A. CALL TO ORDER

1. Welcome/Calendar/Announcements
   • Planning Board February meeting will be Monday, February 25, 2019 at 5:30pm to avoid conflicts with President’s Day.

2. Adoption of Minutes
   • Motion: To approve minutes of January 7, 2019 as presented (or as corrected)

B. BUSINESS

1. Public hearing on Major Site Plan/Design Review application for a 41.15 acre tract on Plott Creek Road, PIN 8605-42-0093, for a multi-family development within Waynesville’s PC-NR District (Quasi-Judicial Proceeding).

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN
TOWN OF WAYNESVILLE
Planning Board
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynessvillegov

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
January 7, 2019

THE WAYNESVILLE PLANNING BOARD held a special meeting on January 7, 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
   Robert Herrmann
   Jason Rogers
   Pratik Shah
   Ginger Hain
   Susan Teas Smith

The following members were absent:
   Marty Prevost
   Bucky Dykes

The following staff members were present:
   Elizabeth Teague, Development Services Director
   Jesse Fowler, Planner
   Chelle Baker, Administrative Assistant

Planning Board Minutes
January 7, 2019
1. **Welcome/Calendar/Announcements**

Chairman Patrick McDowell welcomed everyone and went over the following calendar for the following Planning Board Meetings, adjusted to avoid the Martin Luther King Day and President's Day Holidays:

- Tuesday, January 29, 2019 at 5:30 p.m. at Town Hall
- Monday, February 25, 2019 at 5:30 p.m. at Town Hall

2. **Adoption of Minutes**

   A motion was made by Board Member Anthony Sutton, seconded by Board Member Susan Smith to approve the minutes of the December 17, 2018 planning board meeting. The motion passed unanimously.

**B. BUSINESS**

1. **Public hearing on text amendment to the Land Development Standards, Section 4.4 Related to Building Height (Legislative Proceeding).**

Ms. Elizabeth Teague, Director of Development Services, presented the Board with background information stating that at the Board's direction to staff was to bring forward recommendations of a text amendment for the purpose of eliminating confusion in how the Town measures building height. She advised that the Board and staff had identified several issues related to interpreting ordinance 4.4 and had made several recommendations to change the ordinance in previous meeting discussions. She also advised that staff had consulted with current and past ordinances, building codes, “as built” precedents around town, and with architect Odell Thompson, who also attended the last Planning Board meeting. She listed the following goals of the text revision to the Board:

1) Maintain a certain scale within zoning districts, not changing the table of dimensional standards by district (table 2.4), and limiting overall building height;

2) Work with the Town’s topography to measure from the highest adjacent grade;

3) Accommodate both commercial and residential styles of structures, and clarifying interpretation on pitched versus flat-roofed structures;

4) Give architects and designers some leeway in designing to the guidelines and the context without being too proscriptive.

Staff feels this project is consistent with the 2020 Land Development Plan. Ms. Teague informed the Board that in the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated actions is to “Revise the Zoning Ordinance, other development ordinances and the zoning map to reflect the Land Use Map and concepts contained in the plan.” (4-2).
Additionally there is an objective to “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.”(4-5).

Ms. Teague advised that clarifying the way in which the town measures building height will reinforce the goal of keeping new construction within the scale and dimensional requirements of the designated zoning districts.

Ms. Teague began to review the proposed ordinance and asked the Board members for their input. She explained that the draft would replace Section 4.4 of the Land Development Standards, with the following text and illustrations. Planning Board comments from the last meeting are incorporated into the draft and shown in red italics.

4.4 - Measurement of Building Height.

4.4.1 Applicability

Building heights shall be specified in Section 2.4, Dimensional Standards by District and use “stories” as the standard unless otherwise regulated in Chapter 5 Building and Development Design. Where a specific dimension is used in the calculation of maximum height for certain types of buildings in Chapter 5, the height shall be measured from the highest adjacent grade to the highest point of the structure or at the structure’s “primary façade.” Wherever one section of the Town’s Land Development Standards may differ from another, the more restrictive ordinance shall apply. All structures are subject to regulations under the North Carolina State Building Codes in addition to this section.

Ms. Teague advised there were no changes to the first section 4.4.1 of the ordinance. Section 4.4.2 however does incorporate some suggested changes:

4.4.2 Measurement of Building Height by-Story

All structures within residential districts (RL, RM, NR, and UR), including mixed-use overlays shall have a maximum height of 60’ from the highest adjacent grade to the top of a flat roof or the peak of a slopped roof regardless of floodplain elevation and inclusive of the number of stories allowed in Section 2.4.1 Table of Dimensional Standards by Residential District.

Ms. Teague asked the Board to provide clarification from the last meeting on the sixty feet maximum height. She asked the Board if they wanted that applied to only residential or if that would apply all across town to commercial as well.

Board Member Jason Rogers discussed the Town’s standards set in Regional Center of 4-5 stories, he advised in commercial areas, the breakup of building height of twelve feet per story on a five story allowed building already equals sixty feet; therefore, adding a cornice or crown onto that for architectural feature and the sixty feet could be a problem. He also stated that to meet the ordinance commercial buildings sometimes add a parapet to hide rooftop equipment and that could exceed that sixty foot number as well.

Board Member Bob Herrmann stated that he felt buildings in our town with excessive height would turn it from a rural looking town into an urban town and that the buildings should not exceed more than four stories and sixty feet maximum would work.
Chairman McDowell stated that lowering the residential and certain segments of town at the sixty feet maximum was agreeable to him, but he felt there needed to be latitude with the commercial area. He brought up examples of possible future commercial growth. Board Member Susan Smith also brought up examples that would be commercial five stories such as a college building or a hospital. Chairman McDowell reminded the Board that the standards already have been approved and set at five stories in the commercial district; therefore, it is already identified as being different.

Ms. Teague referred the Board of the existing table of dimensional standards that had been provided for them. She pointed out that it lists the number of allowed stories by district and that the Central Business District and Regional Center District were the only two districts where up to five stories are allowed. She advised that she was concerned about setting a cap of a sixty foot maximum within these commercial districts because of similar concerns voiced by Mr. Rogers.

