

**PLANNING BOARD MEETING**  
Town of Sylva Planning Board  
April 27, 2023

The Town of Sylva Planning Board held a regular meeting on April 27, 2022, at 5:00 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C. and streamed electronically by Zoom meeting.

**PRESENT:** Alan Brown, Chair  
Geoffrey Hirsch  
Melissa Madrona  
Larry Tyson  
Kendall Waldrop  
Amanda Murajda, Town Clerk  
Paige Dowling, Town Manager

**ABSENT:** Rose Bauguess  
Russ Harris

Alan Brown called the meeting to order at 5:00 p.m.

**STAFF PRESENT:** John Jeleniewski (Senior County Planner)

**VISITORS:** Edward Hudak, Brianne Hudak, Patsy Dowling and Cathy Connors.

**APPROVAL OF MINUTES:** Kendall Waldrop made a motion to approve the February 23, 2023, minutes. Geoffrey Hirsch seconded the motion and the motion carried with a unanimous vote.

**NEW BUSINESS**

**ZONING AMENDMENT REQUEST—CJ PROPERTIES (EDWARD/BRIANNE HUDAK):**

John Jeleniewski, Senior County Planner, presented the staff report as follows:

**Applicant:** CJ Properties – Property Owners; Edward and Brianne Hudak representatives

**Property Location:** 414 Skyland Drive, Sylva; PIN’s 7642-41-7128 and 7642-51-1400

**Current Property Zoning:** General Business - GB

**Ordinance Section for which the Text Amendment is requested:** Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

**Description of Request:** The applicant is requesting a map amendment that would change the subject properties from the General Business District (GB) to the Professional Business District (PB). The representative for the applicant would like to operate a private school on the subject property which is not an allowed use in the GB District; however, schools are a permitted use within the PB District.

**Background:** The property for this proposed school use is located at 414 Skyland Drive (currently Smoky Mountain Fitness) with access directly to Skyland Drive. This property has a total land area of 13.93 acres (both parcels) with existing structures housing the fitness/pool activities and an accessory storage building. Properties to the east are in the Institutional District, properties to the south are in the High-Density Residential District and properties to the west are in the General Business District. If required by the Town’s Zoning Ordinance, property improvements in this district (PB) are subject to development standards as set forth, including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc. Tuckaseegee Water and Sewer Authority (water and sanitary sewer) and Duke Power will provide public utilities and the Sylva Fire Department will provide fire safety services.

**Application Response:** The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate both properties (PIN’s 7642-41-7128 and 7642-51-1400) as Professional Business.

**Staff Findings:** The requested map amendment would not constitute “spot zoning” as the subject properties will be in accordance with the Town’s adopted Land Use Plan for 2040. This plan establishes that these properties as well as the entire Professional Business District will be in the future Skyland Mixed Use Corridor District. The encouraged land uses for this future district include: mixed use development, residential (live/work, multifamily,

townhomes, small-lot single family), neighborhood commercial, small scale restaurants and breweries, small scale hotels, civic and educational uses that support community residents and open space.

The board discussed the application including traffic on Skyland Drive, the size of the school and traffic signals for schools. Melissa Madrona *made a motion to recommend approval of the zoning map amendment from the General Business district to the Professional Business district for the parcels with PIN# 7642-41-7128 and 7642-51-1400 which is consistent with the Sylva 2040 Land Use Plan and adopt the statement of consistency for the application.* Geoffrey Hirsch *seconded the motion and the motion carried with a unanimous vote.*

**ZONING AMENDMENT REQUEST—COOP PROPERTIES (SOLTICE PARTNERS, LLC):** John Jeleniewski, Senior County Planner, presented the staff report as follows:

**Applicant:** COOP Properties, LLC; (Solstice Partners, LLC; Cathy Connors, Partner)

**Property Location:** Savannah Drive, Sylva – PIN 7631-66-1393

**Current Property Zoning:** General Business District (GB), ETJ

**Ordinance Sections for Review:** Article 3 – Procedures; Section 3.5.J – Review Process/Conditional Zoning; Section 3.9.B – Zoning and Map Amendments and Article 4, Section 4.4 – Conditional District

**Description of Request:** The applicant is requesting a map amendment to create a General Business - Conditional District on the property identified by PIN 7631-66-1393 to allow for a multi-family residential development. The Town Board of Commissioners may approve Conditional Districts through the legislative review process identified in Article 3 – Procedures, Section 3.5 – Review Process.

This proposed conditional district for a multi-family residential development includes three, 2-story structures consisting of eight 1-bedroom units, twenty-eight 2-bedroom units and twelve 3-bedroom units (48 total units). Included amenities are a community center with laundry, computer center; playgrounds and cover picnic shelter with tables/grills.

**Background:** The property for this development is located on the south and west sides of Savannah Drive and approximately 1,120 ft south of the intersection of Business 23 (West Main Street) and Savannah Drive. The area of this vacant property is 6.83 total acres, and this proposed complex would be developed on the entire tract. Public utilities will be provided by Tuckaseegee Water and Sewer Authority (water and sanitary sewer) and Duke Power. This property will be served by the Sylva Fire Department. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Savannah Drive is a state road (S.R. 1356).

**Application Response:** The applicant is requesting a zoning map amendment to create a General Business - Conditional District on the 6.83-acre property. Article 4 - Section 4.4 Conditional Districts of the Town's Zoning and Subdivision Ordinance allows the Town Board of Commissioners to create these districts:

Conditional Zoning Districts (-CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use. This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must ensure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

**Staff Findings:** The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in the zoning ordinance including General Business District standards and required

development regulations (Article 7). Approval for this Conditional District is required by the Town Board of Commissioners for this application. Planning Staff will issue a zoning permit at the time of final plan review/approval.

The board discussed the need for workforce housing in the Town of Sylva. *Geoffrey Hirsch made a motion to recommend approval of the zoning amendment to apply a Conditional District for the parcel PIN# 7631-66-1393 which is consistent with the Sylva 2040 Land Use Plan and adopt the statement of consistency for the application. Kendall Waldrop seconded the motion and the motion carried with a unanimous vote.*

**STREET CLOSURE REQUEST—PORTION OF PATHFINDER LANE:**

The Kindaid family who own the former Soul Infusion property and the manufactured home park next to it on Pathfinder Lane and Hallie Manor Court are requesting to close the unopened portion of Pathfinder Lane that extends across the northwest corner of the lands of SOCOL Company, Inc. from current Hwy 107 in a southwesterly direction approximately 280’ and thence in a northwesterly direction to the intersection of Hallie Manor Court. This portion of the street is reserved on paper, but the actual section of the street does not exist. UPS made this request to the Board April 12, 2018, and the Town Board denied it. Neighbors were opposed to the request at the time. The Kinkaid family is making this request now because they will lose right-of-way along the front of the property during the NC-107 project.

*Kendall Waldrop made a motion to recommend approval of the request. Geoffrey Hirsch seconded the motion and the motion carried with a unanimous vote.*

**ADJOURNMENT:** *Kendall Waldrop made a motion to adjourn the meeting at 6:20 p.m. Melissa Madrona seconded the motion and the motion carried with a unanimous vote.*

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Alan Brown  
Chair

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Amanda W. Murajda  
Town Clerk