

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
APRIL 7, 2009
TUESDAY, 5:30 P.M.
STATION #2 – 280 GEORGIA AVENUE

The Board of Adjustment held a regular meeting Tuesday, April 7, 2009. 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 2, 2008

John Richardson moved, seconded by Neal Ensley to approve the minutes of the December 2, 2008 meeting as presented. The motion carried unanimously.

Mountain Housing Opportunities – Request for Conditional Use Permit – Richland Hills Apartments – Assembly and Howell Streets – East Waynesville Neighborhood District (EW-ND)

Byron Hickox stated the proposed project is one building consisting of 64 apartments, 40 one-bedroom and 24 two-bedroom units on 4.1 acre site between Howell and Assembly Streets directly behind the Brian Center. The maximum density in the East Waynesville Neighborhood District is 16 units per acre which is exactly what is proposed. 87 parking spaces are proposed.

Cindy Weeks of Mountain Housing Opportunities a 20 year old development organization that builds and repairs homes for seniors, families and others in Western North Carolina spoke on behalf of the developers. She distributed information on a similar complex which they built located in Asheville and a rendering by their architect of the proposed project.

Last year the site for Richland Hills was selected in Waynesville. Mountain Housing then contacted Town staff and was informed the permitted density in the East Waynesville Neighborhood District is 16 units per acre. She then read an excerpt from the Vision and Goals Statement for the East Waynesville Neighborhood District in the Town's Land Development Standards – "The East Waynesville Neighborhood District is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. . . It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district. High design criteria will be placed on future non-residential and multi-family development in order to maintain an attractive neighborhood for those who reside in East Waynesville."

Their organization then hired Martin Reily Architects (who also designed the Laurels) and Civil Design Concepts to design their proposed complex. In January, they met with Town staff and the building height was reduced from 42' to 35' to reduce the impact on the neighborhood. The plans have been reviewed by both the Community Appearance Commission and the Planning

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Board in March and were approved unanimously by both. They were assured that Richland Hills met criteria for Town standards and ordered a market study to determine demand. The market study showed that the 64 proposed units would fill only about 15% of the current need for senior housing in Haywood County. Therefore, they felt Waynesville would benefit from Richland Hills.

Ms. Weeks then addressed some questions that might arise about the Richland Hills project:

- Potential traffic increase issues will be approached by providing two entrances to the apartments, one from Howell St. and one from Assembly Street
- The contrast to the neighborhood by incorporating a traditional gable style building with many windows and a brick and hard panel exterior
- Sustainability will involve a green design and preparing a financial plan to provide for long term maintenance and upgrades of the building
- Energy efficiency will be carried out by designing units to meet energy star standards through the use of compact fluorescent lighting, low flow plumbing systems, energy star appliances, good insulation, and energy efficient doors and windows.
- Transportation concerns will be addressed by the use of Haywood Transit.
- Location concerns relate to the site selection close to downtown near services and shopping that seniors will need
- Market and affordability are addressed by a financial model that will allow seniors to rent the apartments at an affordable rate
- The neighborhood will be respected by the selection of good residents who will be good neighbors, provision of on-site management and by making sure that Richland Hills will be beautifully maintained.

Ms. Weeks said Mountain Housing Opportunities has followed the process for obtaining a conditional use permit and has designed the project to meet all the criteria of the Land Development Standards. Approval has already been received from Community Appearance Commission and Planning Board. Approval of the conditional use permit was requested.

Mack Noland inquired if the outside of the building would be brick. Ms. Weeks responded in the affirmative. Mr. Noland also asked about the number of caretakers. Ms. Weeks answered there will be one person who will live in The Town of Waynesville, will be on the site everyday and will be available 24 hours per day.

Neal asked about funds available for maintenance and upkeep of the building. Ms. Weeks replied that these funds will come from both a fund of about \$150,000-\$200,000 that will be set up especially for that purpose initially. For the first 20 years a portion of the rents will be placed in a replacement reserves. Money will be added to these funds each year.

Mike Erwin questioned how applicants are qualified for residency, whether this project will be just for seniors and if this might change if enough senior residents do not apply. Ms. Weeks said this project will be for seniors only 55 and above. There will be an application process with the site manager along with credit and background checks. The agreement with the investors requires that the complex be for seniors only.

John Richardson asked if the roof will be shingles. Ms. Weeks replied that it will.

Mike Erwin inquired about the total cost of the project. Ms. Weeks stated this is an 8.5 million dollar project and taxes will be paid both to the Town and Haywood County.

Mack Noland asked the building will have an elevator. Ms. Weeks said there will be 2 elevators, 10 % of the apartments will be fully handicap accessible, and the remainder of the units will be constructed so they can be easily adapted for accessibility. The building will be very user friendly.

Russell McLean informed the gathering that in 1983, he and Pearl Hayes obtained property between Howell and Assembly streets from Helen Ames Ferguson. Ms. Hayes and Mr. McLean decided to build a cafeteria in downtown Waynesville. The building was constructed and the cafeteria operated for 3 years. Ms. Hayes decided the venture was not profitable so she converted the building into a 94-unit nursing home. Mr. McLean took his part of the interest in the vacant property behind the nursing home. Charles McDarris inherited Ms. Hayes' portion of the property when she died. At the time it was purchased, the property was zoned commercial but with the adoption of the Land Development Standards it was placed in the East Waynesville Neighborhood District. Mr. McLean and Mr. McDarris have kept the 4.1 acre property for the past 25 years and during that time have been approached by several potential buyers with various uses of the property in mind. Mr. McLean did not feel up to this point that many of the uses would be beneficial to the community. When he was addressed by Mountain Housing Opportunities with an opportunity to enter a partnership arrangement in this project, Mr. McLean realized that over 25% of the population of this county are seniors many of whom do not have a great deal of money. This private group wanted to obtain tax credit financing so no public financing would be involved. Private investors would be partnered with this group. The need for nice senior housing exists in our community. Mr. McLean also looked at the history of this group and visited the Laurels at Lake Junaluska which is similar housing. He then spoke with Mr. McDarris about the value of this project and how it might benefit the community. Mr. McDarris agreed to enter into the arrangement with Mountain Housing Opportunities to build the apartments on this lot.

Patrick Bradshaw then spoke in support of the development. He stated that Civil Design Concepts has a long standing relationship with Mountain Housing Opportunities. Mr. Bradshaw also said he feels he understands the Town's Land Development Standards, having served as a member of the Planning Board and currently serving on the Steering Committee reviewing these standards. Mr. Bradshaw feels the East Waynesville Neighborhood District is one of the few districts that could support a project of this variety, especially since it joins the Central Business District.

Two accesses to the property is ideal. Many of the residents will use public transportation and will not even own a car.

The extent of grading to situate the building will be very limited. The only other place ground would be this level is in a floodplain. Fortunately, this property is not in a floodplain.

Approximately 30% of this property will be preserved as open space. There is also a unique opportunity to preserve stormwater and meet many other efforts that are important to the Town. This project has gone above and beyond satisfaction of the Land Development Standards' design criteria.

Mike Erwin asked about the height of the building in regard to the site plan. Mr. Bradshaw answered this is probably the trade-off to balance the maintenance of open space. As the building height goes down, the open space decreases. By keeping the building height up, there is less impervious surface and less roof top surface area. Through sensitivity to the community, the building height was reduced to 35' by reducing the roof pitch.

John Richardson asked if reducing the roof pitch would affect the snow load requirements. Mr. Bradshaw said the snow load level is one with which the architect is comfortable.

Mike Erwin pointed out the list submitted for Planning Board review contained some items which needed to be met. Mr. Hickox responded that some of the items have been met. Most often the stormwater management plan and lighting plan are not submitted until final approval of the building is pending. These do not apply until the end of the process.

Mr. Erwin then opened the public hearing. The following persons spoke against the project and their comments are summarized below:

Kevin Brock – 55 Sunset Drive

- Project falls short of Section 154.083 of Land Development Standards – does not conform to the character of the neighborhood
- The Brian Center and Free Methodist Church are the only structures except for homes in the Howell St./Assembly St. area, possibly a few home-based businesses
- Neighborhood is made up of single family homes and a few duplexes
- Pictures of neighborhood were presented
- He supports senior housing
- He would support construction of townhouses or small apartments – lower density development, possibly 8 units per acre would be more appropriate
- Massive size of the building is inappropriate
- Urged Board of Adjustment to reject proposal since it does not conform with neighborhood

Lela Eason – 353 Howell Street

- Presented a list of questions from neighborhood
- Bought their home there and want to raise children in neighborhood
- Negatives of project outweigh positives in this neighborhood
- Project does not conform to character of neighborhood
- No high density homes in their neighborhood, quiet, safe area
- No guarantees the apartments will continue to be for those 55 and over – could go public at some point

