



TOWN OF WAYNESVILLE Planning Board

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**Development Services
Director**
Elizabeth Teague

Chairman

Patrick McDowell (Chairman)

Planning Board Members

Anthony Sutton

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Susan Teas Smith

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

Town Hall – 9 S Main St., Waynesville, NC 28786

August 20, 2018

THE WAYNESVILLE PLANNING BOARD held its regular meeting on August 20, 2018 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Chairman Patrick McDowell called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell (Chairman)
Jason Rogers
Pratik Shah
Marty Prevost
Anthony Sutton
Susan Teas Smith

The following members were absent:

Bucky Dykes
Robert Herrmann
Ginger Hain

The following staff members were present:

Elizabeth Teague, Development Services Director
Chelle Baker, Administrative Assistant
Attorney Ron Sneed

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m. Chairman McDowell had newly appointed member Susan Teas Smith introduce herself. Ms. Smith was sworn in before the meeting. Chairman McDowell invited Ms. Elizabeth Teague, Director of Development Services, to provide the following updates:

- Ms. Teague gave an update on the Comprehensive Land Use Plan. The plan is entering the second phase after the Committee and consultants spent the last four months doing data collection, completing a survey, holding a community visioning workshop at the Recreation Center, and a meeting at the Pigeon Community Center last Thursday with good participation.
- Ms. Teague advised that the next Comprehensive Plan Steering Committee Meeting will be Wednesday, August 22 at 8:00 a.m. in the Municipal Building conference room. Everyone is welcome to attend, breakfast is provided, with the focus being on economic development.
- Ms. Teague informed the Board that she would like to bring back to the Board a mapping exercise that looks at existing zoning to see where the Board would like to revisit topics of density and zoning regulations for input on where growth and conservation areas should be. Ms. Teague asked the Board if they would like this to be at a regular meeting or a special called work session. The Board advised if the future schedule looks busy then they would be interested in a special called work session, if it looks like it will slow down then during a regular meeting. Ms. Teague advised she would report back with the Board.

2. Adoption of Minutes

A motion was made by Board Member Anthony Sutton, seconded by Board Member Marty Prevost, to approve the minutes of the June 18, 2018 board meeting as presented. The motion passed unanimously.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Jason Rogers, to approve the minutes of the July 16, 2018 board meeting with the following correction: Board Member Pratik Shah was absent from the meeting. The motion passed unanimously with one aye (Marty Prevost); and three abstentions which count as ayes (Patrick McDowell, Susan Teas Smith, and Pratik Shah).

Chairman McDowell stated for the record that the three abstentions from the motion to adopt the minutes were the Board Members who had not been present at the July 16, 2018 meeting. Attorney Ron Sneed advised that the abstentions would be yes votes.

B. BUSINESS

1. Election of Chair and Vice-chair of the Planning Board

For Chairman, Marty Prevost nominated Robert Herrmann who was not in attendance, and Anthony Sutton nominated Patrick McDowell. There being no further nominations, the nominations for Chair were closed. Board members voted for Mr. Patrick McDowell five (Shah, Smith, Sutton, McDowell,

Rogers) to one (Prevost). Mr. Patrick McDowell was present and thereupon accepted the position as Chair of the Planning Board.

Board Member Marty Prevost made a motion to nominate Anthony Sutton for Vice-Chair to the Planning Board. There being no further nominations there was no second, and the Board voted to elect Mr. Sutton as Vice-Chairman unanimously. Mr. Anthony Sutton was present and thereupon accepted the position of Vice-Chairman to the Planning Board.

2. Consideration of a draft Order approving a Major Subdivision at Allen's Creek Road and Buchanan Drive, PIN 860494-0656 (AC-NR District)

Mr. Ron Sneed, attorney, presented a draft Order from the quasi-judicial meeting, attached and incorporated into these minutes. Mr. Sneed informed the Board that by approving the Order the Board is adopting the findings of fact and the decisions and conditions stated within the Order. Mr. Sneed recommends that the Board review and approve the formal orders as part of meetings in order to confirm the findings and conclusions of the Board, and to make any corrections. That way, all may be certain that the Order properly reflects the discussion and conclusions of the Board.

Board members reviewed the order presented and asked questions about abstaining. Attorney Ron Sneed advised that in a rezoning or zoning amendment a Board member's abstention is counted as a "Nay" vote. For all other matters however, an abstention is considered an Affirmative vote unless the Board states that the member has a conflict of interest and grants that member permission to recuse him or herself from the vote.

A motion was made by Anthony Sutton, seconded by Patrick McDowell to approve the Findings of Fact. The motion passed with three ayes (Marty Prevost; two abstentions: Susan Smith and Pratik Shah); and one nay (Jason Rogers).

Board Members Susan Smith and Pratik Shah stated their reasons of abstention were for not being present at the July 16, 2018 meeting. Attorney Ron Sneed advised that the abstentions would be yes votes. Board Member Jason Rogers stated that his nay vote was due to his disagreement as stated in the hearing related to the four criteria for subdivision approval.

3. Consideration of a draft Order approving a Major Site Plan for 131 Shiloh Trail, PIN 8604-48-7954 (HC-RC District).

Mr. Ron Sneed, attorney, presented a draft Order from the quasi-judicial meeting approving the Master Plan, attached and incorporated into these minutes.

The Board reviewed the draft order and discussed. Attorney Ron Sneed advised he would correct the following typographical errors: changing the title of "Major Site Pan" to "Major Site Plan" and under Findings of Fact, Paragraph 1 changing "major subdivision" to "major site plan." The Board recused by acclamation member Pratik Shah from voting on this motion due to having a direct financial interest in the project.

A motion was made by Anthony Sutton, seconded by Marty Prevost to accept the Order of Findings of Fact with the two corrections. The motion passed unanimously with all ayes (Patrick McDowell, Jason Rogers); one abstention that counts as an aye (Susan Smith).

Board Member Susan Smith stated her reason of abstention was for not being present at the July 16, 2018 meeting. Attorney Ron Sneed advised that this abstention would count as a yes vote.

4. Discussion and Consideration of potential new overlay districts.

Ms. Teague stated that at the June and July meetings, the Planning Board discussed overlay districts and the addition of "neighborhood restaurant and neighborhood retail" to the Permitted Uses Table as options for overlay areas. At the July Meeting, and in response to a rezoning request along Broadview, the Planning Board directed staff to study a mixed-use overlay along Broadview in the East Waynesville Urban Residential District.

Ms. Teague revisited several of the concerns the Board had brought up in the hearing related to the Broadview area and the rezoning request from the past hearing, including the fact that seven of the properties along Broadview had "commercial" listed within their county tax records. She then reviewed the purpose and intent statement for the Overlay Districts and the Urban Residential Zoning District. She asked if the Planning Board would consider initiating a text amendment to revisit this zoning discussion for this area and to look at applying an overlay designation to the area along Broadview.

Chairman McDowell indicated that overlays may be used more frequently in the future to create more mixed-uses along corridors. He added that overlay districts foster more robust communities within neighborhoods. Mr. McDowell added that encouraging a mix of uses at the neighborhood level is in keeping with the Town's smart growth principles of the Land use Plan.

Ms. Teague directed the Board's attention to the Waynesville : Our Heritage, Our Future, 2020 Land Development Plan. The overarching Land Use Goal is:

"Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (Page 4-2)

Objectives under this goal include:

"Designate appropriate amounts of land to reflect desired development patterns and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years." (Page 4-2)

"Promote infill development in the Town of Waynesville as an alternative to continued outward expansion." (Page 4-4)

"Work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area." (Page 4-5)

Another key goal of the Land Use Plan is to:

"Maintain and strengthen a broad-based economy in Waynesville comprised of a vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction sector." (Page 4-19)

An Objective under this goal includes:

"Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy." (Page 4-19)

Ms. Teague pointed out that there are currently nine mixed-use overlay districts:

Dellwood Residential Medium Density MXO- A 1000-foot wide corridor centered on Russ Avenue from U.S. Highway 23/74 to Jule Noland Drive and Dayton Drive.

Francis Cove Residential low Density MXO- A corridor consisting of properties along Pigeon from Old School Road to Bluegrass Lane.

Hazelwood Urban Residential MXO- A corridor consisting of properties located on the west side of South Main Street from Virginia Avenue to Mississippi Avenue.

Love Lane Neighborhood Residential MXO- A corridor consisting of most of the properties that front Dellwood City Road from Chestnut Park Drive to Arnold Heights with three additional properties north of Paralee Lane.

Main Street Neighborhood Residential MXO- Two properties located at the corner of Richland Street and Goodyear Street.

Ninevah Neighborhood Residential MXO- A corridor consisting of properties located at the corner of Country Club Drive/Crymes Cove Road and Oakdale Road.

Raccoon Creek Neighborhood Residential MXO- A corridor consisting of the properties north of Asheville Highway from Piccadilly Drive to Hillside Terrace.

South Waynesville Residential Medium Density MXO- A corridor consisting of properties along Old Balsam Road from 120 Old Balsam Road to Skyland Road (the westernmost portion of the town's jurisdiction along this road) and an additional property located on the Great Smoky Mountains Expressway.

Walnut Street Neighborhood Residential MXO- Multiple corridors consisting of properties along several streets, including Walnut Street, West Marshall Street, North Main Street, Nelson Park Drive, Woolsey Heights, and Wall Street.

The proposed overlay district would be the *East Waynesville Neighborhood Residential MXO*, and

could be designed to allow personal services and professional services only as was previously discussed. In a related action, the Board could consider rezoning the two properties that were originally requesting commercial zoning, back to residential zoning as part of the overlay.

Ms. Teague advised she would like to contact each of the property owners that would be impacted to find out who would want to be a part of the overlay district and who might not want to be.

Board Member Jason Rogers asked if it would be possible to add the three additional properties that continued up the road to Overbrook. Ms. Teague advised it is possible if the Board prefers. She asked if there was interest to go to the end of the street across from the Lodge. Chairman McDowell and Board Member Sutton advised that they agreed with the three additional properties to Overbrook but not to the end of the street.

Ms. Teague asked the Board what uses the Board would like to see within this overlay area. After much discussion, the Board directed staff to include the following from the permitted uses table: professional and personal services, neighborhood general commercial, neighborhood restaurant, live-work spaces and studios.

A motion was made by Jason Rogers, seconded by Anthony Sutton directing staff to include the ten properties along Broadview Road up to the intersection of Overbrook Street and that the uses in the mixed use overlay are: live-work units, business support services, professional services, personal services, neighborhood commercial, neighborhood restaurant, and studios. The motion passed unanimously.

D. ADJOURN

With no further business, a motion was made by Anthony Sutton, seconded by Marty Prevost to adjourn the meeting at 6:46 p.m. The motion passed unanimously.


Chelle Baker, Administrative Assistant


Patrick McDowell, Chairman

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
BROWNING BRANCH, LLC,)
for a Major Subdivision Approval)
_____)

ORDER APPROVING MAJOR
SUBDIVISION

THIS CAUSE, coming on to be heard before the Planning Board for the Town of Waynesville in the Town Hall Board Room at 9 South Main Street in Waynesville, North Carolina, on June 18, 2018, at 5:30 p.m. and July 16, 2018, on the Application of Browning Branch, LLC, for approval of a major subdivision to be developed on property adjoining Buchanan Drive.

Elizabeth Teague, Development Services Director, appeared for town staff and Greg Whishart appeared to present the application on June 18, 2018, and when the hearing was continued, attorney Kirk Kirkpatrick appeared for the applicant on July 16, 2018. Elizabeth Teague presented the application as it was submitted and testified as to the matters in the application, noting which requirements for major subdivision applications were contained in the application packet, and Greg Whishart made the initial presentation for the applicant. Owen Carson testified and described the process by which the property was inspected to delineate wetlands. Members of the public testified in opposition, but no one asserted that they had standing such that they might participate as parties.

The Planning Board of the Town of Waynesville, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for major subdivision approval pursuant to Section 14.3.1.E.2 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards or LDS.)

2. Proper notice of the hearing was posted, published and mailed as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.

3. The Applicant has an option to purchase real property located on Buchanan Drive off Allen's Creek Road desires to develop a major subdivision consisting of 23 lots, with a duplex on each lot, for a total of 46 residential units. The current PIN number for that property is 8604-94-0656.

4. Applications for major subdivision approval must be approved by this Board pursuant to Section 15.9.2 of the LDS.

5. The property is 7.038 acres, with 5.93 acres of that land being developable due to 0.415 acres of wetlands and 0.69 acres lying within the stream buffer.

6. The property lies within the Allen's Creek Neighborhood Residential District (AC-NR) and the density allowed is ten units per acre, and duplexes, or "Dwelling-Two Family", are permitted in that district.

7. The applicant Browning Branch, LLC, has an option to purchase the described real property and has standing to make this application.

8. The applicant as part of its application did provide an environmental survey and master plan as required by Section 15.9.2.C of the LDS, and the plans show that no construction or disturbance is planned in the delineated wetlands or in the stream buffer areas.

9. The master plan, additional exhibits and testimony does show that the plan is in compliance with all applicable requirements of the LDS, to wit:

A. The interior proposed roads of the subdivision comply with the requirements for lanes as defined by the LDS, and provision is made for sidewalks along one side of the streets, fulfilling that requirement of the LDS. A twenty foot wide paved roadway surface is proposed to meet the Fire Access Road standards. Landscaping will need to be provided between the sidewalk and the street, and street trees provided for, and the applicant has stated that will be done.

B. A thirty foot wide easement has been or will be obtained for access to Allen's Creek Road from the subdivision. This easement is not as wide as is required for streets within the subdivision, but the LDS is silent as to the required widths for access roads to subdivisions. If the fire marshall and NCDOT determine that an adequate and safe road can be constructed within such thirty foot wide easement, this Board finds as a fact that such easement is adequate and is approved for use to access the proposed development. The ordinances place no requirements on access roads and easements. While it is arguable that the requirements for interior streets in a subdivision should apply to access streets, the lack of specific requirements create an ambiguity and such ambiguity must be resolved in favor of the property owner, allowing the use of such easement for access.

C. No traffic study is required as the number of projected trips to be generated per day does not reach the threshold that would require a traffic study.

D. The number of units per acre of developable property is 7.58 units per acre, which is less than the ten units per acres allowed in the Allen's Creek Neighborhood Residential District.

E. The proposed lots all meet the minimum lot size (7,260 square feet) and the building envelopes are established in compliance with the dimensional requirements of the district.

F. The designated civic space exceeds 5% of the developable 5.93 acres and is in compliance with the requirements of the LDS.

G. A secondary emergency access point into the development has been provided.

H. The site plan indicates that a vegetative buffer around the exterior boundary of the property will be maintained and enhanced, and the interior of the property now contains no trees to be protected as it has been used as a hay field, so the requirements of Chapter 8 of the LDS are met except for a landscaping plan providing for street trees and plantings between sidewalks and the streets.

I. Driveways to the units consist of a shared driveway for each duplex, and the separation between the driveways and street intersections required by the LDS is met after application of the Administrator's allowance of a reduction of the required separation by 40% as allowed in low traffic areas.

J. The parking requirements of Chapter 7 of the LDS which requires one space per unit is exceeded as the planned parking provides for the parking of two cars per unit.

K. There is no proposed signage for the development.

L. The plans show all planned residential structures to be single story buildings, complying with the height limitations set out in the LDS.

11. There is sufficient access to water and sewer to serve the proposed development.

12. The nearest public road is Allen's Creek Road, which is shown on the submitted plan as being accessed by way of a private easement between the development and Allen's Creek Road, but the connection to Allen's Creek Road must be approved by the North Carolina Department of Transportation.

13. The use will not substantially injure the value of adjoining or abutting property, and

will not be detrimental to the use or development of adjacent properties or other neighborhood uses, as it is a residential development to be constructed in a predominantly residential neighborhood. No expert testimony was submitted by opponents to show otherwise.

14. The plan is consistent with the adopted plans and policies of the Town, as it will help fulfill the goal set out in the comprehensive land use plan ("LUP") titled "Waynesville Our Heritage, Our Future, 2020 Land Development Plan", by providing "an attractive range of housing opportunities and neighborhoods for all residents" (LUP 4-6) and by promoting "residential development in accordance with the future land use map concentrating higher density housing where the services and land are available for such development..." (LUP 4-8).

15. The preliminary and final plats shall not be approved before NCDOT approves the connection of the access road to Allen's Creek Road, a stormwater plan is prepared, and preparation of a landscaping plan providing for street trees and plantings between the sidewalk and the street is provided.

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 6 to 1, this Board concludes as a matter of law that the Applicant's major subdivision should be allowed, conditioned on approval of the access street connection to Allen's Creek Road by NC DOT and a landscaping plan showing street trees and plantings between the sidewalks and the streets that comply with the LDS requirements.

IT IS NOW, THEREFORE, ordered that the major subdivision application of Browning Branch, LLC, be and is hereby approved, on the condition that the access street connection to Allen's Creek Road be approved by NC DOT and a landscaping plan showing street trees and plantings between the sidewalks and the streets that comply with the LDS requirements be provided prior to approval of the preliminary plat.

This the _____ day of _____, 2018.

Patrick McDowell, Chairman

If you are dissatisfied with this decision of the Board, an appeal may be taken to the Superior Court of Haywood County within 30 days after the date this order is received by you.

TOWN OF WAYNESVILLE
COUNTY OF HAYWOOD

BEFORE THE WAYNESVILLE
PLANNING BOARD

In the Matter of the Application of)
SEVA INVESTMENTS, LLC,)
for a Major Site Pan Approval)
_____)

ORDER APPROVING MAJOR
SITE PLAN

THIS CAUSE, coming on to be heard before the Planning Board for the Town of Waynesville in the Town Hall Board Room at 9 South Main Street in Waynesville, North Carolina, on July 16, 2018, on the Application of Seva Investments, LLC, for approval of a major site plan for the development of property at 131 Shiloh Trail, Waynesville, North Carolina.

Byron Hickox, Land Use Administrator, appeared for town staff and attorney Martha Bradley appeared as counsel for the Applicant. Byron Hickox presented the application as it was submitted and testified as to the matters in the application, noting which requirements for major site plan applications were contained in the application packet, and Martha Bradley made the initial presentation for the applicant. David Winburn, engineer, testified for the Applicant, and Ms. Swift of 370 Hyatt Creek Road spoke to express concerns about the height and visibility of the proposed structure from her property which adjoins the subject property along its west boundary. No member of the public in attendance asserted that they had standing such that they might participate as parties.

The Planning Board of the Town of Waynesville, having heard the testimony and having reviewed the evidence, makes the following

FINDINGS OF FACT

1. The Planning Board has jurisdiction to hear this application for major subdivision approval pursuant to Section 14.3.1.E.1 of the Land Development Standards of the Code of Ordinances for the Town of Waynesville (hereafter called the Land Development Standards or LDS.)
2. Proper notice of the hearing was posted, published and mailed as required by the North Carolina General Statutes and by the ordinances of the Town of Waynesville.
3. The Applicant owns that real property located at 131 Shiloh Road, Waynesville, North Carolina, and desires to develop a 65 room hotel with a building footprint of approximately

14,000 square feet on the property which is a 2.56 acre parcel of vacant land. The current PIN number for that property is 8604-48-7954.

4. The property is in the Hyatt Creek Regional Center zoning district, and hotels are allowed as a matter of right in that district, subject to approval of the major site plan by the Planning Board, as required by Section 15.8.2 of the Land Design Standards (“LDS”).

5. The applicant as part of its application did provide an environmental survey in compliance with Section 15.4.1 of the LDS, a master plan in compliance with Section 15.4.3 of the LDS and building plans for design review, all as required by Section 15.8.2.D of the LDS.

6. The environmental survey did show that there were no stream buffers, wetland or other environmentally sensitive areas on the property.

7. To obtain approval of this major site plan the Applicant was required by Section 15.8.2.I to prove:

- (1) The plan is consistent with the adopted plans and policies of the Town; and
- (2) The plan complies with all applicable requirements of the LDS; and
- (3) There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
- (4) The proposed plan 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; and
- (5) The application will not substantially injure the value of adjoining or abutting property; and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

8. The plan is consistent with the adopted plans and policies of the Town, as the purpose and intent statement for the Hyatt Creek Regional Center District does state that the district “will develop as a mixed use center containing retail, service, and employment uses.... Large-scale development can be accommodated here with such development encouraged to contain a mix of uses...” Hotels are a permitted use in this district, subject to approval of the major site plan.

9. The master plan, exhibits and testimony does show that the plan is in compliance with all applicable requirements of the LDS, to wit:

- A. There are no requirements in this zoning district for maximum density, maximum building footprint, lot area or lot width.
- B. The proposed building meets all required setbacks from the fronting thoroughfare and from property lines.

C. The proposed building has a total height of 57 feet 3 inches, and is within the height limitation.

D. The proposed building meets the building design guidelines of Section 5.10 of the LDS, as the facade will consist of two types of materials, with the heavier material used at the bottom, there is sufficient glazing and detailing to meet the limitations on expanses of uninterrupted facade which is visible from the public road, rooftop equipment will be screened from the public right-of-way side of the building by a parapet, the facade articulation visible from public streets and civic spaces is sufficient since the building sits above and away from the public right-of-way, the frontage of the building is divided into a clearly discernible base, body and cap, the frontage of the building is sufficiently divided into distinct sections with each section taller than it is wide, and the requirement that the architectural features emphasize their importance as the planned building features a prominent porte-cochere.

E. The street tree plantings plan is in compliance, and where the location of the sidewalk is limited by the slope of the land which leaves little room for a planting strip between sidewalk and street, the plan as proposed does provide acceptable "Alternative Compliance" as allowed by Section 8.2.4 of the LDS. The property lying to the west of the subject property does need additional screening or buffering to diminish the effect of the structure's size.

F. Parking lot landscaping requirements are met, with adjustments made for the topography of the property, and no parking space will be more than 40 feet from the base of a canopy tree.

G. All dumpsters, loading docks and utility structures will be screened either by evergreen or densely twigged deciduous shrubs or by opaque fencing, and may be screened by existing intervening buffer yards.

H. The parking requirements are met, with 62 standard auto spaces, 3 ADA accessible auto spaces, 6 motorcycle spaces and 3 bicycle spaces.

I. The parking plan complies with the limitation on the number of parking spaces that can be in front of the principal building.

10. There is sufficient access to water and sewer to serve the proposed development and the driveway serving the property connects to Shiloh Drive which can handle the additional traffic to be created by the project.

11. The proposed plan conforms to the character of the neighborhood as it is for the development of property for a hotel and the parcel is next to properties east of the subject

property are a 58 room hotel and an automotive dealership.

12. The planned development will not substantially injure the value of adjoining or abutting property; and will not be detrimental to the use or development of adjacent properties or other neighborhood uses as the use of the property for construction of a hotel is the same as the use of neighboring property and hotels are a permitted use in the zoning district. No testimony was received to indicate otherwise.

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 7 to 0, this Board concludes as a matter of law that the Applicant's major site plans should be allowed, conditioned on additional buffering to be installed along the west property line.

IT IS NOW, THEREFORE, ordered that the major site plan application of Seva Investments, LLC, be and is hereby approved, on the condition that the plan be amended to add Type C buffering on the western property line of the subject property.

This the _____ day of _____, 2018.

Patrick McDowell, Chairman

If you are dissatisfied with this decision of the Board, an appeal may be taken to the Superior Court of Haywood County within 30 days after the date this order is received by you.