

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

The Board of Adjustment held its regular meeting Tuesday, July 5, 2005. Members present were Gail Cross, Mack Noland, Mike Erwin, John Richardson and Neal Ensley. Also present at the meeting were alternate Board of Adjustment member Garnell Day, Planning Director Paul Benson, Intern Amos Gilliam and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of May 3, 2005

Mack Noland moved, seconded by John Richardson, to approve the minutes of May 3, 2005 as presented. The motion carried unanimously.

Conditional Use Permit - Pine Shadow by Highland Homes - LLC - Woods Edge Drive

Intern Amos Gilliam made the following Town Staff report:

Highland Homes, LLC has submitted plans in application of a conditional use permit to allow a 13-unit single-family detached development on a 5.8 acre site on Woods Edge Road.

The site plan indicates the 13 single-family detached units. Site development includes a sidewalk along Asheville Road, 8 guest parking spaces, an internal sidewalk system, and a mulched trail along the eastern property line to the southern property line connecting to the neighboring school property.

The Community Appearance Commission has reviewed and approved the landscaping plan and building appearance.

Town staff has reviewed the plat, and makes the following findings:

1. The developer must provide Town Staff with a copy of the restrictive covenants and bylaws of the property owners association, providing for the maintenance and upkeep of open space and facilities. These covenants and bylaws will then be recorded with the Haywood County Register of Deeds.
2. The developer must provide Town Staff with a perpetual agreement between current landowners using Woods Edge Road and future property owners association of Pine Shadows for the maintenance and upkeep of Woods Edge Road, or establish an agreement for upgrading Woods Edge Road to Town standards and making an offer of dedication to the Town. This agreement will then be recorded with the Haywood County Register of Deeds.
3. The developer needs to show the designation of the trail (i.e. trail, lane, etc., . . .) as per the Town of Waynesville Land Development Standards, and its designation, either public or private.

4. The developer needs to provide a dedicated trail right of way connecting to the Junaluska School property to meet connectivity standards.

Recommendation:

Staff recommends approval of the conditional use permit on condition that the above list of actions are met.

Mr. Gilliam stated that other issues recommended by the Planning Board have been satisfied.

Neal Ensley asked about the location of the trail. Mr. Gilliam responded that only a right of way for a trail will be dedicated which will extend to the southern property line or Junaluska School property.

John Richardson inquired as to the width of the right of way. Mr. Benson stated that per ordinance requirements, the right of way will be a minimum of 18 ft.

Mack Noland asked about the width of Woods Edge Road and the right of way. Mr. Gilliam answered that the current road is 17 ft. wide with a 60 ft. right of way. The width of the road is fine but the Town Engineer has requested that the road be resurfaced with 1 ½" of hard pavement. The road grade and sewer plan are acceptable to Mr. Baker.

Mr. David Gardner then stated that he plans to construct a 13 unit planned unit development off Woods Edge Road. Woods Edge Road will be resurfaced to town standards. The development will include sidewalks that service all units and a sidewalk along Old Asheville Highway to Junaluska School property for future connectivity.

The trail will be designated as private to avoid imposing liability on the homeowners association of making it a public thoroughfare. The trail will be marked as private on both ends.

The restrictive covenants are being drafted by Charles Beemer, a local attorney. They will cover the items listed regarding maintenance and upkeep of open spaces and will be submitted to the Town as soon as possible.

Regarding Item 2 above, Mr. Gardner would prefer to establish an agreement for upgrading Woods Edge Road to Town standards and making an offer of dedication to the Town. Mr. Gardner is willing to pay for 13 shares of resurfacing the road with 1 ½" of pavement if current property owners on Woods Edge Road are willing to do that.

John Richardson asked about the average size of the units. Mr. Gardner stated that they are between 1400 and 1450 sq. ft. The two different models will be priced between \$225,000 and \$250,000.

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Mack Noland asked about the exterior of the houses. Mr. Gardner responded that on the facades there will be a variety of materials such as stone, siding and shakes. The back and sides will be vinyl and will not be visible unless a person is walking. Each unit will have porches and garages. This will

fill a shortage of housing in this price range. The houses will be one story and two story. Pictures were shown to Board members.

