

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
MAY 3, 2005
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held its regular meeting Tuesday, May 3, 2005. Members present were Garnell Day, Mack Noland, Mike Erwin, Neal Ensley and John Richardson. Also present at the meeting were Land Use Manager John Swift and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:32 p.m.

Approval of Minutes of April 5, 2005

Mack Noland moved, seconded by Garnell Day, to approve the minutes of April 5, 2005 as presented. The motion carried unanimously.

Conditional Use Permit - Vantage Pointe Homes at Balsam Mountain - Old Balsam Road

John Swift stated that there will be one change to his report. Under Section 154.400, the petitioner is not required to provide a copy of the permit issued by the Army Corps of Engineers for the bridge crossing. Town Staff would like to make a favorable recommendation with the compliance of 17 items which have not been met as conditions.

Garnell Day asked about turning from the US 23-74 bypass. Mr. Swift responded that there will be a right turn off the bypass with deceleration lane and a right turn on with an acceleration lane only.

The following items were submitted by Town Staff as part of the conditional use permit request:

- A. Conditional Use Permit Application
- B. Town Staff Plan Review Comments
- C. Drawings and Specifications (Pages T-1 – E-15) prepared by Lacy R. McCall Jr. Architects, dated April 4, 2005

Town Staff Plan Review Comments are as follows:

Note: * Indicates items not yet in compliance

Article V- Requirements for SW-ND

Section 154.128

- (B)(1) The density of the development is 12.3 dwelling units per acre. The LDS was amended last fall to increase the density to 12 dwelling units per acre. Rounded down the development density will be 12 units per acre.
- (B)(2) The proposed development has 1230 feet of frontage on Hwy. 23/74.
- (B)(3) The proposed development complies with building yard standards.

- (B)(4) Complies with landscape standards and was recommended by the Community Appearance Commission.
- (B)(5)(a) Complies with the parking requirements for a multi-family development.
- (B)(5)(b) No loading requirements for this district.
- (B)(5)(c) Pedestrian pathways are provided via sidewalks throughout the development.
- *(B)(6)(a) Revise site plan to show sidewalk connections throughout the development.
- (B)(6)(b) No streets are proposed within the boundary of the development
- *(B)(6)(c) Must obtain driveway permits from DOT for driveway connections to Hwy. 23/74 and Old Balsam Road.
- (B)(6)(d) The development will have a 6 feet sidewalk between Richland Creek and Old Balsam Road running the entire length of the property. This sidewalk will act as a greenway.
- *(B)(7) Must submit the percentage of the development used for open space, recreational area and impervious surface.
- *(B)(8)(a) The multi-family residential buildings are taller than 40 feet; also, the transitional entryway element of the building is not 18 inches above sidewalk level. The planning board has recommended an amendment to the height requirement for certain areas within this district (same area approved for a higher density). The Board of Aldermen must adopt the amendment to permit the proposed height of the buildings. The planning board made a recommendation to leave the transitional entryway at its current elevation.
- (B)(8)(b) N/A – No commercial use is proposed for this development.
- (B)(8)(c)(1) Outdoor storage is not proposed for this project.
 - (2) The design of the entryway transition is fine except the elevation of 18 inches above the sidewalk.
 - (3) No flat roofs are proposed for the development.
 - (4) Community building and garages are fine.
 - *(5) The lighting plan must contain an engineer's report for full cutoff fixture selections, category sheets, poles, and point by point footcandle arrays.
 - *(6) Water and sewer plans require revisions; sewer line requires state permit from NCDEHNR. Need to submit plans for cable and telephone utilities. (Reference Fred Baker's letter dated April 5, 2005 and May 2, 2005).
 - (7) There are no other design requirements.
- (B)(8)(d) Operational standards do not apply to this development.
- *(B)(9) Submit plans for all signage pertaining to the development.
- (C) Clustered residential development is permitted as a conditional use in the South Waynesville Neighborhood District.

ARTICLE V

Section 154.219

- (A) Complies with the purpose of clustered development.

(B) The development complies with the density standards.
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- * (C) Must submit the percent open space.
- * (D) Provide surety bond for all required improvements. An estimate must be submitted and accepted by the Public Works Director. An agreement must be signed by the Town and the developer and adequate security must be provided.

