

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

Planning Board Staff Report

Subject: Map Amendment to the Land Development Standards (LDS) to change the zoning of one property located at 134 Belle Meade Dr.
Ordinance Section: 2.1 - Official Land Development Map
Applicant: Travis Dustin Smith
Meeting Date: May 16, 2022
Subject property: 134 Belle Meade Dr. PIN 8605-81-6159

Background:

The owner of the subject property applied to the town to rezone the parcel at 134 Belle Meade Drive, PIN 8605-81-6159, from its current zoning of Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD). The applicant states that this lot is "on the corner of Brown and Belle Meade which makes it an ideal commercial location" and it "sits within 75 feet of a commercial property, thus increasing its value."

This lot originally held two residences. The applicant took down one of the houses and uses this lot for parking associated with his business across and up the street at Triangle Automotive. A staff determination that outside storage of vehicles or as part of an automotive repair business was not an allowable use within the Hazelwood UR District. This zoning administrative decision was appealed by the applicant to the Town's Zoning Board of Adjustment and the ZBA upheld the staff decision.

The Land Development Standards (LDS) describes the purpose and intent of the Hazelwood Urban Residential District as follows:

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

The LDS describe the purpose and intent of the Hazelwood Business District as:

The **Hazelwood Business District (H-BD)** is a small-scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest, and other surrounding neighborhoods. A broad mixture of uses is permitted, however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

Surrounding Land Use Pattern

The subject property is surrounded by the following land use types: (1) To the north by single-family dwellings (2) to the south by single-family dwellings (3) to the east by single-family dwellings and (4) to the west by single-family dwellings and an agricultural produce stand. This neighborhood was historically zoned residential going back to the 1977 Hazelwood zoning map. The nearest commercially zoned lot is Triangle Automotive which is in Hazelwood Business District which is 75 feet away across Brown Avenue, and the produce stand across the street that is within the H-UR District.

This rezoning would extend Hazelwood Business District across Brown Avenue and into an historically residential neighborhood in a way that is not contiguous with the H-BD, creating a satellite portion of the commercial district within the historically residential neighborhood. The H-BD designation would allow – in addition to automotive services -- restaurants, kennels, retail, professional and personal services, outside sales, pawnshops, and other commercial uses found in central business districts.

Consistency with the 2035 Comprehensive Land Development Plan

Waynesville 2035: Planning with Purpose is intended as a reference document for the public at large and for those investing in land and development within Waynesville. According to the future land use map, this area would remain residential medium to high density. The types of development in this area would be single-family, duplexes, townhomes, or multifamily. Introduction of commercial uses allowed in the H-BD district would be inconsistent with the 2035 Plan and the surrounding zoning.

Staff Recommendation

The subject lot has historically been residential in nature and until recently held two single family homes. This parcel was also in the Town of Hazelwood until the merger in 1996 and the intent of Hazelwood's zoning was also to have the lot stay residential in nature. The rezoning of this lot to a business district would allow several commercial uses directly bordering single-family homes and would extend the business district in a way that is not contiguous. Although there is a small produce stand operation across the street, it is a pre-existing non-conformity that does not generate noise, odor, or vibration, that might be considered detrimental to a residential setting. An automotive repair or storage operation, or other types of uses allowed in business districts, however, could impact residents. Staff submits that rezoning this property is not consistent with the Comprehensive Land Use Plan.

Attachments

- Map of the parcel and surrounding properties
- Map of parcel and surrounding properties with zoning overlay
- Hazelwood's zoning map of 1977 showing parcel as residential
- Pictures of the property from various angles
- Order of findings of the Zoning Board of Adjustment
- Notice of public hearing
- Application for Land development Standards Map Amendment

2019 Aerial

Report For

SMITH, TRAVIS D
85 MISSISSIPPE AVE
WAYNESVILLE, NC 28786

Account Information

PIN: 8605-81-6159
Legal Ref: 898/2379

Add Ref: A94/92
A94/72

Site Information
BROOKWOOD
DWELLING

134 BELLE MEADE DR
Heated Area: 821
Year Built: 1935
Total Acreage: 0.28
Township: Town of Waynesville

Site Value Information

Land Value: \$17,200
Building Value: \$99,700
Market Value: \$116,900
Deferred Value: \$0
Assessed Value: \$116,900
Sale Price: \$95,000
Sale Date: 12/29/2015



1 inch = 100 feet
May 11, 2022

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

2015 Aerial

Report For

SMITH, TRAVIS D
85 MISSISSIPPE AVE
WAYNESVILLE, NC 28786

Account Information

PIN: 8605-81-6159
Legal Ref: 898/2379

Add Ref: A94/92
A94/72

Site Information

BROOKWOOD
DWELLING

134 BELLE MEADE DR

Heated Area: 821
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Market Value: \$116,900
Deferred Value: \$0
Assessed Value: \$116,900
Sale Price: \$95,000
Sale Date: 12/28/2015



1 inch = 50 feet
May 2, 2022

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

Report For

SMITH, TRAVIS D
85 MISSISSIPPE AVE
WAYNESVILLE, NC 28786

Account Information

PIN: 8605-81-6159

Legal Ref: 898/2379

Add Ref: A94/92
A94/72

Site Information

BROOKWOOD
DWELLING

134 BELLE MEADE DR

Heated Area: 821

Year Built: 1935

Total Acreage: 0.28

Township: Town of Waynesville

Site Value Information

Land Value: \$17,200

Building Value: \$99,700

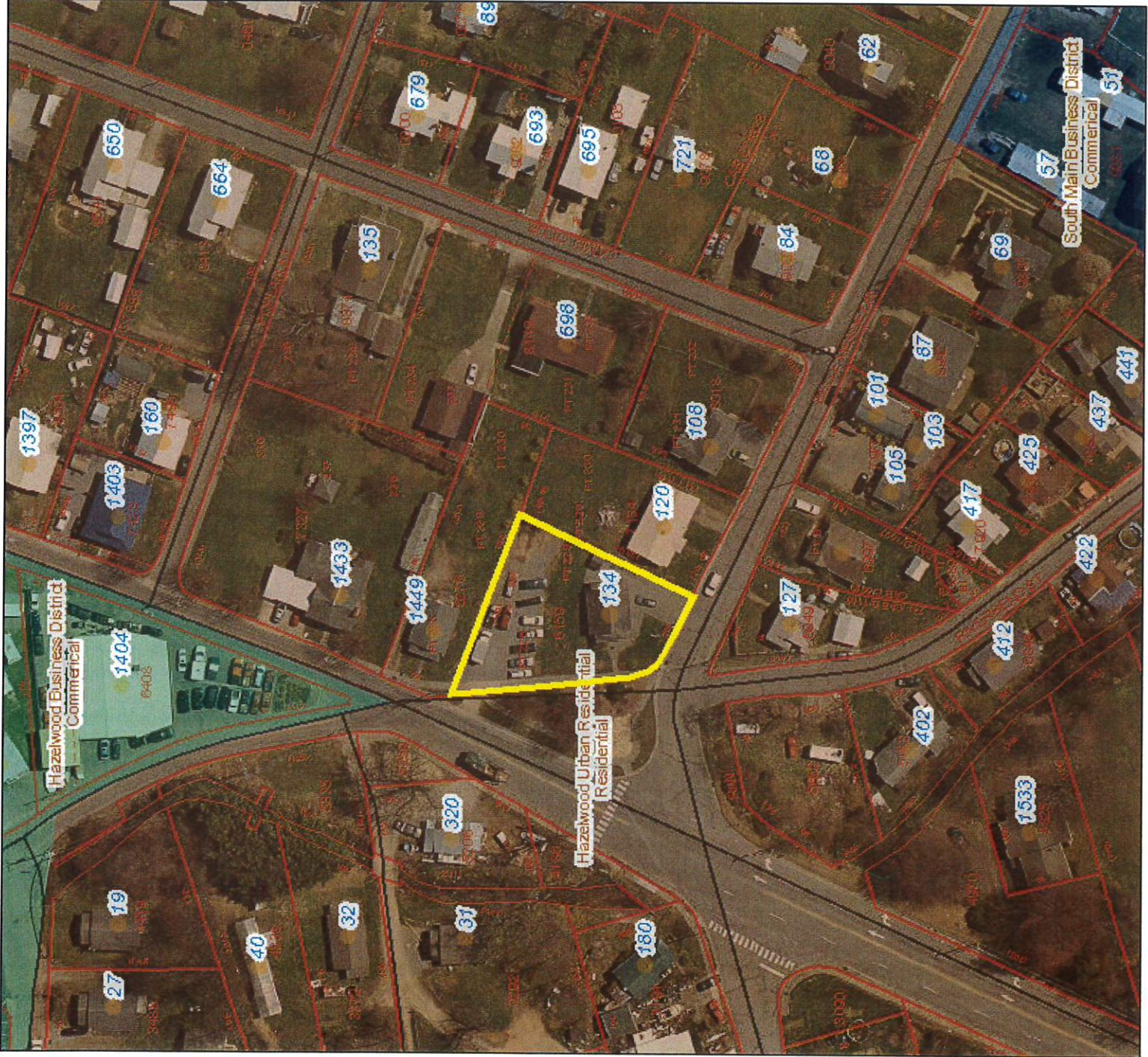
Market Value: \$116,900

Deferred Value: \$0

Assessed Value: \$116,900

Sale Price: \$95,000

Sale Date: 12/29/2015



1 inch = 100 feet

May 11, 2022

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



LOCATION OF PROPERTY WITHIN HAZELWOOD ZONING

Google Maps 1459 Brown Ave



Image capture: Apr 2013 © 2022 Google

Waynesville, North Carolina

Google

Street View - Apr 2013





PLANNING BOARD
PUBLIC HEARING
MAY 18, 2022, 10:00 AM
9 SOUTH LEGGETT ROAD
CONCORD, TENNESSEE
808-456-6547



TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
ZONING BOARD OF ADJUSTMENT

In the Matter of the Appeal of)
Travis Dustin Smith from a Notice of)
Violation for Use on property at)
134 Belle Meade Drive PIN 8605-81-6159)

FINDINGS OF FACT AND
ORDER

THIS CAUSE, coming on before the Zoning Board of Adjustment for the Town of Waynesville on April 5, 2022, upon the appeal of Travis Dustin Smith from a Notice of Violation for the use made of the property located at 134 Belle Meade Drive, Waynesville, North Carolina.

The Appellant was represented at the hearing by attorney John R. Sutton, Jr., and the town attorney for the Town of Waynesville, Martha Bradley, appeared to represent the town staff and the Town. Byron Hickox, Zoning and Land Use Administrator, appeared as the witness for the Town and Travis Dustin Smith, the Appellant, appeared and testified.

The Zoning Board of Adjustment, having heard and considered the testimony of town staff, all witnesses for the Appellant, and having considered all the evidence presented by the town staff and the Applicant, makes the following

FINDINGS OF FACT

1. The Zoning Board of Adjustment has jurisdiction over this matter pursuant to Section 14.4.1.A of the Land Development Standards.
2. Proper notice of this meeting and hearing of the Zoning Board of Adjustment was provided as required by the Town ordinances and the state law.
3. Travis Dustin Smith owns a parcel of land located at 134 Belle Meade Road, previously addressed as 1459 Brown Avenue, Waynesville, NC, (hereafter referred to only as 134 Belle Meade Drive) which is shown on the tax maps for Haywood County, North Carolina, and

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identified as being PIN #8605-81-6159.

4. In November 2018 and continuing to the date of this hearing, the Appellant Travis Dustin Smith also owned and owns that property located at 1404 Brown Avenue, and on that property he operated and continues to operate that business known as Triangle Automotive Repair.

5. In November, 2018, the property at 134 Belle Meade Drive contained a vacant area that was in use as a parking area for various vehicles, including vehicles owned by customers of Triangle Automotive Repair and service vehicles used by Triangle Automotive Repair.

6. The property at 134 Belle Meade Drive is located in the Hazelwood Urban Residential zoning district.

7. On November 30, 2018, the Town of Waynesville Development Services Department sent a letter to the Appellant, informing him that the use of the property at what is now 134 Belle Meade Drive for the for the storage of vehicles was not allowed by at that location, as the two uses as identified by the Town Development Services Department, outside storage and vehicle services, are not permitted int the Hazelwood Urban Residential zoning district.

8. The letter of November 30, 2018, instructed the Appellant to discontinue the storage of vehicles and any associated towing activity on that lot within thirty days.

9. When no action was taken by Appellant to discontinue these uses, a subsequent letter to the same effect was sent to him on April 11, 2019, but the Appellant took no action to discontinue the non-permitted uses after receipt of the April 11, 2019 letter.

10. On September 10, 2019, town staff members visited the Triangle Automotive Repair to discuss the alleged violations and other safety concerns. An employee asked about the possibility of rezoning the property at 134 Belle Meade Drive to a district that would allow outside storage and vehicle services. No application for such rezoning was ever submitted by the Appellant or anyone acting on his behalf.

11. An action was filed in the Superior Court for Haywood County by the Town asking for an injunction ordering the Appellant to cease the prohibited uses of the property at 134 Belle Meade Drive, which case went to mediation.

12. At mediation it was agreed by the parties that a new Notice of Violation would be issued by the Town to restart the statute of limitations and give the Appellant the opportunity to appeal the staff's determination to this Board of Adjustment.

13. On December 22, 2021, the Town staff issued a written interpretation regarding the use of the property at 134 Belle Meade Drive, with that interpretation contained in a letter from Byron Hickox, Land Use Administrator, to John R. Sutton, Jr., attorney for the Appellant

14. The letter of December 22, 2021, was received by John R. Sutton, Jr., on January 13, 2022.

15. John R. Sutton, Jr., gave notice of the appeal of the staff interpretation by letter dated January 21, 2022.

16. At the time this appeal came on to be heard by this Board on April 5, 2022, there were no vehicles being stored on the property at 134 Belle Meade Drive and there were no existing violations of the zoning ordinance, however, this Board has determined that the issue is not moot because the Appellant testified that he would like to continue to use the property for vehicle storage if allowed by this Board. The Board determined that both the town officials and the Appellant would benefit from a decision in this matter.