Mr. Ben Swearington then asked about the wooded area surrounding the proposed development. Mr. Gardner responded that as few trees as possible will be disturbed and these will be sold to a lumber yard. Debris will be removed. None of the trees will be burned. Additional trees will be planted as well for street trees. As much buffer as possible will be left in place.

Mr. Ronald Tingle had a question about the road improvement to Woods Edge as to whether the improvements would be made before or after Mr. Gardner's heavy equipment is brought in. Mr. Gardner stated that he will have to patch the road just to get his equipment into the site. The neighbors will be asked to participate in the final paving of the road after construction is complete.

Charles Starnes stated that the road is in dire shape. Mr. Bartholamew, the former owner, should be responsible for repairing damages to the road. Mack Noland asked if the property was purchased "as is". Mr. Gardner responded that it was so nothing could be done to seek his help with the paving of the road.

Cindy Hammett inquired as to the order in which things would be done with the development of the property. Mr. Gardner replied that the houses would be occupied as they are built. Each unit will be placed on the market as they are completed. The grading, sewer and water lines will have to be completed before construction. He would like to begin in 3-4 months.

Gail Cross asked how long the development would take from the time the first house is begun to complete all 13. Mr. Gardner anticipates 3-5 years depending on how quickly the houses sell.

John Richardson asked if a model home would be built first. Mr. Gardner responded that a model would be built first and that all the houses will be spec houses.

Mike Erwin asked if Mr. Gardner would like to have some pre-sold too. Mr. Gardner replied that as soon as Town approval is received, houses could be offered on pre-construction basis.

Ed Woodberry stated that current 10 homeowners on or near Woods Edge Road are willing to contribute 10/23's of the cost to upgrade paving the road to Town standards when Mr. Gardner is ready to resurface the road so that it can be dedicated to the Town.

Sandra Owen asked if the 1600 sq. ft. minimum in the subdivision applies to this planned unit development. Mr. Woodberry replied that it does not.

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Ms. Owen also asked about the distance requirement between units. Paul Benson replied that the Town does not have a minimum standard for distance between units. The building code will have standards based on the type of construction and fire ratings of the walls. Setbacks are from the property lines. This is all considered one lot.

Ms. Owen also asked about landscaping. Mr. Gardner explained from the landscape plan that there will be landscaping around each unit as well as street trees.

Gail Cross asked if since this is now considered all one lot, will it be subdivided after the houses are sold. Mr. Gardner explained that each house will have its own PIN but that each owner owns only the footprint of the house. Mr. Benson responded that for zoning purposes, the cluster development is considered one lot whether or not houses are attached or detached.

Cindy Hammett asked if the street trees to be planted would cause additional icing of the road in the winter months. Mr. Gardner responded that deciduous trees will be planted so that when they lose their leaves this will not be a problem.

Mr. Swearington asked what would need to be done to bring the road up to Town standards. Mr. Benson said that the potholes would have to be repaired with compacted rock and the road resurfaced with 1 ½" of new asphalt.

Charles Starnes asked to what degree will the back of the houses in the cluster development be hidden from the current houses in that area. Mr. Gardner said that they will be well buffered.

Mr. Swearington inquired about the upper parts of the new road. Mr. Gardner replied that when the grading is complete, that road will disappear and become a landscaped area.

Diana Bush asked about the trail going down to Junaluska School and if motor vehicles would be going into the school. Mr. Gardner responded the Town has asked for a right of way from Meadowlark Lane to the Junaluska School property so that in the future a walking trail might be built.

There will be no traffic.

Sandra Owen asked if the additional traffic from Woods Edge Road might justify a traffic light at the intersection of Woods Edge and Asheville Road. Mike Erwin responded that the DOT will address that if there is a need.

Cindy Hammett asked if postal service would deliver mail to residents after the completion of the planned unit development or if residents will still have to stop at the bottom of the hill to collect mail from boxes. Mr. Gardner responded that if the road is dedicated to the Town and it becomes a public street, each resident can have a mailbox at their home. Mr. Tingle also stated that if there are 5 or more occupying residents who request to have mail delivered to their homes, the Post Office will deliver on a private street.

