

CONTINUANCE OF REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
JUNE 28, 2006
WEDNESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held a continuance of its June 7, 2006 regular meeting Wednesday, June 28, 2006. Members present were Gail Cross, Mack Noland, Mike Erwin, John Richardson and Neal Ensley. Also present at the meeting were Land Development Administrator Byron Hickox and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Continuance - Conditional Use Permit - Richard Miller - 241 Camelot Drive - Cypress Creek Condominiums

Byron Hickox pointed out that anyone present at this meeting who was not sworn previously at the meeting on June 7, 2006 would need to be sworn in order to speak at this continuance. He then read a letter from Fred Baker regarding stormwater issues.

Mr. Baker's letter read as follows:

"I have reviewed the project information on sheet SW-1 of the referenced project and determined that it is exempt from the Storm Water ordinance. The total project site is less than one acre and the built upon area is less than 12,000 SF. No detention or retention storage is required for this size development. The only requirement is to use vegetated conveyances to the maximum extent possible. There are no inlets on the project, so sheet the water off the parking and roofs and into the grassy and landscaped areas wherever possible.

The width of Camelot Drive as shown is 25 feet. My records show 24 feet of asphalt. This is adequate to permit on street parking which is encouraged for the traffic calming effect. The ordinance requires that a minimum of 10 feet be kept open for a travel lane. Therefore it is possible to park on both sides of the street. Oncoming traffic will be forced to take gap and give gap by pulling into open spaces along the curb to let traffic pass. There are plenty of driveway openings along the curb to ensure adequate gaps in parking to permit this to happen. Block lengths are short. The street is not a thoroughfare so cut through traffic will be discouraged by the slow travel speeds.

Do not hesitate to contact me if further questions or comments arise."

Mr. Hickox also stated that Mr. Baker is in favor of on street parking. This is encouraged because of the traffic calming effect.

John Richardson asked what Mr. Baker meant by "inlets" in his letter. Mr. Hickox responded that no water flows directly onto the property (from any stream or waterway) other than rain.

Neal Ensley asked about parking on the street. The plan Mr. Miller presented actually has more than adequate parking to meet Town requirements. Mr. Hickox responded that is correct.

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Richard Miller then spoke. He stated that this is the third of these type developments he has done. These units will not be rentals. There will be ownership covenants that will establish owner association rules. The owners may purchase and then rent but the covenants state that the units cannot be rented over twice a year to prevent heavy turnover. He is trying to create affordable housing in Waynesville which is needed. These units will start at \$109,000 each. The Town is growing especially on the high end. High end growth will stop if there is not affordable housing which can be purchased by service industry employees such as policemen, restaurant and store employees. The housing will look good and will be maintained by the homeowners' association. He uses Nationwide Modulares to construct his buildings and they do a quality project.

John Richardson had a question about drainage on this property. He asked about openings in the curbing to allow for flow into the grassy areas. Mr. Miller responded that there will be no curbing on the property so water can run onto the grassy area. There will also be a 12" wide 12" deep gravel pit along the edge of the parking lot that will catch the water before it flows onto the grassy area.

Mr. Hickox stated that it was Mr. Baker's opinion that very little if any water will leave this lot. Mr. Miller said that this lot is actually lower than the other lots around it. There is a slight bank behind it. The adjoining property does have a creek that flows across it. Mr. Miller said they could also put the gravel pit across the back of his property as well as on the long side of the parking lot. Even if the gravel pit grows over with grass, it is very effective against cutting the sheeting effect of water running.

Mr. Howard William Arrington, Jr. presented pictures to the Board of Adjustment of flooding which took place on the corner of Brown and Georgia Avenue last July following a heavy rain. He stated that he does not know how the water will not run off Mr. Miller's property. If the parking lot is paved, the water will have to run off on someone else. He said that the properties in the area get flooding from Brook Street and Carolina Avenue. Mr. Arrington stated that he would like to see plans that prevent water from going onto him and other neighbors below.

Mr. Arrington was also concerned about the on street parking. He stated that an ambulance or fire truck might not be able to get through if cars are parked on the street. A copy of Mr. Baker's letter was given to him.

Mr. Miller explained to Mr. Arrington that no water will go toward the creek. The property behind his is higher than Mr. Miller's. If any water runs off Mr. Miller's property, it will be from the parking lot. The parking lot itself is actually lower than the sidewalk which is designed to keep the water on his property to a point. Any runoff will be into the street not toward the creek. Mr. Miller said the creek might have been dredged at some time.

Kevin Cable said it had not been dredged but that years ago, Mr. Shook who formerly owned the property adjoining Mr. Miller's built up a berm next to the creek with rocks he removed from the property for farming purposes.

Lucille Blaylock stated that she has lived in the community for 57 years. Nothing has ever been done to the creek to protect the neighborhood. She lives 4 houses up from Mr. Arrington. They have had constant problems with flooding. When the hurricanes came, they had to evacuate. Ms. Blaylock said that the run off comes from all the houses on Camelot. She is also opposed to parking on Camelot since it is such a busy street.

Gail Cross explained to Ms. Blaylock that the Board of Adjustment cannot make a decision about parking or drainage.

