



TOWN OF WAYNESVILLE Planning Board

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Development Services
Director
Elizabeth Teague

Chairman

Patrick McDowell (Chairman)

Planning Board Members

Anthony Sutton (Vice-Chairman)

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 April 15, 2019

THE WAYNESVILLE PLANNING BOARD held its regular meeting on April 15, 2019, 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)
Anthony Sutton
Marty Prevost
H.P. Dykes, Jr.
Pratik Shah
Jason Rogers
Ginger Hain
Susan Teas Smith

The following members were absent:

Robert Herrmann

The following staff members were present:

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

The following media representatives were present:

Becky Johnson

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and invited Ms. Elizabeth Teague, Director of Development Services to make any Calendar announcements.

Ms. Teague informed the Board and the audience that the following public meetings were scheduled for the Comprehensive Land Use Plan:

- April 16th, 5:30-6:30 p.m. at Fire Station #1 on North Main
- April 25th, 4:30-5:30 p.m. at the Folkmoot Center

Board Members Anthony Sutton and Ginger Hain informed that the public meeting on April 11th was informative and encouraged everyone to go to one.

2. Adoption of Minutes

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, to approve the minutes of the February 25, 2019 board meeting as presented. The motion passed unanimously.

B. BUSINESS

1. Public hearing to consider a major subdivision plan to create 10 residential, single-family homes on open land adjacent to Sylvan Street and the Great Smoky Mountain Expressway, PIN 8605-99-8632.

Chairman McDowell explained this was a public hearing to consider a major subdivision to create ten residential, single-family homes on open land adjacent to Sylvan Street and the Great Smoky Mountain Expressway, Pin 8605-99-8632. Public Hearing opened at 5:36 p.m. He explained the protocols of a Quasi-Judicial Hearing and rules of conduct to the Board Members and to the audience. Chairman McDowell asked anyone who wished to testify to come forward and be sworn in. After swearing in potential witnesses, Chairman McDowell reviewed further protocols with the Board and asked that the public also follow all protocols. He asked anyone who wished to have Standing to come forward. No one came forward.

Chairman McDowell polled the members of the Board to see if there were any procedural matters, ethical considerations or conflicts of interest that should be disclosed prior to beginning the first hearing:

- Have any Members of this Board had any conversations concerning this case other than the agenda packet distributed to the Board in anticipation of this meeting?
All Board Members answered No.
- Any Board Member subject to an impermissible conflict of interest which would make a Member unable to be an impartial decision maker in the matter under consideration?
All Board Members answered no.

Chairman McDowell called upon Ms. Teague to present the staff report.

Ms. Teague advised this property was on Sylvan Street on an unaddressed 2.94 acre tract that backed onto Chestnut Park and the application was for a major subdivision. She entered the following into evidence:

1. Land Development Standards by reference including the requirements for Major Subdivisions.
2. Proof of Notifications:
 - A) Newspaper, Mountaineer, posting April 5th and April 12th
 - B) Written notices sent to property owners within 100 feet on all sides
 - C) Pictures of the posted notice on the property
 - D) Agenda Packet that also went to the Sunshine List

Ms. Teague informed that this property was zoned Chestnut Park Residential Medium Density (CP-RM) and that single family homes were permitted. She advised the following requirements:

Location Map and Zoning (LDS 2.4.1)

- Compliant of 8 units per acre
- Compliant of 10% civic space, however Ms. Teague advised there will be further talk about this with the Board

Lot Standards (LDS 4)

- Compliant that all lots will front a public street, with one structure per lot.
- Compliant in the proposal of all single story homes.
- Compliant in the proposal of no accessory structures proposed.

Building and Development Design Standards (LDS 5)

- Complaint with 5.4 and 5.5. Houses with adjacent front yards along street.
- Encourage the "rhythm of development" in carrying on the character of the neighborhood. Ms. Teague informed this is compliant in that staff finds that this is in character with the types of homes that are already there.

Infrastructure (LDS 6)

- Engineering must comply with Town standards and will be required after the subdivision plat is approved but prior to building permits.
- Ms. Teague stated the length of the subdivision was just under 600 feet at the road frontage of Sylvan Street and no new roads were being required. She advised that these were new lots on an existing town road. The development proposes a greenway connection along the existing right of way that is adjacent to the park and Ms. Teague advised that the developer will talk with the Board about their ideas more in relation to this with civic space.
- Sylvan Street is an existing Town maintained road that is 18 feet wide and it is not on a thoroughfare plan planned for widening. Ms. Teague also noted that there is a footprint of right of way that follows 23-74, the Great Smokey Mountains Expressway, and that staff has sent all the plans to DOT for their comments in case DOT had any concerns. She advised that as of the time of this meeting, DOT had not completed their review.

- Ms. Teague explained that the developer is providing a compliant five foot sidewalk with an eight foot planted strip within a ten to fifteen foot proposed right-of-way from the back of the curb for dedication to the Town.
- The area of development has no cross streets or intersections.
- All utility installations within the right of way must be consistent with the Town's standards for utilities, drainage, sidewalks and trails. Ms. Teague also stated that the applicant's engineering firm has already been in communication with the Town's public works department.
- She explained that a single-family unit generates just under ten trips per day per the ITE Manual, and at ten units at ten trips per day this equals one hundred trips per day, which is well below the threshold for a required Transportation Impact Analysis.
- Utilities are available from the Town of Waynesville (water, sewer and power). She informed the Board that Public Works has confirmed that water and sewer capacity is sufficient. She stated that the Fire Chief has asked that at the time taps are made, the project connect an additional fire hydrant to the ten inch line, which is across the street in addition to the four inch line that exists on the same side of the street.

Civic Space (LDS 7)

- Ms. Teague stated that the property abuts an unopened right-of-way that is adjacent to Chestnut Park, which is adjacent to Chestnut Park Road and Culpepper Street. She advised that the question for the Planning Board would be if the developer needs to go before the Zoning Board of Adjustment to request a variance to the road frontage requirement? She informed the Board that the civic space has to be accessible to all lots created and it has to have sixty foot of road frontage and the applicant is recommending that the civic space be adjacent to Chestnut Park and connected by this greenway that would run behind all of the houses. Ms. Teague expanded that she had met with the Town's Park and Recreation Director in regards to the plan and they liked the idea of being adjacent to the park and should the developer choose to dedicate that civic space to the Town then it becomes part of the park.

Ms. Teague asked the Board if this is adequate for the sixty foot of road frontage requirement or if it needs to go to the Zoning Board of Adjustment and staff needed the Planning Board's help.

- She described that civic space can be deeded to the Town of Waynesville, and it would just become part of the park property and the park has a lot of road frontage in this area.
- Ms. Teague told the Board that the developer has been asked to address the civic space accessibility with the Planning Board and she would let them pick it up the discussion from this point.

Landscaping (LDS 8)

- The proposal is to preserve the existing stand of trees, only clearing the area needed for homes.
- The proposal will add one canopy tree every forty feet of street frontage within a five foot planted strip.

Parking and Driveways (LDS 9)

- Off street parking is provided on prepared surfaces of twelve foot to twenty-five foot from the back of the sidewalk. Driveways shall be constructed to the specifications of the Town and in concurrence with NCDOT where NCDOT right-of-way overlaps with Sylvan Street.
- Driveways are spaced between forty-five feet, with six instances in which the developer is requesting a reduction of the separation distance to not exceed 20%. Ms. Teague advised this is

about ten feet on the one that is the smallest, adding that Sylvan is a low volume residential street. Ms. Teague stated that staff does not have a problem with making those distance reductions.

Lighting (LDS 10)

- She advised that street lighting is not required in this district and they have not proposed any.

Environmental Standards (LDS 12)

- The property is not in the floodplain.
- Ms. Teague informed that this is a low density project with a proposed post development impervious surface of 13.5% to 86.5% of pervious surface left open and greenspace. She described that they are going to be installing curb and gutter drainage along Sylvan which must be engineered to Town specifications and approved by the Town engineer. Drainage from new structures handled within rear and side yards of individual lots and Ms. Teague explained there is ample space there to do that.
- The original lot is below 2,900 feet so the Hillside ordinance does not apply but she noted that the applicant has tried to keep the houses up close to the street to in order to minimize the disturbed area.

Staff Recommendations related to Findings

1. Ms. Teague advised that staff recommends that the plan is consistent with the adopted plans and policies of the Town:
 - The Plan is consistent with the adopted land use plan and zoning designation for the neighborhood, by providing ten single family homes.
 - The plan exceeds the density requirement of eight units per acre which is the Chestnut Park Residential-Medium Density District (CP-RM).
2. Ms. Teague stated that the plan complies with all applicable requirements of this ordinance in terms of the dimensional requirements and the table of permitted uses, however staff would like clarification and feedback on civic space and access on whether this design meets the spirit of the ordinance and the law of the ordinance.
3. There exists adequate infrastructure, transportation and utilities to support the plan as proposed:
 - Water, sewer, and power are available to the site from the town. She advised that the Fire Chief has asked for a condition that the developer connect an additional hydrant to the ten inch line across the street and that the Fire Chief noted this will improve the fire protection for that whole area.
 - The development consists of homes that will be served from an existing residential street that is eighteen foot wide. The developer is providing a five foot sidewalk, planting strip and street trees.
4. Ms. Teague informed the Board that 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.

- She advised that it is a residential neighborhood adjacent to a park and the Town is just installing some additional new structures.
- Ms. Teague presented the packet that had the application attached stating that Civil Design Concepts is the engineer for Habitat for Humanity and available to the Board to present and answer questions. She asked the Board if they had any questions for staff.

Chairman McDowell asked about changes in the circumstances that are required for a civic development space when it is adjacent to a public park. Ms. Teague read Chapter 7.3.1 of the Land Development Standards and advised that the applicant was asking for a 50% reduction because they are next to a park. Mr. Anthony Sutton asked to be shown where the park is located on the map. Ms. Susan Smith discussed the development of the park and Ms. Teague advised it was currently under control and development of the Town and had received the Medford Grant for playground equipment.

Cody Batchelder
Civil Design Concepts
160 A Titan Ave
Asheville, NC 28801

Mr. Batchelder introduced himself and thanked the Board and Ms. Teague for the staff report. He addressed the architecture of the houses in the development. He passed out photographs for examples of Habitats current development. He stated that they do vary in colors and the difference between that development and this one would be a "shotgun style". The doors will be on the short side of the house instead of the long side.

Mr. Batchelder requested from the Board a 20% reduction in the distance between driveways noting the required distance is fifty feet but a reduction of 20% is allowed if it is a proposal of a low traffic density project on a low traffic density road. Mr. Batchelder stated this project qualifies for both.

Mr. Batchelder addressed the civic space, while showing a map, and stated that there is currently an unopened right-of-way behind the project and an existing bridge that crosses the creek. There is a running greenway up to the bridge to make connection to the park and Mr. Batchelder respectfully asked the Board to consider that the walking distances from the back of the houses to this unopened right-of-way be considered access to the civic space. He added that additionally the developer would prefer to dedicate that civic space to the Town to make it a part of the park.

He advised that it was planned to widen their side of Sylvan Street to Town Standards. He also added that they did have a storm water management area next to the civic space and would be designing storm water management to Town standards.

Mr. Batchelder thanked the Board and asked if there were any questions.

Board Member Susan Smith asked how he felt people would understand the occupancy of their personal backyard space versus what is going to be community civic space.

Mr. Batchelder replied that a backyard would be their personal backyard and the greenway would be considered the civic space. He further explained that once you got to the right-of-way is where the civic space would begin and before that right-of-way would be personal properties.

Ms. Smith asked the distance of the personal backyards from the back of the houses to the back of the property. Mr. Batchelder informed that it was approximately 100 feet to the back of the property.

Discussion between Board members of the backyard spaces, the greenway and civic space which involved the pathway from the backyards of the houses to the civic space and the layout of the plan with the greenway.

Ms. Teague asked Mr. Batchelder to walk through the plan along the frontage of the houses from the curb and the edge of the existing road and how the houses will be placed, including the distance between the curb, planting strip, sidewalk, and front of the homes.

Mr. Batchelder informed the Board that they were proposing to improve Sylvan Street to Town standards. He advised that from the back of the curb to the sidewalk was eight feet, then a planting strip for street trees and then a five foot sidewalk. From the back of the sidewalk to the front of the houses was twenty-five feet. He stated that the houses were forty feet long and then each house varied lot by lot in the backyard in distance to the property line. He described the houses as meeting the Town's design standards, and having two windows in the front with a door and a standard porch and a twelve foot wide driveway.

Board members discussed the driveways and the possibility of widening them for the ability to fit two cars. Board member Jason Rogers stated that the applicant is meeting what the ordinance requires. Chairman McDowell agreed and acknowledged the Board was unable to ask for anything over the requirement, but they could ask for changes in the 2035 Comprehensive Plan Update.

Board Member Jason Rogers noted the upper crossing above the creek into the park area but asked if any of the lower crossings remain. Ms. Teague replied that yes, a lower crossing is located by an old barbeque stove and an unopened right-of-way itself continues up and there is an old culvert there.

