



TOWN OF SYLVA PLANNING BOARD MEETING

Thursday, April 27, 2023 at 5:00 PM
Board Room, 83 Allen Street Sylva, North Carolina

AGENDA

WELCOME AND OPENING REMARKS

APPROVAL OF MINUTES

1. February 23, 2023 Minutes

PUBLIC COMMENTS

NEW BUSINESS

2. Zoning Map Amendment Request--CJ Properties (Edward/Brianne Hudak)
3. Zoning Map Amendment Request--COOP Properties (Soltice Partners, LLC)
4. Street Closure Request--Portion of Pathfinder Lane

ADJOURNMENT

Application Response:

The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate a portion of the subject property (1.25 acres) to the General Business District.

Staff Findings:

The requested map amendment would not constitute “spot zoning” as the properties to the north and east are zoned GB.

The Town’s adopted Land Use Plan for 2040 establishes that this property will be in the future Urban Neighborhood District. The encouraged land uses for this future district include primarily residential: small lot single family, townhome residential, two-, three- or four-family units, and multifamily; civic and educational uses that support community residents, live-work units, small scale in-home businesses and small scale public open space (e.g. active pocket parks, passive open space, greenways). In addition, this requested map amendment will create an available property and opportunity in the GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.

The board discussed the application. *Russ Harris made a motion to recommend approval of the application request. Kendall Waldrop seconded the motion and the motion carried with a unanimous vote.*

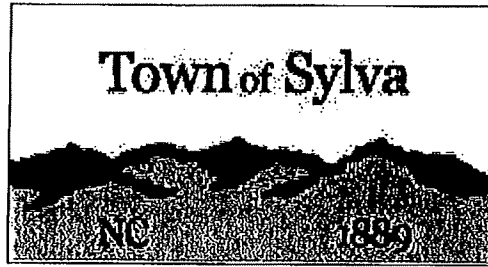
LOT SIZE REQUIREMENTS—AGRICULTURAL USES: The board discussed the appropriate lot size for allowing poultry keeping in town limits and reviewed lot size drawings from John Jeleniewski. *Kendall Waldrop made a motion to send the ordinance to the Town Board for approval. Russ Harris seconded the motion and the motion carried with a unanimous vote.*

ZONING MAP AMENDMENT REQUEST: Manager Dowling explained that the parcel at 622 Mill Street that contains the Depot site is in the General Business district. It is the proposed site for a public restroom. Being zoned General Business, the Town cannot meet the parking requirement or setback requirement if it builds the public restroom. A portion of this parcel need to be rezoned Downtown Business to accommodate a public restroom. *Rose Bauguess made a motion to recommend approval to rezone the parcel to Downtown Business. Kendall Waldrop seconded the motion, and the motion carried with a unanimous vote.*

ADJOURNMENT: *Rose Bauguess made a motion to adjourn the meeting at 5:50 p.m. Kendall Waldrop seconded the motion and the motion carried with a unanimous vote.*

Melissa Madrona
Vice-Chair

Amanda W. Murajda
Town Clerk



83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

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.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: Edward Hudak & Brianne Hudak

(This person will be the contact person and will receive all mailings)

Address: 1430 Peeks Creek Rd Franklin, NC 28734

Phone: _____ Fax: _____

Email: edwardhudak@yahoo.com cc: tharp.broker@gmail.com

Property Owner(s): C and J properties

(If the owner is different than the applicant)

Address: PO Box 863 Sylva, NC 28779

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): 414 Skyland Drive, Sylva, NC 28779

Tax Parcel Identification Number(s): 7642-41-7128 & 7642-51-1400

Current Use of Property(ies): Gymnasium

Acreage to be Rezoned: 13.9

Deed Book: 928 Page: 24 Lot / Tract Size: 13.9 (acres)

Property Street Frontage / Width: _____ Property Depth: _____

Flood Plain: _____ FIRM Panel: _____

Zoning Information:

Current Zoning District(s): B2

Requested Zoning District(s): PB - Professional Business

Purpose of Zoning Change (optional): School

Private school k-8

APPLICATION REQUIREMENTS:

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.
2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.
3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.
4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

Notification:

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva
83 Allen Street
Sylva, NC 28779

SPOT ZONING**SPOT ZONING DEFINED:**

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

Factors to Consider:**1. Size of Rezoning Area**

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, C and J Properties (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 414 Skyland Drive Sylva, NC 28779 Property PIN: 7642-41-7128 & 7642-51-1400

I hereby authorize Edward Hudak Jr. and Brianne Hudak (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 1097 Kitchens Branch Rd

City / State / Zip Code: Sylva, NC 28779

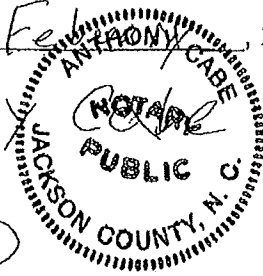
Phone Number: 828 226-5105

Email Address: kluppen@wccy.edu

Owners Signature: [Handwritten Signature]

Sworn to and subscribed before me, this the 22nd day of Feb, 2023

Anthony Carl Anthony
Notary Public



My commission expires: July 15, 2027

**Town of Sylva, North Carolina
Zoning Map Amendment Request
Staff Report – April 17, 2023**

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:

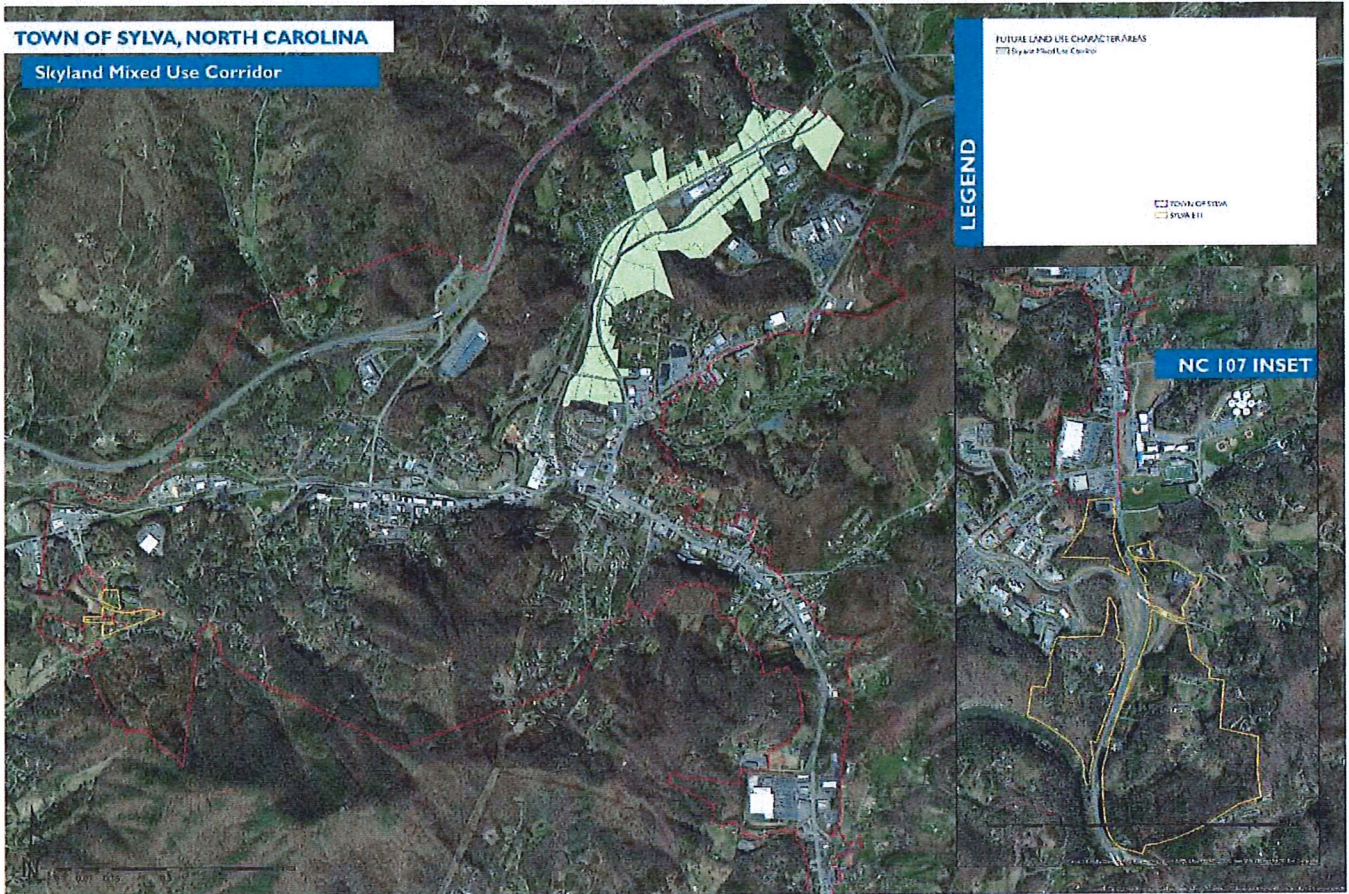
The property for this proposed school use is located at 414 Skyland Drive (currently Smoky Mountain Fitness) with access directly to Skyland Drive. This property has a total land area of 13.93 acres (both parcels) with existing structures housing the fitness/pool activities and an accessory storage building. 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.

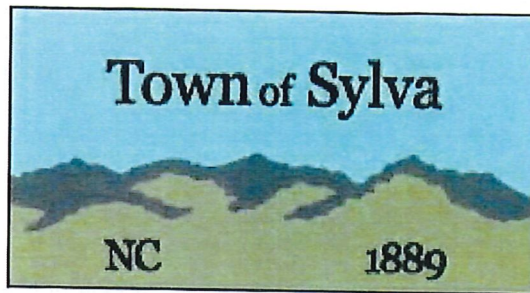


Skyland Mixed Use Corridor

The future land use pattern for the area identifies as the Skyland Mixed Use Corridor will be determined through a small area planning process. The corridor is at risk of becoming a disconnected mix of uses. Additionally, the Corridor has distinguishing features that Sylva can maximize and protect. A small area plan will allow the community to determine a land use pattern that blends a mix of land uses and maximizes what the corridor has to offer.