Neal Ensley explained that what the Town is saying in their memo to the Board of Adjustment is that by making some grassy areas along the edge of the parking lot to get the water off the roof and the parking lot Mr. Miller complies with the rules and regulations to build on that piece of property. He is actually going further by making a gravel pit to help with water retention.

Mr. Arrington asked about how much grassy area or gravel area is left after the condos are in place on the lot. Byron Hickox said that about 4000 sq. ft. of the property is not built upon.

Mike Erwin stated that survey and engineering work indicates that this property is not in the flood plain. Parking is also more than adequate.

Kevin Cable has no problem with Mr. Miller's motivation or quality of the structure to be built. His issue is with the density value of the proposed project. He quoted from Section 154.083(F)(2) regarding the standard of review for granting conditional use permits which states, "the proposed conditional use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site." Mr. Cable feels that the proposed development does not conform to the character of the neighborhood in the location, type and size. Most surrounding homes are an average size of 1200 sq. ft. The proposed development is 6720 sq. ft. Even if you move the size distribution of the houses in the area to 1600 or 2000 sq. ft. the distribution is still considerably smaller than the proposed structure. The ratio of the size of the proposed structure is 4.3:1 aspect ratio which is a stark contrast to the surrounding houses. Therefore, he suggests that the proposed use does not conform to the character of the neighborhood.

Also, Mr. Cable pointed out that 154.083(F)(2) states "that adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads." Mr. Cable feels that the construction of these condominiums and the addition of their entrance in and out of the parking lot does not minimize traffic hazards or congestion.

Mr. Cable continued that the same section also reads "that the establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare." The increased traffic flow on Camelot Drive will create an issue of public safety.

John Richardson asked where the creek (Farmers Branch) is actually bermed. (See attached map entered as evidence by Mr. Cable.) Mr. Cable explained that the creek is bermed on the northeast side of lots 3, 2 and 13. Therefore, Mr. Miller's property is on the side of the creek that is not bermed.

Mr. Miller pointed out that his proposed building does not have as many sq. ft. of coverage as the person next door in the double wide mobile home next door. His proposed building has been reviewed by the Community Appearance Commission and the Planning Board and the built upon area complies with standards for this district.

Mr. Cable disagreed that the size of the building and the height is not compatible with the neighborhood.

Byron Hickox reminded Mr. Cable that Mr. Miller could build 5 units of the exact same dimensions by making each individual unit larger without a conditional use permit.

Carol Hamick stated that she had a couple of friends in the medical field. That property was formerly a known meth lab. Her friends had expressed concern to her as to whether the soil had been tested at this location. Mr. Miller and Mr. Hickox assured Ms. Hamick that environmental testing had been done on the site. Ms. Hamick expressed appreciation for this testing. Ms. Hamick further stated that most of the flooding in this area actually comes from the Waynesville Country Club area.

Neal Ensley pointed out that there is a mixture of buildings both business and residential in that area both large and small so it is difficult to define the character of the district. Byron Hickox stated that this is why we have a Board of Adjustment. The language of the ordinances is purposely a little vague to allow for flexibility. It is the job of the Board of Adjustment to determine whether this building conforms to the character of the neighborhood.

Gail Cross also mentioned that he could build a building of that size without any decision of the Board of Adjustment. The only question is whether to allow 8 units.

Mr. Cable said that if Mr. Miller's building does minimize congestion and hazards, that would be a good thing.

Mr. Miller stated that the 11 units already in place at Cypress Villas were originally required to have a cul-de-sac rather than have a through street onto Poplar Street. Eventually it was changed when the buildings were changed from two story to one story. Traffic flow from 8 units has not caused any problems on Poplar Street and he does not see that it will cause any problems on Camelot Drive. Most of the residents will leave in the morning to go to work and come home at night or some of them will be elderly and not even have a car. Most of the people that have approached Mr. Miller so far are looking for affordable housing for older parents.

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Mr. Miller reminded the group that the price range will begin at \$109,000. Gail Cross asked how this compared with initial pricing of the units at Cypress Villas. Mr. Miller responded that they started at around the same price range(\$99,000 - \$105,000) but have appreciated. One unit sold recently for \$126,000. He reiterated that they are quality modular units.

Mr. Arrington asked about the house next door to Mr. Miller's property. Mr. Miller responded that it too was modular but was not finished properly. Community Appearance requested the addition of brick on the front of the building and additional landscaping so the building should not be an eyesore.

Mr. Cable said that he did not have a problem with the appearance or structure of the building. He compared it to placing an elephant beside mice. He just feels that the building is out of place in the neighborhood. He said that it is not the same as a church in the neighborhood. He said he is comparing smaller residences with the larger residence building.

Gail Cross explained that if his building is in compliance with the zoning standards, this Board should grant the conditional use permit.

Mack Noland moved, seconded by John Richardson, to approve the granting of the conditional use permit to Mr. Richard Miller to construct an 8-unit modular building known as Cypress Creek Condominiums at 241 Camelot Drive in the Hazelwood Neighborhood District based on compliance with the general requirements of Section 154.083 and the specific requirements of Section 154.113 and 154.225 of the Town of Waynesville Land Development Standards. The motion carried unanimously.

Adjournment

With no further business Gail Cross moved, seconded by Mack Noland, that the meeting be adjourned at 6:35 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary