



# TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, May 11, 2023 at 5:30 PM  
Board Room, 83 Allen Street Sylva, North Carolina

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## AGENDA

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### CALL TO ORDER

### APPROVAL OF AGENDA

*All items listed and adopted are for discussion or possible action*

### APPROVAL OF CONSENT AGENDA

1. May 11, 2023 Consent Agenda

### PUBLIC COMMENTS

### REPORTS

2. Mayor's Report
3. Commissioner's Report
4. Manager's Report

### NEW BUSINESS

5. Public Hearing--Zoning Map Amendment Request--COOP Properties (Soltice Partners, LLC)
6. Zoning Map Amendment Request--COOP Properties (Soltice Partners, LLC)
7. Public Hearing--Zoning Map Amendment Request--CJ Properties (Edward/Brianne Hudak)
8. Zoning Map Amendment Request--CJ Properties (Edward/Brianne Hudak)
9. Public Hearing--Street Closure Request--Portion of Pathfinder Lane
10. Street Closure Request--Portion of Pathfinder Lane
11. Formal Presentation of FY 2023-2024 Budget
12. Special Event Request—Sylva Pride
13. Community Care Liaison Grant--Great Smokies Health Foundation

### ADJOURNMENT

**Town of Sylva**  
**CONSENT AGENDA**  
**May 11, 2023**

**1- APPROVE MINUTES:** April 13, 2023, **Regular Board Meeting;** April 27, 2023, **Regular Board Meeting;** April 27, 2023, **Work Session**

**2- BUDGET AMENDMENT:**

#41 10-367-0200 Federal Grant	\$ 25,000 Credit
10-510-7101 PD Highway Safety Grant	25,000 Debit

**REF: Accounting to reflect the Governor's Highway Safety Grant – Board Approved on 1.26.23.**

#42 10-329-0000 Interest on Investments	\$ 5,000 Credit
10-470-1300 Legal Insurance	5,000 Debit

**REF: To appropriate funds into legal insurance to cover deductibles associated with claims filed with Travelers.**

#43 13-338-0000 Recreation SADC Park Donation	\$ 1,037.28 Credit
13-620-7200 Recreation Skate Park	1,037.28 Debit

**REF: to appropriate skate park donations into the recreation budget for the purchase of signage.**

**3- TAX RELEASE:**

**#4 Current Medical Servies, LLC.** ~ 2022 ~ Account #3362 ~ \$75.43 + \$7.54 Late Listing ~ \$4.14 Interest ~ Personal Property was listed incorrectly with Jackson County.

**4- REPORTS:**

1. Business Registration Permits **April 2023**
2. Vehicle Tax Report as of **March 31, 2023**
3. Ad Valorem Tax Report as of **March 31, 2023**
4. Statement of Revenues, Expenditures, Changes in Fund Balance **as of March 31, 2023**
5. Quarterly Finance Report as of **March 31, 2023**
6. Quarterly Special Revenue Report as of **March 31, 2023**

**5- OTHER:**

- **Resolution (R2023-03)** allows for the sale of Town personal property by public auction (see attached)
- **Resolution (R2023-04)** allows for the disposition of Town personal property by disassembling and selling as scrap metal (see attached)

# Business Registration Permit Application April 2023

Item 1.

Date Submitted

Business Name

Business Location

Owner

4/11/2023

TOGA, LLC--Little Ceasars

280 Asheville Hwy

David Blevins

4/20/2023

Los Chiclets Tienda Hispana LLC

1668 E. Main St.

Janice Garcia

JACKSON COUNTY ACTIVITY TOTALS REPORT  
 ACTIVITY FROM 3/1/23 THRU 3/31/23

Tax Year 2022	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
SGR Sylva Gross Receipts			0.00	352.39		352.39	352.39
Totals For Year 2022			0.00	352.39		352.39	352.39

Grand Totals	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
			0.00	352.39		352.39	352.39

Tax Summary  
as of March 31, 2023

(10-301-XX)	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	Total	Current Year	TOTALS
<b>Starting Balances</b>	47803.32	25739.37	11355.89	7814.42	6305.23	4092.75	2964.2	2037.46	1,333.46	113,275.12	113,275.12	\$2,205,268.51	10,281,000.00
July	-2875.7	-482.5	-286.21	-239.4	-239.4	-239.4	-248.36	-248.36	-248.36	-248.36	-5,356.05	-5,356.05	-5,356.05
August	-1561.35	-389.12	-203.69	-155.9	-155.9	-155.9	-144.29	-144.29	-132.93	-248.36	-3,043.37	-178,904.25	-3,043.37
September	-2282.79	-1238.64	-1287.9	-896.66	-896.66	-896.66	-896.66	-896.66	-896.66	-896.66	-5,705.99	-252,344.84	-184,610.24
October	-754.67	-150.41	-73.27	-394.56	-394.56	-394.56	-394.56	-394.56	-394.56	-394.56	-990.34	-330,147.84	-253,323.19
November	-506.6	-89.18	-239.1	-265.18	-265.18	-265.18	-191.57	-191.57	-191.57	-191.57	-990.34	-852,964.57	-331,138.18
December	-3730.74	-321.13	-239.1	-265.18	-265.18	-265.18	-191.57	-191.57	-191.57	-191.57	-5,278.08	-852,964.57	-858,242.65
January	-5458.36	-250.01	-273.02	-81.3	-81.3	-81.3	-166.72	-166.72	-166.72	-166.72	-5,981.39	-438,281.64	-444,263.03
February	-518.28	-3299.85	-1007.82	-120.62	-120.62	-120.62	-166.72	-166.72	-166.72	-166.72	-3,879.43	-43,187.74	-47,067.17
March	-5374.33	-1007.82	-120.62	-120.62	-120.62	-120.62	-166.72	-166.72	-166.72	-166.72	-6,846.76	-43,997.47	-50,844.23
April											0.00	0.00	0.00
May											0.00	0.00	0.00
June											0.00	0.00	0.00
July - June Totals	-23062.82	-7228.66	-2539.67	-1557.14	-717.21	-781.02	-750.94	-392.65	-381.29	-248.36	-38,059.76	-2,139,828.35	-2,177,888.11
Releases											0.00	-1.51	-1.51
Add to Original Levy											0.00	10,226.12	10,226.12
Under Appeal											0.00	0.00	0.00
Bankruptcy											0.00	0.00	0.00
Refund/Adj											0.00	0.00	0.00
Subtotals	-23,062.82	-7,228.66	-2,539.67	-1,557.14	-717.21	-781.02	-750.94	-392.65	-381.29	-248.36	-38,059.76	-2,129,603.74	-2,167,663.50
EOY Adjustment													
(10-110-XX) Balance	\$24,740.50	\$18,511.21	\$8,416.22	\$6,257.28	\$5,588.02	\$3,311.73	\$2,213.26	\$1,644.81	\$3,447.23	\$1,085.10	\$75,215.36	\$75,664.77	\$150,880.13
Interest	185.51	74.81	59.56	78.35	99.71	121.07	147.69	169.89	192.09	214.30	1,342.98	236.50	1,579.48
July	116.11	54.29	40.1	52.13	66.05	79.97	86.64	99.48	97.34	97.34	692.11	692.11	692.11
August	193.83	210.37	322.41	306.26	306.26	306.26	306.26	306.26	306.26	306.26	1,032.87	1,032.87	1,032.87
September	64.92	34.75	6.31	6.31	6.31	6.31	6.31	6.31	6.31	6.31	105.98	266.97	372.95
October	19.13	190.79	38.47	96.6	120.24	128.39	121.42	121.42	121.42	121.42	248.39	232.67	481.06
November	376.68	45.86	48.28	48.28	48.28	48.28	48.28	48.28	48.28	48.28	937.47	937.47	937.47
December	570.22	39.7	57.14	57.14	57.14	57.14	57.14	57.14	57.14	57.14	667.06	2,433.19	3,100.25
January	60.94	610.69	0.46	0.46	0.46	0.46	0.46	0.46	0.46	0.46	672.09	1,343.85	2,015.94
February	659.92	179.16	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	1,170.96	1,469.42	2,580.38
March													
April													
May													
June													
Interest Collected	\$2,247.26	\$1,440.42	\$610.13	\$533.34	\$343.29	\$397.52	\$464.85	\$269.37	\$289.43	\$214.30	\$6,809.91	\$5,982.60	\$12,792.51
Collection Rate													96.58477%

Submitted by: Amanda Murajda, Tax Collector

**Top 10 Delinquent Accounts (2022 & prior)**

Name	Balance 3/31/2023
Angela George	\$ 14,354.25
Joe Wilson	\$ 5,184.92
Dorothy Worley	\$ 4,563.95
Dorothy Franklin	\$ 4,242.77
Ray Worley	\$ 3,866.71
Marjorie Herbert Smith	\$ 3,593.55
5 Gmndstaiff Cove (Nantahala Brewing)	\$ 3,541.44
David George Howell	\$ 3,366.92
Teena Marie Woodard	\$ 3,365.76
Joyce Straton	\$ 3,273.75

General Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances  
3/31/2023

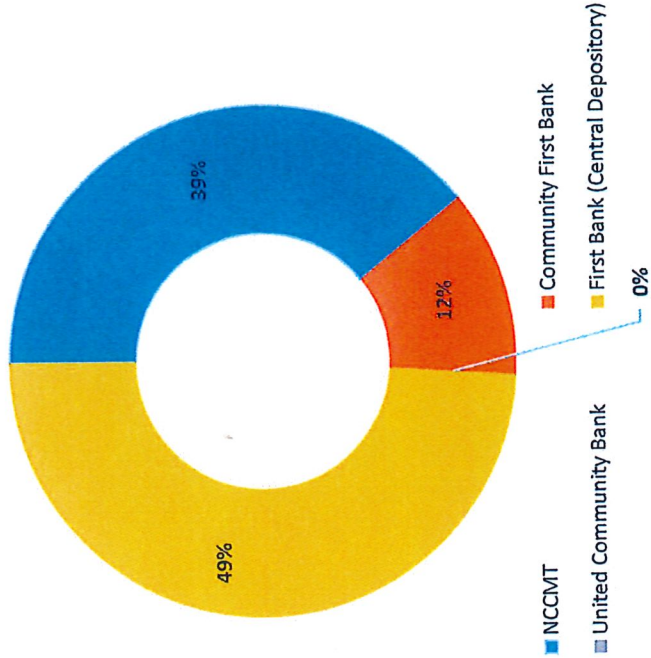
		General Fund				Actual to	Statement		
		2022-2023	Previously	2022-2023	Current	2022-2023	Percent	Variance	
		Budgeted	Reported	YTD Actual	Month	Budget Balance	9		
<b>Revenues:</b>									
Ad valorem taxes	\$	2,257,082	2,207,109.46	2,269,318.86	\$ 62,209.40	\$ (12,236.86)	100.54%	25.54%	
Other taxes and licenses	\$	6,000	5,535.00	5,940.00	\$ 405.00	\$ 60.00	99.00%	24.00%	
Unrestricted intergovernmental	\$	2,842,708	1,743,258.77	2,051,815.64	\$ 308,556.87	\$ 790,892.36	72.18%	-2.82% *	
Permits and Fees	\$	21,291	12,493.64	15,068.90	\$ 2,575.26	\$ 6,212.10	70.78%	-4.22% *	
Restricted intergovernmental	\$	221,205	151,526.62	151,526.62	\$ -	\$ 69,678.38	68.50%	-6.50% *	
Investment earnings	\$	33,192	103,237.18	124,351.64	\$ 21,114.46	\$ (91,159.64)	374.64%	299.64%	
Other revenues	\$	36,158	34,525.77	55,097.45	\$ 20,471.68	\$ (18,939.45)	152.38%	77.38%	
<b>Total revenues</b>	\$	<b>5,417,636</b>	<b>4,257,686.44</b>	<b>4,673,119.11</b>	<b>415,332.67</b>	<b>\$ 744,516.89</b>	<b>86.26%</b>	<b>75.00%</b>	<b>11.26%</b>
<b>Expenditures:</b>									
General Government	\$	952,385	518,756.39	617,865.63	99,109.24	334,519.37	64.88%	75.00%	10.12%
Salaries & Benefits	\$	368,560	238,924.69	272,345.85	27,975.62				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	583,825	279,831.70	345,519.78	71,133.62				
Public Safety	\$	3,358,432	1,907,972.20	2,129,539.88	221,567.68	1,228,892.12	63.41%	75.00%	11.59%
Salaries & Benefits	\$	1,885,251	997,520.94	1,173,710.55	124,277.21				
Capital outlay	\$	208,635	113,894.78	113,894.78	-				
All other expenditures	\$	1,264,546	28,773.70	28,773.70	97,290.47				
Culture and Recreation	\$	114,899	38,682.18	70,998.90	32,316.72	43,900.10	61.79%	75.00%	13.21%
Salaries & Benefits	\$	31,400	12,645.55	16,752.92	2,505.21				
Capital outlay	\$	10,000	-	-	-				
All other expenditures	\$	73,499	26,036.63	54,245.98	29,811.51				
Transportation	\$	775,123	361,696.69	424,444.18	62,747.49	350,678.82	54.76%	75.00%	20.24%
Salaries & Benefits	\$	336,650	185,868.62	221,079.05	32,510.43				
Capital outlay	\$	73,664	-	-	-				
All other expenditures	\$	364,809	175,828.07	203,365.13	30,237.06				
Economic and Physical Development	\$	-	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits	\$	-	-	-	-				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	-	-	-	-				
Environmental Protection	\$	201,315	123,951.50	140,881.77	16,930.27	60,433.23	69.98%	75.00%	5.02%
Salaries & Benefits	\$	87,750	56,452.86	56,452.86	6,774.03				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	113,565	67,498.64	84,428.91	10,156.24				
<b>Total expenditures</b>	\$	<b>5,402,154</b>	<b>2,951,058.96</b>	<b>3,383,730.36</b>	<b>432,671.40</b>	<b>2,018,423.64</b>	<b>62.64%</b>	<b>75.00%</b>	<b>12.36%</b>
<b>Revenues over expenditures</b>	\$	<b>15,482</b>	<b>1,306,627.48</b>	<b>1,289,388.75</b>	<b>(17,338.73)</b>	<b>(1,273,906.75)</b>	<b>-23.58%</b>		
<b>Other financing sources (uses):</b>									
Transfers in	\$	889,005	883,106.50	883,106.50	-	-			
Appropriated fund balance	\$	599,320	-	-	-	-			
Contributed Capital	\$	20,000	-	-	-	(20,000.00)			
Sale of Assets	\$	9,800	10,400.00	10,400.00	-	-			
Loan Proceeds	\$	1,518,125	893,506.50	893,506.50	-	-			
Transfers to other funds:	\$	-	-	-	-	-			
Contributed to fund balance	\$	1,533,607	1,096,019.00	1,096,019.00	-	-			
Transfers out	\$	-	-	-	-	-			
Transfer to Capital Reserve	\$	1,533,607	1,096,019.00	1,096,019.00	-	-			
<b>Total other financing sources (uses)</b>	\$	<b>(15,482)</b>	<b>(202,512.50)</b>	<b>(202,512.50)</b>	<b>-</b>	<b>-</b>			
<b>Revenues and other sources over expenditures and other uses</b>	\$	<b>-</b>	<b>1,104,114.98</b>	<b>1,086,876.25</b>	<b>(17,338.73)</b>	<b>(1,273,906.75)</b>			