17. At later dates, the Appellant stored only vehicles titled in his name on the property at 134 Belle Meade Drive, thinking that by storing on vehicles that he owned on the property, he would not be in violation of the zoning ordinance.

18. The numerous vehicles stored that were owned by the Appellant were not his personal vehicles for his own transportation needs, but were vehicles he has acquired to repair, salvage parts from or restore for resale.

19. The placement of numerous vehicles on the property, although titled in the name of the Appellant, was still a use of the property for outside storage of vehicles and for vehicle services, in violation of the zoning ordinances.

20. The Town has not asserted a claim against the Appellant for fines or civil penalties and only seeks compliance with the ordinances.

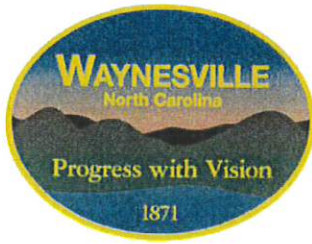
BASED UPON THE FOREGOING FINDINGS OF FACT, THIS BOARD by a vote of 5 to 0 concludes that the use of the property at 134 Belle Meade Drive for storage of vehicles of others and for storage of vehicles owned by the Appellant for uses other than his own transportation needs is outside storage and vehicle services, uses which are not permitted in the Hazelwood Urban Residential zoning district, and the interpretation of the Development Services staff as set out in the letter from Byron Hickox, Land Use Administrator, to John R. Sutton, Jr., should be affirmed.

IT IS NOW, THEREFORE, ORDERED, that the interpretation of the Development Services staff as set out in the letter from Byron Hickox, Land Use Administrator, to John R. Sutton, Jr., is hereby affirmed.

This the 10th day of May, 2022.


 GEORGE ESCARAVAGE, Chairperson

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



TOWN OF WAYNESVILLE

Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: April 27 and May 4, 2022 Editions

Date: April 21, 2022

Contact: Elizabeth Teague, (828) 456-2004

Notice of Public Hearing Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on May 16, 2022 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request at 134 Belle Meade Drive, PIN 8605-81-6159, from Hazelwood Urban Residential to Hazelwood Business District. For more information contact the Development Services Department at: (828) 456-8647, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

April 25, 2022

Notice of Public Hearing

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on May 16, 2022 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request at 134 Belle Meade Drive, PIN 8605-81-6159, from Hazelwood Urban Residential to Hazelwood Business District.



For more information contact the Development Services Department at: (828) 456-8647, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

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THE TOWN OF WAYNESVILLE
PLANNING BOARD
WILL HOLD A
PUBLIC HEARING
MAY 16, 2022, AT 5:30 PM
IN THE TOWN HALL BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A REZONING REQUEST
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
828-456-8647





TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
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Application for Land Development Standards Map Amendment

Application is hereby made on April 6th, 2022 to the Town of Waynesville for the following map amendment:

Property owner of record: Travis Dustin Smith
Address/location of property: 134 Belle Meade
Parcel identification number(s): 8605 - 81 - 6159
Deed/Plat Book/Page, (attach legal description): BK: RB 898 PG: 2379-2381
The property contains .28 acres.
Current district: Hazel wood Residential
Requested district: Hazel wood Business

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

The property is on the corner of Brown & Belle Meade which makes it an ideal commercial location, along with being surrounded by commercial property. It is located within 75 feet of a commercial property, thus increasing its value.

Applicant Contact Information
Applicant Name (Printed): Travis Dustin Smith
Mailing Address: 1404 Brown Ave
Phone(s): 828. 246. 9226 Cell 828. 550. 7731
Email: tridauto1404@yahoo.com

Signature of Property Owner(s) of Record Authorizing Application:

Travis Dustin Smith

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

DATE 12/29/15 BY KH



2015010802
HAYWOOD CO, NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$190.00

PRESENTED & RECORDED:
12-29-2015 12:03:46 PM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY AMANDA GUTIERREZ
DEPUTY

BK: RB 898
PG: 2379-2381

~~Mike Matthews, Haywood County Tax Collector~~
~~2605-81-6159~~
~~There are no delinquent taxes due that are a lien against parcel number 2605-81-6159~~
HAYWOOD COUNTY TAX CERTIFICATION

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$190.00

Parcel Identifier No: 2605-81-6159 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: James W. Kirkpatrick, III, PA, 37 Branner Avenue, Waynesville, NC 28786

This instrument was prepared by: David F. Sutton, Attorney

Brief description for the Index: _____

THIS DEED made this 29th day of December, 2015, by and between

GRANTOR

GRANTEE

Bobby Joe McClure and wife,
Bobbie Jean McClure
214 Knollwood Drive
Waynesville, NC 28786

Travis D. Smith
85 Mississippi Avenue
Waynesville, NC 28786

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

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

SEE ATTACHED EXHIBIT "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____
All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____

EXHIBIT "A"

BEGINNING at the Southwest corner of Hobert G. Henry and wife's lot (Book 130, Page 89, Haywood County Registry), said corner being at the intersection of Laurel (now Church) Street and Richland Street (formerly known as Allens Creek Road), and running thence S. 73 deg. E. 200 feet with the Southern boundary line of Hobert G. Henry lot to a stake; thence S. 17 deg. W. (with line between Lots Nos. 230 and 231 in the subdivision hereinafter referred to) 139 feet to a stake in North margin of Beech Street; thence with margin of said Beech Street N. 67 deg. W. 136 feet to a stake at the intersection of Beech Street with Richland Street; thence with the East margin of Richland Street in a Northerly direction to the **BEGINNING**, and **BEING** a portion of Lots Nos. 228, 229 and 230 in Block "O" of Brookwood Subdivision as per plat recorded in Plat Book A, Page 90 in the office of the Register of Deeds of Haywood County.

EXCEPTING that 0.232 acre tract described in that deed dated March 31, 1983 from Wayne S. McClure et ux. to John David McClure, recorded in Deed Book 339, Page 646, Haywood County Registry.

BEING the same property described in deed dated June 2, 1994 from Wayne S. McClure (unremarried widower) to Bobby Joe McClure, recorded in Book 442, Page 118, Haywood County Registry.

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2747968
REFERENCE Rezone
DATE/TIME 04/06/22 16:35
CLERK 2044ecou
CUSTOMER Travis Dustin Smith
EFF. DATE 04/06/2022
DEPT

01

TOTAL: 500.00
500.00

PMT TYPE	QTY	REF	AMOUNT
CHECK	1	6268	500.00

Planning Board Staff Report

Site Plan Amendment to the approved Special Use Permit for the Shining Rock Classical Academy May 16, 2022

Project:	Shining Rock Classical Academy
Location:	2150 Russ Avenue, Waynesville, NC, PIN 8616-48-1711
Acreage of Site:	13.51 acres
Zoning District:	Dellwood Residential Medium Density (D-RM) and Dellwood Residential Medium Density Mixed Use Overlay (D-RM-MXO)
Applicant:	Tate Architecture

Background:

The Planning Board granted a Special Use Permit for the Shining Rock Classical Academy on June 29, 2020 (See *Exhibit 1*). Per Land Development Standards (LDS) Section 15.10:

“Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.”

In addition, all special uses shall at minimum meet the standards for the zoning district in which they are located (LDS 3.1.3 Special Use Permit Applications).

The purpose of today’s hearing is **not** to consider another Special Use Permit. The project has a 2-year vested right to continue and complete the project as originally approved by the Planning Board (LDS 15.2.3 Permit/Process Type Table and 15.16 Permit Choice and Vested Right).

Today the Board is reviewing Substantial Changes to an approved plan, as defined in LDS 15.2.5 Administrative Modifications and Substantial Changes (See *Exhibit 2*):

- *An increase in impervious surface*- the applicant proposes 2 additional parking lots and expansion of one existing parking lot.
- *The introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access*- the applicant adds a new emergency vehicle access off Jule Noland Drive, as required by Fire Code due to an increased occupancy load.

The applicant also proposes a 3-story building expansion, instead of originally proposed 2-story. See *Exhibit 6*. The 3rd story will add 9,091 sq ft to the building but will not increase its footprint. This addition is **not** considered a substantial change because schools belong to a civic/institutional use type (LDS 2.5.3 and 15.2.5). An increase of the total floor area by more than 10% is a substantial change **only for industrial or commercial buildings** due to their potential impact. However, the building height still needs to be compliant with LDS standards: ≤ 60 ft high and ≤ 3 stories in this zoning district (LDS 2.4.1 and 4.4.2.A). Therefore, a 50-ft high 3-story expansion is compliant (LDS 4.4.2.A).

The Development Services received the updated site plans, application materials, and Agent Authorization Form to represent the property owner at this hearing (05/04/22) (See Exhibit 3). Public notice was provided with a site posting (04/25/22), The Mountaineer (04/27/22 and 05/04/22), and letters to adjacent property owners within 500 ft via first class mail (04/25/22). See Exhibit 7.

Substantial Changes

Below are the specific LDS standards that are related to the proposed substantial changes.

1. An Increase in Impervious Surface.

The applicant proposes 2 additional parking lots and expansion of one existing parking lot (See Exhibits 4 and 5):

- New parking lot at the southern edge of the site will add 36 new parking spots.
- New parking lot at beside the building expansion will add 16 parking spots.
- An extension of the parking lot at the northern edge of the site will add 60 parking spots.

The proposal will add 112 parking spaces, making the total number of parking 167. This number includes 3 new handicap parking spots, making a total number of accessible spaces 9. There is no minimum requirement for school car parking spaces in our Land Development Standards (LDS 9.2). Therefore, the applicant is in compliance. The proposed handicap parking is also compliance with the NC Building Code.

The LDS require 1 bicycle parking spot per 20 auto spaces (LDS 9.2). Therefore, 8 bicycle spaces are required. The applicant proposes 6 new ones, in addition to 3 existing bicycle spaces. Therefore, 9 bicycle parking spots are in compliance. However, the applicant needs to indicate the location of the proposed bicycle amenities as they are not shown on the plan.

Due to the increased amount of impervious surface, the applicant also needs to show that the current Stormwater Control Measures can handle the increased amount of runoff or provide additional mitigation measures.

2. The Introduction of a New Vehicular Access Point to an Existing Street.

New emergency vehicle access off Jule Noland Drive is required by Fire Code due to an increased occupancy load. The applicant proposes a 16-ft wide fire apparatus access road, which will widen out at the top and bottom to accommodate fire trucks.

Staff Comment:

Staff submits that the proposed changes will keep the Shining Rock Classical Academy in zoning compliance with the LDS. The applicant is not changing the land use, and the expansion has been a long-term plan for this project from the start. The Town staff have also reviewed the plan for compliance with NC Building and Fire Codes and approved it with the following provisions:

- The new secondary access road will need to be restricted for emergency personnel only and provide an approved knox box key lock system for this access.

- Provide FDC knox box caps for the existing FDC connection at Russ Ave. and ensure all keys work. A recent fire inspection revealed no one had correct keys for the FDC heated enclosure.

The staff recommends that the Board approves this application for this site plan amendment with conditions, as indicated below.

Suggested Actions:

Motion to approve the substantial changes to the site plan with the following conditions:

1. Indicate the location of bicycle parking on the plan
2. Submit proof that the stormwater control measures can treat the new volume of runoff
3. Comply with the requirements of the NC Building and Fire Codes

Attachments:

1. Signed Order for Special Use Permit 2020
2. Administrative Modifications and Substantial Changes LDS 15.2.5
3. Application Materials: memo, Agent Authorization Form, payment
4. Phase I Site Plan
5. New Phase II site plan
6. Building elevations
7. Maps of the property
8. Public Notices

Exhibit 1

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
SHINING ROCK CLASSICAL)
ACADEMY for a Special Use Permit)
_____)

ORDER
SPECIAL USE PERMIT

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 June 29, 2020, at 5:30 p.m. on the Application of Shining Rock Classical Academy for a Special Use Permit to construct and operate an elementary and secondary school.

All of the nine members of the Planning Board were in attendance and reviewed the physical and documentary evidence, heard testimony by Byron Hickox, Town of Waynesville Land Use Administrator, with Neil Tate presenting the application for special use permit.

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

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for special use permit pursuant to Section 14.3.1.E.3 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards.)
2. Proper notice of the hearing was posted and published as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.
3. The Applicant desires to construct a charter school on the property located at Russ Avenue and Jule Noland Drive in the town limits of Waynesville, North Carolina. The current PIN number for that property is 8616-48-1684.
4. The described real property is owned by Robert and Lynn Noland.
5. The Applicant has an option or contract to purchase the described property contingent on its obtaining a special use permit to construct and operate an elementary and secondary school on the described property, and thus has standing to make and pursue this application for a special use permit.
6. The described real property lies partly within the Dellwood Residential Medium Density district (D-RM) and partly with the Dellwood Residential Medium Density Mixed Use district (D-TM MXO).

Exhibit 1

7. A special use permit is required by Section 2.5.3 of the Land Development Standards for the property to be used for a school.

8. The proposed special use as described in the application and as shown on the conceptual site plan that was provided with the application conforms to the character of the neighborhood as the proposed structures have been reviewed and approved by the Historic Preservation Commission as conforming to the requirements for civic/monument buildings, and the use is permitted in the controlling zoning districts.

9. Adequate measures are being taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on public roads, as access is to be from a major thoroughfare and the plan has been submitted to the Department of Transportation.

10. Adequate utilities are available for the proposed use, as confirmed by the Land Use Administrator.

11. The operation proposed is for a school and will not be not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas, as the only issues might have been noise and lights except that applicant will not be operating outdoor facilities or sports activities in the evening that might generate excessive noise or lights.

12. The establishment of a school on the subject property will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district as schools are common in residential areas and schools are permitted in these zoning districts as long as they meet the special use requirements for schools.

13. The establishment, maintenance or operation of a school on the subject property will not be detrimental to or endanger the public health, safety or general welfare, as schools are typically found in residential districts and the proposed school will operate primarily during the daytime.

14. The subject property and proposed site for the school is adjacent to residentially zoned property as it is located partly in a residentially zoned district and partly in a mixed use district.

15. The conceptual site plans and the testimony of those speaking for the Applicant show that there will be a Type B buffer as described in Section 8.4.2.B of the Land Development Standards, and will comply with those standards when additional buffering is done along the north and south sides, and along the eastern side of the project to buffer it from the adjacent residential properties.

16. The conceptual site plan shows that parking and active recreation areas are not located in the required yards or the planting areas located parallel to the side and rear lot lines as described in Section 8.2 of the Land Development Standards, but the site plan does not indicate

Exhibit 1

that there will be pedestrian corridors through the parking areas as required by Section 9.4.4 of the Land Development Standards.

17. Primary access to the property will be from Russ Avenue which is a major thoroughfare and not a residential neighborhood street.

18. The plan does not indicate that sidewalks along the entryway and other streets is to be eight feet in width as required by Section 6.2.2.B of the Land Development Standards.

19. There is a stream and wetland shown on the site plan for which no information was provided concerning the preservation and protection of those sensitive areas.

20. That the standard requirements for land use within the zoning districts where the property is located, except as otherwise found and stated in this order.

21. That the conditions should be placed upon the Applicant that it be required to comply with any requirements or recommendations arising from the North Carolina Department of Transportation, that additional vegetative buffering be installed along the northern, southern and eastern boundaries of the property, that pedestrian corridors as required by the LDS be planned and constructed in the parking areas, that eight foot wide sidewalks be designed and constructed, and that the Applicant consult with Haywood Waterways Association when planning for the protection of the wetlands.

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 8 to 1, this Board concludes as a matter of law that the Applicant should be granted a special use permit subject to additional conditions.

IT IS NOW, THEREFORE, ordered that a Special Use Permit shall and hereby is granted to the Applicant for the construction and operation of an elementary and secondary school on the property located on that property located at Russ Avenue and Noland Drive, in Waynesville, North Carolina, identified on the Haywood County Tax Office as PIN #8616-48-1684, upon the following conditions:

1. Applicant is required to comply with any requirements or recommendations arising from the North Carolina Department of Transportation when preparing the final design of the entryway to the project off Russ Avenue.

2. Additional vegetative buffering be installed along the northern, southern and eastern boundaries of the property as approved by the Town Development Services Department.

3. Pedestrian corridors as required by the LDS shall be planned and constructed in the parking areas.

4. Eight foot wide sidewalks shall be designed and built within the project.

Exhibit 1

5. Applicant shall consult with Haywood Waterways Association when planning for the protection of the wetlands.

This the 17 day of August, 2020.

A handwritten signature in blue ink that reads "Patrick M. Dowell". The signature is written in a cursive style with a large initial "P".

Patrick McDowell, Chairman

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

Exhibit 2

15.2.5 Administrative Modifications and Substantial Changes.

- A. **General.** The Administrator can approve administrative minor modifications for conditional districts (160D-703(b)), special use permits (160D-705(c)), and administrative development approvals (160D-403(d)).
- B. **Minor Modification:** A minor administrative modification is a non-substantial change to the approved plan that may include but is not limited to: relocation of a bus stop, moving landscaping around, reduction in the number of parking spaces, reduction in the number of units/lots, building elevation changes, increasing vegetative buffer or the number of trees, etc.
- C. **Unique Property Attributes.** A minor modification may also be allowed to provide relief from a unique physical attribute of the property not known at the time of initial approval. The applicant will need to provide evidence of why relief is needed.
- D. **Substantial Changes.** Any substantial change to a Master Plan or Plat as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Aldermen:
 - An increase in impervious surface.
 - A change in land use or development type beyond that permitted by the approved Master Plan or Plat.
 - The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - Change in density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.
 - An increase of the total floor area of a commercial or industrial classification by more than 10 percent beyond the total floor area last approved by Board of Aldermen.
 - Any decrease in the setbacks greater than 10% from the originally approved Master Plan or Plat.
- E. **Variance.** Minor and major modifications require the project to stay in compliance with the Land Development Standards and any other applicable laws. Some modifications may require a variance procedure as found in Section 15.13 Variances.

Exhibit 3: Application Materials

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 2150 Russ Ave. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: J. WEITZEL, AIA.
Title and Company: Principal / Title Architect, P.C.
Address: PO Box 1784, #1784 High Point, NC 27022
Phone and email: 336.413.0001, jweitzel@weitzelarchitect.com.

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 27th day of April, 2022.

Owner or Party with Contractual Interest in Property:

John FJ

Address and phone number:

2150 Russ Ave
Waynesville NC 28786
476-5010

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2756014
REFERENCE Amending
DATE/TIME 05/04/22 16:09
CLERK 2044ecou
CUSTOMER Tate Architecture PLLC
EFF. DATE 05/04/2022
DEPT

PG: 1

01

TOTAL: 750.00
750.00

PMT TYPE QTY REF
CHECK 1 4290

AMOUNT
750.00

Exhibit 3: Application Materials

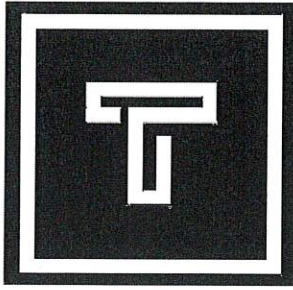


Exhibit 3: Application Materials

memo

date: May 3, 2022
 to: Elizabeth Teague
 Town of Waynesville
 Planning and Zoning Department
 16 South Main Street
 Waynesville, NC 28786
 commission: BCCG_SR_Phase II
 commission #: 2021-33
 From: tate architecture pllc - J. Neil Tate, AIA, NCARB
 re: Shining Rock Classical Academy
 Phase II – High School
 Waynesville, NC

Introduction:

Shining Rock Classical Academy was founded in the fall of 2015 to offer school choice to the families of Western North Carolina. Its partnership with Team CFA offered a classical curriculum using the Core Knowledge Sequence to build a knowledge base foundation for each student.

The first classes met at the Wilson Center at the Lake Junaluska Assembly. In the school's second year, the campus moved to temporary modulars on Dellwood Road on leased property from Lake Junaluska, continuing the relationship with the Lake Junaluska Assembly. The school soon outgrew this campus and began construction on a new facility on Russ Avenue.

The Russ Avenue campus currently holds Kindergarten through 9th grade, and SRCA plans to add 10th in the 2022-2023 school year. Under the direction of Head of School Joshua Morgan, enrollment has increased over 30% from 2018-2021. The school strives to offer quality education with a strong knowledge base and support growth and success for all students.

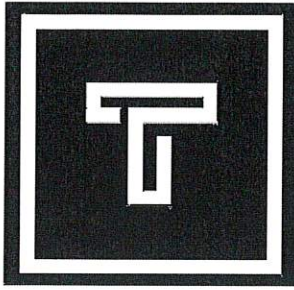


Exhibit 3: Application Materials

Development:

SRCA commissioned BCCG and Tate Architecture to design and build a new K-8 facility in May of 2020. BCCG and TAPLLC presented a comprehensive two phase plan for SRCA development of an eventual K-12 Campus. Phase I (K-8) was presented and approved through the SUP and Historical Preservation Commission.

SRCA commissioned BCCG and Tate Architecture to design and build a new (9-12) facility in December 2021. Phase II is a continuation of the original comprehensive plan and master plan.

Phase II expansion will provide critical support functions SRCA for their growing campus for Haywood and adjacent counties educational needs.

Program

Phase I:

2-Story – 50,000 s.f. +/- facility with 35 Classrooms, a Full Size Multi-Purpose Gymnasium with Platform.

Phase I:

See Site Data on Sheet C200.

Phase II:

Continuation of this development.

3-Story – 27,500 +/- facility with 18 Classrooms, Multi-Purpose teaching room, Robotic Lab, Home Economics and Science Lab. In addition will be additional admin support, stairs for egress and a larger passenger elevator for movement of equipment.

See Site Data on Sheet C200.

Campus Aesthetics

Design of the campus is based on design language of the old court house in downtown Waynesville. We gleaned window composition, scale and significant detail elements to extend the rich architectural language for SRCA

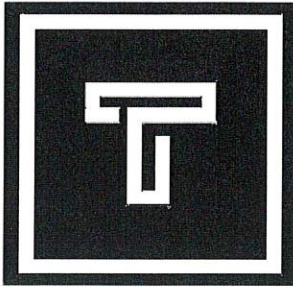


Exhibit 3: Application Materials

Design elements we have integrated:

- Color and material elements of old court house (Waynesville)
 - Brick Elements
 - Form-Liner simulated brick at Entry(s)
 - Form-Liner simulated cast block at Entry(s)
 - Form-Liner simulated brick at Column(s) – Limited to Public View Areas.
 - Form-Liner simulated brick at Window Entablatures – Limited to Public View Areas.
 - Color Hues
 - Historic colors to enhance and emulate the downtown aesthetic
- Recessed Headers and Sills at Windows
- Large Canopies and Signage at each Main Entry for Lower and Upper School.

Please find enclosed the following:

- Authorization Agent Form
- Application fee - \$750.00
- SRCA Narrative / Design Concept
- Deliverables
 - Phase I – SUP – 06_2020
 - Building
 - Summary
 - Floor Plans
 - Elevations w/ materials
 - Rendering
 - Photo Realistic Renderings
 - Sections
 - Site
 - Site Plan
 - Satellite Parking Plan
 - Phase II – Review – 05_2022

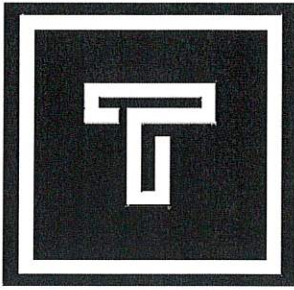


Exhibit 3: Application Materials

- Building
 - Summary
 - Floor Plans
 - Elevations w/ materials
 - Rendering
 - Photo Realistic Renderings
 - Sections
- Site
 - Site Plan
 - Satellite Parking Plan

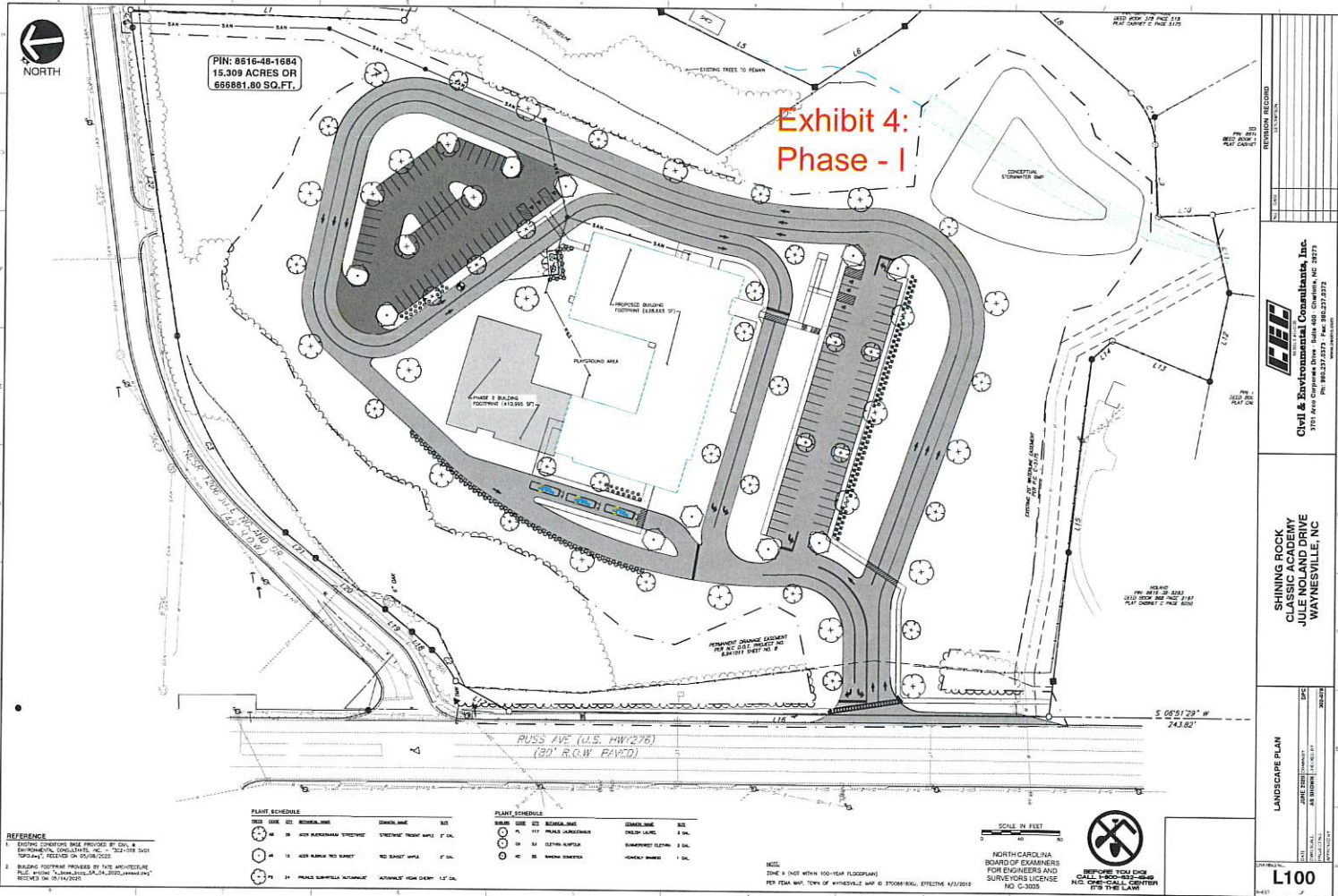
Clarifications:

- None

With best regards I remain,

Very truly yours,

J. Neil Tate, AIA, NCARB, LEED AP BD+C
President
Tate Architecture PLLC
neil@tatearchitecture.com



PIN: 8616-48-1684
15.309 ACRES OR
666861.80 SQ.FT.

Exhibit 4:
Phase - I

PHASE 1 BUILDING
FOOTPRINT (11,848 SQ. FT.)

PHASE 2 BUILDING
FOOTPRINT (11,848 SQ. FT.)

RUSS AVE (U.S. HWY 276)
(30' R.O.W. PAVED)

SCALE IN FEET

NORTH CAROLINA
BOARD OF EXAMINERS
FOR ENGINEERS AND
SURVEYORS LICENSE
NO. C-3035



RESPONSE YOU DID
CALL 1-800-368-5888
N.C. ONE-CALL CENTER
IT'S THE LAW

SYMBOL	SIZE	DESCRIPTION	QUANTITY	UNIT
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.

SYMBOL	SIZE	DESCRIPTION	QUANTITY	UNIT
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
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⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.
⊙	12"	ACER BURNINGHAM SPECIFIC	1	EA.

REFERENCE
1. EXISTING CONDITIONS BASE PROVIDED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. (C-3035-008-0001) (10/18/14), RECEIVED ON 05/08/2020
2. BUILDING FOOTPRINT PROVIDED BY THE ARCHITECTURE FIRM, JAMES H. HARRIS ARCHITECTS, INC. (10/18/14), RECEIVED ON 05/08/2020

NO.	REVISION	DATE	BY

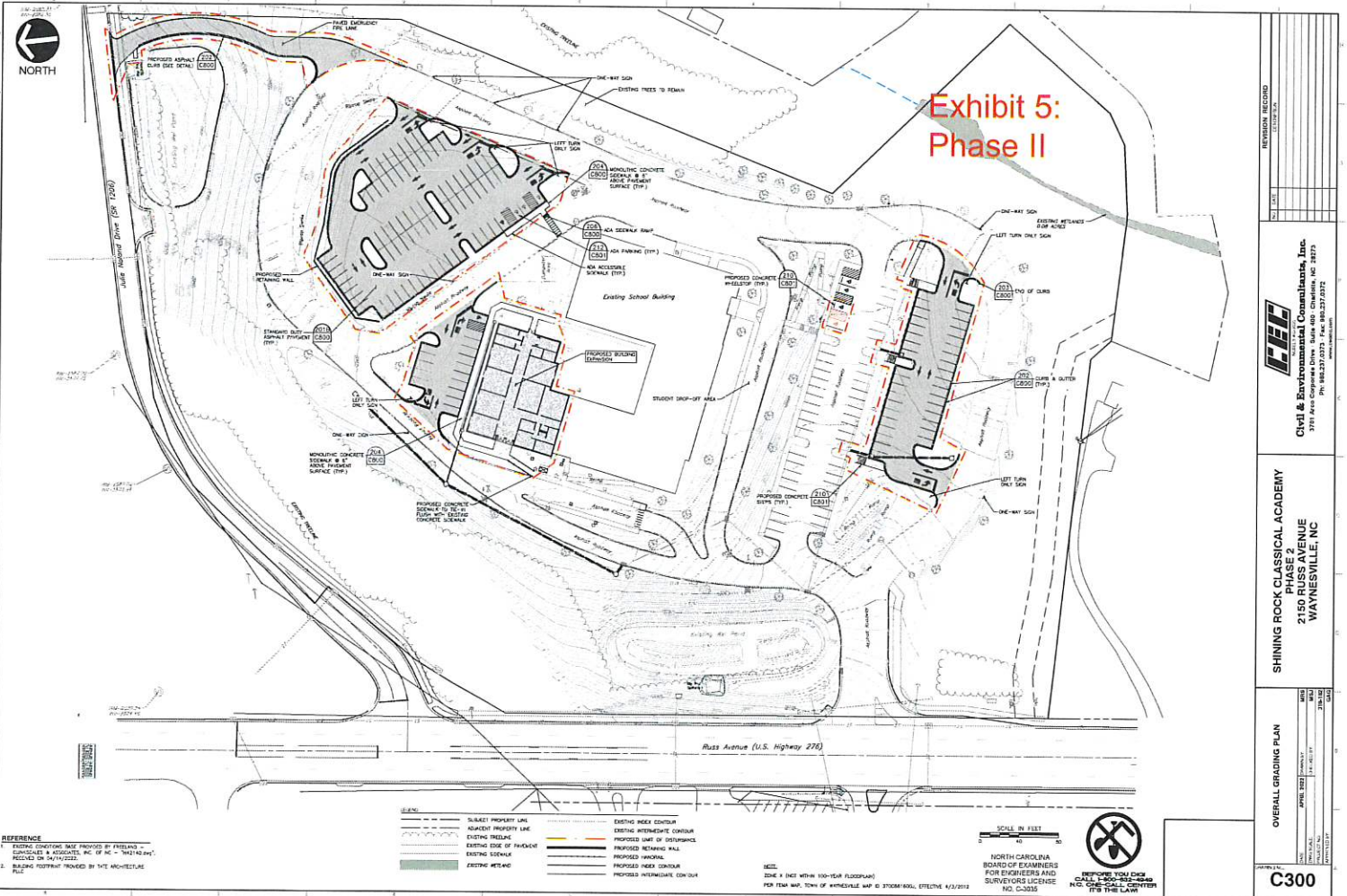
Civil & Environmental Consultants, Inc.
3771 Arco Corporate Drive, Suite 400, Charlotte, NC 28277
PH: 980.277.2173 FAX: 980.277.2372

**SHINING ROCK
LANDSCAPE ARCHITECTURE**
JULIE E. WATSON
WAYNESVILLE, NC

LANDSCAPE PLAN
DATE: 05/08/2020
BY: JAMES HARRIS
AS NOTED

L100

Exhibit 5:
Phase II



NO.	DATE	REVISION

CEC
 CONSULTANTS, Inc.
 3171-A6-CAS BLVD
 WAYNESVILLE, NC 27675
 PH: 919.237.0373 FAX: 919.237.0372

SHINING ROCK CLASSICAL ACADEMY
 PHASE 2
 2150 RUSSELL AVENUE
 WAYNESVILLE, NC

NO.	DATE	REVISION

C300



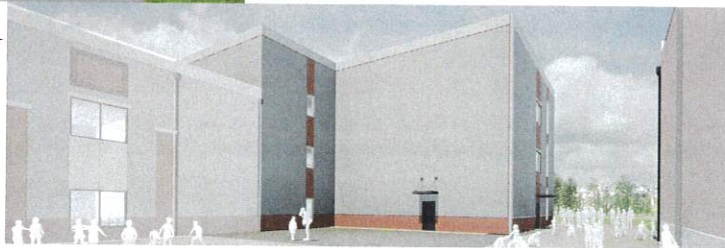
AD200.2.1 - FRONT LEFT
1 1/2" = 1'-0"



AD200.2.2 - FRONT
1 1/2" = 1'-0"



AD200.2.3 - REAR LEFT
1 1/2" = 1'-0"



AD200.2.4 - REAR RIGHT
1 1/2" = 1'-0"

Exhibit 6: Elevations

Phase - II



9879 Spencer Road - Suite 101
Brighton, WI 48116 810-232-2001
www.bccg.com



tate architecture pllc
kernersville, nc 27284 | 336.413.0601
www.tatearchitecture.com



BD TGC Submission
Not for Permit or Construction

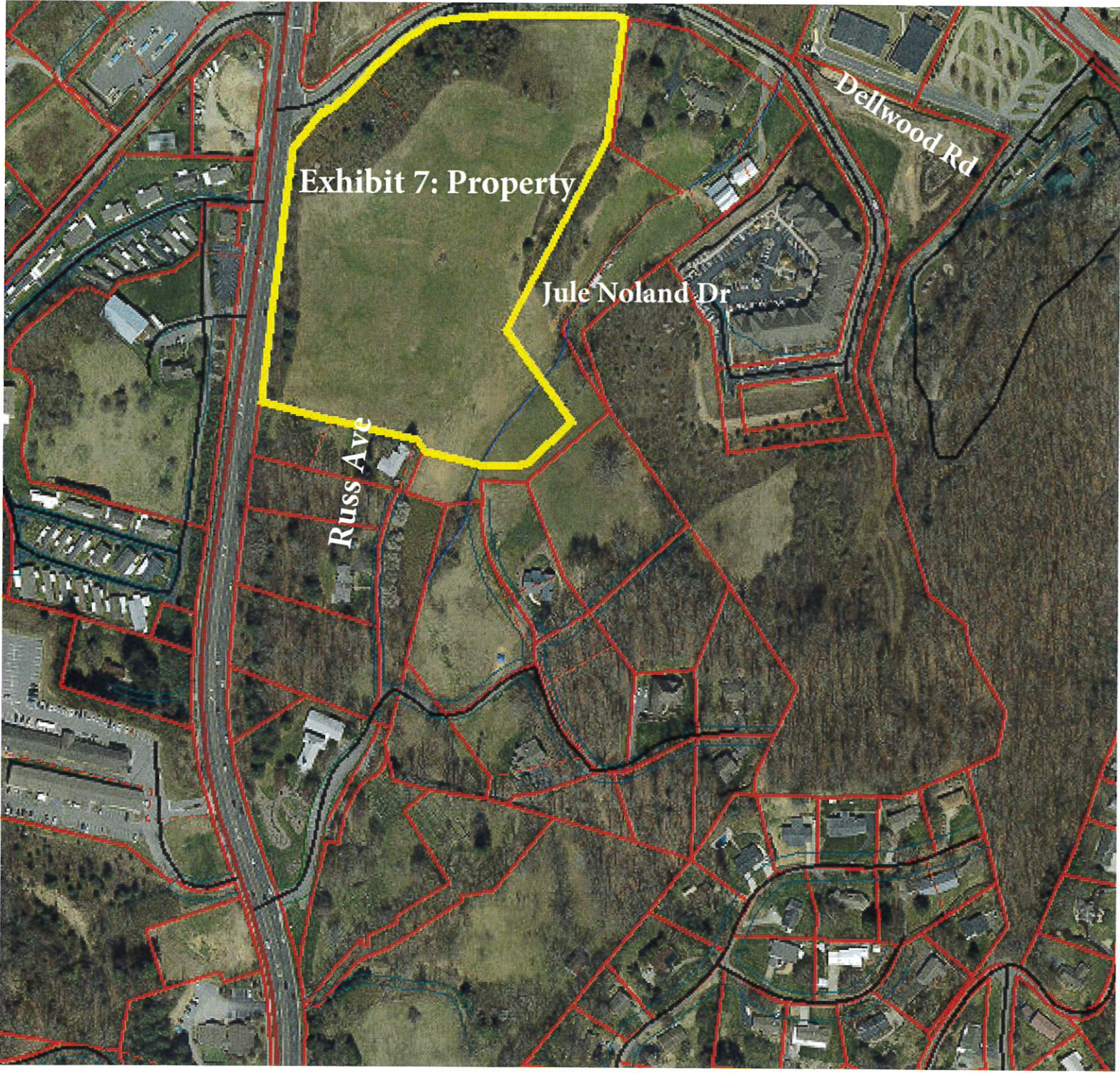
BC Construction Group
Shining Rock
Classical Academy
Phase II
High School
Waynesville, NC

DESCRIPTION:

--

Issue Date:	08/27/2020
Job Number:	2020-112
Drawn By:	MLM/ML
Checked By:	JML

Drawing Title:	AD200.2
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Report For

GRHH PERFORMANCE WAYNESVILLE LLC AN
 PERFORMANCE CHARTER SCHOOL WAYNES
 855 W BROAD ST STE 300
 BOISE, ID 83702-7154

Account Information

PIN: 8616-48-1711
 Legal Ref: 1007/595

Add Ref: 1012/2075
 1006/1079

Site Information

OLD FARM
 SCHOOL
 Commercial Use
 2150 RUSS AVE
 Heated Area: 39886
 Year Built: 2021
 Total Acreage: 13.516
 Township: Town of Waynesville

Site Value Information

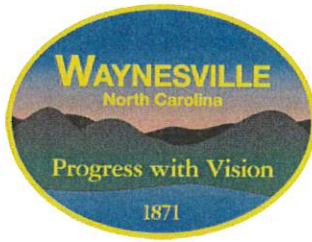
Land Value: \$3,379,000
 Building Value: \$6,679,400
 Market Value: \$10,058,400
 Deferred Value: \$0
 Assessed Value: \$10,058,400
 Sale Price: \$1,625,000
 Sale Date: 09/10/2020



1 inch = 200 feet
 April 26, 2022

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

Exhibit 8: Public Notices



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

April 25, 2022

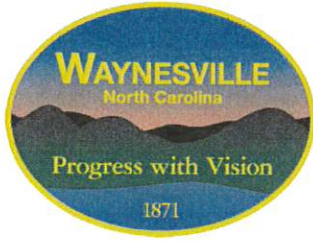
Notice of Public Hearing Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on May 16, 2022 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a site plan amendment to the approved Special Use Permit for the Shining Rock Classical Academy at 2150 Russ Avenue, Waynesville, NC, PIN 8616-48-1711.



For more information contact the Development Services Department at: (828) 456-8647, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Exhibit 8: Public Notices



TOWN OF WAYNESVILLE

Development Services Department

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

FOR PUBLICATION IN THE MOUNTAINEER: April 27 and May 4, 2022 Editions

Date: April 21, 2022

Contact: Elizabeth Teague, (828) 456-2004

Notice of Public Hearing

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on May 16, 2022 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a site plan amendment to the approved Special Use Permit for the Shining Rock Classical Academy at 2150 Russ Avenue, Waynesville, NC, PIN 8616-48-1711. For more information contact the Development Services Department at: (828) 456-8647, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

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**THE TOWN OF WAYNESVILLE
PLANNING BOARD**
WILL HOLD A
PUBLIC HEARING
MAY 16, 2022, AT 5:30 PM
IN THE TOWN HALL BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A SITE PLAN AMENDMENT
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
828-456-8647



Exhibit 8: Public Notices



GERACI, TIMOTHY;
GERACI, MARIANNE
230 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786-5813

LAKE JUNALUSKA ASSEMBLY INC
PO BOX 67
LAKE JUNALUSKA, NC 28745

QUEEN, JOE SAM;
QUEEN, KATE T
58 PIGEON ST
WAYNESVILLE, NC 28786

Exhibit 8: Public Notices

PARK RENTALS LLC A NC LLC
1606 MAUNEY COVE RD
WAYNESVILLE, NC 28786

WYATT, BRANDON ROY;
WYATT, REGAN KINGSHILL
188 STEWART RD
WAYNESVILLE, NC 28786-8224

HAYWOOD COUNTY
HAYWOOD COUNTY COURTHOUSE,
215 N MAIN ST
WAYNESVILLE, NC 28786

TOY, BRUCE LOWE
762 JACQUELINE LN
PALM HARBOR, FL 34683

TOY, ROBERT VAN;
TOY, YUKARI
116 ROTUNDA CIR
ASHEVILLE, NC 28806

RACKLEY, RYAN;
RACKLEY, JULIE
2344 RUSS AVE
WAYNESVILLE, NC 28786-6906

FRADY, BETTY B
PO BOX 1374
LK JUNALUSKA, NC 28745-1374

RACKLEY, RYAN;
RACKLEY, JULIE
2344 RUSS AVE
WAYNESVILLE, NC 28786-6906

WAYNESVILLE CHRISTIAN FELLOWSHIP
C/O CLAYTON DAVIS;
75 CREEKSIDE DR
MAGGIE VALLEY, NC 28751-9784

QUEEN, JOE SAM;
QUEEN, KATE T
58 PIGEON ST
WAYNESVILLE, NC 28786

MORROW, AUDREY C;
MORROW, RONALD G
C/O RONALD MORROW;
PO BOX 953
LK JUNALUSKA, NC 28745-0953

NOLAND, J LYNN
PO BOX 130
LAKE JUNALUSKA, NC 28745

NOLAND, MARION J;
NOLAND, KAREN M
299 SAINT JOHNS WOOD
FAYETTEVILLE, NC 28303-4975

UNIVERSITY PARK PROPERTIES LLC
1 BILTMORE PL
PINEHURST, NC 28374-9500

3 G ENTERPRISES NC LLC A NC LLC
PO BOX 1923
CLYDE, NC 28721-1900

SENIOR RESIDENCES AT LAKE JUNAL
Attn: Stanley Honeycutt;
80 Candler St
Waynesville, nc 28786

DEVELOPMENT RESOURCES LLC A NC
C/O CHAD CARVER;
176 GRIMBALL DR
WAYNESVILLE, NC 28786

WILLIAMS, CLAUDE JR HEIRS
ALLISON, SARA B
PO BOX 607
SYLVA, NC 28779-0607

NOLAND, MARION J;
NOLAND, KAREN M
299 SAINT JOHNS WOOD
FAYETTEVILLE, NC 28303-4975

TOY, STANLEY OWEN
7902 DEL MOUTE
HOUSTON, TX 77063

GRHH PERFORMANCE WAYNESVILLE LLC AN ID LLC
PERFORMANCE CHARTER SCHOOL
WAYNESVILLE LLC AN ID L
855 W BROAD ST STE 300
BOISE, ID 83702-7154

SENIOR RESIDENCES AT LAKE JUNAL
Attn: Stanley Honeycutt;
80 Candler St
Waynesville, nc 28786

JOHNSON, JOHN W;
JOHNSON, CLAIRE B
170 NE 2ND ST
BOCA RATON, FL 33429-5001

DEVELOPMENT RESOURCES LLC A NC
C/O CHAD CARVER;
176 GRIMBALL DR
WAYNESVILLE, NC 28786

POWELL, GEORGE E;
POWELL, JUDY S
265 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

TOY, ROBERT VAN
116 ROTUNDA CIR
ASHEVILLE, NC 28806

NOLAND, ROBERT H;
NOLAND, J LYNN
289 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

NOLAND, JAMES DAVID;
NOLAND, MERITA RUSSELL
180 JULE NOLAND DR
WAYNESVILLE, NC 28786

SENIOR RESIDENCES AT LAKE JUNAL
Attn: Stanley Honeycutt;
80 Candler St
Waynesville, nc 28786

POWELL, GEORGE E;
POWELL, JUDY S
265 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

SHIPMAN, STEPHANIE C
PO BOX 1492
CANDLER, NC 28715

BRAD SHIRLEY CONSTRUCTION LLC A NC LLC
177 BREEZY HOLLOW DR
CLYDE, NC 28721-7105

SOUTHLAND COMMUNITY DEVELOPMENT
240 DANBURY LN
ATLANTA, GA 30327

NOLAND, ROBERT H;
NOLAND, J LYNN
289 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

BREESE, RONALD S;
BREESE, SUSAN B
365 COUNTRY CLUB DR
WAYNESVILLE, NC 28786

JOHNSON, BOBBY LYNN;
JOHNSON, JUDY D
147 MAIN ST
CANTON, NC 28716-4438

Exhibit 8: Public Notices

Planning Board Staff Report

Subject: Text amendments regarding subdivisions
Ordinance Section: Chapter Chapters 8 and 15 of the Land Development Standards (LDS)
Applicant: Planning Board Subdivision Subcommittee initiated text amendment;
 Development Services Department
Meeting Date: May 16, 2022

Background

At the regularly scheduled meeting on March 21, 2022, staff presented a recommendation to divide major subdivisions into “tiers” so that larger subdivisions with presumably more impacts to surrounding neighbors, would have to meet additional requirements. This was discussed again as part of a hearing on April 11, 2022 and was continued until the May 16, 2022 Planning Board Meeting.

Of major concern was the Town’s ability to equitably and effectively implement a system to require affordable housing inclusions as part of special Use Permits or larger subdivisions. Instead, the revised ordinance proposes additional buffer requirements for larger subdivisions and updates references to other relative parts of the Land Development Standards. Alternative types of subdivisions for cottage development and conservation are provided in a separate ordinance.

Staff Recommended Text Changes:

The purpose of the proposed changes are to promote attractive neighborhoods, encourage context-sensitive development, and create a range of housing opportunities and choices. (Goals #1, #2, and #3 of the 2035 Plan). Thereby improving the LDS’s consistency with the 2035 Comprehensive Land Use Plan.

The proposed changes to the current Land Development Standards are in red.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are reasonable and in the public interest because they are consistent with the first and second goals of the 2035 Comprehensive Plan:

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

- Create walkable and attractive neighborhoods.
- Encourage in-fill, mixed use, and context-sensitive development.

- Promote conservation design to preserve important natural resources.
- Reinforce the unique character of Waynesville.

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

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

Goal 3: Protect and Enhance Waynesville's Natural Resources.

- Protect rural lands, iconic views and mountain vistas.

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet

Recommended Motions

1. Motion to find the recommended changes to the Land Development Standards as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend staff initiated text amendment as attached (or as amended) to the Board of Aldermen.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

WHEREAS, after notice duly given, a public hearing was held on April 11, 2022 at a special called meeting of the Waynesville Planning Board, continued on May 16, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and held on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON ____, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (in red):

1. Amend the following Sections of Chapter 8 Tree Protection, Landscaping and Screening

8.4 Buffer Yards.

Buffer yards are planting areas located parallel to the side and rear lot lines. The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are designed to separate incompatible adjacent uses, or to and provide privacy and protection against potential adverse impacts of an adjoining incompatible-use or zoning district.

8.4.1 Required Buffer Yards.

A. Required Yards by District: The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A ¹	A ¹
	NR/UR ²	C	X	X	X	X	X
	NC ²	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	¹ Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property ² Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes						X = No Buffer Required

- B. Additional Buffer Yard Requirements:** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of 31 or more units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.
- C. Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- D. Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- E. More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear year[yard], the largest buffer will apply.
- F. Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.

2. Amend Section 15.2.5 Administrative Modifications and Substantial Changes as follows:

D. **Substantial Changes.** Any substantial change to a Master Plan or Plat (for major site plans and major subdivisions) as noted below shall be reviewed by the Planning Board. ~~and approved or denied by the Board of Aldermen;~~ Any substantial change to a Conditional District as noted below shall be reviewed by the Planning Board; the Planning Board will issue a written recommendation to the Board of Aldermen who will then approve or deny an amended Conditional District:

- An increase in impervious surface.
- A change in land use or development type beyond that permitted by the approved Master Plan or Plat.
- The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- Change in density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.
- An increase of the total floor area of a commercial or industrial classification by more than 10 percent beyond the total floor area. ~~last approved by Board of Aldermen.~~
- Any decrease in the setbacks greater than 10% from the originally approved Master Plan or Plat.

3. Amend Section 15.9.2 Major Subdivisions as follows:

15.9.2 Major Subdivisions.

The major subdivision review process is required for those divisions of land into eight (8) or more lots or which require dedication of public utilities and/or public streets. **There are four tiers of major subdivisions.**

Tier	Description	Process Type
Tier 1	0-14 lots	Administrative
Tier 2	15-30 lots	Administrative
Tier 3	31-60 lots	Special Use Permit
Tier 4	61 lots<	Special Use Permit.

- A. **Process Types:** Major Subdivisions are Administrative unless an application is made to acquire additional density which requires a Special Use Permit in accordance with Section 2.4.1. Major Subdivisions which create 31 or more new lots as part of a unified or phased plan shall also require a Special Use Permit.
- B. **Pre-Application Procedure:** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) and Environmental Survey (15.4.1) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Subdivision Plan.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat.

- D. **Preliminary Plat Approval:** The Planning Board shall review and either approve or deny the major subdivision applicant's preliminary plat in accordance with the procedure set forth in section 15.9.3 below. Engineering, including a compliant Stormwater Plan (12.5) and Construction Documents (15.4.4) shall be submitted after Planning Board review.
- E. **Final Plat:** Once all infrastructure improvements are installed or financially guaranteed as required by Section 6.13 below, the Final Plat shall be presented for approval in accordance with Section 15.9.4 below.

15.9.3 Preliminary Plats for Major Subdivision.

- A. **Process Types:** Administrative or **Special Use Permit** (see LDS Section 15.10).
- B. **Permit Required Before Any Land-Disturbing Activity:** No land-disturbing activity shall take place until a Preliminary Plat has been approved.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat (15.4.4) prepared by a registered land surveyor, licensed landscape architect or licensed engineer.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board.
- E. **Public Notification:** None required.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- H. **Decisions/Findings of Fact:** Following the public hearing the board may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be approved unless the commission finds each of the following facts to be true:
 1. The plan is consistent with the adopted plans and policies of the Town;
 2. The plan complies with all applicable requirements of this ordinance; and
 3. The plan has infrastructure as required by the ordinance to support the plan as proposed.
- I. **Substantial Changes:** ~~Substantial Changes from the approved preliminary plat shall require additional review by the Planning Board. Substantial changes shall include redesign of streets, increasing the number of lots, altering the design of more than twenty (20) percent of the lots, and/or reducing the number of lots by twenty (20) percent. All other changes shall be considered minor modifications subject to review by the Administrator. See section 15.2.5.~~
- J. **Appeals.** An appeal of the decision to approve or deny a Preliminary Plat or a substantial change to an approved Preliminary Plat may be made by an aggrieved party to the Superior Court of Haywood County no later than thirty (30) days after the applicant receives the written copy of the decision.
- K. **Permit Validity:** Unless substantial work has commenced or a building permit has been obtained, approval of a preliminary plat expires two (2) years from the date such approval was granted.
- L. **Permit Extension:** The applicant may apply for an extension of the approval period. The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other

considerations. No further development activity shall be performed until the new approval is issued.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

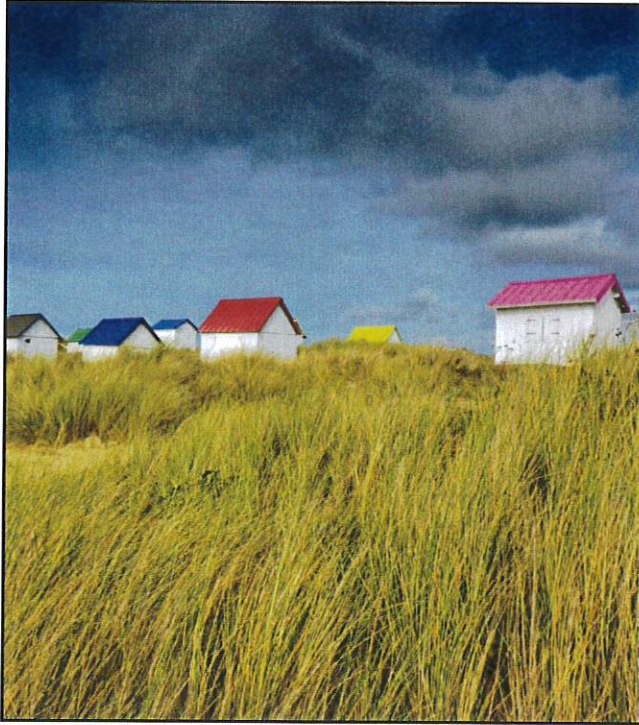
J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



Cottages and Conservation Subdivisions

Proposed Text
Amendment Overview
and Feedback

1

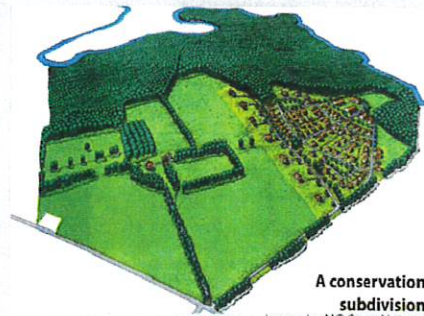
Cottages and Conservation Developments as Alternative Subdivision Designs

15.9.5 Alternative Subdivision Designs.

Cottage Development and Conservation Subdivision are alternative subdivision designs that must follow all applicable review processes and standards of the Waynesville Land Development Standards.



Image by Snohomish County, Washington



A conservation subdivision
Image by NC State University

2

Define a Cottage and Cottage Developments

Cottage - a small detached single-family or two-family residence constructed to specific design standards and arranged around common open space as a part of a cottage development.

Cottage Development- a development of 3 or more units arranged around common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by the zoning district.



Image by Snohomish County, Washington

Allowed in all districts, except Commercial-Industrial (CI).

No single-family or multi-family dwellings are allowed in CI district in the Table of Permitted Uses (LDS 2.5.3).

3

Cottage Development Standards:

- The courtyard shall enhance the aesthetics and character of the development ... and easily accessible open space.
- Cottages may be built on individual lots or have a common form of ownership.
- The term cottage does not include manufactured, tiny homes on wheels, campers, RVs, or other recreational vehicles.
- All cottages must be built to the NC Building Code standards.
- Cottages are subject to all standards of the Town of Waynesville Land Development Standards: stormwater, parking, landscaping, lights, civic space, building height, setbacks, density, minimum lot sizes, zoning, etc.



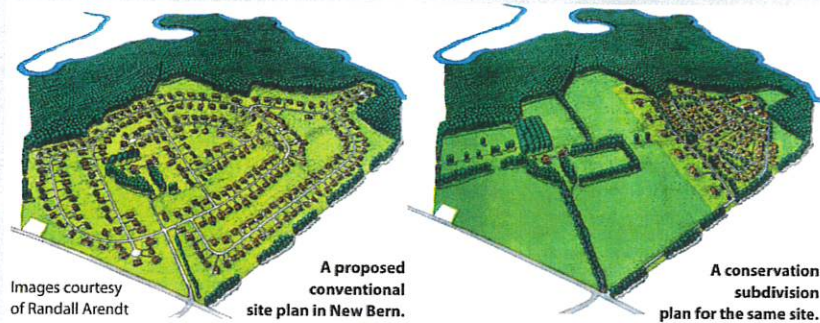
Image by Snohomish County, Washington

4

Conservation Subdivision

Purpose. The purpose and intent of this section is to provide developers with an option of additional development flexibility to build on smaller lots when additional open space set- asides are provided in order to protect existing topography, mountain ecology, and scenic views of the Town of Waynesville.

Applicability. The conservation subdivision standards shall apply as an option to all divisions of a parent parcel of 2 acres or more.



5

Conservation Subdivision Development Standards:

- Conservation Subdivision shall be **exempt from minimum lot size requirements**. Under no circumstances, however, shall the gross density of a conservation subdivision exceed the density for the district in which it is located.
- To qualify as a Conservation Subdivision, **at least 50% of the development shall be set aside as an open space or preserve**.
- **Native plants existing on the pre-development shall be minimally disturbed**, and ... shall be also incorporated into post-construction landscaping.
- **Priority Conservation Areas:** flood hazard areas, riparian zones, landslide tracks, slopes over 30%, delineated wetlands, archaeological and historic sites, boundaries of public lands, scenic views, endangered species populations.

6

Ownership of Conservation Areas

Open spaces shall be owned and managed by a land trust or homeowner's association, ... subject to the following requirements:

- Unless maintenance is assigned by a conservation or land trust, the homeowner's association shall be responsible for maintenance and taxes on the open space...
- Certain lands designated as conservation areas, such as greenways and preserves, may be dedicated to the Town (Board of Aldermen's approval needed).
- The HOA shall not be dissolved without the consent of the Town.



Image by NC State University

7

Conservation Development Plan

Prior to review of a major conservation subdivision by the Planning Board, an applicant shall have a conservation and development plan for the land reviewed by the Town Development Services Director:

Step 1- Site Analysis Map. The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the perimeter of the site.

Step 2- Site Inspection. ... the Development Services Director shall schedule a site inspection of the land with the applicant and others that the Director deems necessary (such as emergency services and public services) ... to:

- a. Familiarize the staff with the existing site conditions and features of the site;
- b. Identify potential site development issues, including the best location for the development;
- c. Provide an opportunity to discuss site development concepts.

8

Conservation Development Plan (continued)

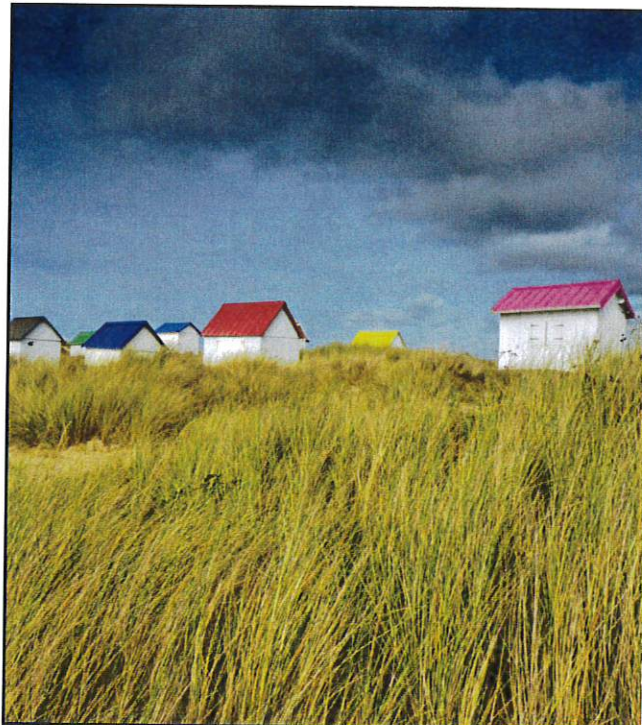
Step 3- Conservation Development Plan. Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The plan shall include:

- a. The site analysis map;
- b. A conservation and development areas map that depicts areas for conservation and areas for development;
- c. A preliminary site plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines;
- d. Environmental Survey, which must include Natural Resources Inventory, as specified in section 15.4.1.
- e. A preliminary stormwater analysis indicating pre-development and proposed post-development pervious to impervious ratios and stormwater management areas.

Step 4- Technical review by Town Staff.

Step 5- Review & decision by Town Development Services Director. If a conservation and development plan application is approved for completeness by the Development Services Director, the applicant shall file an application for a major subdivision approval.

9



Questions/Comments?

10

DRAFT

60

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support the following goals:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

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

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

Goal 3: Protect and enhance Waynesville's natural resources.

- Protect and enhance water quality and forests.
- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views and mountain vistas.

Goal 6: Create an attractive, safe and multi-modal transportation system.

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with North Carolina General Statutes." and

WHEREAS, after notice duly given, a public hearing was held on _____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (noted in red):

2. Add section 15.9.5 Alternative Subdivision Designs as follows:

15.9.5 Alternative Subdivision Designs.

Cottage Development and Conservation Subdivision are alternative subdivision designs that must follow all applicable review processes and standards of the Waynesville Land Development Standards. The purpose and intent of these options are to create a range of housing opportunities and to protect and enhance Waynesville's natural resources. The goal of this ordinance is to provide flexibility in design so that new development can be sensitive to the neighborhood context and environment.

A. Cottage Development.

Applicability - a development of 3 or more units arranged around common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by zoning district.

Development Standards:

1. Cottages may be built on individual lots with common areas and shared parking.
2. The term cottage **does not** include manufactured, tiny homes on wheels, campers, RVs, or other recreational vehicles. Manufactured home parks or RV parks are not considered cottage developments for the purpose of this ordinance. All cottages must be built to the NC Building Code standards and be of modular or stick built construction.
3. Cottages are subject to all Town of Waynesville Land Development Standards based on the size of the development (stormwater, parking, landscaping, lights, civic space, etc.). The perimeter lot containing the cottage development must meet the standards of the zoning district in which it is located, and in accordance with Section 2.4 Dimensional Standards (density, minimum lot size, setbacks from adjacent lots and roadways, accessory structures, and building height). The Cottage structure should conform to the Town's architectural guidelines in Section 5.8.
4. Cottages are subject to applicable NC Building Codes, including setbacks between buildings, fire codes, foundation, rooms, bathrooms, ceiling height, and other building dimensions.

B. Conservation Subdivision Development.

Applicability The conservation subdivision standards shall apply as an option to all divisions of a parent parcel of 2 acres or more. These standards create flexibility to build on smaller lots when additional open space set- asides are provided in order to protect existing topography, mountain ecology, and scenic views of the Town of Waynesville.

Development Standards:

1. **Density, Lot Sizes, and Preservation**

- a) Conservation Subdivision shall be exempt from minimum lot size requirements. Under no circumstances, however, shall the gross density of a conservation subdivision exceed the density for the district in which it is located.
- b) To qualify as a Conservation Subdivision under these provisions, at least 50% of the development shall be set aside as an open space or natural preserve. Impervious surfaces designated for active recreation, such as tennis courts, volleyball courts, ball fields, golf courses, etc., must be excluded from the minimum 50%. Together, natural preserve and programmed recreational facilities will count toward required civic space (LDS Chapter 7).
- c) Existing stands of trees and forest and native plants existing on the pre-development shall be minimally disturbed. Native plants and tree species occurring naturally on the site shall be incorporated into, and count toward, post-construction landscaping plans. Post-construction landscaping shall be consistent with the preserved areas. See requirements for Environmental Survey and Natural Resources Inventory in LDS Section 15.4.1.

2. Priority Conservation Areas:

- a) The Special Flood Hazard Area (SHFA, including 100-year floodplain and floodway) and riparian zones of streams;
- b) Existing landslide tracks or those identified in USGS studies as potential landslide areas;
- c) Areas that fall within the Town's Hillside Protection Ordinance (LDS Section 12.6);
- d) Delineated wetlands meeting the definition used by the Army Corps of Engineers, pursuant to the Clean Water Act;
- e) Archaeological and historic sites;
- f) Boundaries of public lands;
- g) Mountain ridges;
- h) Populations of endangered or threatened species of flora and/or fauna.

3. Ownership of Conservation Areas

Open spaces shall be owned and managed by a land trust or homeowner's association, subject to compliance with the provisions of this section and the following requirements:

- a) Unless maintenance is assigned by a conservation or land trust, the homeowner's association shall be responsible for maintenance and taxes on the open space within the open space- Conservation Subdivision.
- b) Certain lands designated as conservation areas, such as greenways and preserves, may be dedicated to the Town. If offered by the landowner, the Board of Aldermen shall determine whether that land is appropriate for dedication to the Town.
- c) The homeowner's association shall not be dissolved without the consent of the Town.

- 4. Conservation and Development Plan.** Prior to review of a major conservation subdivision by the Planning Board, an applicant shall have a conservation and development plan for the land

reviewed by the Town Development Services Director for completeness in accordance with the following steps:

Step 1- Site analysis map. The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the perimeter of the site and submit the site analysis map to the Development Services Director. It is the intent of this section that the information required to be presented in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

Step 2- Site inspection. After receipt of the site analysis map, the Development Services Director shall schedule a site inspection of the land with the applicant and others that the Director deems necessary (such as emergency services and public services). The applicant or the applicant's representative shall attend the site inspection with Town staff members. The purpose of this site visit is to:

- a) Familiarize the staff with the existing site conditions and features of the site;
- b) Identify potential site development issues, including the best location for the development;
- c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by staff during the site inspection shall be interpreted as only being suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

Step 3- Conservation and development plan. Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

- a) The site analysis map;
- b) A conservation and development areas map that depicts areas intended for conservation and areas intended for development; and
- c) A preliminary site plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area;
- d) Environmental Survey, which must include Natural Resources Inventory, as specified in section 15.4.1.
- e) A preliminary stormwater analysis indicating pre-development and proposed post-development pervious to impervious ratios and stormwater management areas.

Step 4- Technical review by Town Staff.

Step 5- Review & decision by Town Development Services Director. The director shall review and make an administrative decision. If approved, such approval shall only be for the purposes of approving the conservation and development plan. If a conservation and development plan application is approved for completeness by the Development Services Director, the applicant shall file an application for a major subdivision approval in accordance with all other Town regulations and procedures.

2. Add the following definitions to section 17.3 Definitions, Use Type:

Cottage - a small detached single-family or two-family residence constructed to specific design standards and arranged around common open space as a part of a cottage development.

Cottage Development- a development of 3 or more units arranged around common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by the zoning district.

Planned Unit Development (PUD)- a development that integrates residential and non-residential uses as permitted by the zoning district.

Subdivision, Conservation – are a type of subdivision that preserves undivided, buildable tracts of land as open space by grouping dwelling units close together.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TOWN OF WAYNESVILLE
PLANNING BOARD CHAIRPERSON'S
RESPONSE TO "CONCERNED CITIZENS OF WAYNESVILLE"
May 16, 2022

The Planning Board received a letter of concern from three citizens who want to assure: 1) a voice for citizens and 2) that the Planning Board has more discretion when addressing major subdivisions.

This is not intended to be point by point response to the raised concerns, but outlines the projects the Planning Board Ordinance Subcommittee, convened in November 2021, has been working on for six months, which will favorably impact the expressed concerns.

As an opening proposition, I believe I speak for the whole Board when I assure all citizens that we are well aware of a variety of concerns from many different constituencies of the Town – neighbors to planned development, citizens who cannot find and much less afford workforce housing so they can work and live in the same community, folks concerned about road safety and adequate infrastructure, and those who own family land looking to sell. Many of the affected folks have been raised in Waynesville and simply want the opportunity to live and raise a family here, too.

To date, the Planning Board has presented to, and the Board of Aldermen have adopted the following:

1. Mandatory Natural Resources Inventory in addition to Environmental Survey for all major site plans and major subdivisions.
2. Neighborhood meeting is now mandatory for projects of 8 or more lots/units.
3. Minor Administrative Modifications and Substantial Changes: definitions, process, reviewing Boards (when a site amendment has to go back to the Planning Board for a review).
4. Definitions and requirements for Preliminary Plat, Final Plat, Master Plan, and Construction Documents.
5. Civic Space Text Amendment expands options for developers, clarify maintenance and ownership, and increase the required civic space allocation based on the size of the development.
6. Traffic Impact Analysis requirement: traffic study is required if a development will generate 500 or more trips/day (as opposed to 3,000 trips per day previously).

In addition, the following projects are still in process, either for action this month, or continuing evaluation in the Subcommittee:

1. Major subdivision tiers (based on size and density of subdivision), buffers to separate the subdivision from adjacent neighborhoods, with quasi-judicial process (rather than administrative) for higher (larger subdivision) tiers. Planning Board will continue hearing on May 16, 2022.
2. Cottage and Conservation subdivisions to maximize open space and existing ecology- Planning Board Hearing, date to be determined.
3. Roadway standards and street classifications, revisions to LDS Chapter 6- under subcommittee review with assistance from JMTeague Engineering and Fire Department Personnel.
4. Areas where the Land Use Plan indicates a lower density than the existing zoning map in Raccoon Creek Neighborhood Residential (RC-NR) and Allens Creek Neighborhood Residential (AC-NR) districts- under subcommittee review.

As Planning Board Chair, I hope that everyone appreciates the time and effort that the Planning Board volunteers and Development Staff have expended on these projects. Similarly, the Board appreciates the Town citizens comments and participation in public meetings. I hope that everyone can maintain a respectful approach to these sometimes-challenging issues.

To: Town of Waynesville Planning Board

From: Concerned Citizens of Waynesville

Date: April 21, 2021

Re: Land Development Standards Text Amendments

The Citizens of the Town of Waynesville want to give a voice back to the citizens and the power back to the Planning Board to make appropriate, smart, planning decisions based on the surrounding neighborhood. Does the new construction conform to the neighborhood? Does it fit the vision of Waynesville based on what the majority of the citizens want our town to look like? Are the citizens of the town given consideration and input on what is being built in their neighborhood? Is there proper ingress and egress and infrastructure?

We are asking for a reinstatement to the discretionary quasi-judicial procedure prior to the June 21, 2021 change that allowed Administrative decisions on large projects. We believe all large scale development decisions should be quasi-judicial. The definition of a quasi-judicial decision is outlined in Chapter 160D, Local

Planning and Development Regulations, Article 1, General Provisions, 160D-102 Definitions. Decisions on the approval of plats and site plans are quasi-judicial if the regulation authorizes a decision-making board to approve or deny the application based not only whether the application complies with the specific requirements set forth in the regulation, but also whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision making board.

We don't agree with putting multifamily development right in the middle of old established, single family neighborhoods. We are asking for a reduction in density in all four Residential Districts, Residential Low, Residential Medium, Neighborhood Residential and Urban Residential. (See attached 2.4.1 Table of Dimensional Standards by Residential District).

We propose two new Local Town of Waynesville Historic Districts, the Love Lane Historic District and the Hillside Community Historic District off Pigeon Street, with a protective overlay to preserve these areas from future unwanted development. We propose guidelines in the

existing historic districts and the two new districts to prohibit any large scale apartment complexes, apartment buildings, or any construction that would change the character of the neighborhood. We also propose rules to prohibit ingress or egress through any historic district to any new construction of Apartment's, Condo's or any other large scale housing project.

Citizens of the Town of Waynesville are submitting a Resolution to Protect Citizen's Property Rights and Property Values as stated in the goals of the Town of Waynesville Planning Board. "Our goal is to engage the public in future decision-making that protects property values, preserves the historic character of Waynesville and promotes progress with a vision".

Proposed

2.4.1 Table of Dimensional Standards by Residential District.

Standard	Residential—Low Density (RL) CC-RL, EN-RL, FC-RL, HT-RL	Residential—Med. Density (RM) CP-RM, D-RM, HM-RM, SW-RM	Neighborhood Residential (NR) AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	Urban Residential (UR) EW-UR, H-UR, HM-UR
1. Applicable Districts				
2. Development Standards				
a. Density (max base)	4 units/acre	6 units/acre	8 units/acre	10 units/acre
b. Density (max with SUP)	8 units/acre	8 units/acre	12 units/acre	14 units/acre
c. Civic Space (min) per CH 7	10%—Open Space Only	10%	5%	5%
3. Lot Standards				
a. Lot Area—House	1/2 acre	1/2 acre	1/2 acre	1/2 acre
b. Lot Area—All bldg. types with rear vehicular access	Subject to density	Subject to density	Subject to density	Subject to density
c. Lot Width (min)—With rear vehicular access	60 ft. n/a	50 ft. 16 ft.	50 ft. 16 ft.	50 ft. 16 ft.
d. Frontage at Front Setback	n/a	n/a	n/a	n/a
e. Pervious Surface (min)	20%	20%	10%	10%
4. Building Setback (min)				
a. Principal Front ¹	20 ft.	10 ft.	10 ft.	10 ft.
b. Street Side/Secondary Front ¹	20 ft.	5 ft.	5 ft.	5 ft.
c. Side (from adjacent lot)	10 ft.	10 ft.	10 ft.	10 ft.
d. Setback Between Bldgs.	15 ft. (10 ft.)	6 ft.	6 ft.	6 ft.
e. Rear	20 ft.	6 ft.	6 ft.	6 ft.
5. Accessory Structure Setback				
a. Side	5 ft.	5 ft.	5 ft.	5 ft.
b. Rear	5 ft.	5 ft.	5 ft.	5 ft.
c. Other Standards	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3
6. Building Height (In Stories)				
a. Principal Building (max)	3 stories	3 stories	3 stories	3 stories
b. Accessory Structure (max)	2 stories	2 stories	2 stories	2 stories
7. Outdoor Storage				
a. Residential Uses	Permitted in all districts ²	Permitted in all districts ²	Permitted in all districts ²	Permitted in all districts ²
b. Nonresidential Uses	Not permitted	Not permitted	Not permitted	Not permitted

¹ Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement add 10 ft. See also 4.3.1.A.3.

² Customary storage as an accessory to residential use of the property.

³ See Section 4.6.3 for details on accessory structure setbacks.

RESOLUTION TO PROTECT CITIZEN'S PROPERTY RIGHTS

The undersigned elected officials, community planners and/or managers which are officially charged with the duty to create development planning programs for the community/county/town of Waynesville, NC, do hereby agree to the following:

*That planning involves and affects the right of private property owners in their use, enjoyment, and disposal of property in which the owners are personally and financially responsible for maintaining.

*That individual property ownership constitutes an asset of unique value, as well as the foundation of individual liberty for American citizens.

Recognizing these truths, we agree that all citizen's private property rights shall be placed in the highest priority of consideration during the planning and zoning process; and in the event that any part of the planning and zoning process or recommendations resulting from the process shall potentially negatively impact any property rights, including restrictions on use, enjoyment, disposal or the value of their property, the officials/planners/managers shall:

1. Bring the affected property owner officially and directly into the discussions and deliberations of proposed plan or policy before any action is taken.
2. If the officials/planners/managers determine it is necessary to move forward with the plan, and that to do so will affect the property owner financially, such as zoning changes, use restrictions, or takings by Eminent Domain, the officials/planners/managers will compensate the property owner's fair market loss, at the value of the property as it stands prior to the damaging plan/policy.

Signed (Elected Officials)

Signed (Planners/Managers)

Submittal of Text Amendment Proposals for Consideration by Town of Waynesville Planning Board

Amendments to Chapter 6 – Infrastructure

Premise: To provide necessary protection to resident motorists and pedestrians as well as protecting the context of the Town's established neighborhoods, Chapter 6 infrastructure standards should be clarified through amendment to specifically address infill development in the Town's existing neighborhoods and scenarios where new a site plan development in ETJ's may have an adverse affect on the safety of motorists and pedestrians along the connecting route

Introduction: Chapter 6 of LDS addresses infrastructure requirements for site development and subdivisions, many of which requirements are based on safety concerns for motorist and pedestrian safety. One such requirement concerns public road classifications and Right of Way/pavement widths required to service specific types of development. Note that per ToW current LDS, the minimum road classification that can be assumed to service multi family developments is a "Residential Street":

- a. An "Alley" is intended to provide indirect access to the rear of properties but not to accommodate through traffic or parking due to minimum 20'-24' right of way and 12' minimum pavement width
- b. **A "Lane" is intended to provide direct access to the front of a limited number of single family structures. Lanes are limited in the number of lots served (this number is not currently specified in this code) . Generally, lanes are very short, often less than 400' and parking is limited to one side only. Items including but not limited to, traffic carrying capacity, topography, and connectivity shall be a consideration when permitting a lane in lieu of a residential street. Minimum right of way is 40' (with curb and gutter) or 50' (open drainage), Pavement width is 16' minimum (curb and gutter) or 18' (open drainage)**
- c. A "Residential Street" serves as the primary transportation network. Right of Way widths are 50' min. (curb and gutter) and 60' min. (swale). Pavement width is 20'-26' and parking is one side only
- d. A "Commercial Street" is intended to provide access to neighborhoods and high density residential and commercial areas. Minimum 60' Right of Way, lane widths of 10'-12', and parking both sides

Proposed Amendments:

1. **Amendment to Ch. 6.5** - Multi family developments proposed in residential zoning districts shall show continuous connectivity via a minimum street classification of "Residential Street" having a 50' minimum R.o.W. (curb and gutter) or 60' R.o.W (open drainage)
 - a. Continuous connectivity of primary and secondary development access points shall be shown on site plans submitted for initial Planning Board review and or approval.
 - b. Access from a multi family development to a road classified as a "Lane" shall be via controlled emergency access only
 - c. Applicant shall show verification of Right of Way widths by plats and or deeds properly recorded by Haywood County Register of Deeds
 - d. In the event no recorded plat or deed identifies R.o.W width necessary to show continuous connectivity, applicant shall provide certified survey "ditch to ditch" measurements
 - e. In the event that proper connectivity can not be verified, density of the proposed development shall be based determining the twelve nearest properties and selecting the 8 properties of highest density to determine average density. Density of proposed development can not exceed calculated average density by more than 25% nor can it exceed maximum density specified for the zoning district. (Refer to "Addendum E" for generic scenario)
 - f. Vacant properties or properties with non residential classifications shall not be used in density averaging
 - g. Accessory dwellings shall be allowed in calculation of density

Amendment Summary: We strongly feel that this amendment will provide necessary protection to single family property owner's safety, protect single family property owner's hard earned equity, and help preserve the established context of the town's residential neighborhoods. We further feel that, due to the context based exclusion Item "e" in the proposed amendment, this will not prevent reasonable development of higher density projects such as duplexes, triplexes, and quadplexes in a residential district. We have found no NC state statute in Chapter 160D or other related Chapters concerning property rights that prohibits this application of Chapter 6 infrastructure standards and would ask that if such objection is raised, we be advised of the applicable statute. The closest statute we have found regarding this issue is regarding the exclusion of schools need to comply with right of way width restrictions.

2. **Amendment to Ch. 6.10.1** - Subdivisions or developments proposing multiple single family or two family dwellings and that can only show connectivity via R.o.W.s classified as "Lanes" shall be required to submit a TIA
 - a. Proposed development of single family and two family dwelling projects on existing vacant individually platted lots shall be excluded from compliance of this amendment

Amendment Summary: As the "limited number of residences" a "Lane" can serve is not defined in Ch. 6.6.2.E, we feel this amendment is necessary to prevent overburdening narrow lanes with additional traffic created by proposed subdivision development. We realize that the existing infrastructure may

limit the nature of new development but the safety of the Town's citizens should supersede any expressed need for new development

3. **Amendment to Ch. 6.8** - Sidewalk construction shall be required of all new development
 - a. Proposed development of single family or two family dwelling on a single interior lot shall require installation of a sidewalk per Town specifications along the entire length of the R.o.W. frontage
 - b. Proposed development single family or two family dwelling on a single corner lot shall require installation of sidewalk per Town specifications along the R.o.W. frontage of longest length.
 - c. Sidewalk fund payment in lieu of sidewalk construction will be determined by length of longest frontage, If applicable, width of driveway apron will be subtracted from determined length.
 - d. Multi-Family projects located within a residential neighborhood shall be required to provide payment in lieu of sidewalk construction for the total number of units multiplied by the minimum lot width prescribed for the neighborhood. Length of sidewalks required to be installed on R.o.W. frontages by other development standards shall be subtracted from the total per unit calculation.
 - e. Multi family units qualifying and being provided as "Affordable Housing" shall be excluded from Sidewalk Fund contribution requirements

Amendment Summary: The Town of Waynesville is embracing Smart Growth principles in the 2035 Comprehensive Plan and one of the tenets of Smart Growth is the creation of walkable neighborhoods. In order facilitate this vision, funds are needed for construction and those funds can either come through a tax increase passed on to residents or by requiring new development to contribute. The actual sale price or rental rate of a property is not essentially determined by cost of construction, it is determined by the existing market. While requiring sidewalk construction or payments in lieu will raise the cost of construction, it does not constitute a major budget line item. In most cases, sidewalk construction will equate to a cost increase of approximately \$1/sq.ft. of conditioned space which is +/- 1% of current per sq.ft. direct cost. In an investment proforma, total projected cost is considered but the most important considerations are the high/mid/low ROI (Return on Investment) percentages and the length of term for anticipated return. These ROI calculations are barely affected by a +/- 1% increase in construction cost (See Addendum A) and in the case of speculation projects, sidewalks are a "value added" item which further negates the minimal cost increase. We feel that making the Town's vision of walkability a reality can only happen if the burden of cost is shared with new development and this view is consistent with the North Carolina Commission on Smart Growth, Growth Management and Development view that the "benefits and burdens of growth should be shared"

Amendment to Chapter 9 – Parking and Driveways

Premise: An amendment to the parking standards set forth in Chapter 9 is necessary to prevent further loss of motorist and pedestrian safety created by additional vehicles utilizing street parking to serve residences

Amendment to Ch. 9.2.1

- a. Single family and two family dwellings shall be required to provide 2 parking spaces per unit
- b. In order to facilitate development of existing small lots of less than 4000 sq.ft or lots where topography can be shown to reasonably reduce the amount of buildable area of a lot to less than 4000 sq.ft., a variance allowing for 1 parking space per unit may be granted at no additional cost to the applicant
- c. Clear driveway length of 25' from face of garage or carport may be counted as parking.
- d. Gravel parking areas may be allowed. Soil or vegetated areas may not be designated as parking
- e. Multi Family developments shall be required to provide 1.25 parking space per bedroom count. Required handicap parking spaces shall not count towards this total requirement

Amendment summary: Vehicles parked on narrow, hilly, winding streets effectively reduce sections of the roadway to one way and this increases the likelihood of a vehicular accident. Many of the Town's residential lanes and streets do not have sidewalks and parked vehicles create blind spots that may hide a pedestrian from the view of an oncoming driver. We feel that this proposed increase in on site parking ensures that infill projects do not increase the already present danger to motorists and pedestrians that increased street parking poses. This amendment would also prevent new subdivision developments from creating an unsafe environment simply due to lack of an additional 150 sq.ft. of designated parking area.

Amendments to Chapter 15 – Administration

Premise: One of the tenets of Smart Growth development is to "encourage community and stakeholder collaboration in development decisions". In order for the community to be able to effectively participate in development decisions, ample time to complete due diligence research is necessary, concerns of the citizens must be considered, and there should be little to no cost for this participation

Amendment to Ch. 15.3.3 & 15.3.4 - Notice of hearing for approval of major site plans and subdivisions shall be a minimum of 30 days

- a. Notification shall be posted on the frontage of property where development is proposed. Signage shall conform to NC 160D standards. Notification shall be maintained on property until a decision to approve or deny the development application is made by the Planning Board

- b. Abutting property owners or other property owners determined to have legal standing in the matter shall be notified by mail no later than 30 days prior to scheduled Planning Board hearing
- c. Notification to general public shall be made to local media requesting such notifications a minimum of 14 days prior to scheduled Planning Board hearing

Summary: Per Smart Growth principles, citizens should be involved in the development decisions made by the Town but the constraints of a working citizen's ordinary life may severely limit the amount of time available to complete due diligence research. We believe that a thirty day minimum notice is necessary to allow proper time for this research. We also find no statute in NC Ch. 160D or NC 143-318 that limits notification periods for **development application hearings**, only changes to regulations are addressed to have specific notification time periods

Amendment to Chapter 15.8.2 - If the density of a proposed residential subdivision or multi family development located within a residential district exceeds established density of surrounding properties by 25% or more, the planning board shall utilize quasi-judicial review format for the hearing process.

- a. Density of the proposed development shall be based on the average density of **all abutting properties**
- h. If the number of abutting properties is less than twelve, the nearest surrounding properties shall be included in the density averaging for a minimum total of twelve
- i. Vacant properties or properties with non residential classifications shall not be used in density averaging

Summary: We have found no statute in NC Chapter 160D that limits planning boards to an administrative review process or prohibits use of quasi-judicial process. While we recognize that many proposed developments may in fact meet all of the intents of the comprehensive plan and land development standards and may also fit within the context of the area of the proposed development, there are projects that do not. We feel this proposed amendment would give the planning board cause to utilize quasi-judicial review in cases where the context and safety of the neighborhood may be adversely affected.

Proposed change to fee schedules:

Text Amendment fee to be reduced from \$500 to \$100 maximum

Fee Change Summary: One of the main tenets of Smart Growth principles is that the citizens are heard and involved in the development process. We feel that the process of suggesting change should not have a burdening cost associated with it. Ideally, a process of little to no cost will foster more of a stakeholder mindset in the typical resident

Submittal Summary

Town growth through expansion and infill is both necessary and inevitable but it must be recognized that expansion and infill are two completely different scenarios. The context of the Town's older established neighborhoods must be considered and protected in order to preserve the nature of the town itself. The existing infrastructure surrounding proposed infill developments must also be considered, if not, the safety of the Town's citizens and children may be adversely affected. Community participation in the development process must be encouraged, not deterred by minimal notification periods or excessive cost.

Submitted by:



Scott C. Cason

UHC Development, LLC

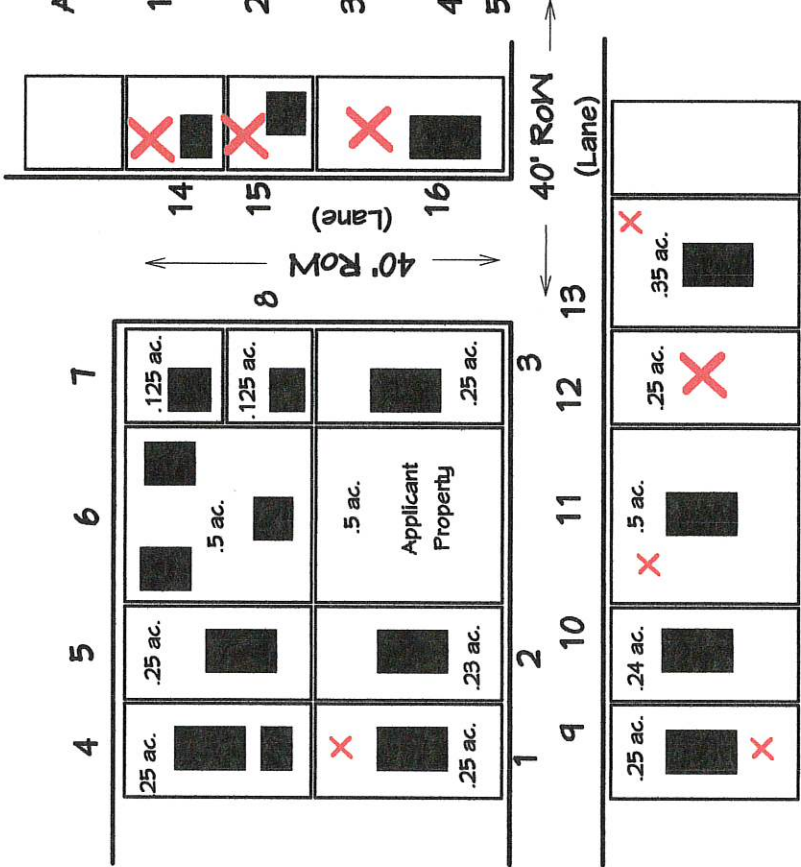
421 Park Drive

Waynesville NC. 28786

Addendum "E"

Applicant property = .5 ac.

1. Determined nearest of 12 developed lots to be Lots 1- 11 and 13
2. Determined Lots 2, 3, 4, 5, 6, 7, 8, & 10 have the highest densities
3. Average density of the 8 selected lots is 11 units / 1.97 ac. = 5.58 a.d.
4. 5.58 +25% = 7 units per acre max.
5. 7 x .5 a.c = 3.5 units max. density



Addendum 'A' - Proforma with 40' sidewalk

80

County Appraisal	\$50,000.00
Purchase Price	\$48,000.00
Square Feet	1,670
Purchase \$/Sq.Ft.	\$28.74
Comp \$/Sq.Ft. - High	\$212.00
Comp \$/Sq.Ft. - Mid	\$204.00
Comp \$/Sq.Ft. - Low	\$196.00
\$ Projection- High	\$354,040.00
\$ Projection- Mid	\$340,680.00
\$ Projection - Low	\$327,320.00
Holding Term (Months)	9

	High	Mid	Low
realtly comm	\$354,040.00	\$340,680.00	\$327,320.00
Cost	\$21,242.40	\$20,440.80	\$19,639.20
title/closing	\$244,499.36	\$244,499.36	\$244,499.36
Net \$	\$6,195.70	\$5,961.90	\$5,728.10
Net %	44.77%	38.05%	31.33%
annualized %	33.58%	28.54%	23.50%

Market Rate Profit Projection

FINANCING	\$0.00
TOTAL PROJECTED COST	\$244,499.36
Financed Amount	\$244,499.36
% rate	0.00
Cash Down	\$0.00

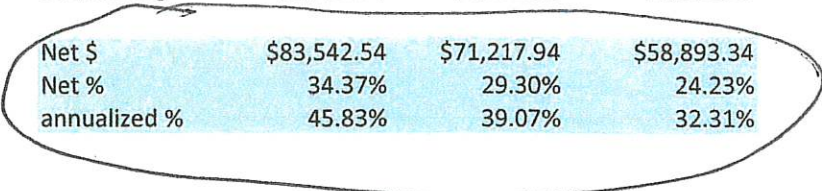
PROJECT MANAGEMENT	\$32,380.89
CONSTRUCTION	\$161,904.46
PLANS & PERMITS	\$4,525.00
UTILITIES	\$150.00
DEMOLITION	\$3,480.00
CONCRETE/MASONRY	\$21,049.90
EXTERIOR DECKS	\$0.00
ROUGH CARPENTRY	\$22,652.58
ROOFING	\$2,661.38
SIDING	\$8,612.94
WINDOWS	\$3,768.08
PLUMBING	\$9,535.20
HVAC	\$7,651.00
ELECTRICAL	\$10,999.00
INSULATION	\$4,702.50
DRYWALL/TEXTURE	\$6,840.00
PAINT	\$8,853.33
FLOORING/WALL TILE	\$12,134.34
CABINETS	\$9,770.00
CARPENTRY	\$11,197.94
APPLIANCES	\$3,098.67
FIXTURES/MISC	\$761.00
FENCING	\$4,000.00
GRADING/MISC	\$4,496.61
CLEANING	\$965.00
STAGING	\$0.00
CONTINGENCY	\$0.00

HOLDING COSTS	\$246.00	\$2,214.00
	Monthly	Term
County Taxes	\$96.00	\$864.00
Builders Risk Insurance	\$50.00	\$450.00
Electric Service	\$60.00	\$540.00
Gas Service	\$8.00	\$72.00
Water Service	\$32.00	\$288.00

Addendum 'A' - Proforma without 40' sidewalk

County Appraisal	\$50,000.00
Purchase Price	\$48,000.00
Square Feet	1,670
Purchase \$/Sq.Ft.	\$28.74
Comp \$/Sq.Ft. - High	\$212.00
Comp \$/Sq.Ft. - Mid	\$204.00
Comp \$/Sq.Ft. - Low	\$196.00
\$ Projection- High	\$354,040.00
\$ Projection- Mid	\$340,680.00
\$ Projection - Low	\$327,320.00
Holding Term (Months)	9

	High	Mid	Low
realty comm	\$354,040.00	\$340,680.00	\$327,320.00
Cost	\$21,242.40	\$20,440.80	\$19,639.20
title/closing	\$243,059.36	\$243,059.36	\$243,059.36
Net \$	\$6,195.70	\$5,961.90	\$5,728.10
Net %	\$83,542.54	\$71,217.94	\$58,893.34
annualized %	34.37%	29.30%	24.23%
	45.83%	39.07%	32.31%



Market Rate Profit Projection

FINANCING	\$0.00
TOTAL PROJECTED COST	\$243,059.36
Financed Amount	\$243,059.36
% rate	0.00
Cash Down	\$0.00
PROJECT MANAGEMENT	\$32,140.89
CONSTRUCTION	\$160,704.46
PLANS & PERMITS	\$4,525.00
UTILITIES	\$150.00
DEMOLITION	\$3,480.00
CONCRETE/MASONRY	\$19,849.90
EXTERIOR DECKS	\$0.00
ROUGH CARPENTRY	\$22,652.58
ROOFING	\$2,661.38
SIDING	\$8,612.94
WINDOWS	\$3,768.08
PLUMBING	\$9,535.20
HVAC	\$7,651.00
ELECTRICAL	\$10,999.00
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DRYWALL/TEXTURE	\$6,840.00
PAINT	\$8,853.33
FLOORING/WALL TILE	\$12,134.34
CABINETS	\$9,770.00
CARPENTRY	\$11,197.94
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FIXTURES/MISC	\$761.00
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GRADING/MISC	\$4,496.61
CLEANING	\$965.00
STAGING	\$0.00
CONTINGENCY	\$0.00

HOLDING COSTS	\$246.00	\$2,214.00
	Monthly	Term
County Taxes	\$96.00	\$864.00
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Electric Service	\$60.00	\$540.00
Gas Service	\$8.00	\$72.00
Water Service	\$32.00	\$288.00