

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
FEBRUARY 5, 2008
TUESDAY - 5:30 P. M.
TOWN HALL

The Board of Adjustment held a regular meeting Tuesday, February 5, 2008. 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, Planning Director Paul Benson and Deputy Town Clerk Freida Rhinehart. Chairperson Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of December 11, 2007

Neal Ensley moved, seconded by John Richardson to approve the minutes of December 11, 2007 as presented. The motion carried unanimously.

Conditional Use Permit - Preservation Way Condominium Development - Preservation Way and Park Drive - East Waynesville Neighborhood District (EW-ND)

Matt Sprouse of Sitework Studios spoke regarding the site plan. He stated the 6.53 acre site sits at the end of Preservation Way and has access to Hillside Drive. It is on a knoll that was graded several years ago for development which did not take place. The developers wish to construct a multi-family condominium development of 3 buildings housing 48 units with 68 parking spaces. They have attempted to locate the parking and thoroughfare in the center of the property with the buildings off the edge of the knoll to minimize the footprint as much as possible. The buildings are two stories in front and 3 stories on the back. They have a 360° view, especially in the winter. Clustering will impact the site less. Of the 6.5 acres only about 3.01 acres will be disturbed. The main access (about 95% of traffic) will be coming off Hillside Drive. The private thoroughfare through the development will have a lane designation which means it will be 16 ft. wide with a sidewalk with street trees and connect to Preservation Way. Preservation Way will probably be repaved but will be kept much as it is with the old stone wall left in tact.

The design will include stormwater management, incorporating pervious pavers and rain gardens to retain and treat the water before release at a pre-development rate. Minimum lighting will be used following dark sky specifications. There is a walking path proposed around the perimeter of the site which will connect to both Hillside and Preservation Way.

Mr. Alberice then presented preliminary basic building floor plans not showing any of the detail of the exterior architecture. He explained that it is still very early in the design process at this point. The covered entries for the two larger buildings will be on the middle level. The primary entryway for the smaller building (Building #3) will be on Preservation Way from the first level. Each building will have an entry lobby, exit stairs, interior corridors and elevators to the units. 2/3 of the units will be two-bedroom and 1/3 will be one-bedroom. The design has integrated the buildings into the hillside and each unit will have a private balcony. This will help break up the rectangular shape on the back sides of the buildings. The primary exterior materials will feature a stone base,

some type of wood siding on the second floor, and cedar shakes with gables on the third floor. The roof will be finished with a slate gray architectural shingle. The architecture attempts to represent a typical Western North Carolina design.

Mike Erwin inquired if the living units were multi-level. Mr. Alberice responded each unit is all one level. The two-bedroom units will be about 1200-1300 sq. ft. and the one-bedroom will be 1000-1100 sq. ft. All are handicap accessible.

Neal Ensley asked if heating and air conditioning units will be outside. Mr. Alberice said they will be outside the building and screened.

Gail Cross asked about the target market. Scott Wade, one of the developers, answered they hope to have some local occupants, but obviously the majority will probably be seasonal dwellings used by a senior market base. Mr. Wade feels the close proximity to downtown will make these units very pedestrian friendly.

Byron Hickox then presented the findings of fact:

Findings of Fact for East Waynesville Neighborhood District (Section 154.110):

- a. Parking and vehicular use area buffers are not shown to include tree plantings 30' on center as required. (These are required in addition to street trees.)
- b. A lighting plan with point-by-point foot-candle array and light fixture specification are required if site lighting is planned.

Finding: With the exception of the items listed above, the requirements contained in Section 154.100 have been met.

This proposed use does satisfy the general requirements of listed in Section 154.083 of the ordinance.

- a. That 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.

Finding: Although this is a high-density development, the proposed development would conform to the residential character of the neighborhood.

- b. That adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roads.

Finding: The proposed development can be safely accessed via a new lane connection between Preservation Way (off Belleview Road) and Park Drive (off Hillside Road).

- c. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.

Finding: Adequate public utilities are available for the proposed development.

- d. That the proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
Finding: The proposed development would not be noxious or offensive by any of the specified reasons.
- e. That the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
Finding: The proposed development would not impede the reasonable use of surrounding properties.
- f. That the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
Finding; The proposed development would not be detrimental to or endanger the public health, safety or general welfare.