Chairman McDowell added that he did like the residential feel of sixty feet maximum height cap which he felt keeps the town feeling like a small town, but that commercial growth shows vitality and although one hundred feet may not be needed, sixty feet with a cap commercially would not be enough.

Board Member Rogers stated that a commercial building with five stories at fourteen feet per story equaled seventy feet and then adding four to five feet for a parapet to hide equipment, would total seventy four to seventy five feet.

Ms. Teague presented a couple of commercial building height examples to the Board from in town:

- Waynesville Towers - 56 feet
- Hampton Inn (Currently Permitted) – 57 Feet
  - 4 stories with a parapet and a flat roof

Board Member Rogers brought up for consideration and discussion the following maximum height numbers; sixty feet on three stories, eighty feet on four stories, and one hundred feet on five stories. He also gave an example of building height in the Commercial Business District of the justice center, courthouse parking garage as six floors. He questioned the idea that if the hospital is ever replaced in the future in town and a new parking garage needed, then how it could be built if the height was restricted at not more than sixty feet. Discussion continued by Board Members over these measurements and how special exceptions, variances, and hardship requirements are applied.

Chairman McDowell recommended that for now since Board members were in agreement on residential districts having a sixty feet maximum height, then the residential portion be applied now and to come back later with more discussion about refining commercial and low density neighborhoods.

Ms. Teague reminded the Board of their past discussion and that she thought this was not about changing the number of stories, but about capping the maximum height for structures with pitched – roofs so that residential districts were limited in scale. Ms. Teague advised that for the Regional Center District and Central Business District there should not be a “maximum height cap” because the cap is set at five stories. She agreed with the caution of Chairman McDowell and Board Member Rogers that if there was a cap in these areas that it may cause a design issue. Board Member Susan Smith asked about the no cap versus a limit of seventy five feet. Ms. Teague reminded that as written now each story has the possibility to be up to fourteen feet. Board Member Pratik Shah asked what the tallest building in downtown was and Ms. Teague answered that she felt this was probably Waynesville Towers at five-six stories high with a totality of fifty six feet. Board Member Susan Smith stated that if that building had been designed differently and more in line architecturally, with a design feature at the top, then this measurement would be different and much higher.

Planning Board Minutes
January 7, 2019
Ms. Teague told the Board that for this version of the draft she had applied the sixty feet to Table 2.4.1 to just the residential districts and not to the mixed use and commercial districts. There was no change made to the number of stories in the table. She also reviewed the suggested change of the footnote to Chapter 4.4 stating that under no circumstances could any structure be higher than sixty feet in building height from highest adjacent grade to the highest point on a roof. She also pointed out the suggested change of clarifying the basement issue as well from the last meeting.

Board Member Susan Smith clarified that with these changes, a commercial builder would have restrictions without an overall cap if in one of the mixed-use or commercial districts. Ms. Teague verified that was correct. She also confirmed that as written, the maximum cap of sixty feet would apply to the low-density, medium-density, residential or urban residential districts.

The Board went on to review the draft ordinance regarding flat roofs and pitched roofs:

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished floor, not including space above the eaves and within the slope structure of a pitched roof. The number of stories is measured from the highest adjacent grade or at the structure’s “primary façade.” The primary façade is that side of the building that is considered the front of the structure architecturally, and that contains the primary entrance or front door.

For buildings with flat roofs, unoccupied attics or building caps less than 7 feet in height are not considered stories for the purposes of determining building height. A penthouse on top of a flat roof shall be considered as a story only if it is equal to or exceeds one-third of the total roof area. A penthouse structure that is less than one-third of the total roof area must be 14’ or less in height.

For buildings with pitched roofs, uninhabitable lofts, attic space or cathedral ceilings within the slope of the roof structure, with or without dormers or vents, are not considered stories. for the purposes of determining building height. Habitable space within the pitched roof structure with dormers are considered stories.

Chairman McDowell clarified that with this change they were now limiting on two fronts. First, the number of stories, therefore, someone could not build six stories at eight feet per story with two feet in between with a flat roof and be at sixty feet. Although, they would meet the height requirement they would have exceeded the story cap. And the Second limitation being height in residential districts so that someone could not build three stories with a big pitched roof and exceed sixty feet. They would exceed the height requirement. He reviewed that therefore overall, both standards would need to be met.

Ms. Teague referred the Board to the proposed diagram that illustrated the draft text and to the fact that Section 4.4.3 which refers to items not included in the building height calculation is the same as what is currently written. She also noted the proposed addition of the footnote discussed related to maximum building height in residential districts and a small change in the definition of a story to avoid confusion at the suggestion from Mr. Rogers at the last meeting.
4.4.3 Items Not Included in Height Calculations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.

Part 2: add footnote to Table 2.4.1 of Dimensional Standards by Residential District stating: a maximum of 60’ in Building Height from highest adjacent grade to highest point on a roof.

Part 3: amend Chapter 17.4 Definitions to read:

*Basement:* The lowest level or story of a building which has its floor below the grade of the fronting window.
Discussion took place among the Board members and staff regarding the primary façade. Chairman McDowell advised that the Board would measure beginning from where it would be determined by the town to be the primary front façade. Ms. Teague gave caution to be careful to say architecturally what the front is and what isn’t. After much discussion, Chairman McDowell reminded the Board that there would be times in this determination to rely on help from the staff as well. Ms. Teague also reminded the Board that the ordinance gave a choice of “highest adjacent grade” or “primary façade” so this could be of help in times of confusion.

There was discussion of the need to allow flexibility for buildings to be elevated one foot above projected base flood elevations or to allow a home to be on a raised foundation. There was discussion regarding the allowance of penthouse structures as long as they were equal to or less than one-third of the total roof area. Ms. Teague informed the Board that one of the ideas coming out of the Comprehensive Plan steering committee was to allow the use of roof-top dining in commercial areas.