ARTICLE VII

- Section 154.300 Does not apply to this development because the tract being developed is more than 3 acres.
- Section 154.301 The development complies with required density standards.
- *Section 154.302 NCDOT permits are required for access points on Hwy. 23/74 and Old Balsam Road.
- Section 154.303 Landscaping was recommended by the Community Appearance Commission.
- *Section 154.304 No exterior light plan was submitted. (Reference Fred Baker's letter dated April 5, 2005.)
- Section 154.305 None of the proposed buildings will be monument buildings.
- Section 154.306 Meets parking requirements for multi-family units and the community building.
- Section 154.307 Sidewalks are provided throughout the development; most all of them are interconnected.
- *Section 154.308 Must submit plans for all signage to be erected in the development.
- Section 154.309 No street system is proposed for this development, the vehicular use areas consist of large parking areas and a private driveway which runs from Hwy. 23/74 to Old Balsam Road.
- Section 154.310 No temporary uses are proposed for this development.
- *Section 154.311 Utility plans are incomplete. See Fred Baker's letter dated April 5, 2005 and May 2, 2005.
- *Section 154.400 A bridge is the only development proposed for the floodplain. A "no impact" certificate with supportive documentation must be prepared and submitted by a registered, professional engineer.
- *Section 154.401 Provide state sedimentation and erosion control permit.
- *Section 154.402 Provide a stormwater drainage plan that complies with town standards. Reference Fred Baker's letter dated April 5, 2005.
- Section 154.103 The development is not located in a Hillside Protection Area.

*Additional Requirement

According to the Haywood County Addressing Office the number of each building should be replaced with a letter of the alphabet. The main addressing entrance will be from Balsam Road. The buildings should be addressed in alphabetical sequence. Building # 8 should "A" building.

Mr. Ron Wilkinson then spoke on behalf of Vantage Point and said they have addressed most of the issues not in compliance. Mr. Lacy McCall, the architect, also said that their engineers have

been in contact with Mr. Baker.

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Mr. Wilkinson stated that they will be running a 12 inch rather than an 8 inch line across the front of their property if this is necessary. Mr. Swift informed him that the Town will not be able at this time to help contribute to the cost of this line since no funds are available in the sewer account.

Mr. Wilkinson continued that any DOT permits will be obtained. He further stated that Section 154.128 (B)(7) has been satisfied. The engineers have provided maps of on-site retention areas and the filtration system has been designed. His company will talk with Mr. Baker and John Swift to make sure all other requirements are met. There is no natural gas available to this site nor will there be elevators in the buildings. Only monument signs will be used and these will be attached to the sides of the bridge. A sign plan will be submitted for approval. Handicapped parking and some of the apartments on the first floor will be designed for handicapped occupancy. Every unit located on the first floor will be handicapped accessible.

Garnell Day inquired about the distance between this property and the Autumn Care Nursing Facility. Mr. Wilkinson explained that the property lines are adjacent but there is a large berm with shrubbery between them and the nursing home buildings. Also, the heavy tree lines around the property will not be disturbed.

John Richardson asked about floodplain issues. Mr. Swift responded that no structures will be located in the floodplain except a bridge which requires a "no impact" certification.

Neal Ensley raised a question about driveway separations. Mr. Swift said that Town requirements have been met, but that DOT requirements will need to be met.

Mr. Wilkinson continued that the buildings will be 3-2 pop-ups with a raised area in the center. There will be 1, 2 and 3 bedroom apartments. Located on site will be a club house, pool, fitness center, a conference room and facilities with computers, faxes, etc. Also featured will be a game room, on-site walking trails and a playground area for children. The pool will be "swim at your own risk" and will have limited hours of operation. Sprinkler systems will be installed as well.

There will be a 24-hour on-site manager. Other employees will be an assistant manager, 2 lease managers and a maintenance person. This is totally a private venture and no government funding will be received. This is not a restricted income facility. There will be tenant rules and regulations. No businesses will be allowed on site. Vantage Pointe will attempt to do a good screening of potential residents and background checks performed.

Construction will begin on the Old Balsam Road side of the property and should take around 12 months to complete. Mr. Wilkinson would like for construction to begin in June, 2005. A permit will have to be obtained for the bridge and "no impact" certification will have to be received.

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Mack Noland moved, seconded by John Richardson, to grant a conditional use permit to Vantage Pointe Homes at Balsam Mountain based on their compliance with the specific requirements of Section 154.128 and 154.219 and the general requirements of Articles VII and VIII subject to their compliance with the 17 additional items (*) noted above and final approval of Town Staff. The motion carried unanimously.

Adjournment

With no further business, John Richardson moved, seconded by Neal Ensley that the meeting be adjourned at 6:21p.m. The motion carried unanimously.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary