

GH- ok

BH- So building design requirements. The proposed structures appear to meet nearly all the Design Guidelines for two-family dwellings and townhomes. The roofs are sloped as required. However, the LDS states that 'flush eaves shall be finished by profiled molding or gutters,' and these appear to be flushed eaves with no molding or gutters. So, as I go through these items you may want to mark them. I have a feeling the developer may address these items, but these are the things that we found when we reviewed the elevation drawings that we were given.

Front and rear stoops are proposed, and the entrances are raised approximately two feet. At least 15% of the area of a façade that faces a street line must be windows or main entrance doors. Windows and doors comprise approximately 30% of the front facades of these proposed structures. Windows and doors comprise approximately 22% of the rear facades. So they've got good numbers on the windows and doors.

At least five architectural features from a list found in LDS Section 5.8.5 B shall be provided to achieve detailed design. The following features from that list are shown on the proposed structures: gables, stoop entries, offsets in the building face, window trim, balconies, and a decorative pattern on the exterior finish.

The materials are primarily horizontal lap siding and board and batten siding. The LDS states that residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, asphalt shingles or synthetic materials similar to and/or superior in appearance and durability. The proposed roof materials were not indicated on the elevation drawings that we got. We did receive some recently that indicated that the roof, proposed roof material is standing seam metal. Which would meet our standards.

Connectivity and infrastructure. Each of the proposed dwelling units addresses an internal street system which you could take a look there. You'll see that the grey is the proposed streets. And I know that this is maybe a little difficult to see on your screens with it just being a black and white line drawing but the grey is the internal street system. And then the sidewalks you can see quite an extensive network of sidewalk and pedestrian connectivity throughout. Yet again it may be hard to see, the developers may have an additional drawing that might help you see that. Let's see where did I leave off. Each of the dwelling units addresses an internal street system connected to Allison Acres Drive and Counsel Place, which each connect to East Street. Drive lanes are proposed to be 20 feet wide throughout the development and block lengths are all less than 500 feet.

Sidewalks are provided along the frontages of all interior streets and connect to the primary entrance of each dwelling unit. So each dwelling unit, you can literally walk out the door, step onto a sidewalk that connects to the entire rest of the sidewalk network throughout the proposed development.

Water, sewer, and electric service is available from the Town of Waynesville and can supply the projected demand for this development.

Civic Space as I referenced earlier the original plan that was brought to us had a network of alleys that addressed the buildings from the rear and some other changes. And as I referenced in there earlier as part of the staff report that led to a lot more impervious surface being created. And it probably still would have fallen under the allowed amount but the developer wanted to provide a little more open space. With the elimination of those alley ways in that sort of, they felt like that sort of was redundant if they can figure out a way to do the parking in a configuration like this and create more civic space. LDS section 7.2.5 specifies requirements for seating within civic spaces. The site plan does not indicate any seating within civic spaces. This section also specifies that at least 25% of the civic space land shall be dedicated to active recreation such as playgrounds, tennis courts, ball fields, volleyball courts, etcetera. The remainder of the park may be designed for passive purposes such as walking, jogging, cycling, relaxation, etcetera. No active recreation equipment, fields or courts are shown on the site plan that we received. Within both of these zoning districts, a minimum of 5% of a development shall be dedicated to civic space. With a total of 7.7 acres, this proposed

development requires a minimum of zero .39 acres of civic space. The site plan proposes 2.11 acres of civic space, comprising 27% of the total development.

Landscaping. Because the proposed development is located within these two districts, East Waynesville and Raccoon Creek, and is surrounded by properties that are also within these two districts, no buffer yard is required on the exterior boundary of the proposed development. However, street plantings are still required in the zoning districts at a rate of 1 canopy tree for every 40 feet of street frontage with a maximum spacing of 50 feet within a planting strip at least 5 feet wide. There are 2,110 feet of proposed street frontage, which would require at least 53 street trees. Only 46 are shown on the plan we received. Additionally, the 50-foot street tree spacing requirement is not met in multiple locations throughout the development.

Parking and driveways. Parking again will be provided in the form of on-street perpendicular parking. The minimum number required is 1.5 spaces per unit, which would require at least 89 spaces. The project proposes 136 parking spaces.

Additionally, one bicycle parking space is required per 20 auto spaces. With 136 auto spaces proposed, 7 bicycle spaces would be required. They were not shown on the current plan.

Entrances to the development will be located at two existing access points, Allison Acres Drive and Counsel Place, each of which again connect to East Street. Because East Street is an NC DOT road, it's actually State Road 1808, for those of you that just are curious. I had to look that up and I don't know if anyone refers to it as State Road 1808 but that is what it is. Any alterations to these existing access points or approaches will require permitting from NC DOT.

And Elizabeth and I, were made aware just this afternoon, just a few hours before this meeting that a gentlemen named Mark Howell, who owns an adjacent property to the development um, has a right-of-way question about access to his property that will be accessed across this and the developer proposes to alter that right-of-way. So I'm just going to defer to him. He will be speaking, he signed up, I heard you call his name. He signed up to speak during the public comment portion.

Environmental. The proposed development is not located within any special flood hazard area. There are no known streams on the development site. The site has no known wetlands. Post-construction stormwater control measures will consist of conveyance pipes and above ground detention ponds to control runoff and water quality. Stormwater systems will be designed to meet the standards of the North Carolina Department of Environmental Quality and the Town of Waynesville.

Let's talk about consistency with our 2035 Plan. The project meets the 2035 Comprehensive Land Use Plan's following goals: Goal one, continue to promote smart growth principles in land use planning and zoning by creating walkable and attractive neighborhoods and commercial centers. Encouraging infill, mixed-use and context-sensitive development. Goal two, create a range of housing opportunities and choices by encouraging new housing inside Waynesville's city limits and ETJ. And promoting a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

So requested actions that you need to consider tonight are: one, a motion to adopt a consistency statement indicating or not indicating that the proposed Conditional District is reasonable and consistent with the 2035 Comprehensive Land Use Plan. And two, a motion to recommend approval, denial, or approval with conditions to the Board of Aldermen.

And there are 13 items that you see listed that are attachments. I'll read over those very quickly just for the sake of the record, if you don't mind, it won't take but a moment. Application for conditional district.

Authorization for an agent to appear before the Planning Board and Board of Aldermen, that's on behalf of the owner. Letter of owner authorization. Quit claim deed for the four subject properties. The project narrative from Quartz Properties. Wastewater letter from McGill Associates. Water, sewer and electric availability letter from Jeff Stines, our Public Services Director. An environmental survey prepared by Civil Design Concepts. The site development plans for Allison Acres. The notice of public hearing that we mailed to property owners within 500 feet of the subject properties. List of mailing labels to whom those letters went.

Photographs of the public notification signs posted on subject properties. And we would just submit the Land Development Standards by reference.

GH- All right, thank you.

Board Member- I have a question. The 20 ft roads, the wide roads, they didn't anticipate perpendicular spaces for parking? Because when you look at this, it looks in certain sections, like it'd be very very tight for people getting in and out.

BH- It did, and all of the twenty, I've scaled it throughout and again if the developer would like to elaborate on this, just in scaling the drawings that were submitted to us, there's twenty feet of pavement from one edge, for instance on the southern border where the perpendicular spaces are only gonna be on the North Side. There's twenty feet from the southern edge of the pavement to the back of those parking spaces. Then in the rest of the development where it's proposed as perpendicular parking on both sides, there's twenty feet of pavement minimum between the back of the space on this side and the back of the space on this side.

GH- So, the perpendicular, where is it where you pull in and pull out.

DM- So do you want to speak to that issue, because we gonna have another subcommittee meeting

BH- Speak to what, I'm sorry Mr. McGowan?

DM- Perpendicular parking.

BH- It doesn't speak necessarily to perpendicular parking but it does speak to the concept of not allowing vehicles to have to back in to the right-of-way to exit the parking that's created for a development. And that's one of the things that they're asking for relaxation of in their conditional district zoning is to try to reduce the amount of paving in the development.

GH- So the tradeoff is less impervious

BH- The tradeoff is you get vehicles backing out into the vehicular use area, the plus side is you get less impervious surface within the development area.

GH- and so this almost develops the roadway as much as parking and uses the pedestrian walkways as more of the walking piece not the roads cause you're gonna be having cars moving in and out. Any more questions?

BT- I also have a question, on page 73 where it's specifically asking for the relax in the ordinances, how far off are they? I mean, is it, proposed lots will be less than 1/6th of an acre.

BH- They're considerably smaller than 1/6th of an acre, because they are actually proposing, and again, I am sure the developer will want to expand on this. Because they're not doing what might be a typical townhome development, where you only own the ground underneath the actual improvement but they want to allow the landowners to have a small yard that goes outside the footprint of the building. It's not a traditional townhome in that fact that it doesn't just own the ground underneath it but it doesn't quite rise to 1/6th of an acre. So, there I actually didn't scale it out, but it's considerably smaller than 1/6th of an acre.

BT - And on the other two are they way far off, is it a problem. I know it doesn't meet the standard.

BH- Right, no, it doesn't meet the standard, um, but that's again for them to create a small yard they either have to create none and be that sort of traditional townhome development where you only own the ground underneath or they give just a little bit of property to create a small front yard that folks have ownership in but it doesn't come anywhere near meeting the minimum lot width or the lot size.

BT- Ok, I gotcha

BH- Does that make sense?

GH- And Barbara, I also made a note on that, what I took from that is we get increased density but we gain more open space, more trails and homeowners or rents or whatever have small yards.

Barbara- yeah and I was just actually verifying that, that was why I asked that question.

GH- Yep, I made a note too.

BH- In reference this may look similar to what you might call a cottage development. Which is something we've been talking about and working on and hopefully working towards for awhile to create some more, as one of the goals of our Land Use Plan is to create some more opportunities for different types of housing that

will appeal to different people, at different price points. Some people want to live in a little bit different styles, so, its certainly similar to a cottage development.

GH- So I've noticed, noted, uh maybe six conditions, should we try to numerate those now or wait till the end?

BH- I would recommend waiting but its at your pleasure, but um then again the developer may....

DM- why don't we do it now so the developer can address the....

GH- well maybe I'll do it after the developer... ok, anymore questions for Byron.

BH- I'm not goin home, I'll be here

GH- You called pizza right? Laughing. Ok, thank you

GH- Yah, yep if you'd come up.

Jake Libaire- Again Jake Libaire, Quartz Properties, 315 Cascade Court, Montana. I'm not gonna repeat everything that Mr. Hickox said he did a very thorough job. He's correct in that we aim to reduce impervious area, or reduce roadways and create more common open space. So, if you're not familiar with a cottage development or a pocket park development, it basically puts, its for homeowners that don't want a big yard. They don't wanna be mowing and weedeating all the time but they want to let their kids run outside, their grandkids, and recreate and be able to see them. Ah, and what this does, is it takes space out of private ownership, puts it in common ownership and that's the open space. And so the HOA or whoever is in charge of common area maintenance takes care of all that space and the homeowners are only responsible for their townhouse and the little area in front/back that's within their lot. And what it does is it creates a greater sense of community. You've got people interacting on these trails and in open space, besides just hiding behind their six foot tall wood fences. Um, it's, we built one in Colorado. It was extremely successful and appeals to everyone from millennials to retirees and everything in between. So it's something that has been around for awhile, it's kind of sustained the style of development. It's getting more popular, in my opinion, from what I've seen. And in speaking to Ms. Teague and your staff, it sounds like your working on an ordinance to kinda formalize this style of development and we really just wanted to differentiate ourselves, more than anything, from nearby projects that are more... I'm not gonna speak ill of anything but just more typical. So, we're trying to provide something different for different buyers and folks that are looking for something different. Alright, I just want to specify that we are actually proposing 59 new units and 1 existing. So, it's 60 units total in the project, which we did outline in our application on the site plan and other places. So, we're keeping the existing house. Which the current owners have put quite a bit of effort and time and money into renovating. And we'll finish that renovation. Um, so we'll be 60 total, but 59 new units. And as far as the architecture and the eaves and everything else, I mean to be honest, we just ran out of time on that stuff, our architect design only provided us with a design of one of the interior units so it showed no eaves. And we didn't really catch it until it was pretty late in the game. The exterior units, the end units if you will, will have eaves, will comply with all the requirements. So, if that needs to be a condition, we're more than happy to accept that. Uh, lastly, regarding the neighbor, Mr. Howell, who lives in the Northeast corner, excuse me, he doesn't live there, he has a barn there. Uh, and he has concerns about access, we haven't had a chance to speak in depth with him about it but we're happy to try to accommodate his concerns if they will allow trucks or tractor trailers to get back to his barn. And, um, I think that kinda covers everything that y'all questioned on. Yes, Ma'am?

MP- What will you use the existing house for, is that going to be a clubhouse or...

JL- Uh, that's one thought, I mean, honestly, I feel like this area needs uh places for people to live more than anything. So, chances are it will just be a private residence. But, it would make a very good clubhouse or community space or something like that. So, to be determined, but most likely I would say private residence.

MP- and are all the bedrooms going to be upstairs, I would presume?

JL- in the existing house?

MP- No, excuse me, in the new units.

JL- In the new units, they're one bedroom downstairs, and then two bedrooms upstairs.

MP- So they're three bedroom units, but you got some two bedroom units too, don't ya?

JL- Um, I think they're all, I want to say they're all three bedroom. If they are a two bedroom design does have two upstairs. So, I honestly can't remember what the mix is here.

GH- You want to go through by list and see if that.. ok so, on our page 75, 2nd, roofs are, sorry, roofs are sloped as required, however, no molding or gutters are indicated on the elevation drawing. Is that something that you just ran out of time to do?

JL- Yeah, so again, they provided us with an interior unit that does not have the attachment so.,

GH- so, we'll make that.....

DM- but there will be gutters?

JL- There will be gutters yes, and there will be eaves on the ending...

GH- But we might make that a condition. Ok, um..

JL- Yep.

GH- The next one is same page, 75, under civic space. Seating and civic space is not given not is active space addressed. Um, if it's rentals, and not HMO, then we might want to make a condition.

JL- And we do intend to add a totlot and that kinda stuff, so that, we would gladly accept that condition, again, if something, we went through so many iterations that by the time we got down to the final one, some details like that just didn't get put....

GH- Ok.

JL- In there, so.

GH- but that's something that's not a deal breaker, is that..

JL- yeah oh yeah,

Gh- Are y'all ok with that?

MP- Do we..

JL- excuse me?

MP- Do we know whether these are for rent or for sale?

JL- Ah, we haven't decided yet. We're kinda waiting to see what happens next door. What we don't want to do is provide too much of the same inventory, if you would. So we haven't decided yet.

BT- who's next door?

JL- The Queen Development.

BT- oh, ok.

GH- Um, and to continue on the next page, 76, under street trees. Is there enough room to put a couple more trees? We need 53, we've got 46.

BT- Well, I thought when Byron spoke he gave different numbers.

Matt Sprouse- I'd be happy to address that.

GH- Yes please.

Matt Sprouse- I'm Matt Sprouse, I'm one of the partners of Sitework Studios, we're the planners for the project and the previous project. And I believe that Mr. Hickox said 53 trees are needed, 46 are shown. We actually have a revised plan that already complies with the.

GH- that's with Byron.

MS-get in line with more trees.

GH- Ok, thank you. Great

MS- Absolutely.

GH- So we don't need to make that a condition.

Board Member – I think it still need to make it a condition

MS- It'll be met as a condition

GH- Ok. Alright, we'll make that a condition. Lets go to number four, parking and driveways. Commendable on getting all those parking spaces in there. Over and above, thank you. Um, bikes.

Matt- Yes.

GH- More bikes, you're right beside a bike shop. Did you know that? On a Greenway.

MS- Yes and I don't think there's any problem adding more bike..

GH- How many could you add?

MS- Well, it's a lot of open space. That um that, I say that we're 20, um 27% of the property being open space. Bike racks, it can be provided in a lot of different ways, for sure, it's individual dwelling units. A lot of times if someone has a bike, keep in mind, they want to keep it inside. So, it's usually the visitors that are bringing their bikes. But we can provide, easily, the seven needed. Meeting that condition.

GH- Seven.

MS- That's four bike racks.

GH- yeah oh, ok, gotcha

BT- This talks about spaces and stuff in there.

GH- Gotcha, um.

Matt- Bike spaces, I consider that a bike rack.

GH- Ok, alright. Um, and I think those were my conditions, anyone else have somethin'.

MS- and there is a rendered colored site map here. I don't have a tri-pod this big, I'd be happy to move this out here. Ok, I'll just lean it up, ok.

GH- and then we can show it to the public.

Inaudible outside vehicle noise

GH- All righty, any more questions?

Board Member- I'm lookin'

GH- Alright, while you look, I'm gonna get organized. Uh, Tina Price will you raise your hand. Are you gonna speak for 3 people? So you'd like ten minutes?

Tina Price (TP)- ok.

BT- I'm good.

GH- ok, thank you. Is that the only party that's going to speaking for, you want to speak for multiple people?

Citizen- No, I'm sorry.

GH- Ok, is that the only party who wants to speak for multiple people for 10 minutes?Alright, does anybody else want to speak. I'll call out peoples names, I have Dave McHenry, Kris Vankalor, Mark Howell, Christine Kavanagh, Charlotte Rogers, Tina Price, Barbara Norris, and Jason, only because I know that's your handwriting can I read it, Jason Rogers, anybody else? Yes, sir?

Citizen- I have a question about the traffic on project roads, a race-way, could they work with the city on putting in speed bumps..

GH- Um...

Citizen- if not, no point in talking at the meeting

GH- Why don't you, go get one of these sheets and bring it up so it gets recorded. Is that ok? Alright, you ready? Tina, if you'll come up to the podium and give us your name and address and ten minutes, ma'am.

Tina Price (TP)- My name is Tina Price, and own the IAS here in Haywood County at 21 Allison Acres, that adjoins this project. And, my concern is when we changed that house to commercial, so that I could put my office there, we went as far as we could on each side to make if for parkin' and everything and I was just wanting to know, How are they going to do the erosion control? Uh, cause you're gonna build up on the bank and I'm afraid when they build, all that will come down. Um, are they gonna have erosion control um, like silt fence and stuff up. Are they gonna build a privacy fence between us and through that's right there on the bank.

GH- First of all, there's no buffer required.

TP- There's no buffer required?

GH- and two, the silt fence is a building permit requirement.

TP- ok..

BH- Actually, it's, if they disturb at least an acre, which they certainly will they will actually be required to get an erosion and sedimentation control permit from the State of North Carolina. So..

TP- Ok and then also um, lets see, our driveways right there, right, it ain't very far from the property line. And I didn't know are they gonna, how much are they gonna expand the road goin' up in there. Allison Acres Drive. You know right now, there's really not that many people that ya know, pass each other, but if you put all those people behind us then they gonna be goin' in and out.

GH- Would the applicant like to answer that question?

JL -Yeah, could you show us where..

TP- yeah right there on East Street, you're gonna be right behind us

JL- Ok

Citizen – We're straight across from the house.

TP- the house is right here and we're right here.

JL The existing house, your across –

TP and Citizen- Yes.

JL- Ok.

ET- It might be easier to see it if.

JL- Ok, so we are gonna widen, just to, to 20 feet.

TP- Ok

JL- It's probably about 14 or something like that right now.

TP- So will you be coming out of your own lot, I mean, are you takin' some of my property

JL- No it will be widen toward our property , so .

TP- All right, and then I was wonderin' about these trees right here. Cause if you come out and there's a tree right there, you won't be able to see if anybody's comin'.

JL- Ok.

TP- you know what I'm sayin'.

JL- Sure, we can

*Inaudible- Multiple speakers at same time

JL- We will, uh, we can work with you on that.

TP- Ok

JL- and make sure that a safe distance is clear.

GH- Ron, is that a condition to meet?

TP-Also, is that goin' to be able to be accessed by a school bus? Or is the school bus still gonna be stopping at East Street and makin' 'em walk back in there?

JL- It'll be big enough for a school bus.

GH- The school decides that.

TP- ok.

GH- Right, the school?

Board Member- yes.

BT- They decide whether the busses fit.

GH- Depending on the number of children.

TP- So when Y'inz go in right here, is there gonna be a like a circle and you come out of it so you can access it both ways?

Citizen- It will be connected.

JL- Yeah it won't be one way, so it will be connected.

TP- Right, coming in and out here ..

JL- Yes.

TP- I was confused on that.

TP- Are y'inz gonna be sellin' the units or rentin' them out.

JL- Ah, we haven't determined that yet so, these are probably 2 ½ years from being completed, so I kinda want to wait and see what happens next door at the Queen Development

TP- ok

JL- We don't want to be competing with whoever ends up building those houses.

TL- Ok

JL-So, to be fair

TP- ok.

TP- Is there anything else you want to ask?

Citizen- The sidewalk on that side

TP- Huh ?

Citizen-The sidewalk.

TP- Oh and the sidewalk, um, you said something about the sidewalks. Is the sidewalk just gonna be on this side?

Board Member- I'm sorry, you need to turn the page.

TP- Like right here?

TP- see cause when you turn in right here, is it just gonna be like on this side

JL- that's where its gonna....

TP- some trees and then the sidewalk. So you won't have sidewalks on both sides?

Just that one. Ok.

GH- So, did I understand that we're going to remove a tree? Does that need to be a condition?

Ron Sneed- we can make a condition, trees are * inaudible background speaker

ET- Hold on, so this is her business, she was concerned about this line of sight right here.

TP- Just one more question. On the parking, so the parking's not going to be in front of these units, it's gonna be on the side right here. Is that correct?

JL- That's correct. It's, it will actually, where you see those stripes, those black lines, those are all parking spaces so there will be some of those in front of the units, it won't be directly in front. Those people have to walk a few feet.

DM- Are those uh small, how do you access the back? Is it wide enough for two-way traffic?

GH- Yes

JL- Yes, It's 20 feet between is the traffic law, so 2/10ths of the travel lane.

Board Member – Between when you're going from one parking lot of the development to the other, those are 20 feet?

JL- Yeah , it's all, anywhere you can drive, it's 20 feet wide.

GH- Thank you Ms. Price.

RS- Madam Chair, we were talking about trees and intersections, I think we have some other regulations they have asked to be varied that require a clearance for line of sight intersections, so you may not need to talk about the trees at the intersection

BH- So that's right, if I could, occasionally we have a development and it looks great on paper and then once it comes to actually putting it on the ground, we'll have the developer call us and say I know there's supposed to be a tree right here but it looks like a problem and maybe we can make some staff discretionary changes by a few feet here or there because you're absolutely right, the Town can't require a tree just because a tree is supposed to meet this magic number but then it violates our requirement for site triangle, for safety for traffic, and pedestrians so we can make some small variations in the location of a tree or a landscaping features if it's a site triangle violation.

GH- Ok thank you.

BT- So it doesn't need to be contingent?

GH- It does not. All right. Uh, Jason Rogers, you came in last, but I'm gonna put you up next.

Jason Rogers- All right, I'm Jason Rogers, 28 Counsel Place, You know the only thing that I'm gonna say is to start with you know, talking about conditions before we've even thought about adoptin' this is a little bit forethinking that we're just gonna put conditions on the adopted anyway. Sounds like the decisions made as

we walked in. The other thing is, this is one ownership, this could also be construed as spot zoning. Uh, it's chopping a section out, circling it up, for this development alone. It's not conditional districting but it's created just for this development. Um, some of the perpendicular backing up and into the line of traffic is dangerous enough. Twenty feet between the backs of these parking lots, parking spaces also create issues with backing into each other and not having space enough there. The other thing is, this Board also expressed during the Queen LLC Development that it was not exactly liked, the density that people were talkin' against, and yet this density is four more than that. 115 houses on 32 acres compared to 59, 60 houses on 7.7 is a very dramatic difference. And densiten looks good on paper as Byron had mentioned, but doesn't always work that way when you put it on the ground. It's very colorful and nice on paper, it does talk about more green space, but these are 6th of an acre lots that are required, you can't do a typical townhouse and only cut out a lot and subdivide these out. Our ordinance requires a 6th of an acre. Only this conditional districting which allows this one development to act this way proposes to do this. So, you know, that's something to ask to be looked at. Conditional Districting doesn't have to have conditions and approved tonight, it can just fail and walk away, and they can beat the ordinance as written. That's all I have to say.

GH- Thank you. Barbara Norris.

Barbara Norris- I'm Barbara Norris 384 East Marshall Street. I have a couple of things I want to talk about or think about. A 7.7 acre tract...

ET- Barbara do you want me to hold that for you, so you

BN- Thanks. But if you exclude the area where this original brick house is and the outbuilding in back, What have you done but increase the amount of density into a smaller area and if you don't have any, open space that acts as civic space and they go ahead and sell off this lot to a single-family person. What are you gonna be left with? The other thing is if you, go ahead and apparently they are thinking about conveying these individual townhomes as separate lots to come to this lot line and you keep going there, what are you going to end up with. The only things that are going to be taken care of by the HOA or whatever are here and here if you exclude this property up here. So that to me would just be a consideration for how does it leave these people along here and along here. What does it leave them with. It leaves her with having to deal with six different people looking within 14 feet of where she works every day. Um, so that's, that would be all I have to say.

GH- So could I ask the applicant, is that the case that um, here, it looks like the conveyance is a small yard, not all the way to the property line.

JL- Ah, so the lots are about 70 feet by 18. The townhouses will be 55 feet by 18, so there's a small front yard and a small back yard.

GH- But that's it, it doesn't go all the way to the property line

JL- Uh, no that's correct, so they

GH- So Ms. Norris, I think that's what you were saying...

BN- If they convey them individually, my understanding was that the lot line, the property line that the person's deeded is going to run to, in this particular case, is going to run to the property line that you share with another.....

JL- Ah, actually it doesn't, so there will be a buffer between the fee simple lot and the boundary of the site. So, this space here..

Unknown speaker- The rectangle , the rectangle has the yard in them , right?

JL- yes, that's correct

Unknown Speaker- so it's not just that the house that's sitting there, the rectangles have the yard in the front and the yard in the back.

JL- that's correct

GH- That is the lot.

Unknown Speaker- That's the lot size not where the houses are being placed.

ET- These boxes are the lot.

JL- Correct, not the building footprint. So, this will be a buffer that will be maintained by the HOA

BN- The HOA's going to maintain all this light green space everywhere?

JL- Correct. That's just, that's how cottage developments work and they pay a higher share of ah, in HOA fees but it's so you can get that kinda carefree maintenance.

BN- So she'd only have to deal with one person, but these other people here they'd have to deal with where the HOA is.

JL- Correct

BN- In order to get some kind of buffer in there

JL- Uh, yeah they could certainly request that or if they have a complaint about how it's being mowed, not mowed, or something like that would go to the HOA.

BN- Ok, and what about this, if you excluded this, from your computation of acreage and your density, what do you get?

JL- Uh, what are we at 7 per acre now, something...

BN- yeah, but if you exclude this,

GH- Lets call it an acre.

JL- It's probably 8 or 9, maybe 8 an acre or something like that. Think it'd be a pretty nominal increase,

ET- Exact calculation on the overall average was 8.somethin'

**Inaudible multiple speakers at same time.....

BH-the overall density that they're proposing.... Sorry.....

JL- ...It's 7.8 or 8 so it might go to 8.5 or something like that, I don't know, uh right off the top of my head, but it will not take it to 16 per acre, if that makes sense, and...

BH- the proposed density is 7.6 units per acre

BN- yeah, but she's asking if the house is and the acreage around was is eliminated what is the new calculation?

JL- Sorry

BH- .. I don't think you could bump it up to 10 units per acre which is what is permitted...

BN- ...and that's just what she...

Jake-.... And it's a nice historic home, so I think we want to keep it.

GH- How are we doin' on time?

BN**inaudible- multiple talking ** And then it's also different, because you can't from here, can't see what your gonna put in here. Until you come up over the rise, unless you grade the rise out...

JL- Do you want to see what's back there?

BN- No, no , no ,I'm sayin' it a completely different, your looking at the load of compatibility. Here is completely different....

Jake- I mean it's....

BN-.....than what you're looking at in here.

Jake- I mean its, agreed, but we don't think it's a bad thing, I mean it's a 1920 home that's been nice and maintained, we don't want to get rid of it.

BN- right, ok. But you're putting in 59, 2 story, 3 bedroom townhouses that might be for sale or they might be for rent.

Jake- Correct.

BN- And you'll decide after it goes through.

Jake- Correct.

BN- Ok

GH- Alrighty, any questions from that? Alright Warren Gresham you came up real fast, can you just would you like to make your points?

Warren Gresham (WG)- Just a quick question, has the??

GH- Come up to the podium and give us your name and address that makes it official.

WG- Warren Gresham, a resident of Overbrook Drive and Broadview Road is on the side of my property, which is currently a cut-through, raceway and has been for many years. Has the developer met with the streets department to make some sidewalks, speed bumps, or something to moderate that raceway. It's a dangerous situation.

GH- Where's Broadview?

Multiple speakers

WG-that part of town, and to some encouragement to go down to the traffic light at uh, the next street instead of east, which is downhill from the traffic light, so that's a scary building up to speed situation.

MP- Has an application been made to put speed bumps in there?

WG- The street... a lot of our neighbors are here, we've been working on this for some time with the city, and I just wondered, this is gonna be a major impact of 50 or 79 more automobiles going downhill tend to go pretty fast. And there's not a continuous sidewalk on the east side of the street, there's some strips here and there. And some residents have put fences in their front yard so their grandchildren and so forth can't get to the street. So there ya go. Thank you.

GH- Thank you. Charlotte Rogers.

CR-Charlotte Rogers, 28 Counsel Place. I'm not someone who enjoys drawing attention to myself, I'm normally quiet to a fault but this time I cannot sit idly by and not speak my mind. I'm goin' to start by reading an excerpt from an article from the Waynesville Mountaineer. To me the word conservation is one of the most valuable in the language, it's meaning is the opposite of the word waste. If we wish to be part of a program that has for it's goal conservation of our soul, water and scenery and at the same time assistance setting up a barrier against floods, let us take the plow and axe off the hills and help nature restore that which is lost. This would indeed be a beautiful and valuable country if our hills were sodded in blue grass, white clover and lespedeza furnished in pasturage with hundreds of cattle growing better from year to year by use. This article was written 82 years ago to the date by the man who used to own a lot of the property being developed in East Waynesville, my grandfather Jarvis Allison. All of us here tonight have our own unique story and opinion. Mine is a struggling realization that development seems to be all that our town leaders find important, it doesn't really matter what the citizens have to say. I've called this my home my entire life and it's changing beyond all recognition. Conservation is not a bad word. Most regular relate, our small rural neighborhoods have been falling victim to big developments being forced into incompatible spaces. Your citizens are voicing concerns that continue to fall on your deaf ears. We're repetitively asking you to slow down and do further research before blindly approving these projects. There is so much going on all over Waynesville would it be possible to finish something before proposing anything new. Let us catch our breath. Let us see if there's any need for more. We all want smart growth. We want families interested in joining our town to take root and grow with us. To become a part of what we already are, our land is quickly disappearing to asphalt, concrete, and other man-made materials. We can't make more. Why you selling us out so easily? Our exceptional landscapes and quiet serenity are fading fast. Why are you not listening to our concerns? We should be worth your time and energy. After 63 years of calling Waynesville home, my mama's moving, she said she just can't stay here and bear witness to the destruction of our family land. It's sad that all that was really needed was another family to take the plow and the axe off the hills and help restore that which was lost. Maybe the next neighborhood will be lucky enough that that will happen. Otherwise the question looms, how many more long-term rental residents are you willing to sacrifice to greed?

GH- Christine Kavanagh.

CK- Hi, Christine Kavanagh, I live at 657 East Street. And mainly, I just want to kind of address the impacts to people that live on East Street from all of this development. Ah, there was a recent traffic study done on East Street that shows that 85% of the vehicles already traveling are doing more than 20 miles an hour over the posted 20 mile an hour speed limit. We've applied to get a speed table. I've made connections with a lot of folks on our street that are on our street that are within the randomly drawn survey area that we have to get approval from for the neighbors. But honestly, a lot of people are sayin' they're not gonna sign or they don't

want to be bothered with it because they don't believe the Town cares because they've been tryin' to get traffic slowed down on our street for years. I've only lived in the town for five years now but it is a problem and by adding this much more traffic to our street with all the roads for all these developments drop on East Street. We can't manage it. It's dangerous already we have blind entry ways onto the street for both Assembly and Howell, the straightaway, people are regularly doing 50 miles an hour speed, even the school busses speed through our street. We have eighteen wheelers comin' through so I can only imagine what it's gonna be like with the additional traffic and the construction traffic coming through with people goin' from one end to the other. So, I caught wind that, you know, you're supposed to be considering this development and it's compatibility with the neighborhood, I ask you to think about the people that you know, we firmly support the opposition to this development. And for us even though we're not next door, it's gonna impact our quality of life which is what we relocated to here from Asheville for. So I'm just asking for you guys to please take some of that in consideration and for the Town to not wait for a petition to be done for like a random section of street that you guys know is a problem and there's no speed enforcement and no mitigation being done at all. To go ahead and put that in, because these developments, I don't feel like we can stop 'em but you guys can help us make it a safer neighborhood by just goin' ahead and doin' the right thing and putting those speed tables in. Because it's dangerous. Daily, I have neighbors on East Street and they know, there's cars hitting the curbs, it's a nightmare. I don't know if it's gonna take somebody getting a serious accident but somebody's going to get hurt if all this traffic comes in and nothing is done to at least try to slow it down. Thanks.

GH- Mark Howell.

Mark Howell- Sorry, I was playin' on the phone. Before I get started I'm gonna show my age, please change this slide or whatever they call 'em now to show the current drive, do we have a way to do that? Nah, there's another one.

ET- Will just a plain aerial work?

MH- No, it's, it was on the, like the proposal that had the drive. Not that one.

BH- I don't think I have the one on screen that we looked at this afternoon. But if we put that other one back up there, we can sorta illustrate...

MH- Yes, go back to the other, back

BH- Thank you Olga

MH- Let's go back to the picture.

BH- Go back to which one?

MH- That's where it is

BH- yep, this one.

MH- Ok, my name is Mark Howell. I live 118 Stonewall Street. I know many is this room, but for people that don't know me um, my family has been here since before Waynesville was a town. Way before 1780, ok, and also my great-grandma was Allison, so this is family land too. Um, I'm probably gonna be a little bit different speaker than the others here tonight were, but uh, I heard a minute ago, what's the job of this Board? I heard it. To make sure that the rules and regulations of this town and North Carolina are followed. I heard it. We're gonna come back to that in just a few minutes. Ok, um, I'm not here to oppose the development. That's not why I'm up here. Ok, ah, we own property, my family owns this property right here. Which you can see is going to be the most affected by this. This is incorrect but we have a right-of-way from East Steet coming into the property. That is the only way in and out of our property. Ok, um, I want to provide copies of the deed. My dad bought this property in 1992 and uh, survey was done the deed list every single point for that right-of-way and it's recorded with Sherri up at the register of deeds. But, it is for ingress and egress, and for utilities. I have a complete utility right-of-way also. Um, there's a water line, my dad put in years ago that comes from East Street and runs up the drive. Ok, that's a gravel drive now. We have a 20 foot right-of-way. So in the future that water line that my dad paid for, it cannot be covered up or paved over. It, we cannot be hindered in any way to not have access for future maintenance 'cause everyone in here knows if you got a water line, you got problems in the future. *Inaudible, chair moving, in the future. If it's paved, or cemented over, what's that

gonna cost me? Big money then, ok. But anyway, basically we got a right-of-way for utilities and ingress, egress. I didn't know this until the other day, at the meeting, but they are proposing to move our right-of-way to this s looking shape but let me, I'm sorry, I didn't go to Staples and make everybody's copies, but I do want to present to the Board, for the record, copies of the deed. May I approach please. And also, I have two plats that shows the right-of-way with all points involved, going in and out. Um, we've had it for thirty years.

GH- Mr. Howell your time is almost up.

MH- Ok, I'm gonna have to keep talkin' then. In North Carolina a right-of-way cannot be moved unless you have authority from all parties involved. I do not agree with the movement of our right-of-way. So it has to stay as is. This S shape cannot take it's place. I thought, I come in there all the time with equipment, trucks, livestock trucks, cattle, um and occasionally with tractor-trailers. You can't come through there. Also, I used to be a uh, I used to work the DMV, and as a school bus traffic safety, commercial drivers license, but one thing that is most dangerous in parking is if your backing up. Statistics show that the most dangerous type of parking place is one that you have to back out of, because you can't see, ok. So therefore, what I propose and I know that, uh, Matt and Jake, they do a great job, they do, and my proposal is that they come up with a different plan for the parking and the right-of-way has to stay as is because it cannot move like that.

GH- Thank you Mr. Howell. And I'm gonna pass this over to you all.

DM- Mr. Howell, did you discuss this with the developer?

MH- Uh, briefly, I didn't realize, I went to the meeting on Pigeon Street but I didn't notice it cause the picture I took was kinda blurry and then I got to lookin and was like wait a minute that says proposed re-allowment, I didn't agree to that. But I have just briefly spoken with him just a few minutes right there, but we're not agreeing to any changes. And it cannot be changed.

GH- Any questions of the applicant?regarding this? Questions of the applicant regarding right-of-way?

JL- May I respond?

GH- Would you like to?

JL- I mean we'll go over this with legal counsel and if that is the case, and it very well may be that we cannot move the right-of-way, ah, we're happy to work with Mr. Howell, ah, what we are proposing is improving that right-of-way, or that easement, the curve radii is actually be larger than it currently is, and it will be wider travel lane so you can actually fit the same vehicles or larger vehicles uh on the proposed road. So, we're not inhibiting Mr. Howell's ability to use it, but I do understand if he's been if it does in fact say that then in easement language we'll abide by that. So, um, happy to make that a condition of approval that we'll work it out with Mr. Howell. If you can make that a condition, I'm not sure legally how that works.

RS- well, the good thing if they approve, of course, conditional zoning is site specific and they can approve, if they approve this condition upon you reaching an agreement with Mr. Howell that you relocate it, if you don't reach an agreement, you'll have to come back and ask for an amendment of your conditional zoning...

JL- Ok.

RS- to whatever on that you decided on to agree with.

JL- Sure, um, if the easement does not require us to get his permission or re-alignment.

RS- ok if you can legally realign with either because you can or because he agrees, your fine. It's just, this would be the plan that they approve and if anything changes from that, other than a very modest change, you have to come back to this board... for a modification.

JL- Bob do you wanna,

Bob- Without looking at the language of the easement, It's kinda hard to say, but it's um I'll talk to me client, the...thing to do is to not disturb this mess anymore...

GH- What? Can you say that again, your last sentence.. I just didn't hear it.

JL- If that's the case than the plan is submitted, then uh,

Unknown Speaker- Madam Change, the changes and the drawing that Mark is speaking to , I've got a copy of it here, um, it might be beneficial is like, it doesn't move buildings it's basically an alignment change of the same

road to accommodate Mr. Howell's need um, is what it amounts to. And I'll be glad to approach and show that to you or if you know, I don't know if by adding units or taking units away to make it a reality, it's simply where does the road live. Does it live here or does it live 20 feet across, for a length that's probably, we're largely within that easement today but its probably a length of 200 feet but it needs to shift to get within the confines of said easement. Does that make sense?

RS- And you may fall within the ability to *inaudible- more than one speaker*

Unknown SpeakerDon't have any pictures showing for the Board, but you know I think that there are other things and if it was to return here, but you know the timestamp of that, that it is a minor adjustment to the same road , it's not a different geometry.

Bob- And what, tell me, your fear if you have to get in there, and dig it out to fix your pipe or whatever that you have to put it back the way it was, and uh, and again I haven't seen the land or the deed so I don't know but I think *inaudible* also at this point, to recommend to anybody, if the Board of Aldermen approves it we can get more information between now and then * inaudible* better answers the questions before the Board of Aldermen.

Mark Harris- If I may follow up right quick...The way this proposal is I don't have a 20 foot right-of-way. If you look, and it was said a minute ago, 10 foot lanes. In North Carolina where you drive, on the right hand side of the road, it's only given me 10 foot, I can't bring a, no way a tractor- trailer can come through there.

GH- Thank you. Alright- well lets move on. I think we've got the point for when we deliberate. Alright, Kris Vankalar. Welcome.

KV- Thank you um, my name is Kris VanKalor my wife and I live at 63 Taylor Avenue and we have several acres of adjacent wooded land that has a street address of 595 East Street. So the corner, one corner of our lot on East Street is about 500 feet from the beginning of the development. Um, my concern here and I understand that the developer is, is bringing up a certain number of units per acre that's well within the total allowed by the ordinance. This is multi-family units. And however, what I would ask the Board, to do is to look at what would their development look like if they were complying with the ordinance in it's current structure, it's current reading, have they submitted a plan versus what it would be without the revisions without the special requirements to where it is now because ultimately, I hear them about the larger amount of common area, smaller yards, different sort of look to the development that maybe the Waynesville ordinance didn't consider in the past we don't have these in town, I suppose, but ultimately the lots are smaller and it seems like greater density. So, you know if they weren't granted this, what would it look like their development, if you didn't approve their request or the planning aldermen didn't approve their request. Look, how many units would they realistically be able to build in a fashion that would be consistent with their vision of the development. Perhaps, would it be possible if it were 59 or 60 units, you know without this change

GH- Time. Byron where are you? He's gone?

BH- yes.

GH- How many single family residents could fit on the 7.6 acres?

BH- well, part of the problem with doin that calculation on the fly is that 3 of the lots as we discussed, and here's the zoning map in front of us, three and the, go back to the zoning back, sorry, um three of the lots are in east urban residential and as a use by right is sixteen units per acre

GH- Ok, and the other one.

BH- The other one is ten.

GH- Ok.

BH- So you'd have to get the calculation of what these other three in East Waynesville are and what this one is as a stand alone lot in the Raccoon creek

GH- Ok, who's a mathematician, who can do that math please.

BH- But its not some, it's a lot more than...

GH- It's a lot more than what we have proposed tonight.

Unknown Speaker- I have a question tho, it's .. can you have a townhome, a regular old townhome without the yard there.

BH- Uh, sure or you could just have kind of a traditional apartment-style

Unknown Speaker- The townhouses their doin' , it's already zoned for that. The reason they need the special is because there's gonna be a yard in the front and a yard in the back.

BH- That's right.

Unknown Speaker- within the lot

BH- that's exactly right,

Unknown Speaker – but they could be just put a townhome going all the way from the one end of the property to the other. It's already zoned for that and they wouldn't have to ask for any, wouldn't need anything special,

BH- that's right,

Unknown Speaker- How many units are we talking about then?

GH- Same number.

**inaudible, multiple people speaking*

Unknown Speaker- a 6th of an acre in this district

Unknown Speaker- Is that 3 units per a 6th of an acre?

Unknown Speaker-No it's a 6th of an acre per lot.

** Inaudible** Multiple speaking

GH- Excuse me, Excuse me.

** Inaudible multiple Speaking**

GH- Let's have some... Can we have some... Jason can we have some order please. Jason can we have some order please. Ok. Elizabeth..

ET- I just want to jump in for clarification on the ordinance um, Jason's right it is 1/6 of an acre for single-family homes or duplexes.

GH- Say that again, one more time, I'm getting tired..

ET- If you're doing single-family homes like a major subdivision

GH- Yes

ET- then we would require 1/6th of an acre at that front area, well actually for both of them, um as part of the major subdivision. The sort of foundational reason that their coming to you for conditional district is similar to the Waynesville Country Club plan, which is their asking for a smaller lot because their doing a nontraditional townhome development which is a mixture of duplexes, if you would, and townhomes. Does that answer your question?

GH- yes it did,

BH- But that base density that you were kind of driving at of 16 units per acre or in some districts it's 12 or in some it's 10,

GH- Yeah

BH- as your, and base, base means as a use by right, you can actually ask for greater density with a special use permit, that's for multi-family developments, where it's all one lot, your not sub-dividing and creating a bunch of little lots your doing a traditional apartment development, where you got one big building that's got 78 units in it.

GH- SO to Chris' point um, a different developer could come have, end up with maybe not more dense, but more units.

BH- which would be more dense, yeah.

GH- So we could have apartment buildings

BH- yeah

GH- Ok. Ok, questions before we move onto Dave McHenry? Dave.

DM- Dave McHenry- 334 Allison Street, connects onto East Street and has East Street Park on it. I appreciate the chance to come talk real quick here. I've lived in East Waynesville for 18 years and have seen a lot. Increase in traffic, speeds as well, the road I live on is a cut-through from auburn to Hendrix and a lot of people like to get to Ingles via Russ avenue and that's the way to go it's a straight road down from the top of the hill you can get goin' about 50 miles per hour even if you didn't want to. Um, anyway my wife and I like to walk around, we like to walk, it's a pedestrian faring town, it's a pretty town and we're really getting concerned about the cumulative impact of a lot of these high density developments and a lot of traffic. At 5 o'clock in the evenin's it gets crazy, Saturdays are crazy. Um, so it's getting' , we'll call it scary. That's my concern about, I'm really naïve about all the requirements, I'm not familiar with them all but there's a lot of appearance things that I'm concerned with off the property but maybe not safety wise you don't have to worry, like I said site aside, you don't have to worry if it's suitable, that sounds crazy but you guys are talking about safety, line site and everything else, there is a safety development so I guess all I'm saying is if you approve this thing, can you help, and maybe your not the correct forum but give due consideration to traffic calming. I mean I talked to, I do intend to request it, I know I have to do it, I did talk to Mr. Stines, Earlier, he doesn't know when East street's coming, I guess it's not approved after all.

Inaudible- another speaker

Ok, but it's been in the plan since 2010 I believe. Anyways, you know, I want it to stay a nice neighborhood, it's just getting very scary, it really is. Thank you very much.

GH- Ron if we were to have a motion to approve with conditions and recommendation to the Board, could one of the recommendations to the Board of Aldermen be to look at traffic calming in the neighborhoods.

RS- that's outside of our, what you decide, you can pass that information out

GH- It's outside but ,, say that again.

RS- It's not part of the approval, but when it goes the transmittal prep to the..

GH- a letter

RS- yeah the information for traffic control on East Street...

ET- I will add that in your conditional district uh, the Mills Construction project for the units off of Locust Drive. When you sent forward your report to the Board, you made that recommendation to fill-in a sidewalk gap um, as well as with Mountain Housing Projects and, we're in a process now of trying to update um the 2010 sidewalk plan to identify where those critical gaps are. And certainly East Street merits looking at in several places um, but in addition so I think looking at East Street for pedestrian connectivity is important and then secondly what I heard was this continuing concern for traffic calming along East Street because it is such a popular cut-through. It's actually kind of a bypass of Main Street.

GH- Yep.

ET- and it shows up on people's google maps. That's been the issues a lot of times we'll have big trucks that come down East Street because they've been sent that way on Google maps or someplace and it's really not the appropriate cut-street for traffic.

GH- Ok, good.

Citizen- ... come down Howell street, I live on clear, if you come down Howell Mill and on your map it'll take you right there.

GH- Oh

Citizen- it's exciting

GH- Anybody else want to speak that hasn't spoken? Ma'am, do you have a..

Citizen- I don't.

GH- Is there one back there you can grab?

Citizen- I am Kimberly Turner Mathis, and I'm on Sunnyside. 376 Sunnyside Road. Um, my biggest concern and I'll get emotional or if the crowd wants to know, I can't stand being disrespected, we do have expert opinions, we're citizens here. We're not engineers, we're local citizens and I've been here my entire life. My house was built in 1926, the house that I grew up in, and it's a 16 foot road with a 20, only a 20 foot right-of-way which in

my 7 generations ago grandparents made sure of to keep it a farm road. It did us no good to come here on the Sunnyside Project at all. No one was concerned with traffic except a couple people and I appreciate that. Um, the school bus issue was a concern, we've got kids standing on the school bus and there's only about 5 kids on the road right now. But we're adding 115 house on Queen another 59 at the top of Allison, we got the Bi-Lo deal, we've got the Old Hospital deal, DSS building, how much more can you put in in about a 3 mile radius. And I'm literally vibratin' because when somebody important gets up to talk they can talk as long as they want to and keep us all here all night. Well, I'm like Jason, people need to pack a picnic lunch when you disturb the citizens in a small town because I can stay here all night long as well. And that's why I hadn't signed up to talk and now I am because this comes up every time. And we're overlooked, we're called down for talkin' but yet, and no offense to you Elizabeth because you're a sweetheart, Elizabeth can stand up and speak whenever she wants. Byron can too, no offense to you Byron, you're a sweetheart as well. But we have issues here, we have water issues. I've had the town, I have literally called till their tired of hearing from me on Sunnyside. I've got a gully coming down on Sunnyside and people are off hittin' that water, running off the edge of the shoulder. If you go down Sunnyside you'll see muds flown clear across the road and their driving in my yard because they can't pass. And East Street is just as bad, they come across East Street haulin' butt and they come down Sunnyside. They start at the top of the hill, their in that curve and they shoot straight down when it starts straitenin' out and my house is right square in the blind curve, below the stupid gate where the entrance is gonna go for this 115 house subdivision. And a lot of you know where my house is cause my father taught you at Tuscola or coached you or had you at the recreation department. Because he worked for this town till he died and he's turning flips at this point. And never once in all these years and all these generations have I ever considered leaving my home until I got in front of this. And it's enough to run ya out. Somebody made an excellent point our little area's being targeted by somebody, not these developers, why would that be? We're hard to even find on the map. It's because we're too lenient, we're too busy worrying about grow, grow, grow, and not worryin' about whats already here. We can't even take care of our own water and sewer and our children. Our schools are overcrowded. Where are we goin' to put these people that come in here? Are we buildin' new schools? Nobody's even touched on that subject yet, if we're gonna, is there any money to build schools? Where we gonna put all these people?

We need to slow down. I'm like them, somebody needs to back up and slow down. We're not stayin' small and there's a reason why we're not.

GH- Alright so I'm back on my soap box. Ever heard of 160 D we didn't either, the state of North Carolina legislature passed that law and it has tied our hands. We don't control it up here, I'm so sorry, all the building that's going on contact your legislature, it came out of Raleigh. That's North Carolina is pro-development.

Citizen – You could put a moratorium on apartments while you redo the zoning to lessen.....

GH- I'm not sure what can.. Becky don't do that please. Becky, Becky

Media Becky Johnson- I'm asking, everybody else is entitled a comment period but

GH- Becky. Becky,

Becky- then I'll sign up to speak.

GH- Becky. Fine...

Becky- I want to ask a question.

GH- ...you may, you may do that

BJ- Okay perfect. Becky Johnson with The Mountaineer, I live at 55 Flint Street, Waynesville. I'm not speaking as a resident, I don't have an opinion on this project. What I am asking is this question, I know maybe you can't answer it because I'm not allowed to ask a question back and forth during a public hearing but rather than call each one of you and ask I'll just do it here. You say that your hands are tied. That you cannot do anything but pass what you see in front of you if it meets or doesn't meet the requirements, my question is, Is that true? Because you could ask the Town Board, y'all could, but you could ask the Town Board to put a moratorium on multi-family developments could you, while you examine should these belong in every neighborhood in

Waynesville? So, I'm just asking, is that correct to say that you can't do anything? Because what you could do is pass a moratorium like has been proposed in other communities while you consider is this too much, too fast.

Do we want multi-family in every single neighborhood or are there some neighborhoods where multi-family isn't suitable? I'm not saying whether it is or isn't but it's my job as a member of the media to ask that question. That's all I have to say.

Board Member – It's also your job as part of the media to tell people what 160 D is and how it has tied the hands of Boards all across North Carolina. You would do well..

Board Member-you really would

Board Member- , just like she said to enlighten people on what happened about 160 D you should go read it yourself, I bet you don't know anything about it.

BJ- Well, I do because I've been to the meeting where we talked about it

Board Member- then you haven't learned

GH- Um, so

BJ- my question was different than 160 D, those are 2 different things 160 D and my question were not the same.

GH- So um, just to put the moratorium, I don't think this Board makes recommendations for a moratorium, I think that would actually come out of the Aldermen. I think the public can but I don't think it's the jurisdiction or the..

DM- Well, I asked that question

GH- We were told no

DM- We were told no, right.

BJ- You legally can't do it? That was my question, that's what I was asking

MP- I think.. Asheville asked the same question and bring it up as a

GH- Becky, I think you could do some research but I think the Asheville um, their not Aldermen what are they..council. Their moratorium go thrown out of court, they had one. Nope it didn't, could you speak to that?

Bob- I am from Asheville, used to be the city attorney there. When I was city attorney they never enacted a moratorium, it was more, what they did enact the hotel development for first 12 months and 18 months it expired, it was not valid..

GH- So it was not validated.

Unknown Speaker- There are some limitations on residential moratoriums, but I don't know

** Inaudible- multiple speaking*

GH- I would recommend that the public do that. You have as much power and as much voice as we do. Go to the Aldermen and that's the power of local government. You do make a difference. So, um I'm about ready to close this portion of the public hearing so the Board can deliberate. Ready? All right. Ok so the applicant is asking, um, for a conditional district and we have some conditions that we need to.. Any discussion?

BT- I have a question about that? It's not really a conditional district, it's a conditional one place. But somehow..

GH- That's the district

RS- That's a conditional district. Conditional District's when a single tract or combination of tracts has it's own zoning, it's a single and it's site specific. Most zoning districts, your right their large and they say these are the uses you can do , go do 'em and conditional district is one that you create on the spot, that's site specific right down to where the streets are, that's why we're so picky where they go. Zoning itself sets where the streets will be and should that change that conditional zoning would have to be amended, a review for recommendation, back to the Aldermen to amend their plans. Conditional zoning is a small site specific zoning

BT- so the likelihood, the reason is cause they're between the two so they were able to make a new one.

RS- well, they didn't have to be between the two, they could be in the middle of one.

BH- Would you like me to read real quickly, just to maybe come back cause this was at the very beginning of the staff report, which was a long time ago, would you like me to just read the definition of a conditional district just to maybe get that back clear.

GH- Sure

BH- Uh, it's in the Land Development Standards Section 15.15 Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with General Statute blah, blah, blah, uh conditional districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. Similar to a text and map amendment in that the Planning Board holds a hearing and determines whether it's consistent with the Land Use Plan, is reasonable and in the public interest. Planning Board then makes a recommendation to the Board of Aldermen, which holds a second public hearing, considers a statement of consistency, and approves, denies, or approves with conditions the application. So the most recent, maybe not the most recent um, but the Ingles development that came before you several years back, it seems like a lifetime ago. Um, that was a conditional district to allow for some minor modifications to the development of that site for allowing locations for parking and widths of some of the driveways and um, some of their façade treatments I think they asked for some alterations on. SO that's a similar example.

GH- Was the Calhoun Road, Howell Mill Road, was that a conditional district too?

ET- No, but the Locust Drive was a conditional district. The 60 unit elderly housing.

GH- Ok, thank you. Ok, um, let me ask the Board so we know what's in front of us, we talked about everything except for the legal question. Is this similar to what we were just dealing with or is this slightly different?

RS- this is slightly different, this is,,

Board Member- we need to close the public..

GH- ok.

RS- well, it is similar in that, if you the developer still has a problem to solve, it's not yours to solve. The difference being just looking at the map, or the last one is just move the whole road on the property they own and carry on. And here there proposing within their property to relocate a road and that there's an existing easement. Not your problem to solve. You can approve the site plan, if they work it out with the developer, just how either line in the road or how they make it work for him, straighten the road a bit to make it work for him, or they can't make it work for him then they have a plan they can't work with. If they work it out and it's a minor adjustment, Elizabeth can approve it. IF it's a major relinquishing of that road, they'll be back to have their zoning amended. But it's theirs to solve.

DM- I just don't understand how these issues can come to us without being certain, I mean we're approving a site plan. They might not even exist, can you just

Sneed- they may have already gotten, you're right.

GH- Well, let me , can I ask that question . we closed for deliberation,

RS- reopen the public hearing

GH- I'm so tired. Um, lets re-open the public hearing for 3 seconds. Would you consider, I don't know, give me the legal drawing and working this out and coming back to us. Would that be in your,

JL- It's actually closer than I thought to where the existing is, I have no doubt we'll be able to work it out.

GH- Ok, thank you. Alight- Gavel tap. That's all I needed to hear. Patrick make it good.

Patrick- I haven't even spoken yet.

GH- I just closed this thing. What?

Patrick- And this is just, maybe it's more an administrative question, for Ron, this Board is not actually memorializing something...

RS- No, no you have another Board to go to.

Patrick- They're recommending.. So,

RS- They're recommending. They go to the Aldermen for a modification,

Patrick- So, if an agreeable right-of-way solution , even if that's to yield to exactly where Mr. Howell's right-of-way is were to show up on the plan as submitted to the Aldermen

GH- Yeah

Patrick- If it wanted a different mix of units, if it wasn't anything else, it's just

GH- so they can make an alternate. And how would the Aldermen feel about that.

RS- they would be happy because they wouldn't have to be doing this puzzle that you're doing.

GH- Alright thankyou. Alright Board. Ok, do I have a motion?One way or the other?

RS- You've got, I think you've got 3 issues. 1 is, is it in defiance of your comprehensive plan. Second, because of what Jason raised is could this be considered spot zoning? And under 160D I think that would make this conclusion to weigh is the plan reasonable and then third do you approve the plan?

GH- the second one explain, because that's what got my attention.

RS- is this proposal for rezoning reasonable?

GH- Even if it's spot zoning? Is it reasonable?

RS- Even if it is spot zoning, if it is spot zoning, you'd have to make that decision. I just came back from the School of Government and one of the talks down there says that in any rezoning now they're opinioned under 160D but you always have to find that it's reasonable.

BT- Even spot?

RS- Especially spot zoning

GH- Spot zoning's not a legal term is it?

RS- Well, no, it's become one,

GH- It's not

RS- Spot zoning's not illegal, it just requires a little more scrutiny,

GH- I didn't say is it illegal, is it a legal term?

RS- It is. The court's have used it, it must be a legal term.

GH- Ok,

DM- So the comprehensive plan, does come into play on this?

RS- Yes, it's rezone...

GH- yes, we have to do...

Sneed- not on the first one....

GH- We have to do a consistency statement. Go 1,2,3,4,5,6, Ok, um, lets see if we can move on, hold on. Let me find some notes here, All right, is it in compliance with the Plan? That is our um, does it meet any or all the goals, um, that's our consistency statement. We've got goal 1 and goal 2 that it meets with , continue to promote smart growth principles in land use planning and zoning, create walkable and attractable neighborhood and commercial centers, encourage infill mixed-use and context-sensitive development and Goal 2 create a range of housing opportunities and choices, and encourage new housing inside Waynesville's city limits and ETJ. Does anybody disagree with that, with...

BT- Page 76,

GH- I'm Sorry, yep,

BT- I would probably, I'm not sure that it's um, it does goal number one.

GH- Can you say why?

BT- Well, no. All the alterations to me and the unknowns and the eaves, those kinds of things

GH- I believe it's under the second point of spot zoning, I believe that's where your going. Come back to compliance, page 76, the comprehensive plan has six goals. Staff has suggested Goal 1 and 2 are consistent, does anybody believe their inconsistent with 1 or 2? Marty, inconsistent or consistent?

MP- I believe it's consistent,

GH- Barbara? Consistent or inconsistent? I'm just getting a poll, we're not..

BT- Consistent.

MB- Consistent

DM- Inconsistent

GH- I'm Sorry

Board Member- Consistent.

GH- All right, so most would say we are consistent. The next one is, Barbara, is this spot zoning? Is it reasonable because we have so many conditions and we have a legal question that we don't have answers to, is that your concern?

BT- My concern is as we go through, all the presentations, it seems to me that there are things that are not in here that are to come later or things that were on the wrong drawing but their actually there in the unit, I'm not, I think the intention is fine, I'm worried about the details

DM- I tend to agree with you, and I know they might be a minor issue but in my mind it isn't because this is a public hearing. If the intention is to sell that house and the surrounding acreage then the density that they're coming up with is not an accurate density. And you can say well, it's still gonna beat it anyway but for it to come here, I want to have an accurate picture of what we're looking at. They're not getting that done now.

GH- Too many moving parts, even if we had conditions on it is that what conditions would do is tie that down? I'm just asking.

DM- well, maybe but I'm just saying in general. If you come here, then come with an accurate plan. That's the least we should expect. If our hands are tied with 160D then darnit I want to have an accurate picture of what is going on in these major developments and we're not getting it. In terms of Comprehensive plan, smart growth prioritizes infill over urban sprawl that could have negative impacts on natural systems. Is this compliant with that? I don't think so. It should reinforce the unique character of Waynesville. Does this comply with that? Tell it to the neighbors out here, I don't think so. Does it conserve open space and farmland. Does it comply with that? I don't think so. Protect rural lands, iconic views, and mountain views. This is the comprehensive plan, ok, all we hear about in smart growth is providing good range of housing choices. You never hear about the rest of this stuff.

GH- But is it on the checklist?

BT- and that's the concern for me is this checklist.

RS- but it does conform in some way with the comprehensive plan.

GH- ok, but that's the consistency statement.

Sneed- yep that's exactly what it does.

BT – It doesn't have to comply with all of them, the point Don is making is that each one of these that we look at just always goes 1 and 2, there seems to be a lot, I can't say always because

GH- Well thankyou 160D

GW- Is it the state that sends us the checklist?

RS- Keep in mind we're in a different hearing now, you do have a checklist to a degree and we've been through this.

MP- Yes, with a major site plan.

RS- But this isn't resolving, your creating this district if you pass this, and you have to find that not only it either complies with current zoning or this is a plan that makes sense and you're creating a new zoning district, that means it does not conform with any other zoning district in town, you're creating one. And then you're next question is this plan, does it comply or conform with any of the goals set out in your comprehensive plan. They've laid all the variety of housing, you can find for that or not but that seems to be what they talked about the most. The third thing that I brought, handed into the mix Jason brought it up, you know, is this spot zoning, I don't know you're talking six or seven acres. Spot zoning's almost like it's in the eye of the beholder and it that doesn't really matter because you got 160D, you've got to find any re-zoning reasonable anyway. And, does it have to be perfect, no, but is it reasonable. Is it and I could never figure out what's reasonable, my, if I were in your seat I'd be looking, well how unreasonable is it. Then you look at what's happening around it. In the middle, as I understand it, it's a different residential form in the middle of two residential districts. That would in my mind keep me from saying it's unreasonable. And if I came in and wanted a conditional use to put

my hog farm in your neighborhood, I'd probably have a hard time making a reasonable standard on that. Out in the middle of the country, I might be perfectly reasonable, to have a different kind of farming operation. But that's the reasonableness, the things you can look at. I'm not tryin to point you that way, but I, if I were to look at something to be reasonable, I would look at the type of zoning that's around it.

GH- So reasonableness, I want to go back to Don's objections. Um, are your objections, help me, just give me some more wording of why it's not reasonable. Is it reasonable?

DM- Well, do you think it's reasonable? I mean

inaudible- more than one speaker

DM- The goal here is to comply with the comprehensive plan. We can't have developers come in here and tell us, well these are the only parts of your comprehensive plan that you can consider.

MB- I guess my pushback on that is that they didn't come in with a cookie-cutter thing, they came with something that was, that's more than, I keep hearing of cluster and that other stuff, it's that instead of taking the density and putting it to the max they keep it that. They have less of a footprint, more of a civic space, and that's as close to I've seen as the stuff we push out of this trying to make the other go. If we , to me, if we say no to this then you're saying, all we want are the easy cookie-cutter things that they just come in here and we go with it,

GH- Like the Queen's Farm or bigger

MB- Right, and so instead this is a way of saying we want a different opportunity and that's the way I'm see'in it. But that's, you know, we all interpret that the way we want. It's like in all our sub-committee meetings, this is the closest of what we're comin' too.

Board Member Gregory Wheeler - I have a concern for Mr. Howell's, Mr. where did he go, Mr. Howell's property. He's not here um, we're talkin' about his access to his farm and we haven't addressed, haven't addressed how we're going to resolve that. He has a bus.. he has a business.

RS- We don't resolve them.

GW- Don't we?

RS- Well, I think your recommendation if you approve this is gonna go to the Aldermen with the recommend you say you recommend this if the developer and Mr. Howell have resolved the easement issue,

GH- It's a condition.

RS- It's a condition.

GW- ok, it gets that one, that one point.

RS- Obviously, we can't finally approve a plan where we have roads in one place and Mr. Howell has to travel in another, but if they want to build that then he's got to resolve it, he's got to resolve it whether you make a condition or not, but if I were Aldermen and I saw my packet and saw your warning shot of this condition, I'd be a little more prepared to deal with it.

DM- You know , honestly, that should have been dealt with before it came here.

GH- But it was unknown though right?

Unknown Speaker- But somebody got it.

GH- Alright, do I have a motion? All right, I'll make a motion. I make a motion to adopt a consistency statement indicating that the proposed conditional district is reasonable and consistent with the 2035 Comprehensive Land Plan with Goal one 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. And Goal two create a range of housing opportunities and choices. Encourage new housing inside Waynesville's district and ETJ. And to promote a diverse housing stock including market-rate, workforce housing, and affordable options that appeal to a variety of households.

Do I have a second?

MB- Second

GH- Discussion? Call for a vote. All in favor, aye. All opposed. Then we're done. Thank you for your time and can we close.

MP- Can we explore the idea of a moratorium first?

GH- I don't think so , but I would like to talk to Becky first and see.

Becky Johnson- Wait I'm sorry, we can't hear and the meeting is still going on. Sorry, I couldn't hear because there was too much, sorry.

DM- Listen, I had to ask about a moratorium, I thought you said that when we were talking about the major subdivision. So they had a moratorium but they figured it out with the ordinances?

ET- Yes, so to do a moratorium, you have to go back to State Statutes and there's a process and the Board has to declare a moratorium based on specific reasons. There is a way to do that, and I think second from your denial of this if you want to raise that question with the Board of Aldermen as a Planning Board we will have to just figure out how we do that and bring it before the Board of Aldermen.

GH- Should we...

ET- I'd be careful of, in terms of trying to delineate on what type of development your trying to put the moratorium on.

GH- I think what we're hearing is any new development.

DM- ... large, multi housing

ET- well, you have and how large is too large, I mean we would need to sort of think through what it is the problem we are trying to solve.

GH- Can we put this on the special-called? As just a discussion April4th. As just a discussion.

ET- We can get more informed and I can look at state statutes and see what that process is.

GH- Yep can we do that, does that look good? And it would come from this Board to the Aldermen , the Aldermen wouldn't do it on their own? It has to come out of this Board?

ET- It doesn't have to necessarily, I think the Aldermen make that decision.

GH- Yes

ET- So it can come from a variety of places.

GH- Including the public. Including the public. Closed, gavel tap.

Meeting adjourned at 10:01 p.m.

Transcribed by Michelle Baker

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
QUARTZ PROPERTIES, LLC, and)
TRAVIS BRAMLETT)
for a Major Site Plan Approval)
_____)

FINDINGS AND APPROVAL
OF 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 March 21, 2022, on the Application of Quartz Properties, LLC, for approval of a major site plan for the development of a 60 unit multifamily development on 7.1 acres on two unaddressed lots on Preservation Way.

Olga Grooman, planner, appeared for town staff, and Jake Libaire of Quartz Properties, LLC, made the presentation for the applicant. Robert Oast appeared as counsel for the Applicant.

The Planning Board of the Town of Waynesville, having heard the presentations and having reviewed the documentation and other additional information provided, including statements by the applicant's representatives, town staff, and members of the public, has found the following:

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) as an administrative process.

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 Travis Bramlett, owns that real property located on Preservation way, which is two unaddressed parcels being identified on the Haywood County tax maps as PIN Numbers 8615-56-3155 and 8615-55-0946, and lies within the town limits of Waynesville.

4. By written authority from the owner, and as the intended developer of the property, Quartz Properties, LLC, through its manager, Jake Libaire, appeared for the owner, and by virtue of such authority had standing to apply for this major site plan approval.

5. This project proposes a 60 unit multi-family development on the described unaddressed parcels on Preservation Way, which have a land area of 7.1 acres.

6. The property is in the East Waynesville Urban Residential (EW-UR) zoning district, and multi-family developments 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”), and a public hearing was held as the project as proposed project will consist of more than eight units.

7. The applicant as part of its application did provide an environmental report 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 elevations, all as required by Section 15.8.2.D of the LDS.

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

9. To obtain approval of this major site plan the Applicant was required by Section 15.8.2. to provide a proposed plan meeting the following requirements.

- a. The plan is consistent with the adopted plans and policies of the Town;
- b. The plan complies with all applicable requirements of this ordinance; and
- c. The plan has infrastructure as required by the ordinance to support the plan as proposed.

10. The plan is consistent with the 2035 Land Use Plan of the comprehensive plan and policies of the Town, as this project is consistent with the Land Use Plan Goal 2: to "create a range of housing opportunities and choices" and to "promote a diverse housing stock, ... that appeal to a variety of households."

11. The project lies within an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. In the current Waynesville Official Land development Map (the regulatory zoning map), the properties are located in East Waynesville Urban Residential District (EW-UR). This zoning district has a permitted density of 16 units/acre. The developer proposes 8.5 units/acre and is therefore compliant.

12. The proposed development will in compliance with the Zoning Compliance and Dimensional Requirements (LDS Chapter 2-4), as follows:

- a. Density is compliant at 60 units on 7.1 acres, or 8.5 units/acre.
- b. Project will create two multifamily buildings (30 units each) with parking spaces, including bicycle racks, and common areas with preserved green spaces. There will be a total of 40 two bedroom units and 20 one-bedroom units.
- c. Each building is within the required setback of 10 ft in front, 10 ft from the side, and 6 ft from rear boundary. The minimum distance between buildings for EW-UR is 6ft, and the distance between the proposed buildings at their nearest points is 140', exceeding this threshold.

13. There are no required supplemental standards for multi-family dwellings

14. The project complies with the general provisions for all districts, as follows:

- a. The two residential buildings are designed so that the primary facade of the building is three stories, with the first floor partially built into the hillside. The height of the buildings is less than 60 ft from the peak of the roof to the highest adjacent grade per LDS 2.4.1 and 4.4.2. The exact height is not provided.
- b. Basic lot and use standards are compliant as the development fronts the public right-of-way coming up from Hillside Road, which will be used as a main entrance to the neighborhood (LDS 4.3). The 1966 plat submitted by the developer shows the right-of-way width to be 40 ft. The developer is only required to provide a 20-foot wide entrance by the 2018 NC Fire Code and LDS section 4.3.1. The question was raised as to the current existence of the 40 foot right of way, as parties who spoke in opposition provided a letter from an attorney stating that such easement had been closed but the attorney for the applicant rendered his opinion that the easement is still in existence.
- c. The secondary entrance is not required based on the number of units (2018 NC Fire Code). However, the developer proposes a secondary gated emergency entrance that will come from the Preservation Way's 30 ft private right-of-way. If the developer chooses to proceed with the second entrance, he needs to provide the building inspectors with its width and surface materials to ensure the safe passage of emergency vehicles before the building permit is issued.

15. The project meets the Building Design Guidelines of LDS Chapter 5.8 (Apartment), as follows:

- a. LDS 5.8.2: The buildings have flat roofs. Flat roofs are permitted in UR.
- b. LDS 5.8.3: Useable porches and stoops are recommended on the front and/or side of the building. The buildings show stoop entries on the Front and Side Elevations. The buildings will also have balconies, as indicated on Rear Elevations.
- c. LDS 5.8.5(A): At least 15% of the facades must be windows or main entrance doors. A rough calculation based on the submitted building elevations indicates that at least 29% of the facades are windows.
- d. LDS 5.8.5(B): The following five architectural features are shown on the elevation drawings, meeting the minimum standard for design: balconies, offsets in building face, window trims, stoop entries, and recessed entries. In addition, there is a decorative pattern on exterior finish (window

overhangs, painted brick masonry). The design of these buildings is modern, while our ordinance standards are geared more towards a traditional building design with pitched roofs, eaves, pillars, and dormers. The staff finds the proposed architectural features to be appropriate to the modern style of the buildings:

"Detailed design shall be provided along all primary elevations and elevations facing a public street or open space by using at least five of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- e. LDS 5.8.6(A): The facade design is in compliance. The exterior building walls are arranged in the vertical board and batten and horizontal lap siding. There will be a painted brick masonry veneer at the first level of each building. Permitted materials are wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or synthetic materials similar and/or superior in appearance and durability.
- f. LDS 5.8.6(B): The roof material is PVS or TPO membrane over flat rigid insulation board.

16. The project as proposed will comply with the Infrastructure requirements of LDS Chapter 6.

- a. LDS 6.4 Connectivity (Exhibit 6):

(1) The project will connect to the Hillside Rd through the public right-of-way. Per 2018 NC Fire Code, the entrance to this development needs to be minimum 20 ft wide. The plan shows that the project meets this requirement. The developer has also planned a survey to determine the actual width of the platted right-of-way. The current continued existence of this right of way was contested, but is not a matter this board has the authority to resolve.

(2)The second entrance is not required but proposed by the developer off the Preservation Way private right-of-way. It would be a secondary gated emergency entrance.

(3) Considering the topography and location of the lots, the staff finds the connectivity to existing streets to be appropriate.

(4)This project is designed to have 111 parking spaces and 6 bicycle racks. It will not create new streets.

b. LDS 6.8 Pedestrian Facilities:

(1) The applicant provides a network of interconnected pedestrian walkways inside the development: a sidewalk from the main entrance to the Hillside Drive, paths around both buildings, a winding path in the preserved green areas, a pedestrian connection to Belleview Road, and a path for the access to the dog park and pavilions common areas (LDS 6.8.1).

(2) Based on the submitted plan, the proposed sidewalk along the main right-of-way entrance has the approximate width of 6 ft.

(3) The plan shows six pedestrian crosswalks (LDS 6.8.3).

(4) The sidewalks conform to the required standards.

b. LDS 6.10 Transportation Impact Analysis (TIA): The TIA is not required because the estimated trip generation is below 3,000 vehicles per day. However, the applicant has voluntarily commissioned the TIA to assess the current and future conditions.

c. LDS 6.11 Utilities

(1) Both lots are located within direct Town limits.

(2) The applicant has provided the utility plan. The Public Services affirms that the Town of Waynesville can supply water/sewer and electric to this project.

17. The proposed plan complies with the civic space requirements of LDS Chapter 7.

a. LDS 7.2.1 Required Civic Space Types:

(1) The total acreage of the project is 7.1 acres. A minimum of .36 acres must be dedicated as civic space.

(2) The developer proposes the community green area as a civic space. The minimum size of the community green shall be .5 acres, and the proposed size is 1 acre, which exceeds the requirement of the ordinance.

(3) The landscape of the community green shall consist of lawn and trees. The developer meets the requirement.

(4) In addition to already compliant green civic space, the applicant also proposes a dog park, and two pavilions as civic amenities.

b. LDS 7.2.2 Accessibility and 7.2.3 Location:

(1) Civic spaces must be centrally and internally located and be accessible to all residents of the development. All the proposed civic amenities are connected by pedestrian paths with crosswalks.

(2) No residential unit within the development shall be further than .25 (1,320 ft) miles from a civic space. The project is compliant.

- c. LDS 7.2.4 Usability: The area is not in the flood plain, neither is civic space.
- d. LDS 7.2.5(A) Minimum Amenities (All Civic Spaces):
 - (1) There are three benches proposed in the green area. A minimum of 2.5 linear feet of seating shall be provided for 10,000 square feet of open space. The green space is 1 acre (43,560 sq ft). Therefore, one more bench will be required.
 - (2) A minimum of 1 tree shall be planted in 350 sq ft of soil or one preserved tree shall remain for every 2,500 sq ft of required civic space. The developer has two preserved areas of .37 and .19 acres in the community green area, which is compliant.
 - (3) One garbage receptacle and one recycling receptacle will required for 5,000 sq ft of each physically separated civic space. There are currently three garbage receptacles shown by the benches. The requirement will need to be met before the building permit is issued.

The project complies with the main civic space requirements, such as type, size, accessibility, location, and landscaping. The other requirements, such as benches, trash and recycling receptacles will need to be met at the time of the building permit.

18. Landscaping (LDS Chapter 8)

- a. LDS 8.3.1 Existing Vegetation:
 - (1) "The use of existing trees or shrubs to satisfy the landscaping requirements of the section is expected. Significant existing vegetation within landscaped areas shall be preserved and credited towards required landscaping." The developer preserves approximately 3.1 acres of the wooded areas.
 - (2) "The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking, and other impervious surfaces as to preserve natural features and to complement the existing topography when practical." The staff submits that the applicant meets this requirement by reducing density by almost 50%, preserving about 43.6% of the site, adding green space with inclusion of existing trees, and placing the two apartment buildings with parking on the flattest, central part of the site to minimize hill disturbance and reduce grading.
- b. LDS 8.4 Buffer Yards: No buffer yard is required because the project in EW-UR is adjacent to another residential district (PS-NR).
- c. LDS 8.5 Street Tree Planting: Not applicable because the project is not

adjacent to any streets. The main entrance is through the public right-of-way, and the secondary entrance is proposed through the private right-of-way. The developer, however, exceeds the internal landscaping requirements as indicated below.

- d. LDS 8.6.1(A) Parking Lot Screening: "Parking lot shall be screened from sidewalks, streets, and adjacent properties with canopy trees planted with a maximum spacing of 30 feet on-center for screening of car lights and glare." The project is compliant. The preserved areas along the perimeter of the project serve as a screen between adjacent properties.
- e. LDS 8.6.2 Interior Parking Lot Plantings: The project is compliant with no parking space being more than 40 feet from the base of a canopy tree, and there is at least one canopy tree per 12 parking spaces. The developer greatly exceeds the landscaping requirement by preserving an additional of 3.1 acres.
- f. LDS 8.7 Screening of Dumpsters: There is one proposed dumpster enclosure in the north-eastern part of the project, which is compliant.

19. Parking and Driveways (LDS Chapter 9):

- a. LDS calls for 1.5 auto spaces per unit for multifamily. The required parking is 90 spaces, and the developer exceeds the requirement providing 111 spaces, or 1.85 per unit.
- b. One bicycle parking is required per 20 auto spaces. The developer meets the requirement with 6 proposed racks.
- c. There are 6 ADA spaces included. Per 2018 NC Building Code, the project needs to have 5 ADA spaces. The developer exceeds the requirement.

20. At this time, stormwater facilities are not required to be shown on the Master Plan (LDS 15.4.3), but the detailed stormwater management plan will be required before the building permit is issued.

21. The project shows a stormwater management area on the east side of the property. The final inspection of stormwater control measures will be conducted by the Town before the final certificate of occupancy is issued. The Town also has a post-construction stormwater inspection and maintenance requirements. In general, "...stormwater management facilities, structures, devices, and methods shall be designed and built with sufficient capacity to accommodate surface runoff caused by the development in excess of that runoff which would occur from the site if left in its pre-development condition (LDS 12.5.7©)."

22. Although not required, the applicant submitted 2015 Soil Testing Results, and no indication of potential land slide is given on the WNC Landslide Hazard Map by the NC Geological Survey.

Based on the foregoing findings, the Planning Board approved the site plan application by a vote of 6 to 0 on the condition that the plan be amended to show the actual planned building heights, that the civic space amenities of an additional bench and a sufficient number of garbage receptacles be added to the plan, and that the applicants resolve the legal question raised about the easement providing access to the property, before any building permits are issued.

This the _____ day of _____, 2022.

Ginger Hain, Vice 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.



TOWN OF WAYNESVILLE Planning Board

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Susan Teas Smith (Chairman)
Ginger Hain (Vice)
Gregory Wheeler
Stuart Bass
Michael Blackburn
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Christian Thomas

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Special Called Meeting

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

April 11, 2022

THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting April 11, 2022, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Vice Chairman)
Marty Prevost
Tommy Thomas
Stuart Bass
Don McGowan

The following members were absent:

Susan Teas Smith (Chairman)
Barbara Christian Thomas
Gregory Wheeler
Michael Blackburn

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Planner
Esther Coulter, Administrative Assistant
Kathy Johnson, Deputy Clerk

The following Media were present:

Becky Johnson, The Mountaineer

Vice Chairman Ginger Hain called the meeting to order at 5:31 pm and welcomed everyone. She asked Development Services Director Elizabeth Teague if there were any calendar changes. Ms. Teague reminded the Board that the next scheduled meeting would be on Easter week and added that there were no hearings scheduled. She asked if the Board would like to cancel the next meeting. Board discussed and agreed to cancel the April 18th regularly scheduled meeting.

She asked if the Subdivision Subcommittee would like to schedule their next meeting. The Board agreed on April 25, 2022, at 10:30 am for the next Subdivision Subcommittee meeting.

Ms. Teague stated that she had provided the Board with School of Government handouts for the Board to review for information and future refence. The handouts include articles related to Quasi-judicial, legislative, and administrative procedures and the role of the planning board.

She thanked the Planning Board for their work at the last meeting and suggested that in the future, staff would try to limit the number of hearings in one meeting.

B. BUSINESS

Ms. Hain read through the items on the agenda and asked to move item three, “Information and Discussion on Census Data, housing, and growth 2010-2020” to first place on the agenda and item four, “Information and discussion on existing LDS density and dimensional standards and recommendations of the Future Land Use Plan Map” to second on the agenda.

1. Information and Discussion on Census Data, Housing and Growth 2010-20120.

Town Planner Olga Grooman reviewed statistics of the Population & Housing report for Waynesville from 2010-2020. The Town has seen a growth of 354 people from July 2020 to July 2021. The population in 2010 was 9,869 and in 2020 was 10,140 that is a gain of 9.5%. The home sales price is up 14.2% and the Home Inventory has decreased by 37.8%. The average home sale price in 2021 was \$374,476. The Median Household income in Waynesville is \$40,911. She reviewed a map with the Board and explained North Carolina current growth is above average. She said the demand for housing in Haywood County is so high that most houses for sale go under contract within one month. Western North Carolina needs more than 13,400 apartments. According to studies taken nearly half of the households are paying close to half of their income for housing. Nearly sixty percent of regional rental households don't have the minimum of forty thousand dollars annual income needed to afford average monthly rent plus utilities and related expenses without being financially overburdened. Since the recession there has not been as much building, but the population has continued to grow.