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- Increase in traffic will endanger their already congested streets – many people over 55 still drive
- Each dwelling in neighborhood does have a front, side and back yard
- Duplexes or single-family low income homes might be more appropriate
- Developer needs to look for other locations which might be more appropriate
- Did not receive notification of development
- Requested that Board of Adjustment table for 30 days to allow time to research documentation and study

Ray Rouser – 452 Wall Street

- Has been in business in the East Waynesville Neighborhood District for 47 years
- Is in favor of inexpensive housing for elderly
- Did not like methods of notification of public
- A notice needs to be posted on property
- Questioned why a conditional use permit is needed. Byron Hickox responded that a conditional use permit is required for multi-family buildings with more than 5 dwelling units or is over 100,000 sq. ft. in size.
- What happens if Mountain Housing Opportunities goes bankrupt?
- Questioned qualifications for being allowed to rent.
- Howell Street has an 18 ft. right of way. Wall Street has a 28 ft. right of way.
- Concerned about the size of building and number of units, increase in traffic and danger to families in neighborhood

David Goss – 109 Assembly Street

- Submitted photographs of the view from his home which would be destroyed by a building of this scale
- Concerned about increase in traffic
- Has a blind driveway and is concerned about difficulty accessing street from private driveways
- Sidewalks – concerns about pedestrian traffic
- Decrease in property values
- Other projects include duplexes
- Requested that conditional use permit be denied
- Requested a reduction in scale of building

Nicole Kott – 217 Assembly Street

- Building does not conform to character of neighborhood
- There are a number of blind drives and intersections
- Increasing the population on a street increases traffic flow
- Property in question is a wetland
- Holds water 2-3 months during wet periods
- Photographs show there are no trees on property – only marsh-like vegetation
- Soil tests are needed as well as knowledge of vegetation
- The lot is fill dirt only
- More environmental tests are needed

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- Streets pass a driveway to a busy daycare
- Noise from added traffic
- Other low income senior housing facilities in the area are not full

Gerald Jacobsen – 46 Mead Street

- Is a retired developer familiar with zoning and building process
- Moving from one type of land use to another should be done gradually instead of going from single family to high density
- Moderate density would be more appropriate
- Most houses in neighborhood are single one story structures
- Presented a map of property and surrounding area
- 64 unit building would contain more residents than the 500 ft. around the property
- Even the Brian Center is a one-story building
- The three story building would change the character of the neighborhood
- Usually more than one good way to change a project
- Non-profits have a history of going under faster than single family properties

Mary Alice Lamb – 416 Boundary Street

- Worked as a consultant in Asheville for a non-profit foundation who had private donors who gave money to fund a non-profit organization
- Mountain Housing Opportunities is only 20 years old which is a fairly young organization
- What happens if their funding stream no longer exists?
- The project could become open to the public and the type of resident could change.

Donnie Griffith – 439 Assembly Street

- Has nothing against senior housing, concerns about others moving in
- Three-story building will be too much of an impact on community
- A one or two-level building would be far more acceptable
- Building will obstruct views
- Has lived in his house over 55 years
- Property is a marsh area
- Underground springs will be an issue in the future.

Suzanne Hummer – 426 Doc Ratcliff Road

- A real estate appraiser
- Not opposed to low income housing
- Opposed to warehousing poor people like chickens in a high production poultry operation, stacked on top of each other
- All over the country high density housing projects are being torn down, replaced with small clustered housing all over a community
- Tourists do not want to see this building

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Jan Beck – 411 Howell Street

- Police Department has designated Howell Street as a major speeding problem
- High density housing would create more traffic and increase danger.
- Howell Street/Wall Street intersection is very dangerous due to poor sight distance

Marsha Coe – 41 Sunset Street

- Ecology issues – 50% of the site is covered by the building and pavement
- Cut density by 30%
- 50% of the units are Northeast units – not ecologically sustainable
- Need to look at conservation by increasing gray water usage in building
- Dual flush toilets and sewage system
- Having backups on the street in the sewage system
- Look at a different elevation
- Change the way the site is facing – are residents going to be looking at pavement?
- Only one side of building has trees

Paul Miller – 215 Oak Street

- Lives right behind the Brian Center
- Height of building - will only be able to see the back of the building
- Concerned about noise and trash from proposed building
- He owns dogs and is sure the residents will complain
- Smaller buildings should be built on this property