Encouraged Land Uses:

- Mixed use development (consider at least two stories)
- 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
- Open space



83 Allen Street, Sylva, NC 28779

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Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

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INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: Catherine F. Connors or Gary D. Ellis

(This person will be the contact person and will receive all mailings)

Address: 324 Sunstone Drive, Cary, NC 27519

Phone: 919-610-7883 Fax: n/a

Email: cathy.connors@solsticepartners.net

Property Owner(s): COOP Properties LLC

(If the owner is different than the applicant)

Address: c/o Don Hensley, P.O. Box 96, Sylva, NC 28779

Phone: 828-586-5094 Fax: n/a

Email: don@westernbuildersinc.com

Property Information:

Property Location/Address(es): Savannah Drive, Sylva, NC

Tax Parcel Identification Number(s): #7631-66-1393

Current Use of Property(ies): Vacant Land

Acreage to be Rezoned: 6.83 acres

Deed Book: 2348 Page: 905 Lot / Tract Size: 6.83 (acres)

Property Street Frontage / Width: Approx. 800 feet Property Depth: Approx. 625 feet

Flood Plain: Zone X FIRM Panel: 3700763100J

Zoning Information:

Current Zoning District(s): General Business District – Sylva ETJ

Requested Zoning District(s): Conditional District

Purpose of Zoning Change (optional): We are requesting a conditional district zoning to allow for a 48-unit multifamily project.

APPLICATION REQUIREMENTS:

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4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

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83 Allen Street
Sylva, NC 28779

SPOT ZONING**SPOT ZONING DEFINED:**

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How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

Factors to Consider:**1. Size of Rezoning Area**

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Don Henley (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: Savannah Drive Property PIN: 7631-66-1393

I hereby authorize Catherine F. Connors or Gary D. Ellis (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: P.O. Box 96

City / State / Zip Code: Sylva, N.C. 28779

Phone Number: 828-399-1914

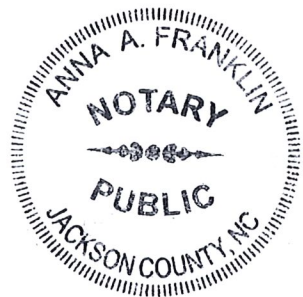
Email Address: don@westernbuildersinc.com

Owners Signature: Don Henley

Sworn to and subscribed before me, this the 31st day of March, 2023

Anna A. Franklin
Notary Public

My commission expires: 7/30/2027



Town of Sylva
Rezoning Application - Addendum

Dated: March 30, 2023

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.

See attached.

2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.

Current zoning is General Business District in the Sylva ETJ. We are requesting a conditional zoning to allow for 48 multifamily units.

3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.

North – Sylva GB – General Business District (apartments)

East – Sylva LDR – Low Density Residential (apartments and single-family homes)

South – Sylva LDR – (apartments and single-family homes)

West – No zoning – vacant land

4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.

The award of a conditional zoning to allow for a 48 unit multi-family project would be compatible with the character of the area because there are several multi-family units to the north, east and south of

the existing parcel.

5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.

The award of the requested conditional rezoning would allow for 48 new units of affordable housing to be developed for the residents of Sylva. A market study was recently completed for this project and it showed strong support for the project of 48 units, as proposed. The following is taken from the Executive Summary of the Market Study:

The proposed subject can attain its required share of the market area for the following reasons:

- **Its design will be similar to existing projects.**
 - **Its unit sizes and amenities will be competitive to the existing facilities.**
 - **The subject property will be a 48-unit complex designated for families. It is anticipated that the property will reach a stable occupancy level within three months.**
 - **The occupancy rate in the market area is strong, and several properties have waiting lists.**
 - **The population and households are growing in the market area, indicating a need for new housing.**
 - **There are no recommended changes to this property.**
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.

If the proposed rezoning is approved, we believe the impacts for the adjacent properties and surrounding neighborhoods/communities/businesses would all be positive impacts. The residents of Sylva who earn less than 60% of the

median income for Jackson County will have access to new, workforce housing units that will be available to folks like local teachers, county/city employees, fire and police officers, etc.

Attached is the proposed site plan for the 48 unit multi-family project. The plans, once fully engineered, will include a detailed utility plan, a stormwater management plan and open space that meets the Town requirements. The site also will be designed to provide safe access for the residents as well as sufficient room for fire trucks, police and ambulances to be able to provide emergency services to the community. The density of the project is 7 units per acre. The economic impact on the community will be positive because it will provide housing inside the town limits of Sylva for workforce housing residents who may be driving into work from other neighboring communities because of the lack of available housing there.

We do not believe the rezoning will have a negative impact on the surrounding properties because this is a low density multi-family project that will abut existing multi-family properties and low density single family properties so the project will blend into the existing community.

- 7. Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.

Information regarding the impact on public services, facilities and infrastructure can be reviewed in the attached Market Study dated February 3, 2023.

- 8. Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

We believe the proposed rezoning request will be in compliance with the Town's Land Use Plan because the neighborhood to the east of the site is characterized as "Urban Neighborhoods" which is described in the Town's Land Use Plan as follows:

“Urban Neighborhoods

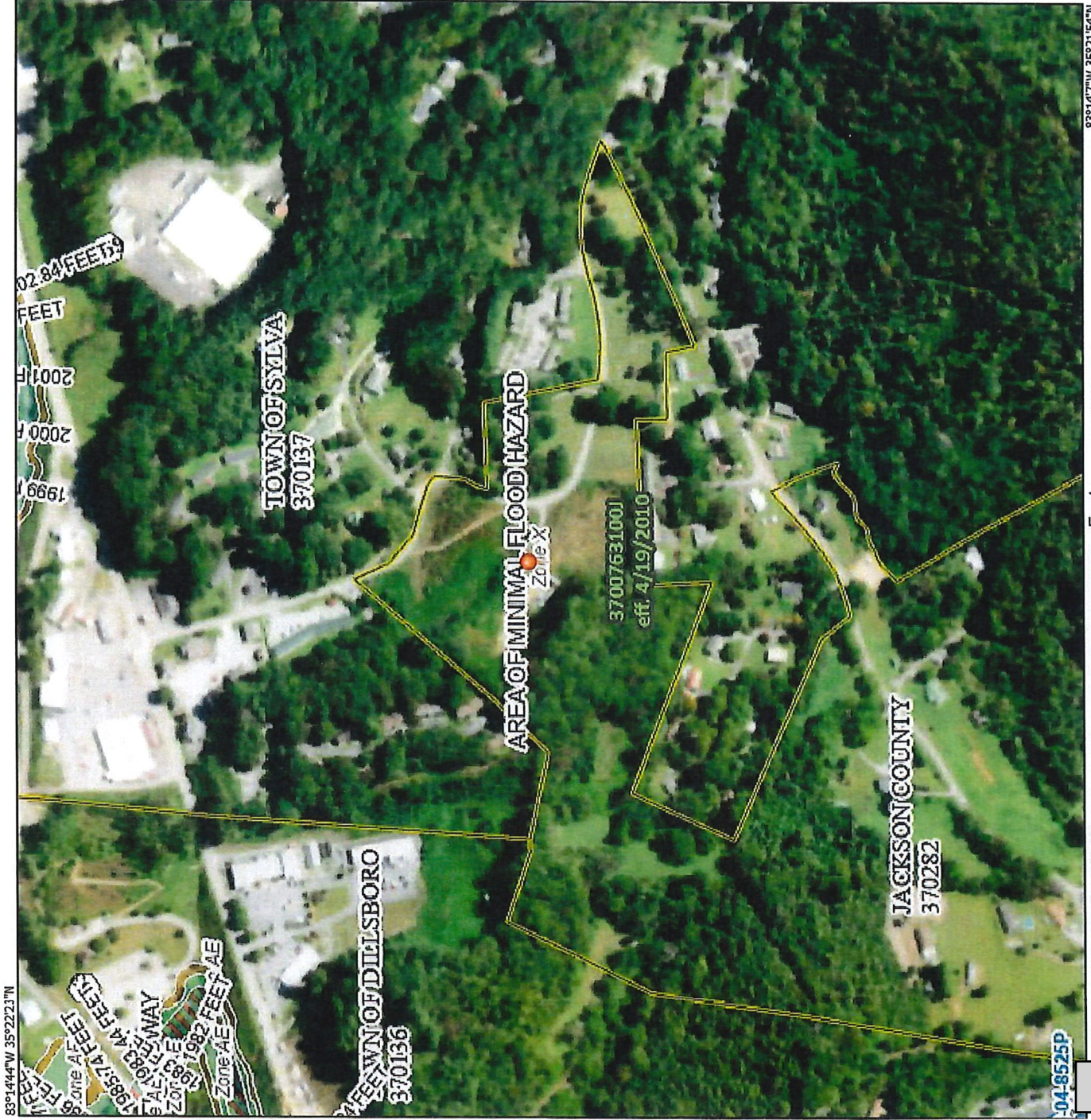
The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur, with a focus on providing a variety of housing options that are walkable to Downtown Sylva and the Town’s other commercial areas. Higher-density residential uses (greater than 12 units per acre), including multifamily residential, small-lot single-family residential, higher-density townhomes, condominiums, and du-, tri-, and quadruplexes are appropriate for and encouraged within this character area. Building heights should fall into the 3 to 4 story range. Encouraged Land Uses:

- Primarily residential: small lot single family, townhome residential, two-, three- or four-family units, and multifamily**
- Civic and educational uses that support community residents • Live-work units**
- Small scale in-home businesses**
- Small scale public open space (e.g. active pocket parks, passive open space, greenways)**
- Areas that currently allow manufacture housing will continue to allow for this land use**

National Flood Hazard Layer FIRMette



83°14'44"W 35°22'23"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE of Depth Zone AE, AC, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

