



TOWN OF SYLVA PLANNING BOARD MEETING

Thursday, August 24, 2023 at 5:00 PM
Board Room, 83 Allen Street Sylva, North Carolina

AGENDA

WELCOME AND OPENING REMARKS

APPROVAL OF MINUTES

1. Minutes--April 27, 2023

NEW BUSINESS

2. Lighting Standards

ADJOURNMENT

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.*

Alan Brown
Chair

Amanda W. Murajda
Town Clerk

Greater than thirty-five (35) feet in height at maturity. The minimum size at planting shall be two (2) inches caliper with a twelve (12) to fourteen (14) foot height.

(2) Small Maturing Deciduous Tree

Less than thirty-five (35) feet in height maturity. The minimum size at planting shall be one and one half (1 ½) inch in the caliper with an eight (8) to ten (10) foot height.

(3) Evergreen Tree

The minimum height at planting shall be six (6) feet.

(4) Deciduous Shrub

The minimum size at planting shall be a three (3) gallon container or ten (10) inch root ball with a height of eighteen (18) inches.

(5) Evergreen Shrub

The minimum size at planting shall be a three (3) gallon container or ten (10) inch root ball with a height of eighteen (18) inches.

c. Plant Standards

All plants must meet the requirements of the most recent edition of the American Standards for Nursery Stock, by AmericanHort. Plants must be healthy, well-branched, and free of disease and insect infestation.

Section 7.9 Lighting Standards

A. Purpose

The purpose of this section is to regulate exterior lighting to enhance the areas being lit; ensure the safety of pedestrians, cyclists, and drivers; minimize light trespass and glare; and reduce skyglow.

B. Applicability

All lighting within the Town and ETJ shall be subject to the standards of this section.

C. Administration

A lighting plan shall be required as part of any landscape plan submitted through a site plan or design review process required as part of Article 3.

D. Exemptions

The following lighting types shall be exempt from the requirements of this section:

1. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires.
2. All hazard warning luminaires required by Federal regulatory agencies - all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
3. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public areas outdoor lighting.
4. Lighting associated with the holiday, festival, or other temporary uses.
5. Lighting of public art that has been permitted or otherwise approved by the Town.
6. Other municipal or state lighting installed for the benefit of public health, safety, and welfare.
7. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
8. Lighting of U.S. and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that planning area.

E. Prohibited Lighting Types

The following types of lighting are prohibited:

1. **Traffic Control Signals**
 - a. Lighting that imitates an official highway or traffic control light or sign, or,
 - b. Lighting in the direct line of sight with any traffic control light or sign

2. High-Intensity Lighting

- a. High-intensity light beams, such as searchlights or laser lights, except when used by federal, State, or local authorities; or
- b. High intensity LED or neon lighting fixtures mounted around the interior or exterior of a window, door, or other architectural feature on a structure.

3. Flashing Lights

Flashing, revolving, or intermittent exterior lighting is visible from any lot line or street.

4. Upward-Facing Lights

Lights set upon the ground or mounted so as to face upwards toward the sky, except those which are required to light the U.S. Flag and the North Carolina State Flag, when displayed during evening hours.

F. General

The following standards are required of all exterior lighting except for street lighting (See Section 7-19):

1. Design

Exterior lighting shall be consistent with the architectural character of the building as determined by the reviewing body.

2. Quantity

The number of fixtures to be provided shall be based upon the desired level of uniform illumination as established in Section 7-13.G. and Section 7-13.H.

3. Location

Fixtures shall be placed to provide uniform distribution of light downward and to avoid intense lighting that produces excessive glare and skyglow.

- a. All lighting poles shall be located at least ten (10) feet from property lines defining rear and side setbacks.
- b. Light sources shall not be located within any perimeter-landscaped areas except for pedestrian walkways.

4. Shielding

- a. Building lighting and landscaping lighting shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, or other site features and shall not extend upward to the night sky. The source of illumination (the bulb) shall not be visible from any roadway or adjacent land use.
- b. Lights shall be shielded to prevent light spillage onto adjoining properties and the street right-of-way.
- c. Lighting used to illuminate pedestrian walkways and signage shall be downcast or cutoff type lighting fixtures. Upward-facing lights shall be prohibited, except when lighting the US or NC State flag at night, as required.

5. Maximum Height

The maximum height as measured from grade for outdoor lighting, except outdoor recreation and performance areas, shall be:

- a. Non-Cut-Off Lights: Twelve (12) feet.
- b. Cut-Off Lights: Twenty-Five (25) feet.

G. Average Maintained Foot-Candle Requirements

1. Measurement

The maximum permitted illumination shall be measured in average maintained foot candles from ground level. This average shall be arranged to prevent light spillage as specified in Section 7-13.H.

2. Level of Illumination

The level of illumination shall be based on the primary activity in each area to be lighted as shown in the table below. Foot-candle designations represent measurements for the average maintained intensity at grade.

TABLE 7-7 FOOT-CANDLE REQUIREMENTS

Average Maintained Foot-candle Requirements			
Lighting Type	Maintained Foot-candles		Additional Notes/Requirements
	Max	Min	
a. Utility Lighting			
(1) Street Lighting	2.0	0.5	Also, see Sec. 7.10. for additional street lighting standards.
(2) Pedestrian Paths/Sidewalks	1.0	0.5	<ul style="list-style-type: none"> As measured at the property line Outdoor lighting sources shall be shielded so as not be visible from a residential use.
b. Area Lighting			
(1) Commercial/Mixed-Use	2.0	1.0	As measured at the property line.
(2) Residential	0.3	n/a	Lighting shall be focused exclusively on the plantings and away from adjoining properties and the street right-of-way.
(3) Landscaped Areas	2.0	n/a	<ul style="list-style-type: none"> Lighting shall be coordinated with trees and landscaping so as not to be obscured by such plantings. Lighting fixtures of more than two thousand (2,000) lumens shall be cut-off fixtures. Decorative lighting fixtures no more than eighteen (18) feet in height shall be installed along pedestrian walkways, as approved by the Zoning Administrator. Such lighting shall provide uniform distribution of lighting to produce minimal shadows.
(4) Parking Lots	4.0	1.0	<ul style="list-style-type: none"> Fixtures shall be directed to light the parking area and not to shine onto adjacent properties. All fixtures shall be fully shielded or installed with a manufacturer's glare control package to minimize up-light, spill-light, and glare.

Average Maintained Foot-candle Requirements			
Lighting Type	Maintained Foot-candles		Additional Notes/Requirements
	Max	Min	
			<ul style="list-style-type: none"> Fixtures must not exceed sixty(60) feet in height as measured from grade.
(5) Outdoor Recreation and Performance Facilities	n/a	n/a	<ul style="list-style-type: none"> Fixtures shall be directed to the primary playing or performance area and the immediate surroundings only so as not to shine onto adjacent properties. All fixtures shall be fully shielded or installed with a manufacturer's glare control package to minimize up-light, spill-light and glare. Fixtures must not exceed eighty (80) feet in height as measured from grade.
c. Building Exteriors			
(1) Patron Entrances	6.0	2.0	-
(2) Employee/Service Entrances	1.0	0.5	-
(3) Building Facade	5.0	2.0	Lighting shall be focused exclusively on the building features and away from adjoining properties and right-of-way.

This table is derived from recommendations of the Illuminating Engineering Society.

H. Light Spillage Requirements

Lighting intensities shall be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, drivers, or the sky. The table below shows the maximum light permitted, as measured in foot candles, at the property line in order to prevent light spillage.

TABLE 7-8 MAXIMUM LIGHT SPILLAGE

Light Spillage Requirements	
Lighting Type	Maximum Foot-candles at Property Line
1. Commercial/Mixed-Use Areas	2.0
2. Residential Areas	0.3
3. Parking Lots	2.0
4. Outdoor Recreation and Performance Areas	2.0
5. All Other Areas	0.3 (non-cut-off lights); 1.5 (cut-off lights)

I. Lighting Color

The LED correlated color temperature (CCT) shall not be higher than 4,300 K (Kelvin degrees).

Section 7.10 Street Lighting

A. Require Improvements

The owner, developer, or subdivider of property shall install street lighting along all proposed streets and along all adjoining existing streets in conformance with Duke Energy and Town of Sylva standards at the developer's expense.

B. Design and Maintenance

1. Type

Pedestrian-scale street lighting shall be less than eighteen (18) feet in height and shall be provided using decorative lighting fixtures, as approved by the Zoning Administrator. Pedestrian lighting is encouraged in parking areas, along sidewalks, and other right-of-way used by pedestrians in the evening hours.

2. Location

The placement of street lighting fixtures in residential areas shall be at one hundred sixty (160) to two hundred (200) foot intervals (three hundred (300) to five hundred (500) foot intervals in the LDR), and at each intersection unless:

- a. The roadway length is less than two hundred (200) feet, a streetlight is placed at the intersection, and no natural features obstruct the light source, in which case a streetlight will not be required at the end of the street; or

- b. The vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.