



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Development Services
Director
Elizabeth Teague

Chairman

Patrick McDowell

Planning Board Members

Anthony Sutton (Vice Chair)

Marty Prevost

Robert Herrmann

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Jason Rogers

Susan Teas Smith

Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Monday, July 15, 2019, 5:30 PM

A. CALL TO ORDER

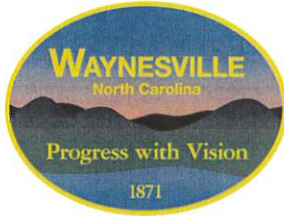
1. Welcome/Calendar/Announcements
 - Comprehensive Plan update
2. Adoption of Minutes
 - *Motion:* To approve minutes of May 20, 2019 as presented (or as corrected)
3. Approval of Order Approving Major Subdivision, May 20, 2019

B. BUSINESS

1. Public hearing to consider zoning 187 Secret Hollow Lane, PIN 8616-09-5980, to Dellwood Medium Density.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

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

May 20, 2019

THE WAYNESVILLE PLANNING BOARD held its regular meeting on May 20, 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)

Marty Prevost

Robert Herrmann

Jason Rogers

Susan Teas Smith

H.P. Dykes, Jr.

Pratik Shah

The following members were absent:

Anthony Sutton

Ginger Hain

The following staff members were present:

Elizabeth Teague, Development Services Director

Jesse Fowler, Planner

David Kelley, Code Enforcement

Chelle Baker, Administrative Assistant

Attorney Ron Sneed

Captain Brian Beck

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m. He invited Ms. Elizabeth Teague, Director of Development Services to make any calendar announcements.

Ms. Teague advised the Board that the Steering Committee was ready for the Land Use Plan draft to be reviewed. After discussion an upcoming joint workshop would be setup with the Planning Board and Board of Aldermen for review at the end of the month.

2. Adoption of Minutes

A motion was made by Board Member Susan Smith, seconded by Board Member Bucky Dykes, to approve the minutes of the April 15, 2019 board meeting as presented. The motion passed unanimously (7-0).

B. BUSINESS

1. Public hearing to consider a major subdivision plan to create 19 residential, duplex homes and 3 residential quadraplexes on open land adjacent to Buchanan Drive, PIN 8604-94-0656

Chairman McDowell explained this was a public hearing to consider a major subdivision to create 19 residential, duplex homes and 3 residential quadraplexes on open land adjacent to Buchanan Drive, PIN 8604-94-0656. Public Hearing opened at 5:38 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 called upon Ms. Teague to present the staff report.

Ms. Teague thanked the Board and stated she will be submitting a list of evidence. She stated that this was a substantial change to a major subdivision and the ordinance section was the LDS Chapter 15 Administration. She advised the application date was April 29, 2019 and the technical review was that same week with many pre-application meetings. Ms. Teague stated the PIN number was 8604-94-0656, and Browning Branch, LLC as the property owner. She reviewed the acreage site as being 7.048 acres and the zoning district as Allen's Creek Neighborhood Residential and the existing development as open land.

Ms. Teague entered the following into evidence:

- Application materials from the previous hearings in June through July of 2018.
- The Town Land Development Standards by reference – Chapter 15

- Proof of Public notification- The Mountaineer Newspaper Publishing 05/10 and 05/17 And posted on the property 05/10 and 05/17- and First-Class Mail written notices to properties within 100 feet on all sides of the subject property on May 7
- Location Map and Zoning
- Email from Mr. Preston Gregg, Town of Waynesville Engineer

Ms. Teague reviewed that initially the Planning Board conditionally approved a master plan for this site in July of 2018 for twenty-three lots of duplexes, creating forty-six units. She explained that since then the applicant has received a NCDOT driveway permit, added landscaping, adjusted driveway and sidewalk locations, shifted lots 3-10 further away from the development entrance, and changed the lay-out of the proposed greenway. She advised that the applicant also submitted engineering to the Town for stormwater management which resulted in changes to the originally proposed bio-retention areas and the loss of one lot. She explained that they are requesting these changes to the plan, reducing the total number of lots to 22 and requesting to convert the three largest lots into multi-family quadraplexes. Ms. Teague defined quadraplexes as a building with four private home units within one structure. She stated that this changes the plan to 19 individual lots of duplexes that provide 38 units, and 3 individual lots of quadraplexes that create 12 units, increasing the total number of units by 4 to a total of 50 units. She also advised that approval of this revised plan would replace the previously submitted plan.

Ms. Teague advised that this application is for a substantial change on a major subdivision which requires additional review by the Planning Board per Chapter 15 of the Town of Waynesville's Land Development Standards particularly 15.9.3. She stated that the applicant had met with the individual staff and the technical review committee regarding the proposed changes. Ms. Teague explained that the TRC represents the Town's Fire, Public Works, Planning and Building Inspections staff, and Town Engineer. She informed the Board that TRC feels the revised plan layout and the addition of multi-family is acceptable in terms of public safety and infrastructure. The multi-family buildings will be treated under the commercial building code and have additional requirements for fire protection associated with the building permit.

Ms. Teague reviewed the Town's publication notifications and advised that by request of neighbor, Charlie Deaver, the Town also posted another notice along Allen's Creek Road on May 10, 2019.

Ms. Teague informed the Board that the property is zoned Allen's Creek Neighborhood Residential in which duplex family homes and multi-family are permitted. The density is 7.1 units per acre making it compliant within the standard of 10 units per acre, civic space is 12.5% total minus wetlands and buffer leaving 9.8% civic space. She advised the minimal lot size is 1/6 acre and the smallest lot is 7,329.3 square foot. The lot width is fifty foot at the front of the building, the pervious surface of 10% is compliant and Ms. Teague informed that staff asked them to include a lot analysis of the smallest lot for the Board to see. She continued that the setbacks are compliant, and it was also compliant with all the dimensional requirements. She stated the applicant was proposing one story duplexes and two-story quads, making it compliant with building height.