Chairman McDowell asked the applicant if he felt their presentation met all of their requirements.

Warren Sugg
377 Germany Cove Road
Waynesville, NC 28786

Mr. Warren Sugg introduced himself and said that he worked for Civil Design Concepts and he felt like they had presented a project that had met all of the Town standards. He thanked Ms. Teague for guiding them but that he did feel like they had presented their application and he thanked the Board and asked if there was anything further they wished for them to present.

The Board advised them to make sure they as an applicant had fully presented their own application.

Mr. Sugg asked the Board if they could present from the beginning of their application to the end, even if it were a repeat of information already presented to make sure everything had been covered. The Board advised yes.

Mr. Batchelder advised they are proposing a ten single-story family home on Sylvan Street, each of these houses will qualify for affordable housing, which is needed and desired within the Town. He stated that the impervious area will be about 13 ½ % of the lot. They will be disturbing over an acre and therefore, will be moving into the Town stormwater requirements. He stated that as they move into the stormwater design they will be designing to the Town standards. He added that they will be improving their half of Sylvan Street to Town standards. Mr. Batchelder advised that they will connect water services to the existing main on Sylvan Street with no water extension and that each building will have its own service connecting to the existing main. He stated that they were proposing a sewer extension in the unopened right-of-way at the rear of the property. He advised that they will connect to an existing manhole at the end of the right-of-way where it meets Culpepper Drive and running the sewer underneath where the proposed trail is going to be. He also informed that there will be a small amount of sewer line on their property and they will provide an easement to the Town for sewer maintenance.

Mr. Batchelder requested a reduction in the distance between driveways due to the project being a low density traffic project and the existing road a low density traffic road. Board member Anthony Sutton asked what the width was they were requesting. Mr. Batchelder replied that they were requesting a minimum of forty feet from the required fifty feet.

He stated that the developer is open and would prefer to dedicate the civic space to the Town to be a part of Chestnut Park and would like to request the frontage requirement to be met by the existing Chestnut Park. Board Member Marty Prevost asked if the Town was open to this. Ms. Teague stated that the Parks and Recreation Department is, but it is the Planning Board that is the administrator to make that decision if it meets the ordinance or not.

Mr. Batchelder continued that the density requirements are eight units per acre and they are proposing ten units on over two acres and were below that threshold. He stated that the required civic space is 10% unless the civic space is adjacent to a park, and beings they meet this they are requesting 50% of the civic space count towards the 10% threshold, and he advised they would dedicate 5% of their property to civic space.

He stated that all of the lot sizes are over the minimum ¼ acre and lot widths were over the minimum fifty foot at the front of the building. The pervious area is less than 20%. He stated that the setbacks are compliant with the code. He reviewed the setback measurements: the side setbacks were ten foot, front setbacks were ten foot and the rear setbacks were six foot. He informed the Board that the building height was one story homes, which was less than the maximum of the allowed three stories. He continued that all lots front a public street and only single story homes are proposed and no accessory structures were proposed. He advised that the

houses have adjacent front yards along the streets and the houses were compliant with the existing neighborhood character.

Mr. Batchelder also presented that there were no cross streets or intersections within the development. He stated that public works had confirmed that the sewer and water capacity is sufficient.

Board Member Marty Prevost asked if the homes were two or three bedrooms. Mr. Batchelder replied that the houses were three bedrooms. He also stated that they were proposing street trees along Sylvan Street to be compliant with the code at a minimum of every forty foot of street frontage. He advised that they were not proposing any street lighting which was in compliance with the code. He told the Board the property was not in the floodplain. He also stated that the property was a low density project based on pervious area and the original lot is under 2900 feet and will not be subject to hillside development standards. He asked if there were any additional questions.

Board Member Marty Prevost asked for confirmation if the front setback was ten foot. Board Member Anthony Sutton confirmed and added then there was an additional twenty-five foot. Chairman McDowell stated it was a ten foot front setback, an eight foot planting strip, a five foot sidewalk, and then twenty five feet to the front door.

Chairman McDowell thanked the applicant and asked if there was any other testimony. No one came forward. Chairman McDowell asked if there was any rebuttal or closing statements. Board Member Jason Rogers asked the applicant if they were opposed to the hydrant on the ten inch drain. Mr. Warren Sugg replied that they would fully support with the Town and they would adhere to the Fire Marshall's request.