Additional Findings of Fact:

- a. The utility plans are incomplete. Existing and proposed utilities should be shown on the grading and drainage plan. Backflow protection specifications must be provided.
- b. The stormwater submittal is incomplete.
- c. The engineering report is incomplete.

Bob Clark, who owns a neighboring property, asked about connectivity and whether the lane through the development would be public. Mr. Sprouse replied that within the development, the lane would be considered private.

Mr. Clark also expressed concerns about construction traffic on Park Drive which is only paved 16 ft. wide. Hillside would be the best way for construction traffic to enter the development since there is no room to pass safely on Park Drive. He did like the idea of downward lighting and thinks it is important for the Town to address these issues. Another problem Mr. Clark anticipates is stormwater runoff. Stormwater has nowhere to go except on to neighboring properties. He asked about what effect the water connections will have on neighbors and whether their water pressure would be decreased. He feels that new residents coming in should be assessed a connection fee to upgrade the water system to allow better service. Mr. Clark also asked about cleared wood and whether it would be burned or chipped, donated or sold for firewood or hauled away by loggers. He also indicated that he would like to see a copy of the final survey to determine where the right of way runs in relation to his property. Another issue is sidewalks. Mr. Wade had indicated that residents might like to walk downtown, but there are no sidewalks until reaching East Street or Pigeon Street.

Matt Sprouse responded that there is a difference between the 16 ft. wide minimum standard for the lane and the right of way. The right of way would be wider because it encompasses the sidewalk, curb and gutter, street trees and lighting which is about 45 ft. The driving width will be about 18 ft. within the development. There is not much the developer can do outside the development. The construction traffic will be the Hillside. No trucks will go down Preservation Way. New lighting plans have been submitted and will be very low key. Stormwater has been addressed and will be released at a pre-development rate. There will be holding areas and water will leave the site cleaner

than it would have before. The water connection fee is a Town issue. The cleared wood is never specified to be burned on their plans. Logging is a much more acceptable practice. The clearing will end about 5 ft. outside the building footprint. This is why they have chosen to build where they did to minimize clearing. The sidewalks on their property will connect to Hillside public sidewalk. The other sidewalks are more of an off-site issue.

Janet Gray explained that it would make common sense to use Hillside Road into the development but fears that traffic will use Park Drive instead. Byron Hickox said the Town Engineer has the authority to prohibit construction traffic on certain roads. Mr. Sprouse has indicated that the grading plan shows Hillside as the route for construction traffic so other streets should not be used. Mr. Sprouse said this could be addressed in the pre-construction meeting.

Blair Bishop stated that he is excited about development in Waynesville. He is concerned about the view shed looking at 3 stories from Main Street and if these condominiums detract from this view. His other question is also traffic related. He said he is concerned about pedestrians trying to walk downtown with an increased volume of traffic on East Street traveling at such high speeds. Traffic calming on East Street is certainly needed.

Mr. Alberice responded to Mr. Bishop's concerns. He said since the buildings will be built into the hillside so more trees will be preserved. Mr. Sprouse said that with the location of buildings on the site, only one of the buildings should be visible at all from downtown and should only be able to be seen in the winter when the leaves are off the trees.

Mr. Erwin pointed out that slowing down speeders should be handled by law enforcement.

Juanita Shade who owns adjoining property asked how close Building #1 would be to her property. She also asked about porches or balconies. Mr. Sprouse said from the edge of the building to the property line, there is approximately 70 ft. There will also be vegetation and trees left along the property line that will not be disturbed. There will also be some evergreen vegetation placed next to the building. Mr. Alberice also explained where private balconies would be located on each unit.

David Tomlin asked how close to his property line can the developers clear and if they clear, would the bank be destabilized. Mr. Sprouse pointed out they will not be clearing up to his property line but at some future time, if someone should choose to clear up to his property line, there are federal and state requirements which would mandate that a developer place vegetation or matting within 15 days of grading.

Phyllis Braswell presented photographs of the erosion that has taken place from the time the property was to have been developed originally. Mr. Sprouse said there would be no clearing near her house. She asked when the buildings would be marked on the property. Mr. Sprouse said it would probably be just prior to construction but it would be up to the developer as to whether he would permit people on the property.

Ms. Braswell also inquired as to whether soil testing has been done. She said the soil is very soft there. She was also concerned about overflow parking for households with more than one car and visitors. Mr. Alberice said several soil tests are run to make sure the foundations could be supported by the ground. Two or three compaction tests are done at each building pad. This will be part of the design process. The parking spaces exceed town requirements. Mack Noland pointed out that when the erosion control plan is developed, the Town Engineer and other staff will be working closely with the developers on these issues. This is not a matter for the Board of Adjustment to review.

Mr. Tomlin commented that the units are very small and asked if any of these units will be rented by the owners. Mr. Wade responded that homeowners covenants and restrictions prohibit this. All 48 units probably will not be occupied at the same time. The developers want very much to disturb as little as possible to maintain the character of this property. In addition they are attempting to have a pedestrian friendly area with a band of trees surrounding the top and trees throughout the development.

Ned McHenry said he is pleased that the trees around the perimeter are being preserved but asked about residents cutting trees to have a better view from their individual units. Mr. Wade replied that covenants and restrictions do not permit cutting of any trees by residents.

Henry Kidder inquired as to whether this is the final step in granting the conditional use permit for this project. He also asked the architect to give examples of Western North Carolina architecture. He also mentioned traffic on Hillside and said there would be no room to park on Hillside Road with construction traffic. Preservation Way is only a dirt road and people already park on Bellview Road.

Mr. Alberice said the Grove Park neighborhood in Asheville probably is an example of Western North Carolina architecture with houses with stone bases, different building materials, pitched roofs, and porches which are more of a style rather than imitating a specific building.

Mr. Erwin explained the Board of Adjustment has 31 days to make a decision but it was entirely possible a decision would be made at the meeting. This use is already approved in the ordinance and this matter has already been reviewed by the Planning Board but a conditional use permit is needed because there are more than 5 units or more than 100,000 sq. ft.

John Cathey requested that another public meeting be held on this issue. Mr. Sprouse pointed out that two public meetings – Community Appearance Commission and Planning Board – have already been conducted reviewing this project. Mr. Hickox pointed out that the Board of Adjustment is the only meeting required by law to notify adjoining property owners.

Lawrence Herr stated that Preservation Way is a one lane dirt driveway. He said this would be a “disaster” with the additional people and cars. He felt people would try to use Preservation Way because it is a shorter way into town.

William Litty said that growth is inevitable but questioned whether this is something anyone would want next to their property. He would have appreciated the consideration of having information earlier.

Mr. Noland pointed out that this type of project is already allowed in this zoning district. Changes to the zoning ordinance are made by the Board of Aldermen.

Juanita Shade asked if more units might be added in the future on this piece of property since only about half the property is being developed. Mr. Hickox responded the East Waynesville has no maximum density so the developers could but there are other restrictions in place which would discourage further development. Mr. Wade assured the residents these 3 units will be the only development planned for this site.

Neal Ensley pointed out the planned parking spaces actually exceed requirements.

Mack Noland moved, seconded by Gail Cross, to grant a conditional use permit to Four Star Development of Waynesville for the construction of 48 dwelling units in three buildings between Preservation Way and Park Drive in the East Waynesville Neighborhood District subject to approval of Town Staff regarding compliance with the following five conditions and that construction traffic be routed on Hillside Drive.

Section 154.110:

1. Parking and vehicular use area buffers are not shown to include tree plantings 30' on center as required. (These are required in addition to street trees.)
2. A lighting plan with point-by-point foot-candle array and light fixture specification are required if site lighting is planned.

Section 154.083:

1. The utility plans are incomplete. Existing and proposed utilities should be shown on the grading and drainage plan. Backflow protection specifications must be provided.
2. The stormwater submittal is incomplete.
3. The engineering report is incomplete.

The motion carried unanimously.

Other Business

Mr. Hickox as instructed at the previous meeting checked into the availability of the Conference Room at the Hazelwood Office. Joey Webb the Assistant Fire Chief who schedules meetings for that room said it could be available the first Tuesday of each month for Board of Adjustment meetings.

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By consensus, Board of Adjustment members agreed to move the meeting place on a trial basis to 280 Georgia Avenue. If problems arise in the future with this meeting site, the meetings can always be moved back to Town Hall.

Adjournment

With no further business, Mack Noland moved, seconded by John Richardson to adjourn the meeting at 7:25 p.m.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary