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Neal Ensley had a question about the restrictive covenants and whether parking of boats and RV's is allowed. Mr. Gardner responded that parking of boats or RV's will be prohibited. There will be a garage at each unit with additional room for 2 to 4 vehicles in each driveway and an overflow parking area with 8 parking spaces. The road agreements will have to be renewed by residents.

Sandra Owen inquired about maintenance covenants. Mr. Gardner replied that there will be maintenance covenants for the common areas.

Mack Noland moved, seconded by Gail Cross, to grant the conditional use permit to develop the 13 unit single family detached planned unit development off Woods Edge Road, in compliance with the general requirements of Section 154.124 and specific requirements of Articles VI, VII and VIII of the Town of Waynesville Land Development Standards subject to the meeting of the four conditions previously stated and final approval of Town Staff. The motion carried unanimously.

Conditional Use Permit - Great Laurels of Lake Junaluska - Jule Noland Drive

Staff Report:

Eaton Properties Corporation of Las Vegas, Nevada has submitted plans in application for a conditional use permit to allow a 100 unit apartment development on a 28 acre site located at 271 Jule Noland Drive off Russ Avenue.

The site plan indicates a phased development with the first phase to include a 100 unit 4 story apartment building, along with a community building. The first phase also includes improvement of Jule Noland Drive, a parking area with 66 parking spaces, a trash compactor and recreation facilities.

Town Staff has reviewed the revised plan submitted on 6/20/05 and makes the following findings:

1. The site plan does not indicate minimum street right of way, show street construction detail or show improvement of Jule Noland Drive extending to Russ Avenue as required.
2. Street side setbacks are too small on community building - 20' minimum.
3. Street side setbacks are too large on buildings 1 and 3 - 30' maximum.
4. Plan needs to show phasing boundaries.
5. Landscape plan needs to be submitted at 1"-20' scale.
6. Need grading plan and erosion control plan.
7. Need stormwater management plan.
8. Need stormwater system maintenance covenants.
9. Need utility plan.
10. Need building elevations.

Addendum to staff report based on revised plan submitted 7/03/05:

1. The site plan does not indicate minimum street right-of-way, show street construction detail or show improvement of Jule Noland Drive extending to Russ Avenue as required.

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2. Street side setbacks are too large on buildings 1 and 3 - 30' maximum.
3. Approval of grading plan and erosion control plan.
4. Need stormwater management plan.
5. Need stormwater system maintenance covenants.
6. Approval of utility plan.

Recommendation:

Town staff recommends issuance of a conditional use permit on the above conditions and upon making the six findings listed in Section 154.083.

Paul Benson further stated that at this time, the Board of Adjustment will only consider Phase I which is construction of a 100-unit apartment building, a community center, improvements to Jule Noland Drive, parking area adjacent to the building, trash compactor and recreational facilities. The Community Appearance Commission has reviewed and approved the landscaping plan and building appearance. They asked that a more detailed lighting plan and details on the entrance sign be presented at their meeting tomorrow morning. The Planning Board has reviewed the plan and approved on the condition that the 10 staff comments stated previously (based on plan submitted 6/20/05) be met. This has an evolving process and a submittal was received on 7/01/05. There are still 5 outstanding items which are listed in the staff report shown on the previous page. Item 2 has been satisfied. The setbacks are OK. Final approval will be necessary by Town Staff of the other 5 items.

John Richardson asked if these are apartments. Mr. Benson responded that they are apartments restricted to elderly and low to moderate income occupants.

Neal Ensley asked about the phasing boundaries. Eventually there will be 3 apartment buildings of 100 units each. Mr. Benson showed him the boundaries on Sheet L 1.1. Only Phase I will be considered at this time.

Mack Noland had a question about the sewer line. Mr. Benson responded that Mr. Baker will have to review the utility plan. The Town is asking for approval of a utility plan as one of the conditions of granting the permit.

John Richardson asked about parking spaces. Mr. Benson stated that the present plan shows 51 parking spaces which meets the minimum ordinance requirement of ½ space per unit. No public parking will be available.