Chairman McDowell stated that before closing the public hearing he wanted to have an open discussion in regards to the civic space. He stated that there were 2.94 acres of land and 10% would be 12,584 square feet and that applying the 5% reduction for being adjacent to the park, which they qualify for, that would be approximately 6,300 square feet. He added that the proposed civic lot they are wishing to grant is 6,566 square foot and therefore meets the 5%. He advised the Board that they needed to determine if what is being proposed meets the intent and is in the Planning Board's purview or if it needs to go to the Board of Adjustment. Chairman McDowell began the discussion by stating he believed it met the intent further explaining, he felt a walkway is wanted so that people can easily access it and that if each and every lot actually adjoined the public park it would be a redundancy. He felt that it met the design met the spirit of the ordinance and asked for Attorney Ron Sneed's advice if it was something the Planning Board could decide.

Attorney Ron Sneed stated that if the condition of approval were based on the applicant giving the civic space to the Town because it is part of the park and you have the roadways to the park and they are adjacent and the public can access it from a public road, then without going to the Board of Adjustment it can be met.

Board Member Jason Rogers stated the intent is very much that and this is why he had previously asked about the crossings of the creeks so to make sure there was access from one to the other. He agreed the entire intent is met. Chairman McDowell asked the other Board Members if they felt like the intent was met. They agreed.

Chairman McDowell asked if there were any other questions. There were none.

A motion was made by Board Member Anthony Sutton seconded by Board Member Bucky Dykes, to close the Public Hearing at 6:27 p.m. The motion passed unanimously.

Chairman McDowell began deliberations with the Board. He stated that the applicant could have done this project at a much higher density and that he felt this was a great project to have in that neighborhood and will uplift the neighborhood. Board Member Anthony Sutton agreed and said that he felt it would enhance that neighborhood.

Chairman McDowell went through the Standards and Findings of Facts with the Board. He asked if the Board felt the plan was consistent with the adopted plans and policies of the Town. The Board unanimously answered yes.

He asked fellow Board members if they felt the plan complies with all applicable requirements of the ordinance. The Board members unanimously answered yes. Board Member Jason Rogers stated that he felt with giving the applicant the 20% on the driveway distance and the civic space considering the 50% reduction, they're providing 50%, he thinks the intent is met that is on the right of way and that it is in compliance with the Town's policies.

Chairman McDowell asked fellow Board members if they felt there was adequate infrastructure. Board members unanimously answered yes. Chairman McDowell pointed out that they were helping Sylvan Road out, bringing it up to Town standards which would be a definite improvement.

Chairman McDowell asked fellow Board members if 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. Board members advised yes this would not injure the value. Chairman McDowell said that they had already discussed how this will bring value to the neighborhood and he also stated that he felt it will also bring value to the park. He further said not just the homes but that he felt the park will benefit from this community there as well and that maybe people will start using the park again. Board Member Susan Smith said she thought Haywood waterways was also interested in the area as well.

Chairman McDowell asked for any further comments. There were none.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Ginger Hain, to accept the finding of facts with the condition that the dedicated civic space be given to the Town and the applicant is given the variance for the driveway to 40 foot instead of 50 foot and also that they will install another hydrant to the 10 inch line. The motion passed unanimously.

Discussion took place between the Board, Attorney, and Ms. Teague in regards to the presentation of applications that come before the Planning Board. It was discussed that most of the burden of an applicant's presentation in meeting the requirements needs to be more on the applicant and an applicant

relying less on the staff to present for them. The Board stated they still would prefer a full staff report with recommendations and staff expertise being considered valuable and important. Discussion continued on where to have staff present so that the applicant bore the majority burden of presenting their own application details. Attorney Ron Sneed advised it is typical that some opening is made by staff but different Boards can approach it differently and can have the staff present whenever they prefer. Mr. Warren Sugg stated that he has presented in Buncombe County, City of Asheville, Town of Weaverville, and Henderson County and the process of the planner giving the overview in the beginning was the same in all of these. Board Members Bucky Dykes and Jason Rogers stated that they believed it was important for the applicant to make their own case and for the staff to help direct the applicant ahead of time in presenting. Chairman McDowell advised at the next meeting they would like to see staff present an overview of points with recommendation and the applicant make the presentation of their own application and evidence.

C. PUBLIC COMMENT /CALL ON THE AUDIENCE

No one spoke

D. ADJOURN

With no further business, a motion was made by Anthony Sutton, seconded by Susan Smith to adjourn the meeting at 6:56 p.m. The motion passed unanimously.


Chelle Baker, Administrative Assistant


Patrick McDowell, Chairman