Chairman McDowell referred the Planning Board to the Consistency Statement Worksheet. Discussion of Board members for consideration of the text amendment consistency statement took place. Board Member Robert Herrmann advised that he was in favor of applying the text amendment and the proposed cap to all four residential district types. Board Member Ginger Hain stated that she was in favor of the text amendment for the residential areas and needed more information and study for the commercial areas. Board Member Susan Smith advised that she felt this text amendment was where it needed to be for now. She stated that in the residential district it helped to maintain the residential character of neighborhoods. Board Member Pratik Shah advised that he liked the way the Board is going in this text amendment. He stated that he would need more information regarding the commercial and downtown area, including a topographical area study, which would be helpful in computing maximum building height in relation to that area. Board Member Anthony Sutton stated that he felt the text amendment was the right direction and that it allowed for future growth. Board Member Jason Rogers stated he was good with the text amendment.

A motion was made by Board Member Susan Smith, seconded by Board Member Robert Herrmann that the text amendment to LDS Section 4.4 Building Height is approved and is consistent with the Town’s comprehensive land use plan because it clarifies the way the town measures building height and will re-enforce the goal of keeping new construction within scale and dimensional requirements of the designated zoning districts. The motion passed unanimously.

A motion was made by Board Member Susan Smith, seconded by Board Member Anthony Sutton that the text amendment to LDS Section 4.4 Building Height is reasonable and in the public interest because it works with the town’s topography to measure from the highest adjacent grade; accommodates both commercial and residential styles of structures; and clarifies application to both flat and pitched roof structures; and gives some flexibility to design professionals without being too proscriptive. The motion passed unanimously.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Susan Smith to send the revised, proposed text amendment to LDS Section 4.4 Building Height to the Board of Aldermen. The motion passed unanimously.

Planning Board Minutes
January 7, 2019
C. PUBLIC COMMENT / CALL ON THE AUDIENCE

No one spoke

Chairman McDowell gave a review of the calendar that this text amendment would go before the Board of Aldermen on January 22, 2019 at the next Board of Aldermen meeting.

D. ADJOURN

With no further business, a motion was made by Bob Herrmann, seconded by Anthony Sutton to adjourn the meeting at 8:38 p.m. The motion passed unanimously.

______________________________  ________________________________
Chelle Baker, Administrative Assistant  Patrick McDowell, Chairman
Introduction to Quasi-Judicial Hearings for Major Site Plans (from LDS Chapter 15)

This is a public hearing before the Planning Board to consider a Major Site Plan. This process is established by the Town’s Ordinances. You are advised that the hearing on this matter will be quasi-judicial in nature which means that this board must act much like a court to apply the land development standards or other town ordinances to a specific application.

Accordingly, we can only entertain testimony or other evidence which is material and relevant to the case at hand. The Town and the applicant are determined to be parties with standing in this matter. Other persons are entitled to give testimony; however, if you desire to examine witnesses or present arguments, you must first be determined to have standing in the case. This means that you have a substantial interest in the outcome of the case which is different in kind from that of the general public. If there is anyone who wishes to be determined to have standing, please advise the board at this time so that we may examine you and make that determination.

All decisions must be based upon competent evidence entered into the record. “Competent evidence” may include evidence that would not be admissible by a General Court of Justice if the evidence is admitted without objection or the evidence appears to be sufficiently trustworthy and is reasonable for the decision-making board to rely upon it. “Competent evidence” shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

1. The use of property in a particular way would affect the value of other property;
2. The increase in traffic resulting from proposed development would pose a danger to the public safety.
3. Matters about which only expert testimony would generally be admissible under the rules of evidence.

If you desire to testify, you must first be sworn-in and will be subject to examination by the members of this Board, by Town staff, the applicant, or another party.

Swear in Witnesses:

If you expect to testify in this matter, I ask you to come forward so that you may be sworn in. [ONCE THE WITNESSES ARE ASSEMBLED, ADMINISTER THE OATH].

Raise you right hands. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth? If so, please say, ‘I do.’"

Procedure for the Hearing:

The Planning Board must do two things. First it must determine findings of fact for each of the following criteria:

1. The Plan is consistent with the adopted plans and policies of the Town;
2. The Plan complies with all applicable requirements of the ordinance;
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;
4. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the extent of landscaping on site;
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.

Secondly, the Board must determine if it should approve, approve with conditions, or deny the application. The Board can also continue a hearing if they feel they need more information from the applicant, but must take action within a reasonable time of this hearing. Therefore, this hearing will proceed as follows:

1. The Chairman (me) will open the hearing
2. Staff will present evidence
3. Applicant will present evidence
4. Board members will be allowed to ask questions of those presenting
5. Parties in standing will be allowed to ask questions of those presenting
6. Parties in standing will be allowed to call witnesses.
7. Parties in standing will be allowed to cross-examine witnesses.
8. The public will be allowed to speak.
9. Board members and parties in standing will be allowed to ask questions of speakers.
10. Parties in standing will be allowed rebuttal opportunity and closing arguments.
11. Chairman will ask for a motion to close the public hearing for Board deliberation.

It is incumbent upon this board to preserve an accurate record of what transpires here; therefore, we ask you to observe some rules of conduct. First, do not speak unless you have been recognized by me and are standing at the podium. Secondly, please turn off your cell phones and refrain from side conversations or distractions when in the audience. Thirdly, when you arrive at the podium, please state your name and address for the record.

**Board Action**

After the hearing, this board will deliberate the evidence, identify "findings of facts," and apply the ordinances to determine their decision. In making its ruling, this Board shall consider all evidence and have all the powers of the Administrator.

After a decision is reached, the decision will be put in writing and permanently filed in the minutes of the board and the Town, and either party may appeal the decision to the Town Board of Aldermen within thirty days after being served with that written decision.
January 11, 2019

Notice of Public Hearing: Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold special-called meeting and a quasi-judicial public hearing on January 29, 2019 at 5:30 pm, in the Board Room of the Town Hall, located at 9 South Main Street, Waynesville, NC. The Board will consider a Major Site Plan/Design Review application for a 41.15 acre tract on Plott Creek Road, PIN 8605-42-0093, for a multi-family development within Waynesville’s Plott Creek Neighborhood Residential 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
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
</table>
| PLOTT, JULIA A               | NEW, EDMUND A                    | WAYNESVILLE, NC  
1399 PLOTT CREEK RD        | 28786             |
| JORDAN, FLORA J              | CALDWELL, TERRY LYNN             | WAYNESVILLE, NC  
396 WILL HYATT RD           | 28786             |
| HOLLFIELD, KENNETH E         | MOODY, GAIL CALDWELL             | WAYNESVILLE, NC  
HOLLFIELD, SARAH B           | MOODY, THOMAS RAY            | 28786             
1228 PLOTT CREEK RD          | 1266 PLOTT CREEK RD             |                  |
| RHINEHART, VAUGHN R JR       | BILLUPS, CARLA M                 | WAYNESVILLE, NC  
345 LOCUST DR               | 28786             |
| HODGE, KATHRYN WHITE         | CHANCERY LANE                    | WAYNESVILLE, NC  
MILLAR, JAMES SHEPARD        | LANDOWNERS ASS. INC           | 28786             
2210 ESSEX LN                | C/O 381 CHANCERY LN             |                  |
| PLOTT, RUTH B                | LEATHERWOOD, MICHAEL F           | WAYNESVILLE, NC  
6153 GREEN HOLLOW CT         | LEATHERWOOD, JUDY K            | 28786             
SPRINGFIELD, VA 22152        | 502 SHELTON ST                  |                  |
| WILLIAM RATCHFORD, VP        | THOMAS JONES                     |                  
TRIANGLE REAL ESTATE         | WGLA ENGINEERING               |                  
165 YORK ST                  | 724 5TH AVE WEST                |                  
GASTONIA, NC 28053           | HENDERSONVILLE, NC 28739        |                  |
| STONE HAVEN FARMS ESTATE LLC | LAMBERT, ELBERT W                |                  |
|                             | VIGNOCHI-LAMBERT, TIA            | WAYNESVILLE, NC  
STONE HAVEN FARMS ESTATE LLC| 340 GUN BARRELL ALLEY         | 28906             |
|                             | MURPHY, NC 28906                |                  |
|                             | SWIFT, JAMES N JR                |                  |
|                             | SWIFT, DANIEL KILLIAN           |                  |
|                             | THOMAS JONES                     |                  |
|                             | WGLA ENGINEERING                 |                  |
|                             | 724 5TH AVE WEST                 |                  |
|                             | HENDERSONVILLE, NC 28739        |                  |
DEPARTMENT - 828-456-8647

CONTACT THE DEVELOPMENT SERVICES
DEVELOPMENT ON THIS PROPERTY
DESIGN REVIEW FOR A MULTI-FAMILY
TO CONSIDER A MAJOR SITE PLAN AND CONDUCT

9 SOUTH MAIN STREET
IN THE TOWN HALL BOARD ROOM
AT 5:30 PM
ON JANUARY 29, 2019
PUBLIC HEARING
WILL HOLD A
PLANNING BOARD
THE TOWN OF WAYNESVILLE
Staff Report

To: The Town of Waynesville Planning Board
Subject: Major Site Plan Review – Multi-Family Development at Plott Creek
Ordinance Sections: Multiple
Applicant: Triangle Real Estate of Gastonia, Inc.
Meeting Date: January 29, 2019
From: Elizabeth Teague, Planning Director

A. Background:

This application is for a 200 unit multi-family development on 40.96 acres (listed as 41.15 on Haywood County GIS), consisting of eight multi-family buildings, a clubhouse building with a pool, and three detached, garage buildings. 20.96 acres of property, including all of that portion of the property above 2,900’ in elevation, is proposed for preservation.

In accordance with Chapter 15, the Planning Board must provide “Site Plan/Design Review (Major)” as part of a quasi-judicial procedure and provide findings on 5 criteria for an application of this number of units and scale. Quasi-judicial proceedings are used when the ordinance authorizes a decision-making board to consider an application based on code compliance and “generally stated standards requiring a discretionary decision on findings of fact.” (LDS Section 15.5). The “Administrator” must “review the application to ensure that it is complete, and prepare a report and recommendation” (Section 15.8.2) to the Board. Comments of Public Works, Fire, Building Inspections and Code Compliance staff, and information provided by NCDOT and JM Teague Engineering who submitted a Traffic Study on behalf of the developer, are considered in this report. It is formatted to follow requirement criteria and to assist the Board with its findings, but focuses primarily on staff determinations on land use plan consistency, code compliance and infrastructure. The Land Use Plan and Land Development Standards are found on: http://www.waynesvillenc.gov/.

The following required application materials were received (LDS Section 15.8.2) this month along with a Traffic Impact Analysis from JM Teague Engineering and an Engineering Narrative from WGLA Engineering regarding the site that were provided earlier.

1. Environmental survey (15.4.1)
2. A Master plan, (15.4.3). Note: detailed engineered drawings and construction documents are not required for Master Plans, but are to be submitted after Planning Board approval.
3. Building elevations. (15.4.7)

The application is provided in the Board’s agenda packet materials, and the applicant is responsible for presenting their application and answering any questions the Board or others may have.
B. Property Information/Existing Conditions:

Proposed Location: Plott Creek Road, PIN 8605-42-0093
Property Owner: Triangle Real Estate of Gastonia, Inc.
Acreage of site: 41.15 acres
Existing Development: Undeveloped Lot
Zoning District: Plott Creek Neighborhood Residential (PC-NR)

Attached for reference is the following property information:
- Parcel Report with aerial;
- Zoning map;
- 2012 Floodplain data indicating the location of the 100 year floodplain (in green) within the parcel (floodway, or non-encroachment area in red and within parcel);
- Area topography at 5’ contours showing elevation of 2,900’.

C. Major Site Plan Review Criteria for Findings

1. “The plan is consistent with the adopted plans and policies of the Town.”

The Plott Creek Neighborhood Residential (NR) purpose and intent states:

2.3.3 Neighborhood Residential Districts (NR) Purpose and Intent
(F) While it is semi-rural currently, as the Plott Creek Neighborhood District (PC-NR) develops it should do so in a manner which compliments its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.

The future land use map in the Town of Waynesville: 2020 Land development Plan, identifies the Plott Creek NR District as “medium to high” density and within the urban services boundary for water and sewer.

The Land Use Plan goals and objectives include:

- “Limit urban sprawl through the establishment of a planned growth area for the Town of Waynesville, (LUP 4-3)”
- “Protect the aesthetic and environmental significance of Waynesville’s Creeks, wetlands, farmlands and steep slopes” and “require the clustering of development (with defined criteria) in designated sensitive areas.” (LUP 4-4)

- “Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville (LUP, 4-6).”

- “Utilize the zoning ordinance and map to promote residential development in accordance with the future land use map concentrating higher density housing where the services and land are suitable for such development and promote infill housing development.” (LUP 4-8)

- “Evaluate all new developments for street connectivity and require connections in land development regulations and thorough (sic) plan review,” and “provide pedestrian access in conjunction with new developments” (LUP 4-9)

Staff submits that this project is consistent with the adopted plans and policies of the Town because the project:

- Is within the Urban Services Boundary and within the area designated for medium to high density residential.

- Creates residential housing within 0.1 miles of the school, within 0.31 miles of 23/74 Great Smoky Mountain Expressway and within 0.75 miles of downtown Hazelwood.

- Is located on a property that is served by a state maintained road, has flat land available, and can be served by utilities.

- Will connect to the planned sidewalk linking Hazelwood Elementary and downtown Hazelwood, also meeting the goal of the 2010 Comprehensive Pedestrian Plan.

- Creates 200 new rental units which will add to the range of housing opportunities.

- Sets aside 20 acres of forested and sloped land for preservation, keeping areas above 2,900 elevation untouched, preserves wetlands and floodplain, and maintains approximately 3.7 acres of existing trees.

2. “The plan complies with all applicable requirements of this ordinance.”

- The project area is 20 acres and is designed to meet the Town’s standards for the District following Chapter 2 and Table 2.4.1.
  - Compliant with NR Density of 10 units/acre
  - Compliant with 5% Civic space, or 1 acre of 20 acres minimum: 1.09 acres shown “village green” walking trail area = 0.8 acres
    “outdoor shelter” = 0.1 acres
"playground" = 0.11 acres
"dog park" = 0.08 acres

- Minimum Setbacks:
  10’ front: closest point to front boundary is the clubhouse at 14’.
  10’ east side: closest points are buildings 2 and 3 at 40’ and building 6 at 35’.
  10’ west side: closest points are building 4 and 8 at 20’ and building 5 at 15’.
  6’ rear: closest point is garage C at 22’ from proposed preservation area.

- Compliant with building height maximum of 3 stories as measured from highest adjacent grade, and buildings do not exceed a height of 60’ of highest adjacent grade to peak of pitched roof. The proposed buildings front along the shared parking and vehicular use areas.

- The project meets the town’s general standards of Chapter 4 as the lot fronts Plott Creek Road and a 25’ wide access road is provided to serve the development and shared parking areas.

- The project meets the House/Townhouse/Apartment Residential Building Design Guidelines provided in Chapter 5.
  - Buildings have sloped roofs with eaves that include gutters.
  - Section 5.8.4(E) garages are accessed from interior vehicular use areas and are also turned or shielded by another building so that bays are not fronting Plott Creek Road.
  - Per Section 5.8.5 Façade Design, the clubhouse has a side façade along Plott Creek Road that includes a covered porch with pillars, window trim, and a decorative pattern on the exterior finish of brick and wood, meeting the design guidelines. Each apartment building's (Nos 1-8) primary elevations and elevations facing the public street or common parking areas have required architectural features for Apartment buildings. These include, dormers, gables, recessed entries, eaves (minimum 10-inch projection which may include gutter), off-sets in building face and roof, window trim, and balconies. Buildings 2,3,4,5, also include decorative cupolas.
  - Per Section 5.8.6, building walls are proposed in wood, board and batten, and brick. The roof is clad in architectural shingles.

- Civic space explained in Chapter 7 is provided within a ¼ mile of each residential unit and has greater than 60' of frontage along the access street within the development to “insure convenience to all residents of the development” and are “centrally and internally located so as to serve the needs of the residents of the neighborhood.” (7.2.2-3). Civic space will have to meet all the design detail standards of 7.2.5.
• Applicant has provided a preliminary landscape plan for compliance with Chapter 8.
  - Preservation of existing tree stands has been provided and supplemented along the side yards with a Type C buffer where development is proximate to existing residential structures.
  - Street trees are provided along the access road to the shared parking at 1 canopy tree for every 40’. These are placed at 50’ on-center plantings except where bridge crossings or retaining walls prevent spacing (Section 8.5).
  - Shade trees within parking areas have been provided to comply with the 40’ radius requirement of the ordinance.
  - The parking lot adjacent to Plott Creek Road has screening between the parking lot and the sidewalk.

• Parking has been provided to comply with Chapter 9 with a request for a driveway distance reduction:
  - Exceeds the Town standard of 1.5 spaces per unit, by providing 374 surface spaces and 18 garage spaces. 20 spaces of bicycle parking are provided.
  - Parking lots and interior pedestrian connectivity provided.
  - The driveway into the Clubhouse building is less than 75’ away from the intersection with Plott Creek Road but is pulled back to the greatest extent possible (45’) in order to avoid encroachment into a wetland area. This driveway location is also sited to allow for left hand turns coming from within the development, into the Clubhouse parking lot. A reduction of driveway separation distance up to 30’ (40%) is being requested under Section 9.8.3. C. 3.
  - Line of sight and design regarding the intersection with Plott Creek Road is subject to the requirements of the NCDOT Driveway permit.

• In regards to Chapter 12, Environmental Conservation:
  - The area of the property adjacent to Plott Creek is within the Special Flood Hazard Area (“100 year”) floodplain. Area along Plott Creek containing the required buffer and identified wetlands has been preserved within the floodplain. All construction within the SFHA must comply with the Flood Damage Prevention Ordinance, including driveways, parking lots, retaining walls and Buildings #1, #2, #3, #4 and garages A and B. A 25’ stream setback and 30’ “built upon area” setback for stormwater plans has been shown.
  - A portion of the lot has a natural elevation above 2,900 mean sea level. The average slope on the parcel is 21.86%, below the 25% slope which designates a regulatory “steep slope area” (Section 12.6.2). The highest and steepest portions of the lot are in the 20 acre area to the south which is set aside for preservation.
Applicant will be required to submit engineered stormwater plan in compliance with the Town design standards (LDS 12.5.7). Engineered plans will be reviewed by a qualified engineer for compliance with the ordinance. The site plan indicates the 30’ setback from streams for “built upon area” in addition to the 25’ stream setback.

Please note that other compliance requirements will be addressed outside of, and in addition to the Planning Board determinations of the Master Plan. These include:

- A lighting plan will be required for approval by the Town Engineer if/upon approval of Master Plan and must comply with the Town’s design standards for the NR District (Chapter 10). This will require cut-off lighting that is under 25’ for parking areas and directed architectural lighting for buildings and walkways.

- Stream crossings are proposed as open-bottom culverts so as not to disturb stream beds, and are subject to the US Army Corps of Engineers approval.

- A Land Disturbance plan and permit is required by the North Carolina Department of Environmental Quality prior to any land disturbance or grading taking place.

3. **“There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;”** (Chapter 6)

- Per Sections 6.3 and 6.11: Water and sewer infrastructure is available to the site and approved by the Town’s water and sewer division for capacity to the number of units and a sprinkling system for each building for fire protection. Utilities will be buried within the development and all infrastructure must be built to the Town of Waynesville’s specification manual and engineering standards.

- Per 6.7-6.10, a TIA has been provided by the developer showing that Plott Creek Road has the capacity to carry the traffic impact of the proposed development. Alignment of the development entrance with Will Hyatt creates a four way intersection and will be subject to NCDOT permit requirements.

- Per 6.8. sidewalk is provided along frontage of Plott Creek Road to connect to approved NCDOT sidewalk construction project from Hazelwood to the property line of the development. Interior sidewalks are provided along the driveway roads and within interior parking areas.

- Power is provided to the Plott Creek Valley by Duke Energy.
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;"

The property lies on the western boundary of the Town of Waynesville’s Municipal jurisdiction. To the west are the unzoned areas of Haywood County with an immediately abutting large estate which consists of a 3-4 story residential home and stables. To the east along Plott Creek Road toward town are a single family home, the Hazelwood Elementary School, and the commercial uses of Blue Ridge Glass and Smoky Mountain Indian Motorcycle retail, and then the 23/74 access ramps. Across Plott Creek Road to the north are single family homes and a townhome development along Will Hyatt Road that are part of the Eagles Nest Low Density District, and unincorporated area of the county. To the south, the property rises to a ridge that abuts an existing mobile home park and the Chancery Lane subdivision.

Staff submits that this development would introduce a new variety of housing into an area that already consists of a variety of structure types, including single family homes, a school, commercial uses and nearby townhomes and mobile homes. This is a large scale project which will have a visual impact, but no single building would have a footprint larger than the school. The architecture of proposed buildings meet the design standards of Chapter 5 which promote residential features in terms of facades and rooflines. The larger buildings are setback from Plott Creek Road and the plan maintains several existing stands of trees and adds type C buffer along strategic areas to soften that visual impact.

The fact that this lot is the border between the Town of Waynesville and the unincorporated areas of the County, means that it is the very point where land-use changes. The PC-NR District was designated as part of our medium to high density area and is close to major transportation corridors and the Hazelwood Town Center, and contains an Elementary School. The development pattern of large homes and estate lots, gated communities and subdivisions past this property are County jurisdiction and should not dictate the determination of neighborhood character.

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."

This is a challenging criteria to determine and staff do not have qualifications to speak to this point. The concern that stands out for us, is the safety of the driveway access onto Plott Creek Road and the increase in traffic pattern along Will Hyatt and Plott Creek, especially considering the peak traffic generation in the morning caused by Hazelwood Elementary. These are issues that the Town is committed to working on cooperatively with NCDOT into the future, and should not impact use of adjacent properties and may or may not impact land value.
January 23, 2019

Elizabeth Teague  
Development Services Director

RE: Palisades at Plott Creek Utilities

Elizabeth,

Per our conversation, Public Services staff have again reviewed the plans submitted for the proposed Palisades at Plott Creek project, as well as met with the project engineers. Based on the submitted plans, the Town can serve the proposed development with both water and sewer.

We have been in contact with the developer and collectively identified the method and routes of connection. All proposed infrastructure will be installed and constructed to Town standards.

Additionally, we have reviewed the submitted concerns regarding our Waste Water Treatment Plant with our consulting engineering firm (McGill and Associates), and we have been assured that there is sufficient capacity to accommodate the Plott Creek project under our current permit parameters, and most certainly adequate capacity under a future version of the treatment plant.

Please let me know if you need any additional information, or if we can be of further assistance.

Sincerely,

[Signature]
David Foster  
Public Services Director

EC: Rob Hites, Town Manager  
    Preston Gregg, Town Engineer  
    Amie Owens, Assistant Town Manager  
    Jeff Stines, Water and Sewer Superintendent
Application Cover Sheet For Quasi-Judicial Proceedings

This form must be accompanied by all information required pursuant to the Land Development Standards Chapter 15. All drawings and site plans to be considered shall be to scale and sealed by a qualified design professional. Hearing will not be scheduled until application materials are deemed complete by the Administrator.

Project Name: Palisades at Platt Creek

Property Location: Platt Cr. Road near Will Hyatt PIN: 8605-42-0093

Property Owner(s): Triangle Real Estate of Gastonia Inc.

Owner Mailing Address: 175 S. York Street Telephone: 704-869-6024
Gastonia, NC 28053

Name of Applicant (if different from Owner)
If applicant is different from owner, than authorization form must accompany this application.

Applicant Address: 175 S. York Street, Gastonia, NC 28053

Email: william.ratchford@southwoodrealty.com Telephone: 704-915-2650

Type of Permit/Process Type: √ Site Plan/Design Review (Major) Planning Board

___ Major Subdivision Planning Board

___ Special Use Permit Planning Board

___ Certificate of Appropriateness (Major) HPC

___ Appeal of an Administrative Decision ZBA

___ Variance ZBA

Office Use Only:

Date Application Received: 01-10-19

Date of Scheduled Hearing: 01-29-19

Fee: $3940.00

Paid
HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien against parcel number(s) 68605 42 0003.

Mike Matthews, Haywood County Tax Collector

Date: ____________________________ By: ____________________________

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $3,100.00

Parcel Identifier No. 8605-42-0093 Verified by ________________ County on the __________ day of __________, 20__

By: ____________________________

Mail/Box to: Goosmann Rose Colvard & Cramer, 77 Central Avenue, #H, Asheville, NC 28801

This instrument was prepared by: Joel R. Weaver, PA, 41 Woodland Drive, Waynesville, NC 28786

Brief description for the Index:

THIS DEED made this _______ day of June, 2018, by and between

GRANTOR

Michael F. Leatherwood and wife,
Judy K. Leatherwood
502 Shelton Street
Waynesville, NC 28786

GRANTEE

Triangle Real Estate of Gastonia, Inc., a North Carolina Corporation
175 S. York Street
Gastonia, NC 28053

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Waynesville Township, Haywood County, North Carolina and more particularly described as follows:

See Attached Exhibit "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 693 page 1825.

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book __________ page __________.
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

________________________________________
(Entry Name)

By:____________________________________
Print/Type Name: _________________________ (SEAL)

____________________________________
Print/Type Name & Title: __________________

By:____________________________________
Print/Type Name & Title: __________________

By:____________________________________
Print/Type Name: _________________________ (SEAL)

State of North Carolina - County or City of Haywood

I, the undersigned Notary Public of the County or City of Haywood and State aforesaid, certify that Michael F. Leatherwood and wife, Judy K. Leatherwood personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 6th day of ____________, 20__.

JOEL R WEAVER
NOTARY PUBLIC

Haywood County, North Carolina
My Comm. Expires May 11, 2020

My Commission Expires: _________________
(Affix Seal)
Notary’s Printed or Typed Name

Printed by Agreement with the NC Bar Association – 1981
EXHIBIT "A"

BEGINNING at a point in the center of Plott Creek Road (NCSR 1173) which point is further located S. 87° 15 minutes 33 seconds W. 1729.61 feet from N.C.G.S. "Louise" (N = 653727.19, E = 806177.5, NAD 83), the Northwestern corner of the Plott tract described in Deed Book 467, page 754 and runs thence with the Plott line, S. 2° 48 minutes 16 seconds W. (passing a point at the southern edge of the pavement for Plott Creek Road at 7.89 feet, an iron found at 18.09 feet and an iron set at 1,027.13 feet) 1,870.50 feet; thence continuing with the Plott line, S. 23° 39 minutes 42 seconds E. 915.17 feet to a point in the line of Vaughn Rhinehart (Deed Book 210, page 200); thence with the Rhinehart lines, 3 calls: S. 67° 00 minutes 00 seconds W. 453.04 feet, S. 19° 3 minutes 9 seconds W. 434.54 feet and S. 34° 55 minutes 14 seconds W. 240.46 feet to a point at the corner with Blanco (Deed Book 618, page 990); thence with the Blanco line North 85° 24 minutes 50 seconds W. 297.62 feet to a point at a corner with Morgan (Deed Book 627, page 391); thence with the Morgan line and later the Johnny Plott line (Deed Book 470, page 1072) N. 5 deg. 1' 3" E. (passing an iron set at 2,329.96 feet and an iron found at 3,268.70 feet) 3,294.69 feet to a point in the center line of Plott Creek Road; thence with the center of Plott Creek Road, 10 calls: North 52° 21 minutes 33 seconds E. 43.72 feet, North 52° 56 minutes 7 seconds E. 45.86 feet, North 54° 39 minutes 00 seconds E. 53.33 feet, North 56° 32 minutes 50 seconds E. 60.50 feet, North 59° 44 minutes 40 seconds E. 49.06 feet, North 63° 50 minutes 35 seconds E. 52.96 feet, North 70° 56 minutes 53 seconds E. 43.32 feet, North 80° 55 minutes 15 seconds E. 31.97 feet, North 87° 22 minutes 15 seconds E. 45.47 feet and S. 87° 37 minutes 13 seconds E. 56.28 feet to the BEGINNING, containing 41.26 acres, more or less, as shown on the survey of J. Randy Herron, PLS, dated May 22, 2006 entitled "Judy K. and Michael F. Leatherwood - petitioners, Mary Frances Britt and Jack Britt - Respondents," drawing number 3035 -- 672 -- A.

AND BEING the same property conveyed to Michael F. Leatherwood and wife, Judy K. Leatherwood by Deed recorded on January 22, 2007 in Deed Book 693, Page 1825, Haywood County Registry.
Traffic Impact Analysis

For

The Plott Creek Apartments

Located in
Waynesville, North Carolina

Prepared For:
William Ratchford
Southwood Realty
165 South York Street
PO Box 4158
Gastonia, NC 28054

Prepared By:
J.M. Teague Engineering & Planning
525 North Main Street
Waynesville, North Carolina 28786

February 2018
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July 27, 2018

Elizabeth Teague
Development Services Director
Town of Waynesville
9 S Main St #110
Waynesville, NC 28786

Re: Palisades at Plott Creek
   Engineering Narrative

Dear Ms. Teague:

Per your request, we are providing a narrative for additional information to accompany the submittal for the above referenced project.

Project Description
Triangle Real Estate of Gastonia plans to develop a multi-family residential community consisting of 200 one-, two-, and three-bedroom apartment units. The apartment complex will include a clubhouse with swimming pool and a playground.

Site Location
The project site is located near Hazelwood Elementary along Plott Creek Road in the Town of Waynesville, NC. The PIN number for the parcel is 8605-42-0093, and the property is approximately 40 acres.

Site Description
The 40-acre site has historically been used for agricultural purposes, although it is currently zoned for medium-to-high density residential development (PC-NR). The front portion of the property has fairly gentle topography and consists of primarily former pasture and floodplain. The rear of the property is generally wooded and is steeper than the front portion. The average parcel slope of the entire 40 acres (including the rear portion) is 21.86%, which falls below the Hillside Protection threshold for Town of Waynesville of 25% (12.6.2). We anticipate that over 20 acres, including the portion of the property higher than elevation 2900’, will not be disturbed and will remain in preservation area/open space.
Streams, Wetlands, Buffers

The site plan is designed to minimize potential impacts to streams and wetlands. Plott Creek is designated as at Trout Stream. Other than the stream crossing locations, a 25’ undisturbed buffer will be maintained along Plott Creek and the un-named tributaries within the property. The site plan avoids impacts to delineated wetlands, and the streams will not be directly impacted since bottomless arch pipes will be used at the crossings. If it does become necessary to impact streams or wetlands, the applicant will work with US Army Corps of Engineers and the State of North Carolina Water Quality to obtain permits as appropriate. The plan includes multiple tree save areas (approximately 3.7 acres of tree save areas not including the 20-acre preservation area). The landscaping for the project will include parking lot trees, buffers to the adjacent properties shown on the side plan, and plantings around all of the buildings.

Floodplain 12.3.4 E

A floodplain development permit will need to be issued to grant construction in the area of the project that is designated as a flood hazard area. The Town requires that the buildings, including basement floor be elevated to no lower than the Regulatory Flood Protection Elevation, as defined in Section 17.4. The buildings for this project will be elevated to at least 1’ above base flood elevation.

Andrew Bick, PE with Floodwaters Engineering has performed a preliminary study of potential impacts to floodplain. Based on the model, the crossing of Plott Creek and fill for the project will not create a rise in the base flood elevation of Plott Creek. Assuming approval of the Site Plan by the Town, the study will be finalized and sent with the application for a floodplain development permit. In any case, the proposed cumulative effect of the development will not increase the water surface elevation of the base flood at any point within the community by more than one foot (12.3.4.E.2).

As required by 15.8.2 D., Construction Documents (15.4.4) will be submitted after Planning Board approval. Erosion Control and Stormwater Management Plans will be part of the Construction Documents to be submitted. A tentative description of strategies for the plans is as follows:
10/16/2018

William Ratchford
Triangle Real Estate of Gastonia, Inc.
165 York Street
Gastonia, NC 28053

County: Haywood
Subject: Street and Driveway Access Permit Application - Approval
Permit No.: 201804409

Dear: Mr. Ratchford;

This office has reviewed your proposed Street Access Permit that you submitted to us. Your proposal has been approved, however the followings conditions apply:

1. No storm water shall be discharged onto SR-1173 (Plott Creek Rd.).
2. The District Engineer must approve any changes.
3. Driveway(s) shall be constructed as indicated on plans.
4. Notify District 2 Office three working days, prior to the start of construction.

If you have any questions feel free to contact me at (828) 497-7333.

Sincerely,

[Signature]

Chris Lee, P.E.
District Engineer

cc: Art Hartzog, P.E., Haywood Maintenance Engineer
File

NC DEPARTMENT OF TRANSPORTATION
DIVISION 14 – DISTRICT 2
178 HENRY BIRD ROAD
WHITTIER, NC 28789-7646
APPLICATION IDENTIFICATION
Driveway Permit No. 201804409 Date of Application 6-20-18
County: Haywood
Development Name: Palisades at Plott Creek

LOCATION OF PROPERTY:
Route/Road: Plott Creek Road (SR 1173)
Exact Distance 0 LF Miles N S E W
From the Intersection of Route No. Willy Hyatt Rd (SR 1175) and Route No. Plott Creek Rd (SR 1173) Toward Waynesville
Property Will Be Used For: ☒ Residential/Subdivision ☐ Commercial ☐ Educational Facilities ☐ TND ☐ Emergency Services ☐ Other
Property: ☒ Is ☐ Is not within Town of Waynesville City Zoning Area.

AGREEMENT
• I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
• I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
• I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
• I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
• I agree that the driveway(s) or street(s) as used in this agreement include any approach teapers, storage lanes or speed change lanes as deemed necessary.
• I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
• I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
• I agree to pay a $50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
• I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
• I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
• I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
• I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
• I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
• The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
• I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
• I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.
# SIGNATURES OF APPLICANT

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<tr>
<td>SIGNATURE</td>
<td>Triangle Real Estate of Gastonia, Inc</td>
<td>Jeff Lofeld</td>
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<tr>
<td>ADDRESS</td>
<td>165 York Street</td>
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<tr>
<td></td>
<td>Gastonia, NC 28053</td>
<td>Gastonia, NC 28053</td>
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<td>Jonathan Burrell</td>
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<tr>
<td>ADDRESS</td>
<td>724 5th Avenue West</td>
<td>724 5th Avenue West</td>
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# APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

Chris Lee P.E.  
SIGNATURE  
DATE  6-20-18

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

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APPLICATION APPROVED BY NCDOT

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INSPECTION BY NCDOT

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SITE PLAN SUBMITTAL
for
PLANNING BOARD REVIEW
PALISADES at PLOTT CREEK
Town of Waynesville
HAYWOOD COUNTY
NORTH CAROLINA