2. Information and Discussion on Existing LDS Density and Dimensional Standards and the recommendation s of the Future Land Use Plan Map.

Ms. Teague presented on the zoning ordinance and procedures. She said she wanted to address the statement from citizens that rezoning had been done without notice. She said there has been no

rezoning that has changed the density, and that the current density standards for districts goes back to 2002. She showed information from the 2020 Land Development Plan that was adopted in 2002 and the Land Development Standards adopted in April 2003. It established the “Eagles Nest Rural District at 6 units/acre with a minimum lot size of half acre,” and “Neighborhood Districts of 10units/acre with minimum lot size of seven thousand to eight thousand square feet (0.16-0.18 acres), including Raccoon Creek Neighborhood District at 10 units/acre with an eight thousand square feet minimum lot size. She said the belief that property is getting rezoned without property owner involvement recently is not correct. She went through LDS Section 2.4.1 Dimensional Standard and Density chart with the Board and explained how density and minimum lot size for each district is shown.

Ms. Teague discussed previous items that have come before the Board and explained there are three types of decisions the Board deals with: Administrative, Legislative and Quasi-Judicial. Administrative procedures are work usually associated with staff such as sign permits, notices of violations, and minor site plan review, in which the administrator determines if an application is compliant with the rules. Legislative actions are actions which lead to changes in the regulations such as zoning, map and text amendments, conditional zonings, or the designation of historic districts. Quasi-Judicial procedures are like court cases, and these would include special use permits, variances, or certificates of appropriateness.

With the changes to 160D, the School of Government recommended that applications that comply with the ordinance be administrative procedures. If a developer can meet the standards and is not asking for any special consideration under the existing rules, then the Board should act through an administrative procedure and not a quasi-judicial one. Attorney Anna Sterns clarified that quasi-judicial proceedings introduce opinion-based criteria into the decision-making. She stated that if the applicant meets the standards of the ordinance – then the use of opinions and other information not related to the ordinance is subjective and must be based on evidence. There was discussion by the Board regarding the special use permit process for the apartments at Howell Mill Road which was quasi-judicial, and the challenge the board had in determining the character of the neighborhood in which it was located.

Ms. Teague and Ms. Starnes answered questions from the Board and went over requirements and types of hearings. Ms. Sterns explained that Chapter 160D has a list of specific items that a subdivision ordinance can regulate, those are related to configuration of lots and lay out of traffic or interchanges, highways and streets, distribution of population of traffic. There are very narrow categories of those contents of regulations.

3. Public Hearing on a draft Text Amendment to the Land Development Standards, Chapter 7 Civic Space.

Ms. Grooman gave the staff report and explained the Board appointed four members of the Planning Board and two Development Services Staff to a Subdivision Subcommittee. The Subcommittee has held five meetings with the main goal is to focus on aligning the LDS with the 2035 Land Use Plan Goals regarding regulations and changes to 160D.

The committee has researched ordinances of municipalities in North Carolina and out of state and has determined Waynesville's current civic space standards needed to be clearer in their application and incorporate more types of parks uses to promote greenways and conservation areas. She went through the proposed draft text amendments.

- Section 7.1 Purpose and Intent amend to state, civic spaces, as defined by this section, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression as noted in Section 12. Civic space adds to the visual character and uniqueness of each development and is intended for recreational and aesthetic enjoyment by the residents of the development unless designated as public space.”
- Section 7.2 Civic Space Standards to state, all land dedicated to required civic spaces shall meet the criteria below in this section. Stormwater facilities cannot be counted towards civic space. Delineated wetlands and required stream buffers can be counted towards civic space only when adjacent to, or part of, a greenway of designated preserve.
- Section 7.2.1 expands the types of civic spaces and provides definitions to include: Parks; Greens; Preserves of a minimum size is one acre of contiguous area; Square; Playground; Community Garden; and Greenway.

Board member Tommy Thomas asked Ms. Grooman to clarify “transportation” in greenways. It was determined to add non-motorized to the amendment.

- Ms. Grooman continued and described Dog Parks, off-leash dog areas, would also be types of acceptable civic space.

Board member Tommy Thomas asked if a “Sally port” could be added to the amendment related to dog parks. It was determined to add “like a Sally-Port” to the amendment.

- Lastly, community areas are another type of civic space and are designated indoor or outdoor facilities to support social and recreational activities of the residents such as a pavilion, fire pit, picnic area, grill area, gym, pool, community building, club house, basketball court, tennis court, golf course, or similar amenities.
- Section 7.2.5 (A)Minimum Amenities is amended to, “all civic spaces shall include park furnishings, such as benches, trash receptacles, landscaping, grills, and picnic areas, as appropriate to the size and type of the civic space.”
- Section 7.2.8 Ownership and Maintenance of civic space shall be managed and deeded to either a homeowner's association or a non-profit land trust. The owner or lessee of the property is responsible for its maintenance and all civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans.
- Section 7.3 Civic Space Dedication is amended as follows: Residential Low-Density districts (CC-RL, EN-RL, FC-RL, HT-RL). Residential Medium Density districts (CP-

RM, D-RM, HM-RM, SW-RM). Neighborhood Residential District (AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR). Urban Residential (EW-UR, H-UR). Mixed-Use/Non-Residential District. Neighborhood Center (PS-NC, NM-NC, RC-NC). Regional Center (DJ-RC, NC-RC, RA-RC) Commercial Industrial (CI) to include civic space as follows: 0-14/units/lots- 5%, 15-30 units/lots- 10%, 31-60 units/lots- 13%, 61+ lots/units- 15%. Business Districts (BD) and Commercial Industrial (CI) are exempt from civic space requirements.

- Section 15.4.4 Construction Documents/Preliminary Plat for a subdivision that shall be prepared by a registered surveyor of engineer and shall show the following: (14) Sketch vicinity map showing relationship between subdivision and surrounding area. (15) Current Zoning designation of the development property in the Town of Waynesville.

Attorney Anna Sterns asked Ms. Grooman to clarify if the required percentage of Civic space would be determined by amount of acreage and not the building size. It was determined to add “of the acreage to the amendment.”

A motion was made by Board Member Stuart Bass, seconded by Board Member Don McGowan to open the public hearing at 6:54 pm on a draft Text Amendment to the Land Development Standards, Chapter 7 Civic Space. The motion carried unanimously. (5-0).

Vice Chairman Hain opened the public comment portion of the meeting and invited the first speaker to step forward.

Ms. Sherry Morgan came forward and stated that, “the citizens of the town are not against growth but are concerned over the one thousand new housing units coming into town, which could possibly bring as many as 4000 more residents.” She stated a large group have reviewed the comprehensive plan and land use standards. The comprehensive plan went into vote September 2020 during covid while citizens were sheltering at home and had no idea. We read in the Mountaineer that the density in the neighborhoods were going to be increased to allow infill right through the middle of town. She said this was concerning and asked why a notice could not be sent with electric bills to alert the citizens when something this important was being passed in the Town. She expressed her thanks to Ms. Teague for taking the time to explain what is allowed under the special use permit. To the citizens it looks like we are powerless. She stated that Quasi-Judicial procedures are what citizens want. She stated that some people are being forced to sell their homes and that the hillside community will never be the same with 120 cars on the narrow unlined roads. She said that she will be working on a Land Development Use text amendment.

Ms. Hain asked Ms. Morgan if she would be interested in submitting a draft of the text amendment to Ms. Teague to bring before the Subcommittee at the next meeting. Ms. Morgan said she would send a draft to Ms. Teague.

Mr. Scott Cason said he was at the last meeting, and he wanted to speak on the Board’s authority and zoning. When he moved to Waynesville, he was aware of the density but also thought that the Planning Board was quasi-judicial. He spoke on Preservation Way and said it was originally platted as a multi-family neighborhood in 1920 and re-platted as a single-family neighborhood, in

the 2000s. He stated that the Preservation Way project is surrounded by single family residents. The developer has shown rights-of-ways that aren't accurate. That establishes why there is a need for quasi-judicial review in this type of situation where there is not functional base zoning. He asked the Board to please consider quasi-judicial proceedings on a case-by-case basis. Preservation way is a perfect example as to why it is needed to protect single family residents.

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas at 7:07 pm to close the public hearing. The motion carried unanimously. (5-0)

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas to approve the text amendment, and find it is consistent with goal one to promote smart growth principles in land use planning and zoning, goal two to create a range of housing opportunities and choices, and goal three to protect and enhance Waynesville's natural resources. The motion passed unanimously. (5-0)

4. Public Hearing on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions.

Ms. Teague explained the recommendation to divide major subdivisions into tiers so that larger subdivisions with more impact to surrounding neighbors would have to meet additional requirements. Currently the ordinance does not distinguish a small major subdivision from a large major subdivision. The proposed ordinance creates tiers which add additional buffering, neighborhood meetings, and could change the administrative proceedings to a special use permit which will be a quasi-judicial proceeding. The proposed ordinance also includes inclusionary zoning which would require one affordable unit for rent or sale, for every ten units constructed. She referenced Ms. Grooman presentation and said that no more than one third of someone's income should be spent on housing. Town staff was requesting additional Planning Board input.

Ms. Teague went through the list of the requested amended changes as follows:

- Chapter 8 relates to tree protection, landscaping, and screening. (8.4) Buffer yards are designed to separate incompatible uses, or to provide privacy and protection against potential adverse impacts of an adjoining use or zoning. The ordinance proposes a Type B buffer yard be required along the perimeter of new major subdivisions over 30 units and special use permits in all districts, except where there is a stricter requirement or as part of a conservation subdivision.
- Amend Section 15.9.2, to establish four tiers of major subdivisions. Tier one, 0-14 lots administrative process. Tier two, 15-30 lots administrative process with preapplication and neighborhood meeting required. Tier three, 31-60 lots administrative or SUP process with preapplication and neighborhood meeting required. Tier four, 60 lots or more, administrative or SUP process with preapplication and neighborhood meeting required.
- She asked about 15.9.3 Preliminary Plats for Major Subdivision and which process type: Administrative or Special Use permit (see LDS Section 15.10).

- She asked if the criteria for a special Use Permit, Section 15.10 Special Use Permits (7), should have an inclusionary component to require residential development to include affordable housing units at a rate of ten percent (one unit for every ten units constructed, rounded down to the nearest whole unit.)
- Affordable rental units must meet monthly affordability threshold for eighty percent of current median income for Haywood County at the time of application and may be re-adjusted as median income thresholds are adjusted by North Carolina Low Income Housing Agency. Affordable units for conveyance must be sold at affordability threshold of eighty percent of current median income at the time of sale and must be secured for five years.

Ms. Teague answered questions from the Board. As proposed the buffer requirement would only apply to tier 3 and 4 types of subdivisions. The Board discussed inclusionary zoning. Board Member Don McGown expressed concern on the amount the developers were allowed to charge on low-income housing, and he would like to have more information. Ms. Hain stated this is a huge topic and she feels there needs to be comprehensive plan on the Towns approach and recommended getting feedback from the Board of Alderman. Ms. Teague recommended continuing this hearing to next month's meeting so that the subcommittee should discuss it further.

A motion was made by Board Member Don McGowan, seconded by Board Member Marty Prevost to open the public hearing. The motion carried unanimously. (5-0)

Ms. Hain asked anyone that wished to speak to fill out a comment form and come forward.

Ms. Denna Brooks stated she lives on Boundary Street in Waynesville, and she said staff presented very well and she appreciated that. She is concerned with all of the changes and the prices going up. Suddenly everyone is wanting to build in our county. She asked if we were ready for this rate of change. She asked if the school system, septic and water systems will be able to handle it. She expressed her concern over the amount of growth coming to Waynesville.

A motion was made by Board Member Don McGowan, seconded by Board Member Tommy Thomas to continue the hearing to the next meeting. The motion carried unanimously. (5-0)

C. ADJOURN

Vice Chairman Hain adjourned the meeting at 7:46 pm.

Ginger Hain, Vice Chairman

Kathy Johnson, Deputy Clerk

Esther Coulter, Administrative Assistant