Michael Beech – 411 Howell Street

- Has provided mental health services for over 30 years
- There is a need for housing for affordable housing
- High density low income housing is being torn down in other areas
- A far better alternative for this might be Habitat for Humanity which fits into existing neighborhoods
- This building far beyond the character of the neighborhood
- Small neighborhoods are much more desirable
- The building would be considered a high-rise in this neighborhood, housing should be smaller scale
- High density buildings just create too much difficulty

Kathryn Harland – 136 Assembly Street

- In December she called Dan Aker at Northpoint Development (since he was overseeing the property in question) to talk to him about what was going to happen with this land.
- Did other research through realtors
- Was told this land had not been developed for a long time and there are no plans to develop this land in the near future
- She closed on the house in late January and moved there the first weekend in March
- Three weeks later, this project comes up
- She is a single parent with two children and this was her dream home in which to raise her children

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- She did not get a letter; the property is right beside hers
- Her address was changed with Town of Waynesville long before this letter came out
- Does not understand why she did not get a letter
- Project is a disgrace to senior citizens to put them in a cookie cutter place like this

Susan Beecham – 158 Ford Street

- Has worked as a consultant in New York State for Willow Works Concentric Group which was the reason handicapped housing was de-institutionalized
- This is not handicapped housing but there are similarities
- People over 55 do have specific handicaps such as not driving a car, they might have a walker or wheelchair, might have locomotion problems, issues with medications, safety issues
- Is not sure this organization is really concerned with the elderly
- Where are the sidewalks? How are these people who don't drive going to get to shopping areas?
- This project may not adequate for the needs of the elderly, does not like the idea of being put in a tin can, many drawbacks to this project
- High rise buildings for housing elderly is an outdated mode
- She has heard that the housing at Lake Junaluska is not full
- She does not have data but would like to research this

Michael Coe - Sunset Street

- Is concerned about the antiquated condition of the water and sewer system
- The community resources have been used for a fire station and police station
- Infrastructure is in great need of repair
- If this high density building is going in, do we have these resources. He does not think so.
- Another concern is sidewalks. There are very few sidewalks in the area.
- The other concern is that one person has to be 55 or over, but there might be others will be living with this person – no way to police this

Rich Butters – P. O. Box 1517, Waynesville

- It is obvious that the neighborhood does not want this project. No one knows if the community wants it.
- It will not contribute to the downtown environment that brings people here – tourism and construction
- Once the town deteriorates, we cannot go back
- We do not need these units – apartments being built at Balsam, Laurels is not full
- Where are the people coming from to live in this building?
- Is there a requirement that residents must be from Haywood County or can they come here from another county?
- Where will the profit for the owners come from?
- Are the vacant apartments going to be subsidized?

Angel McHenry – 334 Howell Street

- Assembly, Oak and Howell Streets have 4 school buses that serve those streets – 2 elementary, 1 middle school and 1 high school
- Their safety is a concern
- Runoff will be a problem with the installation of a parking lot
- This is an issue that needs to be considered before the conditional use permit is issued
- When it rains, because of the steep slopes there are already erosion problems
- All projects need to focus on the Town of Waynesville’s Mission Statement: . . .to preserve and promote our neighborhoods, open spaces, vistas, natural and cultural resources and historic places. . .while planning for healthy community and family life.”

Jerri Griffith – 139 Assembly Street

- Has lived in neighborhood over 36 years
- This property used to be a deep ravine with springs in the area
- Called Marc Pruett that morning
- Mr. Pruett referred her to Janet Boyer, a State Engineer in Asheville
- Ms. Boyer advised her to contact Rick Wooten and Charles Koontz regarding slope stability
- Mr. Wooten and Mr. Koontz recommended that a geological study be done
- Mr. Wooten agreed to walk the property with her to see where the springheads used to be

Jan Beech reminded the Board of Adjustment of the speeding problem and stated that older people’s reaction time is slower.

Mary Alice Lamb informed the Board that non-profit organization’s Board meetings are open to the public.

Chairman Erwin then closed the public hearing.

Ms. Weeks was allowed time to respond to questions asked during the public hearing. She offered the following responses:

- Mountain Housing Opportunities would not be here if the Town of Waynesville did not have a zoning classification on which this building could be built.
- This is not a high density development even though the neighborhood feels that way. Buildings being torn down in Asheville are 17 or 18 stories.
- The building has been designed with gable features, pitched roof, treatments on facade, strong design elements and materials so it will not break down over time and require a lot of maintenance.
- Zoning between commercial and residential areas is traditionally multi-family.
- Mountain Housing Opportunities is a very strong organization. Their complexes in Asheville have the reputation of being the cleanest and best managed.
- The need for affordable housing in Waynesville was determined by a reputable marketing firm which stated that there is a total demand for 427 units in Waynesville. The same market analyst discovered that the Laurels at Lake Junaluska has been leased at a rate of 99% for the past year.