Ms. Teague stated that LDS Chapter 4 Lot Standards the applicant was compliant with 4.2. She also advised that all lots front a public street, with one structure per lot making it compliant with 4.3. She added that single and double story structures were proposed making it compliant with 4.4, and no accessory uses, or structures were proposed making it compliant with 4.5.

Ms. Teague advised that in LDS Chapter 5, Building and Development design standards they laid out the houses with adjacent front yards along the street in compliance with 5.4 and 5.6. She informed the Board that LDS Chapter 5.6 was needing their determination if the application followed the continuance of the established rhythm of Development, describing that the project would create a new neighborhood with its own internal street system and a new pattern of development. She informed the Board that the adjacent properties are single family homes along a private road to the north and east, and two manufactured home parks served by individual driveways from Pinewood Drive to the south.

She continued with Chapter 6 of the LDS that all engineering must comply with the Town's specifications manual and will be required after the subdivision plan is approved but prior to building permits. Chapters 6.4.1- 6.5 and 6.7.3: she stated that the project connects to the state Road of Allen's Creek through a platted right-of-way across another property. She informed the Board that since the summer, the access right-of-way had been adjusted away from Buchanan Drive and a sidewalk connection had been added. She also informed that a copy of the NCDOT permit was included in the agenda packet.

Ms. Teague described (6.6) per the original plan, the developer is providing a "lane" classification and design that includes five-foot sidewalks on one side of the street, five-foot planted strips on both sides of the street, and a forty-foot right-of way. She advised the Board that a twenty-foot paved roadway surface is proposed by request of the TRC. She advised that the Board should determine if the application of the Lane classification, can still apply with the introduction of multi-family. She stated that at the TRC level, staff believes the proposed roadway provides adequate access and fire protection while serving the potential traffic generated for the uses and density proposed and she read ordinances 6.6.1 A, 6.6.2 D, and 6.6.2.E.

Ms. Teague advised the Board that all utility installations within the right of way shall be consistent with the Town's standards according to 6.8.

She reviewed 6.10 and advised the total of 500 estimated trips for the project is below the threshold for a TIA.

She confirmed that utilities, water and sewer, are available from the Town of Waynesville, 6.11. She stated that Public Works has confirmed the capacity is enough. She also advised that the Fire Chief approved the plan as adequate for fire protection to provide for the installation of three fire hydrants spread out through the development.

Ms. Teague presented civic space calculations and advised that the proposed civic space is accessible to, and within ¼ mile of all lots (7.2.2). She advised that the civic space had not yet been programmed with amenities and the applicant would need to present their plans to the Board to speak of compliance with 7.2.5. She also reviewed LDS 7.2.8 and informed that the civic space would be held in private ownership of the developer who plans on retaining ownership of the entire development.

Ms. Teague reviewed the project's plan compliance in relation to LDS Chapter 8 with the Board. She advised that existing trees within stream buffers and designated wetlands shall not be disturbed (8.3). She informed the Board that the introduction of multi-family, does not trigger additional buffer requirements (8.4). She also stated that the applicant is proposing additional landscaping along Buchanan Drive right-of-way. Ms. Teague also explained that the proposal shows one canopy tree every forty feet of street frontage within a five-foot planted strip (8.5).

She informed the Board that the off-street parking requirement in LDS 9.2 of one space per unit for single and two-family dwellings and 1 ½ spaces per unit for multi-family dwellings was exceeded by the plan and shown at two spaces per unit or eight spaces per quadraplex. In compliance to LDS 9.4 and 9.8 Ms. Teague explained that off-street parking is proposed on prepared surfaces of 12 feet to 25 feet wide, with combinations of parking in the front and side, with some driveways shared and others not. She further explained that where lots are adjacent to the sidewalk and parking is provided in the front of the structure, the structures are setback more than 25 feet from the back edge of the sidewalk. She stated that the driveways shall be constructed to the specifications of the Town. Ms. Teague stated that Driveway access and construction (LDS 9.8) to the proposed streets will be reviewed and permitted by the Town. She informed that wherever feasible the Administrator shall require the establishment of joint driveway use and she read the ordinance pertaining to such. She also stated that the TRC feels that the project creates a low-volume, low-speed, limited street network and traffic conditions which would allow for reducing of driveway separation distances without compromising safety.

Ms. Teague explained that driveway separation is required to be fifty feet, but a forty percent reduction (or 20 feet) to a minimum spacing of thirty feet could be approved by the Administrator (Planning Board). She reviewed with the Board different areas to consider. She did inform the Board that one of those areas noted in the staff report of the driveway distance between units 31 and 32 being 28 feet but having the room to be corrected, had been corrected since the Agenda packet went out. She then continued with the other areas of consideration for access to the lots and driveway separations containing specific units were unclear and needing Planning Boards determination on modification.

She advised that the applicant updated and added a streetlight, totaling six, all within 300 feet of each other after the agenda packet went out and this brought compliance to LDS street lighting 10.3.5.

Ms. Teague stated, regarding, LDS 12, Environmental Standards, the northern portion of the property closest to Buchanan Drive is in the floodplain. She advised that twelve of the

proposed structures are within or partially within the floodplain and will have to comply with the Special Flood Hazard requirements for new construction and substantial improvements and elevations. She also advised that they had their wetlands delineation done and was approved by the US Army Corps of Engineers. She informed the Board that this was a high-density project with a proposed post-development addition of impervious surface of 37.5% to 62.5% of pervious, open space. She informed of the Town's requirements for LDS 12.5 and advised that engineered drainage and stormwater retention plan has been submitted and meets the Town's requirements but must include a maintenance agreement. She also stated that dedicated bio-retention areas must be recorded with the plats.

Ms. Teague informed the Board that an email had been received from Mr. Stephen Swanger who indicated he was working with Mr. Charlie Deaver and they asked for additional separation between units 3-10, adjacent to Buchanan Drive. She stated that this information was forwarded to the developer and in response the plan being presented had units 3 through 10 pulled further back from Buchanan Drive then what the Board was originally provided with and it also includes some of the changes mentioned in response to the staff report recommendation from last week. She stated that evidence presented at the last hearing was that there was a deed done in 1950 which subdivided the land along the center line of Buchanan Drive and described Buchanan Drive as a twelve-foot dirt road. Therefore, Ms. Teague explained you have six foot on either side, so the developer is proposing to take the six-foot right-of-way, add a five-foot setback, and a ten-foot setback based on Mr. Swinger's request so that the applicant can pull those units forward to create more buffer between the back of the units and Buchanan Drive.

Ms. Teague reviewed the Staff recommendations with the Board.

1. *The plan is consistent with the adopted plans and policies of the Town* as the plan creates a duplex and multi-family housing within an area designated as medium to high density residential on the 2002 Land Use Plan Map. The plan is also consistent with the adopted Town Allen's Creek Neighborhood Residential zoning designation for the neighborhood, at a density of 7.1 units per acre.
2. *The plan complies with all applicable requirements of this ordinance* the reduction of one lot, adjustments to the sidewalk and greenway space, and the introduction of multi-family does not change the compliance to the ordinances for density, setbacks, or environmental regulations. Ms. Teague advised that additional information from the applicant is needed on civic space programming, and how the developer plans to provide amenities and maintain civic space areas. She also stated that because of the density of the development, driveway distance and layouts it will require the Administrative reduction or redesign or elimination of some driveways. She also stated that documentation of NCDEQ grading permit and USACE permit must be provided prior to any work beginning. Herron Associates has provided engineering on the site grading, drainage and stormwater retention plans to the town for approval. She advised that at the time of the building permit and construction, building inspections will require a staked, on-ground verification

of survey distances were proposed building or driveway footprint is close setbacks, property lines or buffers. Inspections will also require additional engineering if underlying soil conditions and compaction is a concern for stable footings.

3. *There exists adequate infrastructure (transportation and utilities) to support the plan as proposed:* Ms. Teague advised that water, sewer and power are available to the site. She also stated that the Board must determine if the proposed street system as a lane design is still adequate in consideration of the introduction of multi-family construction.
4. *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 another neighborhood uses.* Ms. Teague advised that the proposal will create a new neighborhood in an area of mixed residential and area of the same zoning designation of AC-NR. The development will not prevent the continued use of neighborhood properties as they are now. She said that concern has been raised regarding the nature of the development into the future as a rental property and how the owner intends to manage the property and select tenants. She stated that a poorly managed and maintained rental subdivision could have negative impacts to adjacent properties, just as a well maintained and well managed one could have positive impacts. She advised there was concern among adjacent property owners that the development would disrupt Buchanan Drive. Browning Branch LLC had adjusted the closest lots to the right-of-way to place landscaping separation between the road and those units and will connect to Buchanan Drive by only a fire access road for emergency vehicles only. She said this improves emergency access for those living along Buchanan Drive and those in the proposed development.

Chairman McDowell invited the Applicant to present.

Kirk Kirkpatrick
Kirkpatrick Law firm
Browning Branch LLC

Mr. Kirk Kirkpatrick introduced himself and stated that he was representing Browning Branch, LLC, applicant in this matter. He advised that Browning Branch received conditional approval by the Planning Board for the master plan for the same site on July 2018 for twenty-three lots of duplexes, forty-six units, conditioned upon the receipt of the NCDOT driveway permit. He informed the Board that the DOT Permit was provided on October 2018 to Neil Ross and the Ross Property had been purchased by CF & D, LLC. He further explained that CF&D conveyed the right-of-way to Browning Branch LLC as shown on the proposed plat and he entered as Exhibit 1: the DOT Permit.

Mr. Kirkpatrick stated that Browning Branch LLC had also made additional changes to the conditionally approved master plan which enhanced the fire plan and addressed the issues submitted by neighbors on Buchanan Drive. He advised the Planning Board that Browning

Branch believed this plan addressed most of the neighbors' issues regarding the subdivision. He submitted the plat as Exhibit 2.

Mr. Kirkpatrick submitted the permit from the US Army Corps of Engineers as Exhibit 3.

He entered as Exhibit 4, a geotechnical survey by ECS South East LLP to determine the suitability of the soils, which he explained the applicant had done in response to the previous meeting's discussion of soil and sinkholes. Mr. Kirkpatrick also explained that as Ms. Teague described, the Town would still have to go out and approve where the construction is located and the soil's suitability as well.

Mr. Kirkpatrick discussed the required operations and maintenance agreements for Browning Branch LLC for the operation of the bioretention ponds shown on the plat. He stated there were three shown on the plat, and that they had prepared the operations and maintenance agreements for to be signed once the plat was approved. He advised that he had submitted the agreement to the Town's Engineer, Preston Gregg, and he had approved it. He entered this as Exhibit 5.

Mr. Kirkpatrick described the updated corrections made to the previous plan included the following:

- Improving and adding landscaping
- Adjusting driveway locations and entering distances
- Adding sidewalk locations
- Shifting units 3 thru 10 to the south to accommodate a 21- foot setback from the adjoining property line with Buchanan Drive residents
- Shifting lots 3 thru 10 further away from the development entrance
- Relocate the proposed greenway

Mr. Kirkpatrick explained to the Board that the applicant's intention of the 21-foot setback from the adjoining property line with Buchanan Drive was to make a concession to the primary concern of residents.

Board Member Susan Smith asked if there were houses right up the road. Mr. Kirkpatrick entered in Exhibit 6 a large plat map on a Board for the Board to review. He pointed out the right-of-way and subject properties.

Mr. Kirkpatrick continued with the application presentation and explained that the plan that is being submitted is due to a substantial change in the previous master plan. He advised that the change in the plan reduces the number of lots to 22 and converts three of the large lots into multi-family quadrplexes. He explained this leaves 19 individual lots of duplexes that provide 38 units and 3 individual lots of quadrplexes that create 12 units. Therefore, the total number of units is now 50.

He advised that they met with TRC to review the revised plat and TRC felt the revised plan layout in addition with the multi-family was acceptable in terms of public safety and infrastructure.

He informed that the property was in the ACNR district and that duplex and multi-family homes are permitted. Ten units per acre and the applicant was compliant. 5% civic space, Mr. Kirkpatrick advised the applicant was compliant as well, 12.5% total less wetlands and buffer equaling 9.8% civic space. He reviewed the lot size and impervious surface compliance. He advised all setbacks as being met as well as lot standards. He also informed that all lots front a public street with one structure per lot. He explained that only single and double story structures were proposed, no accessory structures are proposed.

Mr. Kirkpatrick discussed LDS 5.6 the building and development standards, the continued established rhythm of development. He stated that the development is in the Allen Creek neighborhood, adjacent to the subdivision are manufactured home parks to the south of the property and residential homes surrounding the property. He reviewed Exhibit 6 Plat Map. He advised that the project will create its own neighborhood with all streets serving the neighbors. He informed that the applicant did attempt to improve Buchanan Drive, which is a private Drive and the request was denied, which was their right, and so that is why they put in a different road. He advised that the development connects to Allen's Creek Road and there is no defined right-of-way for Allens Creek Road. A forty-foot right-of-way has been obtained from Allens Creek Rd across CF&D's connecting to the development. The street plan created has a low volume, low speed loop with a short street with a T turnaround and a fire access road with a turn around if necessary. He described the fire access road would be gated with the fire department and chief of police having the key for emergencies.

Mr. Kirkpatrick reviewed the Lane classification in LDS 6.2 and the definition of Lane and he advised that the lane street classification was approved in the previous plan. Mr. Kirkpatrick asked the Board if the Lane street classification could be utilized with the current plan by adding the quadraplexes. He added that the developer intended to place a 15-mph restriction on speed within the subdivision.

He advised that the utilities provided will be a six-inch water line connecting to the ten-inch town main and an 8-inch sewer line to the existing Town line.

Mr. Kirkpatrick reviewed the civic space. He informed that with the civic space total was a .358-acre parcel and that parcel would contain the following amenities: two picnic tables and a bike rack. Also, a .15-acre parcel would contain a picnic table and the green way of .227 acres would include two dog bag stations. He advised that additional seating or playground equipment might be installed or supplied after consideration of liability and makeup of the community as the development matures.

He informed that Browning Branch has added an additional vegetative buffer which will run along Buchanan Drive. CF&D LLC has agreed to allow the developer to place a vegetative buffer along the road as it leads out to Allens Creek, additional vegetative buffer will be placed at the access fire road and along a portion of that .315-acre tract that runs with Sheila McClure's tract. Mr. Kirkpatrick discussed the possibility of working with

neighbors and erecting a fence and placing vegetation on the inside at the request of the neighbors. He advised they are still working out the details of the fencing and vegetation.

He addressed the driveway reduction request stating that there are two spaces per unit and that they tried to put shared driveways in the plan where possible. He stated that they were asking for a 40% reduction from the Planning Board as the administrator. He advised this was approved in the previous plan, but there were corrections and updates that were made so it would need to be approved again. He also stated that the driveways for unit 31 was moved to the side, unit 11 was moved to the side. He described the T turn was previously approved but now within the T turnaround is one quadruplex. He also described that Fire Chief Webb did approve this plan for accessibility of emergency vehicles.

He described the street lighting being lit properly as a subdivision.

He stated that Browning Branch feels they have complied with all adopted plans and policies of the Town and asks the Town to find them consistent and compliant as well.

Mr. Kirkpatrick further entered into evidence a rental packet created by Select Homes, rental management Company that would be utilized to review all the tenants. He advised that the units rent for approximately 1000/month and will not be low-income or subsidized. He stated that due to the management and cost of the rental this nature should improve and not be detrimental to adjacent properties. He also advised that the development plans to locate a covered bus-stop along Allens Creek, by request of Buchanan Drive residents, this is for children to wait for the bus stop.

Mr. Kirkpatrick stated that Browning Branch feels they have created a new neighborhood in Waynesville, a new subdivision, and that they are filling a need for housing that is affordable.

Chairman McDowell asked if there were any questions for the applicant.

Board Member Jason Rogers asked Ms. Teague if there were footers on the site. Ms. Teague stated there are two lots that have been created under separate ownership with separate permits. Board Member Rogers asked if that would make the right-of-way a pre-existing non-conforming because they would be too close to the street. There was a short discussion over the location of the footings of the buildings and setbacks.

Board Member Jason Rogers asked about the driveway separation of unit 42 and 45 distance. The developer stated that it is shared. Short discussion took place.

Chairman McDowell asked Ms. Teague about the civic space and what's usable and if the applicant must state what they must do. Ms. Teague read LDS 7.2.5, Minimum Amenities. Chairman McDowell stated that it sounded as if this is meeting the intention. Ms. Teague advised the developers want to work with the type of families that move in and how the greenway will work.

Chairman McDowell asked if there were any other questions.

Ms. Teague asked the Applicant regarding the update of pulling back the 21 feet at the request if this was acceptable to the them?

Mr. Kirkpatrick advised that he had contacted Mr. Swanger and Mr. Deaver who were at the meeting and they were agreeable, but he did not have anything signed yet.

Chairman McDowell asked if there were anymore questions before public comment. He advised there were three citizens signed up at this time.