Russ Greer, the developer, and Jackie Martin, the architect, made the presentation for Great Laurels. Russ Greer stated that development will be in 4 phases. Phase I will be the apartment units now being considered. The developers are working with the State of North Carolina to receive tax credits. A conditional use permit is necessary for application for awards of these tax credits. The

developer is working hard to determine the best mix for the other 3 phases. The construction will be high end. The units will be large with 8' ceilings. This project will be an asset to the community.

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Gail Cross asked about the approximate size of the units. Mr. Greer answered that there will be 66 two bedroom units of about 1055 sq. ft. and 34 one bedroom units of about 763 sq. ft. Each unit will have a large living-dining room and kitchen with a sunroom.

Mike Erwin asked if all the units will have income limits. Mr. Greer responded that there will be limits. A 3.6 million dollar grant will come from HUD (a 202 grant for the elderly) if the NC tax credits are awarded. If the tax credits are not received, there will not be enough money from HUD to do the project.

John Richardson asked about income thresholds. Mr. Greer stated that a potential resident's income must be no greater than 60% of the area median income. The rent will be no more than 30% of the resident's income.

Mack Noland inquired about the outside of the buildings. Jackie Martin said the exterior of the buildings will be mainly wood, fiber cement boards and brick. The buildings will be three stories on the front and drop to 4 stories on the back side. There will be two elevators, Juliet balconies and standing seam metal roofs. The primary entrance will be on the front of the building.

Gail Cross asked who would be responsible for landscaping. The buildings will be owned and maintained long term by the developers. Later, they might look at conventional landscaping or individual ownership later on depending on demand in the area. They will have to determine what the market is here. This will be a year-round residential project for seniors – not a resort.

John Richardson asked about a completion date. Phase I will have anticipated occupancy hopefully September or October, 2006. It is hoped that ground will be broken sometime in the fall so that some grading can be done before winter.

Lynn Noland stated that he and his brothers own the property to the west and south of this property. He asked if the developers have investors that are not disclosed. Mr. Greer said that there are not.

Mr. Noland also asked about the road improvement and if the road right of way would be 50'. Mr. Greer responded that this is correct. Mr. Greer stated that the road would be moved north from the existing road to allow for the right of way to all be on Great Laurels property. All filling will be away from the Noland property.

Mr. Noland's third question was about flood control and drainage pattern. Great Laurels will be required to meet the Town's stormwater retention which will not allow for any increase in runoff. Mr. Benson said that the drainage plan will be subject to a more detailed review by Mr. Baker. There will be two retention ponds that will be piped away from the Noland property. The post-development runoff will not be any worse than it is now. Mr. Greer also stated that their civil

engineer will work with the Nolands. Mr. Noland stated that his family will be glad to work with him as well.

Mr. Noland also asked about fencing along the property lines. Is it going to be a mutual responsibility or will the Nolands be expected to bear that expense. Mr. Martin said that buffering will be done

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between the properties and they prefer not to close the property in that location. Mr. Noland said that since they have horses, it might be a good idea. Mr. Noland said that they will work with them on the fence. Mr. Greer also indicated that the property would be mowed and kept up properly.

Denise Mathis spoke on behalf of the Haywood County Council on Aging as an advocate of the aging population of Haywood County. She expressed the serious need for affordable housing for senior

adults in this area, especially in light of last September's floods. She described this need as a "crisis" situation and said that anything any Town or Haywood County Agency can do to alleviate this shortage which will probably continue for the next 10 years will be most helpful.

Mack Noland asked if these units will meet the criteria for helping to fulfill this need. Ms. Mathis stated that they will be a start.

Gail Cross asked if anyone has done a traffic impact study on this area. Mr. Greer said that they are working with the North Carolina DOT on road construction and access to Russ Avenue.

Paul Benson said that the DOT will have to approve any changes. If a traffic light is necessary, they will decide.

Mack Noland moved, seconded by Neal Ensley, to grant the conditional use permit based on the compliance with general requirements of Section 154.124 and the specific requirements of Articles VI, VII, and VIII of the Land Development Standards subject to meeting the Conditions #1, #3, #4, #5, and #6 as stated in the staff report and final approval of Town Staff. The motion carried unanimously.

Adjournment

With no further business, Mack Noland moved, seconded by John Richardson that the meeting be adjourned at 7:19 p.m. The motion carried unanimously.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary