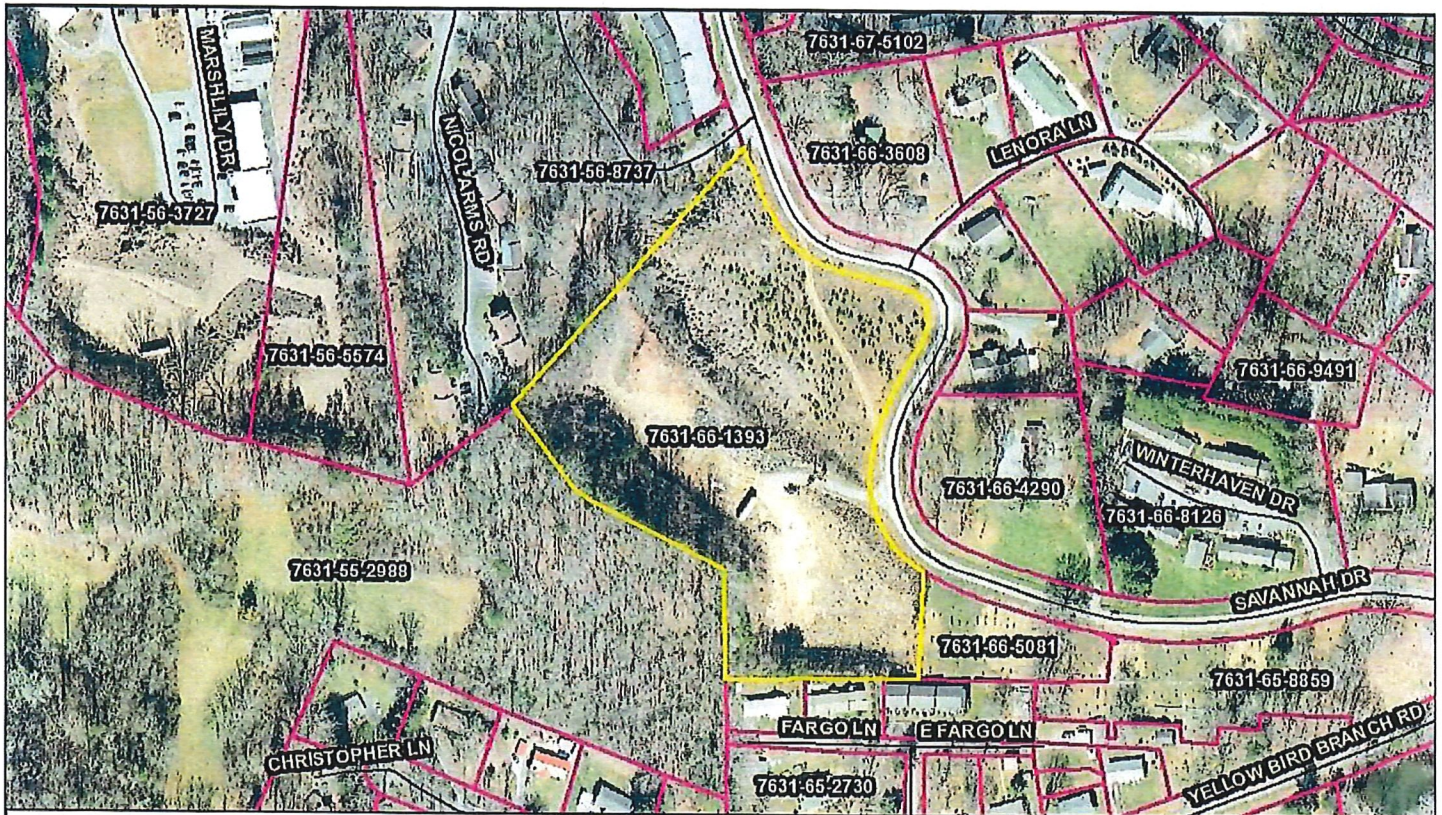
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/30/2023 at 2:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images to unmapped and unmodernized areas cannot be used for regulatory purposes.

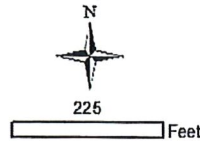
Item 3.

Property Report for 7631-66-1393

3/30/2023



— Centerlines
 □ Parcels



"WARNING: THIS IS NOT A SURVEY!" This map is prepared for inventory of real property within Jackson County. It is compiled from recorded deeds, plats, and public data records. Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification. Jackson County or any County representative assumes no legal responsibility for the contents of this map.

Parcel Information

Parcel ID: 7631-66-1393
Parcel Address:
 SAVANNAH DR
Neighborhood Name:
 DILLSBORO RURAL
Property Description:
 SAVANNAH DR
Sale Date: 2022-12-16
Sale Price: \$0
Plat Reference: 9/210

Ownership Information

Owner Name #1: COOP PROPERTIES LLC
Owner Name #2: None
Mailing Address 1: PO BOX 96
Mailing Address 2: None
City/State/Zip: SYLVA NC 28779
Owner Account: 192646

Tax/Value Information

Fire District: None
Building Value: \$0
Land Value: \$220,740
Assessed Total Value:
 \$220,740

Zoning Information

Zoning District: None

2348/905

Item 3.

Township: DILLSBORO

General Business District

RURAL

Jurisdiction: None

Assessed Acres: 6.8300

Exhibit A

BEING that certain tract of land containing 6.83 acres more or less as shown on a plat entitled "Michael D. and wife, Sue Ann P. Cooper" by Burns Land Surveying, recorded in Plat Cabinet 9, Slide 210, Jackson County Public Registry, to which express reference is SUBJECT TO the public right of way of SR 1356, now Savannah Drive, formerly Parris Cemetery Road, to its full legal width.

SUBJECT TO all utility easements of record and those not of record but visible upon the ground.

SUBJECT TO that sewer easement recorded in Deed Book 600, Page 392, Jackson County Public Registry.

WITHOUT RESTRICTIONS: Previously this tract was conveyed in a deed from Sue Ann P. Cooper to Michael D. Cooper in Book 1617 at Page 645, without title search and in settlement of a marital property distribution. Such deed erroneously included restrictions of an adjoining tract previously subdivided by Sue Cooper and Michael Cooper during coverture. Such restrictions were erroneously then repeated in the Quitclaim Deed (without title search) in which Michael Cooper conveyed this tract to his North Carolina Corporation, Bradco Construction Co., Inc. in Book 1770 at Page 611. No subdivision of this tract having been made and no parcel of this tract having been conveyed to any persons with such restrictions, this Grantor hereby releases this tract from any such restrictive covenants and specifically releases this tract from those restrictions as recorded in Book 1054 at Page 779 for the neighboring Franklin Cove Estates Subdivision.

BEING the same property as described in a deed recorded in Book 1770, Page 613, Jackson County Registry.

BEING the same property acquired by Grantor in a deed recorded in Book 1891, Page 177, Jackson County Registry.

**Town of Sylva, North Carolina
Zoning Map Amendment – Conditional District
Staff Report – April 18, 2023**

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 lf 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 Tuckasegee 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:

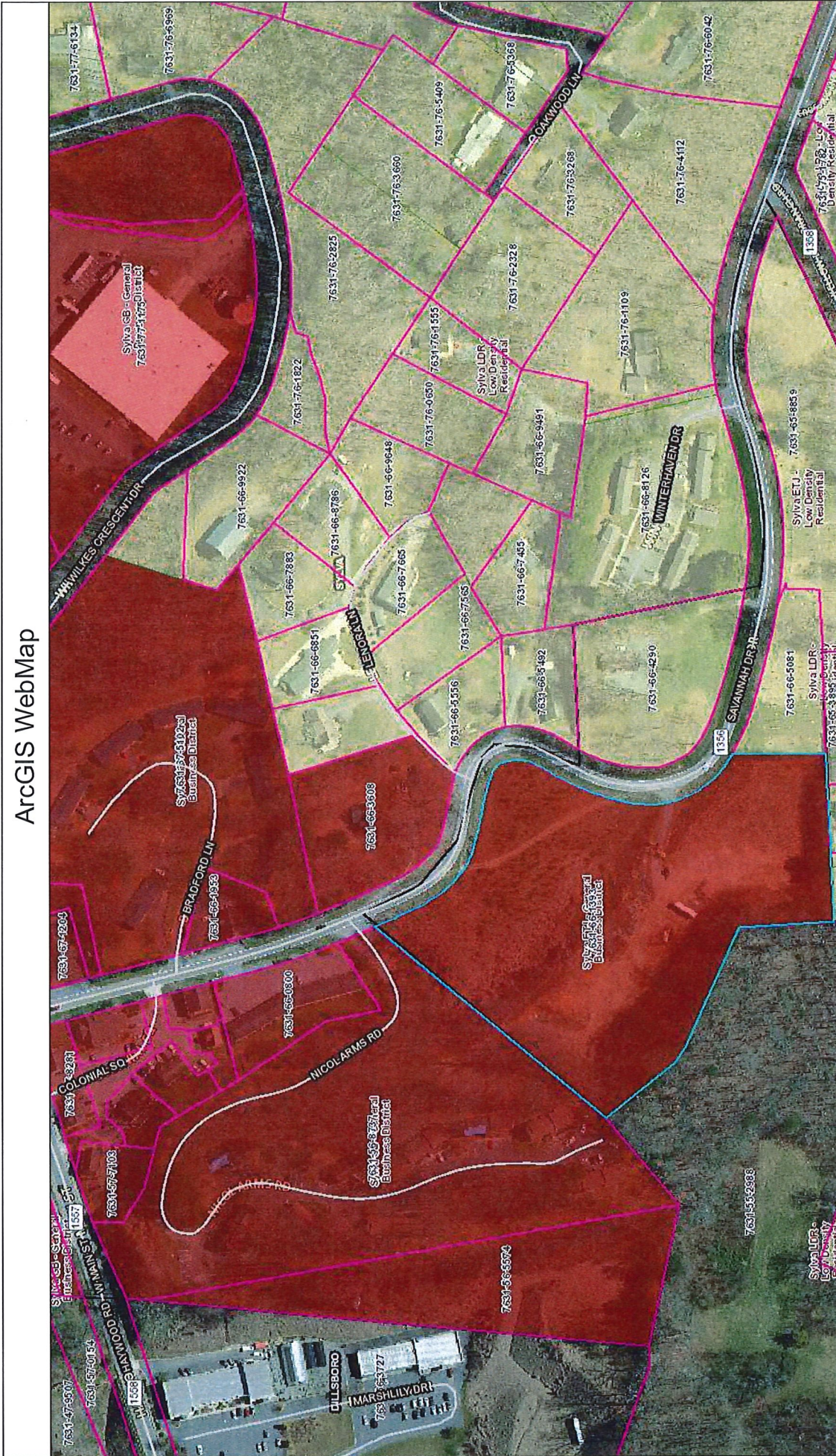
The applicant is requesting a zoning map amendment to create a *General Business - Conditional District* on the 6.83-acre property. *Article 4 - Section 4.4 Conditional Districts* of the Town's Zoning and Subdivision Ordinance allows the Town Board of Commissioners to create these districts:

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 assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

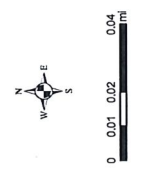
Staff Findings:

The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in of 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.

ArcGIS WebMap

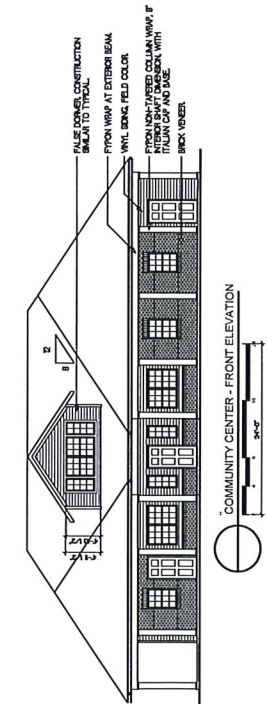
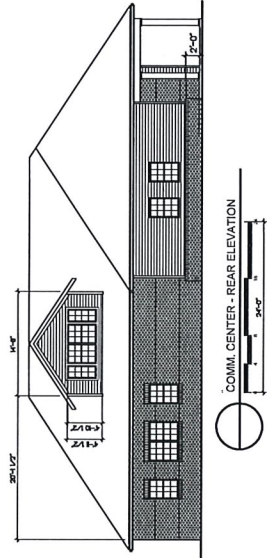
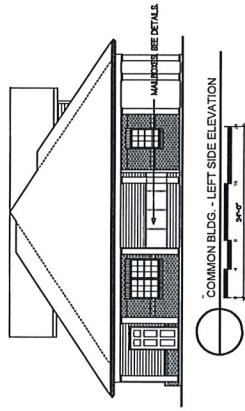
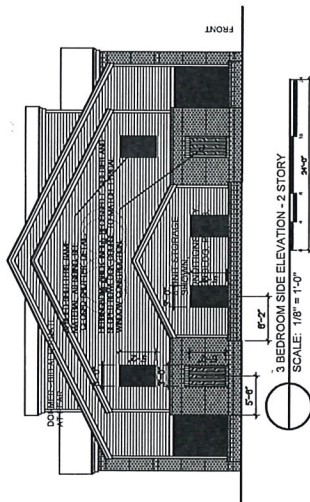
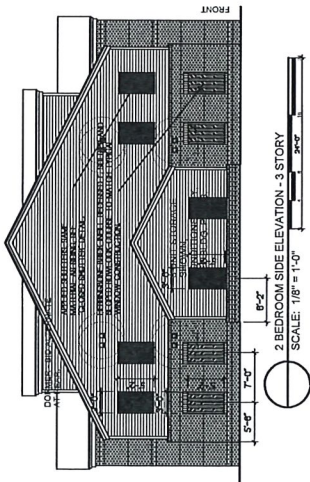
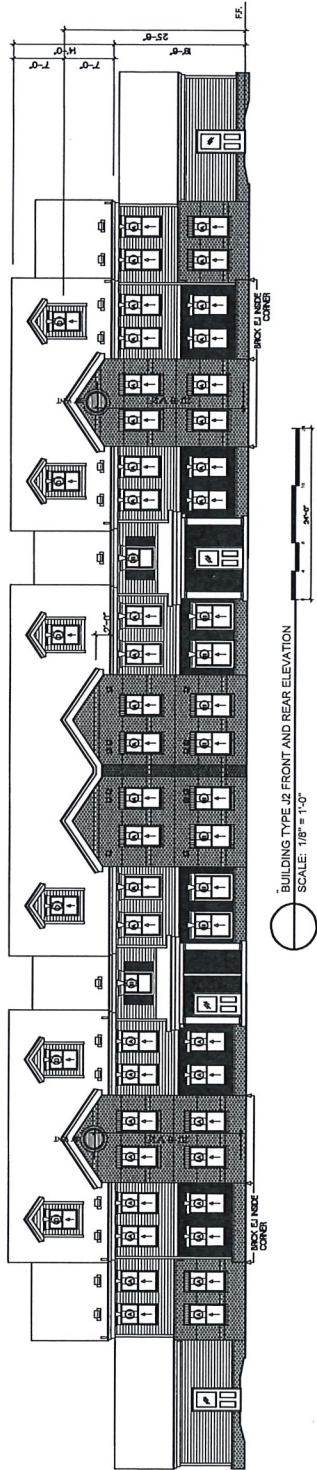


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- Centerlines
- Parcel Lines
- Leader Line
- Lot Line
- Subdivision ROW
- Parcels
- Parcels
- Municipal_Lu...
- Parcels
- Overlay_Districts
- CCO - Commercial Corridor Overlay
- CD - Conditional District
- Sylva Zoning
- Sylva DTB - Downtown Business District
- Sylva GB - General Business District
- Sylva PB - Professional Business District
- Sylva IN - Industrial District
- Sylva I - Institutional District
- Sylva LDR - Low Density Residential
- Sylva MDR - Medium Density Residential
- Sylva HDR - High Density Residential
- Sylva ETJ - Low Density Residential

Item 3.



WATERFALL
 GARDENS
 JACKSON COUNTY
 SYLVIA, NC
 48 RESIDENTIAL UNITS

THESE DRAWINGS ARE THE
 PROPERTY OF JONES ARCHITECTURE, PLLC
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 JONES ARCHITECTURE, PLLC
 ALL RIGHTS RESERVED.
 JA-008 2023.13
 DATE 01-15-2023

SCALE:
 1/8" = 1'-0"

NCHFA PREL. APPLICATION

BUILDING ELEVATIONS

A5.02

Town of Sylva, NC – Town Manager: Attn: Paige Dowling

83 Allen Street, Sylva, NC 28779

828-586-2719

Dear Mrs. Dowling,

In reference to our property on HWY 107 we are asking for your assistance in the following. See attached maps. A, B and C. Map A is outlined in black our property lines.

See attached map A. DOT per condemnation has purchase a section of the 2 front lots that front HWY 107. As you are aware Path Finder Lane is not owned by anyone. We understand about an old right of way leading from Walter Ashe Rd across our land and dead ends. There is no road that continues on the West Side through UPS property. There is a huge ditch, and we believe drainage would make it almost impossible to build a road. The right of way continues however but without ownership. We are asking for the Town of Sylva to dissolve this right of way in just the colored area of Path Finder Lane on Map A. The property owners of Path Finder Lane have access to go to Walter Ashe Rd to a redlight, however they cut through as you see on the map Hallie Manor Ct and north to HWY 107. Which is **not anyone's** right of way. The property owner in the back (Dowdy Bradly) south of our property has been cutting through our property as well. No one keeps up this road and it is going to cost us a lot of money to redo this road because of unlawful use through Hallie Manor Ct. Dowdy Bradley was given permission to use, however no longer has permission. Dowdy Bradley's right of way is an old right of way road without a name, but his right of way is clearly Walter Ashe Rd, and his address is Walter Ashe Rd.

UPS also does not have a right of way across Hallie Manor Ct. Since we understand that there will be some sort of area in the middle of HWY 107 UPS will not be able to turn left, we are offering a possible solution for them. UPS owns to Walter Ashe Rd to the South of their property. See maps B and C. They would have access to Walter Ashe Rd to a red light and turn left or right. This is a solution for UPS. However, if UPS opens Path Finder Lane, they will definitely devalue our property and our property has already been devalued with the purchase from DOT.

We want this to be clear maps B and C is just a solution and we are not asking for the UPS property. We are just asking for our property on map A.

Please contact us via our Real Estate Broker of a date and time for we would like to speak to the Town Commissions when they can schedule. Ina Sams, NC Mountain Real Estate, LLC, 23 Hensley Circle, Sylva, NC 28779. Cell# 828-269-1904. Our Real Estate Broker has also listed the 2 parcels owned by Misty Taylor on Path Finder Way and will convey to a buyer your decision.

We look forward to our meeting.

Alvin N Kinkaid Trust, Virginia Kinkaid Trustee ETAL

Virginia Kinkaid

Date: 2-10-23

Virginia Kinkaid

Robert Kinkaid

Date: 2-10-23

Robert Kinkaid

**RESOLUTION OF INTENT
2023-01**

**A RESOLUTION DECLARING THE INTENTION OF THE
BOARD OF COMMISSIONERS OF THE TOWN OF SYLVA
TO CONSIDER THE PARTIAL CLOSING OF PATHFINDER LANE**

WHEREAS, N.C.G.S. §160A-299 authorizes the Board of Commissioners to close public streets and alleys; and

WHEREAS, by recording of a plat by Southern Land Auction Company, Plat Book 2, Page 6 of the Jackson County Public Registry, a copy of which is attached hereto as Exhibit A and incorporated by reference, certain streets were established; and

WHEREAS, a portion of Pathfinder Lane has not previously been opened nor accepted by the Town of Sylva; and

WHEREAS, the Board of Commissioners considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Pathfinder Lane, the same being that street shaded on the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Sylva that;

- (1) A public hearing will be held at 5:30 pm on the 11th day of May, 2023, at Sylva Municipal Hall to consider a resolution closing the following street that bisects the property owned by SOCOL Company Inc. (United Parcel Service, PIN# 7641-75-1740) as follows:
 - a. That portion of the platted but unopened street known as Pathfinder Lane that extends across the northwest corner of the lands of SOCOL Company, Inc. from current Hwy 107 in a southwesterly direction an approximate 280' and thence in a northwesterly direction an approximate 50' as more particularly depicted as the area shaded in red on the attached Exhibit A.
- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Sylva Herald.
- (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon said streets a copy of this Resolution of Intent.
- (4) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by N.C.G.S. §160A-299.
- (5) In the event that such resolution is adopted, all right, title and interest in the previously dedicated right of way shall be presumed to vested in those persons

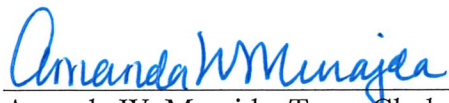
owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street in accordance with N.C.G.S. §160A-299(c),

This the 23rd day of March, 2023.



David Nestler, Mayor

ATTESTED BY:



Amanda W. Murajda, Town Clerk