Chairman McDowell called on Mr. Charlie Deaver.
He stated he had no comment.

Chairman McDowell called on Mr. Steven Swanger.
He stated he had no comment.

Chairman McDowell called on Mr. Monroe Miller.

Monroe Miller
2200 Camp Branch Road
Waynesville, NC 28786

Mr. Miller introduced himself and stated that he had received the packet and a high-resolution drawing. He stated that it was his understanding that up to this afternoon there were changes being made to the packet and the drawing. He stated that he felt to eliminate any appearance of impropriety, it would be proper to defer this agenda item until next week when he and members of the public could have adequate time to review the changes. He thanked the Board for their time.

Chairman McDowell asked if there was any other public that wanted to speak. There were none. Chairman McDowell asked if there was any rebuttal or closing arguments.

Ms. Teague stated that the Town supports the changes the applicant made to the plan and appreciates that the neighbors and the developer are reaching some level of agreement. She also stated to the Board that in response to Mr. Miller's comments they always have the option to table or continue the hearing until a date if that is their desire.

Mr. Kirkpatrick thanked the Town and advised that the changes that were made to the plan were done due to trying to comply with requests and answering to those. He advised the plan presented on this day was not to harm but to help.

Chairman McDowell gave one last chance before closing the public hearing for questions of the applicant or staff.

A motion was made by Board Member Bob Herrmann seconded by Board Member Pratik Shah, to close the Public Hearing at 7:07 p.m. The motion passed unanimously (7-0).

Chairman McDowell advised that he felt the changes that were made before the hearing were minor and technical and he didn't feel were substantial enough that would require tabling. Board Member Susan Smith stated that they were discussed thoroughly, and she didn't believe any of it was against the public. Board Member Bucky Dykes agreed. Board Member Robert Herrmann stated that considering the improvements they had made since the last hearing, he felt impressed and that they had done a good job.

Chairman McDowell spoke with Planning Board Attorney Ron Sneed on his recommendation of item by item approval since the plan was previously approved. Attorney Sneed advised that 9/10 of the plan is still approved so there are just some additional changes and updates from a year ago that need to be approved.

Chairman McDowell asked the Board members about the addition of units and if any of the Board members feel the change of the addition of the 4 units changes the nature of the project considering it's still well below the 10 unit/acre threshold. Board Member Rogers stated that he originally had it as a street and it makes the safety aspect a little more difficult by calling it a lane. Chairman McDowell discussed the Fire and police determining the access and asked if he felt the four additional units changed that. Mr. Rogers stated that he didn't feel it at the last meeting and he still didn't feel it. Chairman McDowell asked if anyone else felt the additional units changed the nature of the neighborhood or what was being created. Board Member Susan Smith stated no, Board Member Robert Herrmann Stated no, Board Member Bucky Dykes stated no, Board Member Pratik Shah stated no.

Chairman McDowell discussed the following Findings Requirements:

1. The plan is consistent with the adopted plans and policies of the Town. All Board Members agreed and stated yes.
2. The plan complies with all applicable requirements of this ordinance. Board Member Jason Rogers stated that he wanted to be sure of the shared driveways between Units 41,42,43,44 to unit 45. It was agreed to make sure that it would be clear on the appearance of the drawing that the driveways of these units would be shared. All Board Members agreed and stated yes.
3. There exists adequate infrastructure, transportation and utilities, to support the plan as proposed. All Board members stated yes.
4. 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 another neighborhood uses. All Board members advised yes. Chairman McDowell stated that this improves because it improves the buffer between the existing homes and the trailer parks. Board Member Jason Rogers stated that he felt the creation of the fence and buffer was nice.

Chairman McDowell asked if there was any further discussion. There was none.

A Motion was made by Robert Herrmann to approve the plan as submitted, subject to Board member Rogers question on the shared driveway, seconded by Bucky Dykes, all ayes. The motion passed unanimously (7-0).

D. ADJOURN

With no further business, a motion was made by Robert Herrmann, seconded by Pratik Shah to adjourn the meeting at 7:16 p.m. The motion passed unanimously (7-0).

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 May 20, 2019, on the Application of Browning Branch, LLC, for approval of a major subdivision to be developed on property adjoining Buchanan Drive.

An earlier application had been before this board on June 18, 2018, and at a continuance of that hearing on July 16, 2018.

Elizabeth Teague, Development Services Director, appeared for town staff and attorney Kirk Kirkpatrick appeared for the applicant. 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 Kirk Kirkpatrick made the presentation for the applicant. The record from the June 18, 2018 and July 16, 2018 hearing was admitted into evidence without objection. No persons asserted or proved standing and no one spoke in opposition.

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. Such notice was adequate to give notice of the matter under consideration and a revision to the proposed plan made after posting and publication of notice did not prejudice interested parties and adjacent or nearby property owners.

3. The Applicant owns real property located on Buchanan Drive off Allen's Creek Road desires to develop a major subdivision consisting of 22 lots, with a duplex on all lots but three where the developer proposes to construct four unit structures, for a total of 50 residential units. The current PIN number for that property is 8604-94-0656.

4. An earlier application had been before this board for hearing on June 18, 2018, and at a continuance of that hearing on July 16, 2018, which application was approved with conditions.

5. The application approved on July 16, 2018, was for a subdivision of 23 lots with duplexes on all lots, for a total of 46 residential units.

6. The increase in the total number of total units is a substantial change.

7. Applications for major subdivision approval must be approved by this Board pursuant to Section 15.9.2 of the Land Development Standards ("LDS").

8. Substantial changes require additional review by this board pursuant to LDS Section 15.9.3(F) of the LDS.

9. The property is 7.038 acres, with 5.526 acres of that land being developable due to 0.415 acres of wetlands and 1.097 acres lying within the stream buffer.

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

11. 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.

12. 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. The increase in the number of units did not increase traffic or risk sufficiently to require the plan to have access roads that meet the requirements for streets rather than lanes. The current plan provides for landscaping between the sidewalk and the street, and street trees are provided for.

B. A forty-five foot wide easement has been obtained for access to Allen's Creek Road from the subdivision.

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. The increase in number of

units does not increase projected traffic enough to reach to reach that threshold.

D. The number of units per acre of developable property is 7.1 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, and the seating and walking paths proposed comply with requirement for amenities in the civic spaces.

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 will be met as the revised plan provides for for street trees and plantings between sidewalks and the streets. In addition, the setback between the proposed units along Buchanan Drive has been increased to be greater than the setback required by the LDS, and additional vegetative buffer has been planned along Buchanan Drive to provide additional protection for adjoining property owners who had expressed concern about the effect of the development on Buchanan Drive and their properties.

I. Driveways to the units consist of shared driveways for each duplex, and the separation between the driveways and street intersections required by the LDS was met after application of the Administrator's allowance of a reduction of the required separation by 40% as allowed in low traffic areas at the hearing on the previous plan. Most driveway separations have now been improved or increased in many locations. However, the plan for access to the lot containing Units 41, 42, 43 and 44 and the lot containing Unit 45, is unclear and the plans should be modified to more clearly show that a shared drive provides access to these two lots.

J. The parking requirements of Chapter 9 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 except for the three multi-family structures which will be less than the allowed three stories, complying with the height limitations set out in the LDS.

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

14. 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, and the connection to Allen's Creek Road has been approved by the North Carolina Department of Transportation.

15. 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. The additional setback and the additional buffer along Buchanan Drive further reduce the likelihood that this development will be detrimental to the use or development of adjacent properties.

16. 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).

17. The preliminary and final plats should not be approved until such plats clearly show a shared driveway to provide access to the lot containing Units 41, 42, 43 and 44 and the lot containing Unit 45 .

BASED UPON THE FOREGOING FINDINGS OF FACT, by a vote of 6 to 0, this Board concludes as a matter of law that the Applicant's major subdivision should be allowed, conditioned on the plans being modified to more clearly show a shared driveway to provide access to the lot containing Units 41, 42, 43 and 44 and the lot containing Unit 45.

IT IS NOW, THEREFORE, ordered that the major subdivision application of Browning Branch, LLC, be and is hereby approved, on the condition that the plans be revised to more clearly show a shared driveway to provide access to the lot containing Units 41, 42, 43 and 44 and the lot containing Unit 45 prior to approval of the preliminary and final plats.

This the _____ day of _____, 2019.

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.

Planning Board Staff Report

July 2, 2019

Agenda Item: Map Amendment (Rezoning) Request
Location: 187 Secret Hollow Lane
PIN: 8616-09-5980
Area: 4.0 acres total
Owner: Julia Freeman
Requested Rezoning: From no zoning to Dellwood Residential Medium Density
Date of meeting: July 15, 2019

Background:

The Board of Aldermen approved the annexation of 187 Secret Hollow Lane, an un-zoned property, on November 27, 2018. The current use of the property is as a single-family dwelling. The applicant has requested that the property be zoned as Dellwood Residential Medium Density District. The Dellwood Residential Medium Density District is located approximately 800 feet to the East of 187 Secret Hollow Lane, and this district is the closest residential district to the property.

The purpose and intent of the Dellwood Residential Medium Density District per the Land Development Standards §2.3.2.B states:

The Dellwood Residential Medium Density District (D-RM) shall develop as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Center. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.

Staff Comment:

The property, 187 Secret Hollow Lane, already receives water from the Town, and is located near a cluster of other noncontiguous annexations along the Dellwood / U.S. 19 corridor. These annexations are zoned either Dellwood Residential Medium Density or Dellwood Junaluska Regional Center. Due to the nature of this property's use as a single-family dwelling and its proximity to other similar zoning districts, Town staff would recommend that the Planning Board zone 187 Secret Hollow Lane as Dellwood Residential Medium Density.

