

PLANNING BOARD MEETING

Town of Sylva Planning Board

July 28, 2022

The Town of Sylva Planning Board held a regular meeting on July 28, 2022 at 5:30 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C. and held electronically by Zoom meeting.

PRESENT: Boyd Sossamon, Chair
Alan Brown (remote)
Russ Harris
Geoffrey Hirsch
Melissa Madrona (remote)

Amanda Murajda, Town Clerk
Paige Dowling, Town Manager

ABSENT: Rose Bauguess
Kendall Waldrop

Boyd Sossamon called the meeting to order at 5:30 p.m.

STAFF PRESENT: John Jeleniewski (Senior County Planner)

VISITORS: Richard Bassell, Mark Bryant and Rob Will.

APPROVAL OF MINUTES: *Russ Harris made a motion to approve minutes of the May 19, 2022 Planning Board Meeting. Alan Brown seconded the motion and the motion carried with a unanimous vote.*

NEW BUSINESS

Zoning Map Amendment Request:

Applicant: Mountain Area Health Education Center (MAHEC)

Property Location: 701 Skyland Drive, Sylva; PIN 7642-42-8622

Current Property Zoning: Professional Business District (PB)

Ordinance Sections for Review: Article 4, Section 4.4 – Conditional District

Article 5, Section 5.4.AA – Supplemental Standards-Planned Unit Development

Description of Request:

The applicant is requesting a map amendment to create a *Professional Business - Conditional District* on a portion (0.80 acres) of parcel identified by PIN 7642-42-8622. In addition, the applicant is requesting to develop a Planned Unit Development (PUD) within this newly created Conditional District (CD). The Town Board of Commissioners may approve Conditional Districts and Planned Unit Developments through the legislative review process identified in *Article 3 – Procedures, Section 3.5 – Review Process*.

The proposed PUD includes eight modular studio cottages (378 s.f. living area, 168 s.f. deck area) and a 1,000 square foot community building. Each cottage will include a sleeping area, bathroom, kitchenette and covered deck. The community building will be for residents and used as a study/computer room and for communal/social activities. Each residential cottage will be provided one parking space.

Background:

The property for these proposed cottages is located approximately 250 lf north of the Chipper Curve and Allen's Branch Road intersection with access directly to Allen's Branch Road. This parcel is a portion of the property identified by PIN 7642-42-8622 which 1.53 acres total and the proposed subdivision of land will create the 0.80 acres for this PUD to serve graduate medical education residents. The property surrounding the cottages and community building will be common open space totaling 0.50 acres with remaining impervious area of 0.30 acres. 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. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Allen's Branch Road (S.R. 1439) is a state-maintained road.

Application Response:

The Professional Business District is established to reserve areas for the development of small to medium scale office use, compatible with that of adjacent commercial and institutional uses. The Professional Business District may consist of residential units converted to office uses and provide for a mixture of service and offices along commercial corridors. This district also serves as a transition district between commercial and residential areas and as such, activities associated with nonresidential uses, shall be restricted to general business hours.

The applicant is requesting a zoning map amendment to create a *Professional Business - Conditional District* on the proposed 0.80-acre subdivision of 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 assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

The applicant is also requesting a PUD which is permitted in the Professional Business District only when a Conditional District has been approved by the Town Board of Commissioners. *Article 5 - Section 5.4.AA Planned Unit Developments* of the Town's Zoning and Subdivision Ordinance identifies these regulations:

1. More than one (1) principal structure shall be allowed within the planned unit development.
The submitted concept plan shows eight studio cottages proposed to be developed on a subdivided property of 0.80 acres.
2. Uses proposed to be incorporated into the planned unit development shall be permitted uses in the Town of Sylva, as outlined in Article 5 for the zoning district in which the planned unit development is proposed. *The Professional Business District allows residential dwellings as an allowable use.*
3. The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sale agreement) shall be provided that the development can be successfully completed by the applicant.
This 0.80-acre property and development of eight studio cottages will be owned, operated and maintained by Mountain Area Health Education Center (MAHEC) for the use of graduate medical education residents.
4. Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.
The proposed subdivided parcel of 0.80 acres will have direct access to Allen's Branch Road which is a public State maintained road (S.R. 1439) and a proposed sidewalk will parallel the road along the frontage of this property. The submitted concept plan shows a loop driveway 16' in width to serve the cottages and a potential effortless flow for emergency services. The property surrounding the cottages and community building will be common open space totaling 0.50 acres.

5. Density standards shall be consistent with the underlying district. Dimensional standards maybe varied to accommodate the anticipated design.
This property is in the Professional Business District where the density standards are specific to single-family dwellings, townhomes, multi-family developments and varied non-residential uses. This proposed development is offering an innovative design of tiny cottages to create a new unique, site-specific conditional district that will serve particular benefits on both the immediate area and the community as a whole. The Town Board of Commissioners has the autonomy to approve the requested Conditional District which will provide flexibility and design standards unique to the subject property and use.

6. Design standards shall be consistent with the requirements of Article 7.
The development standards found in Article 7 (parking, landscaping, lighting, etc.), will be reviewed at the time when final site construction plans are submitted to the Planning Staff. A zoning permit will be issued only after final plans are reviewed/approved showing full compliance with the Town of Sylva Zoning Ordinance.

7. The minimum distance between buildings shall be twenty (20) feet or as otherwise specified by the Board of Commissioners or North Carolina Building Codes to ensure adequate air, light, privacy, fire separation, and access for emergency vehicles.
The submitted concept plan shows that building separation for this project will meet or exceed this requirement.

8. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants and adjacent properties for screening of objectionable views or uses, and for reduction of noise. Multi-level buildings shall be located in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
The perimeter of the proposed subdivided property will require buffer plantings including the public right-of-way along Allen's Branch Road. The nature of this cottage development will promote an educational community experience that encourages medical graduate students to interact professionally and socially; interior screening with walls/barriers stifles the spirit and intent of this project. It is assumed that Interior plantings that enhance the overall aesthetics around the cottages, parking areas and community building will be installed and maintained.

9. All buildings, landscaping, signage, and similar features within the planned unit development shall be developed with a coordinated architectural style.
The proposed landscaping will be required to comply with the Town's native plant schedule as set forth in the Zoning Ordinance. No signage is proposed at this time; however, any community identification and individual unit signage will comply with the Town's sign regulations. The architectural design of the cottages and community building will be similar in style and materials.

Staff Findings:

The Town's adopted *Land Use Plan for 2040* establishes that this project property 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. By applying the *Conditional Zoning* tool for this property, the Town will create unique, site-specific district that will have particular benefits and/or impacts on both the immediate area and the community as a whole.

The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in of the zoning ordinance including Professional Business District standards, required development regulations (Article 7), Planned Unit Development standards and the adopted Town of Sylva Land Plan for 2040. Approval

for this *Conditional District* and *Planned Unit Development* 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.

Geoffrey asked if MAHEC was robust enough to support this development for several years

MAHEC Presentation: Richard Bassell, a representative of MAHEC, addressed the board and explained the purpose of MAHEC’s program. Housing is needed for students in the health care education programs being placed in rural communities. MAHEC has been awarded grant funding through AHEC for student housing projects. These programs are for 3rd and 4th year medical students. Students will be in the resident houses for periods of time ranging from two to three weeks to approximately three months. Buildings for this project will be built off-site and brought in. Final completion will be done on-site. All buildings are in compliance with the state building code.

Approval or Denial of Application Request and Consistency Statement:

Melissa Madrona made a motion to recommend approval to the Town Board of Commissioners the map amendment request, the application of the PUD and the consistency statement. Alan Brown seconded the motion and the motion carried with a unanimous vote.

Short-term Rental Review: Paige gave the Planning Board an update on what the Board of Commissioners discussed as revisions to the short-term rental ordinance. Recommended changes by the Board of Commissioners include the following:

1. Parking requirement does not apply to the DTB district.
2. The rental shall comply with all local ordinances and state laws in force, including but not limited to the Town of Sylva noise and sanitation ordinances.
3. Required postings by property owners.
4. Owners must provide recycling and solid waste containers.
5. Short-term rentals in the LDR, MDR, HDR, DTB, GB, and PB districts are only allowed as an accessory use provided that the primary use of the main structure is owner-occupied or a long-term rental.
 - a. Existing short-term rentals are exempt from this requirement. An existing short-term rental is a rental for which an occupancy tax was paid for the rental of such property prior to August 25, 2022.
 - b. If a short-term rental property is exempt, a change of ownership will trigger compliance with this ordinance.

A public hearing will be held on August 25, 2022, at 5:30 p.m. for the proposed ordinance amendment.

Melissa Madrona commented that these revisions seemed more restrictive than other surrounding communities.

ADJOURNMENT: *Russ Harris made a motion to adjourn the meeting at 6:14 p.m. Melissa Madrona seconded the motion and the motion carried with a unanimous vote.*

Boyd Sossamon
Chair

Amanda W. Murajda
Town Clerk