- As a general rule units are rented to local people – not people from out of town.
- The issue of the age of residents – the typical resident is a woman 55 or older who has lost her husband and has trouble maintaining a home.
- There are a large number of people in this community needing this type of housing.
- Patrick Bradshaw will address traffic.
- They will be willing to work with Town officials to make site lines better.
- Regarding others living in the units – a spouse may be a year or two younger than 55 but this would be acceptable.
- Health laws probably would prohibit other family members with children living in a unit.
- This is not a poultry-type or tin can operation. People who live in their buildings are very happy.
- The speeding problems will be addressed with Mr. Hickox and will be handled by staff.
- Before construction can begin, they are required by both local and state law to have soil testing and will know exactly what is in that dirt.
- Stacking the units in the building is actually more energy efficient and environmentally friendly.
- Mr. Bradshaw will address sidewalks.
- This is not the largest complex they have done – the largest is 79 units. It is in Woodfin near her house and there are over 100 children there. Her daughter likes to go there to play.
- Study after study shows that these buildings do not devalue property.
- This is not public housing which takes people that cannot live anywhere else. It is privately owned, privately developed and privately managed.
- Mountain Housing Opportunities is very strict about accepting tenants.
- Funding is provided up front through investments and bank loans. No money comes from HUD.
- Regarding the comment about the daycare – the seniors will be quiet.
- They will be required to do a stormwater plan by law and will do everything they are required.
- The money for funding will be up front. They can structure rents that are affordable due to receiving investments through tax credits. BB&T is interested in purchasing tax credits on this project. Corporations (mostly banks) invest affordable housing so they can receive tax credits.

Patrick Bradshaw then addressed some of the design questions:

- There has been extensive discussion not only with Paul Benson and Byron Hickox but with Public Works Director Fred Baker as well regarding water and sewer connections and entrance locations based on grade relationships of the site.
- Drainage and erosion control – the Town of Waynesville is a full participant in Phase II Stormwater Planning. This will be overseen by the Public Works Director.
- Sidewalks – the builder will be required to provide sidewalks along the total frontages of both Assembly and Howell Streets. In addition there will be sidewalk connections across the property connecting Assembly Street to Howell Street.

- There will be extensive landscaping not only on the property but buffering adjoining properties.
- Traffic effort – must look at total volume and peak periods. The school hour does not mean a lot to seniors. Rush hours do not generally apply to typical tenant here either.
- Added benefit in having two accesses.
- Suggested that the Board of Adjustment consider that the Land Development Standards try to prevent urban sprawl by encouraging infill development in areas closer to town.

John Richardson asked Mr. Bradshaw about the impact on water runoff by spreading the building out rather than having such a tall building. Mr. Bradshaw responded it would clearly be an additional contributor to more runoff. There would be detention requirements since post development runoff cannot exceed pre-development runoff.

Mike Erwin inquired if Mr. Bradshaw is familiar with the design of the building. Mr. Bradshaw said that he is. Mr. Erwin asked if all the units are on one individual level. Mr. Bradshaw replied that each unit is all on one level.

Neal Ensley asked if the conditional use permit is required because there are more than 5 units. Mr. Hickox replied this is true. Some uses such as medical offices or white collar type office buildings which are considered as one unit are allowed in this district without a conditional use permit. Mr. Ensley did not feel that 5 is a reasonable number.

Gail Cross stressed that it is important for the audience to understand that the Board's job not to determine whether this is a good or bad project.

Mr. Erwin continued that the Board's task is to make a decision within the boundaries of the ordinance rather than on personal opinion. Mr. Hickox added that the Board does have some discretion based on the findings of fact.

Ms. Cross added that this Board does not make decisions on zoning or appearance. That is the job of other boards.

Mr. Noland stated that this project does comply with the Town of Waynesville's Land Development Standards and the Board has heard no evidence this evening that it does not.

Mr. Hickox referred to the Findings of Fact for Conditional Uses (Section 154.083):

- 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.

This is the one that has been referenced the most tonight. It is up to the Board to make a conclusion on this. There is some subjectivity there.

He then read the other Findings for the record:

- b. 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.
- c. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
- d. That the proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
- 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.
- 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.