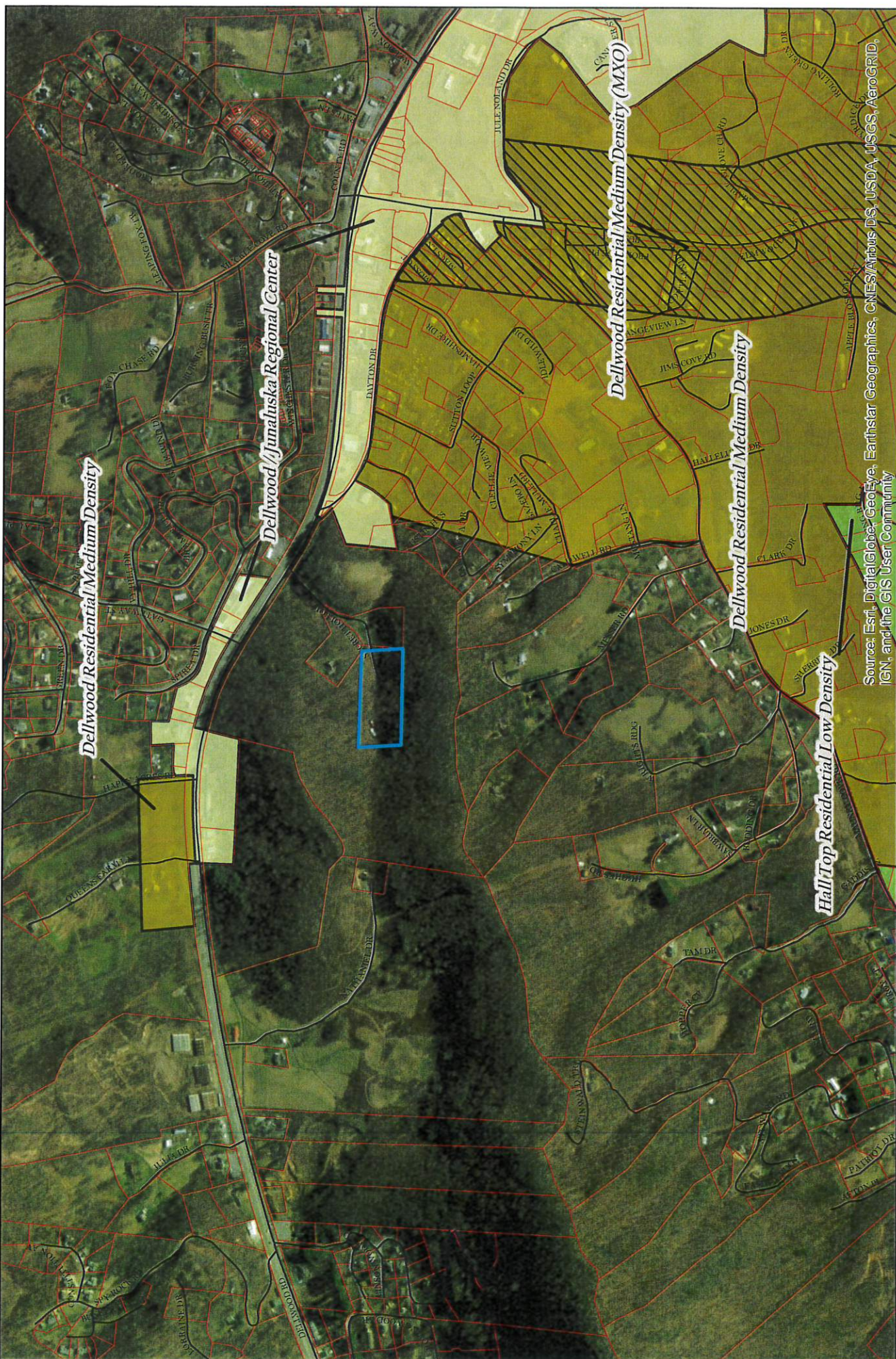
Consistency Statement Information

In accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board could find that this text amendment is consistent with the Town of Waynesville's Comprehensive Plan, *Waynesville: Our Heritage, Our Future, 2020 Land Development Plan*, adopted in 2002, and that this map amendment is reasonable and in the public interest with the following considerations:

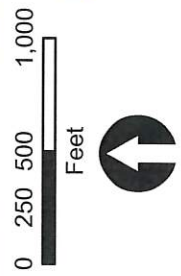
- A. The Dellwood Residential Medium Density District is designated as a low to medium density residential district. The current property is used as a single family dwelling on 4 acres of land. This use and density is consistent with the use and density of the Dellwood Residential Medium Density District. (LDS §2.3.2.B)
- B. The zoning of this property as Dellwood Residential Medium Density District is consistent with the following Land Use Plan definition of "Residential Low/Medium Density":
 - Low/medium density residential development is located on lands where utility services are typically provided but roads are such that accommodation for higher density development is not recommended. Lands with constraints unsuitable for higher density development (i.e. topography) are also typically included in this category. (LDP 5-11)

Requested Action:

1. Motion to find/not find the request to zone 187 Secret Hollow Lane as Dellwood Residential Medium Density consistent with the 2020 Land Development Plan
2. Motion to recommend approval by the Board of Aldermen for the application of Dellwood Residential Medium Density District zoning to 187 Secret Hollow Lane.



July 15, 2019



- Legend**
- Regional Center (RC)
 - Residential Low Density (RL)
 - Residential Medium Density (RM)
 - Mixed Use Overlay (MXO)

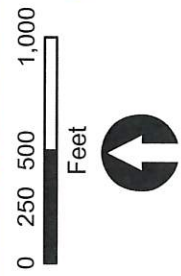
Heated Area:	3,086
Year Built:	1967
Total Acreage:	4
Township:	Town of Waynesville
Land Value:	\$45,100
Building Value:	\$247,900
Market Value:	\$293,000
Assessed Value:	\$293,000
Sale Date:	12/29/2006

Map Ammdment for 187 Secret Hollow LN.

Parcel ID: 8616-09-5980
Current District: None
Requested District: Dellwood Residential Medium Density District



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Heated Area:	3,086
Year Built:	1967
Total Acreage:	4
Township:	Town of Waynesville
Land Value:	\$45,100
Building Value:	\$247,900
Market Value:	\$293,000
Assessed Value:	\$293,000
Sale Date:	12/29/2006

Map Amendment for 187 Secret Hollow LN.

Parcel ID:	8616-09-5980
Current District:	None
Requested District:	Dellwood Residential Medium Density District



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

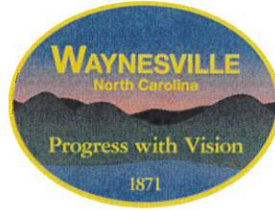
www.waynesvillenc.gov

June 28, 2019

Notice of Public Hearing Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on July 15, 2019 at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC to consider an application to designate 187 Secret Hollow Lane, in Waynesville, PIN 8616-09-5980, within the Dellwood Residential Medium Density District. For more information contact the Development Services Office at (828) 456-8647, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Elizabeth Teague, AICP, CTP
Development Services Director



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date: July 15, 2019
 Subject: Map Amendment Statement of Consistency
 Description: LDS Section 15.14 Map and Text Amendments
 Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

☐

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: _____

The zoning amendment and **is reasonable and in the public interest** because: _____

☐

The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐

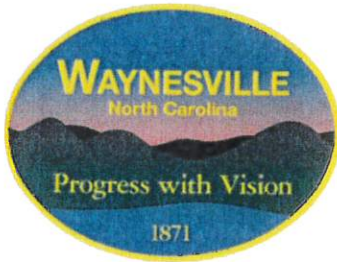
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

Planning Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Patrick McDowell, Planning Board Chair, Date

 Michelle Baker, Deputy Clerk, Date



25

TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on JUNE 6, 20 19 to the Town of Waynesville for the following map amendment:

Property owner of record: JULIA BOYD FREEMAN
Address/location of property: 187 SECRET HOLLOW LN. WAYNESVILLE, NC
Parcel identification number(s): 8616-09-5980
Deed/Plat Book/Page, (attach legal description): 2006E-517, 219-407
The property contains 4 acres. 965±17B, CABOCT 2046
Current district: "NONE"
Requested district: DELLWOOD RESIDENTIAL MEDIUM DENSITY DISTRICT

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

PROPERTY CURRENTLY HAS NO ZONING DESIGNATION

Applicant Contact Information

Applicant Name (Printed): JULIA BOYD FREEMAN
Mailing Address: P.O. BOX 261, WAYNESVILLE, NC 28786
Phone(s): 828-734-6367
Email: boydhome1967@charter.net

Signature of Property Owner(s) of Record Authorizing Application:

Julia B. Freeman

Note: Map Amendment Requests require a fee based on the size and number of lots being requested. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

Report For

FREEMAN, JULIA BOYD
PO BOX 261
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-09-5980

Legal Ref: 2006E/517
219/407

Add Ref: 965/178
CAB0C/2046

Site Information

DWELLING

Single-Family

187 SECRET HOLLOW LN

Heated Area: 3086

Year Built: 1967

Total Acreage: 4

Township: Town of Waynesville

Site Value Information

Land Value: \$45,100

Building Value: \$247,900

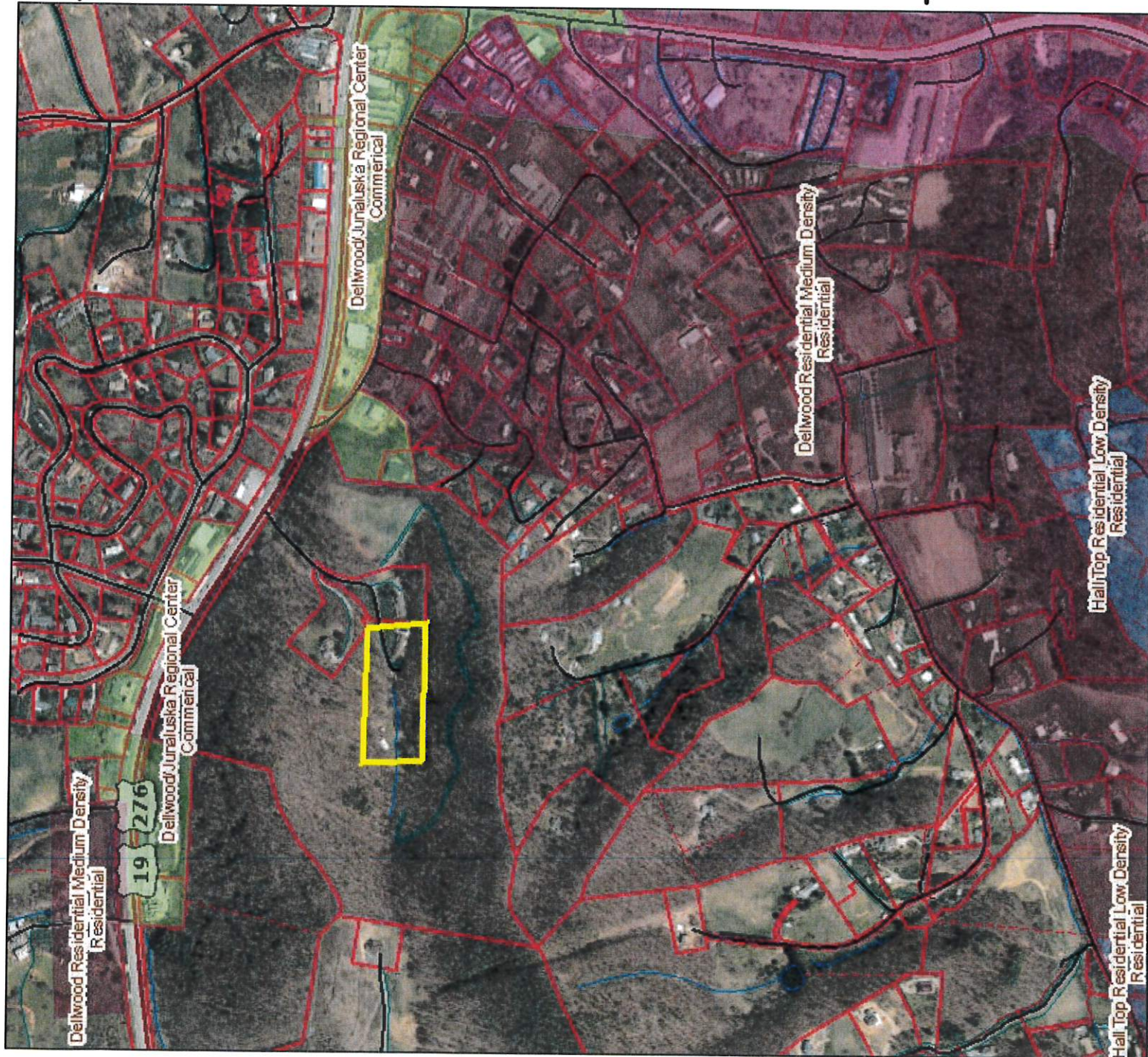
Market Value: \$293,000

Deferred Value: \$0

Assessed Value: \$293,000

Sale Price: \$0

Sale Date: 12/30/2006



1 inch = 667 feet

June 3, 2019

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.