Mr. Erwin asked about the issue of public notice. Mr. Hickox said that we sent out 75 letters. Four letters came back, two legal ads ran in the paper, it is posted on the Town's website. Every time we do a mail out some letters come back and occasionally some people fall through the cracks. The system is not perfect, but a good faith effort was made to notify everyone.

Mr. Hickox informed the board that there are four choices before them. One must be chosen at tonight's meeting.

1. Approve as submitted
2. Approve with conditions
3. Deny
4. Vote to have a continuance within 32 days which means the meeting is not adjourned and is legally the same meeting when it is continued. The same board members must be present.

Neal Ensley asked about utilities in the district, especially sewer. Mr. Hickox read a letter from Public Works Director Fred Baker stating, "I have reviewed the 5 foot contour map of the site, and subject to more detailed grading and drainage plan approvals expect driveway permits to be approved." He does not specifically address the issues of water and sewer, but in previous comments from him he said he had no issues with water and sewer. If the Board would like something in writing from him Mr. Hickox is sure that could be obtained. Mr. Ensley would like to make a condition that water and sewer issues be considered.

Gail Cross asked Ms. Weeks if her group would consider going down to two stories from three and why or why not. Ms. Weeks responded that it would spread out the development which would have an environmental impact with less impervious surface and more roof space requiring additional heating and cooling. In addition the building would have to be redesigned which might pose a problem with meeting the deadline of May 8th for applying for tax credits.

Mr. Hickox said a special meeting could be called within less than 32 days for the purposes of a continuance.

Neal Ensley stated the height of the building is a major issue with the community. He asked Ms. Weeks if it is economically not feasible to go down to 2 levels. Ms. Cross added that this might result in support of the neighborhood.

Ms. Weeks replied support of the neighborhood is important to them but the economic viability of the project is something they are charged to do. Reducing the size of the building would involve sources and uses of funds, cash flow projections, and would be very complicated. They brought this design to the Board of Adjustment because it does comply with zoning standards, landscaping and all the requirements for utilities and stormwater.

Mike Erwin stated that he would have to abstain from voting since he is employed by BB&T. Ms. Weeks stated that BB&T is interested in purchasing some of the tax credits for this project.

Both Gail Cross and Neal Ensley stated that they have struggled with the size of the building, however it is in compliance with our current Land Development Standards. It is not the responsibility of the Board of Adjustment to redesign the Standards.

Mr. Hickox cautioned the members of the Board of Adjustment that their decision can be appealed to the Superior Court by either side. The decision should not be based on whether Mountain Housing Opportunities has met the minimum Land Development Standards but rather on the criteria for granting a conditional use permit.

Neal Ensley pointed out that this district adjoins Main Street and within a short distance are buildings of similar size.

Again Mr. Hickox cautioned the four members who would be voting that they must determine whether the building will conform 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 as well as the other five findings of fact. The vote must be 4/5 of the Board.

Neal Ensley said he would like to add the condition that the Town agrees that adequate utilities are available. Mr. Bradshaw asked to address the Board. He stated that Public Works Director Fred Baker specifically stated to him that he would like to tie into the water line on Assembly Street due to the age and size of the line on Howell Street. In addition he would like for them to tie into the sewer at a manhole in the margin of Howell Street near the Brian Center property. The project will receive a water and sewer allocation prior to completion of construction drawing. Adequate water and sewer must be provided by the town before a construction project can be permitted.

Mack Noland moved, seconded by John Richardson, to grant a Conditional Use Permit to Mountain Housing Opportunities to construct one building with 64 dwelling units located between Assembly and Howell Streets on 4.1459 acres in the East Waynesville Neighborhood District (EW-ND) based upon full compliance with Sections 154.083 and Section 154.110 East Waynesville Neighborhood District and the Board makes the following additional FINDINGS OF FACT:

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- a. A State of North Carolina erosion and sedimentation control permit must be submitted to town staff.
- b. A Stormwater Management Plan must be submitted to the Town of Waynesville's Director of Public Works.
- c. A Lighting Plan must be submitted to Town Planning Staff.

Board members Cross, Noland, Richardson and Ensley voted in favor. Mr. Erwin abstained. The motion carried with a 4/5 majority.

Adjournment

With no further business, Gail Cross moved seconded by Mack Noland that meeting be adjourned at 8:25 p.m. The motion carried unanimously.

Mike Erwin
Chairperson

Freida F. Rhinehart
Secretary