Analysis:  
Timing of Revenues

**INVESTMENT PORTFOLIO:**

BANK	INVESTMENTS	3 Month Avg INTEREST
NCCMT	\$6,703,865	4.42%
Community First Bank	\$2,036,511	2.80%
United Community Bank	\$6,879	0.15%
First Bank (Central Depository)	\$8,402,237	2.50%
	<b>\$17,149,491</b>	

**DIVERSIFICATION OF INVESTMENTS**



**STATE REVENUE ANALYSIS:**

	Revenue	% Collected
Telecommunication	\$19,626	81.78%
Natural Gas	\$6,981	139.62%
Video Programming	\$8,545	71.21%
Franchise on Power	\$225,501	79.96%
<b>Total 3rd QTR (Avg should be 75%)</b>	<b>\$260,653</b>	
Article 40	\$150,829	73.22%
Article 42	\$158,959	72.58%
Article 39	\$320,421	71.52%
Hold Harmless	\$134,358	76.78%
<b>Total 4 Months (Avg should be 66.64%)</b>	<b>\$764,567</b>	

**FUND BALANCE ANALYSIS:**

Unassigned - 6/30/22	\$4,672,360
Appropriations (ARPA) + Subsequent Appropriated after 7/1/22	-\$436,000
Appropriated rollover	-\$153,619
ARPA related funds 2nd Tranche Available Fund Balance	-\$15,600
Without ARPA - 69.55%	\$436,297
	<b>\$4,503,438</b>
	77.01%
	<b>Goal 68.00%</b>

What does 1 cent = \$49,000

- # GF Approp. after 7/1 8
- # Contingency Approp. 2
- # GF Rollovers after 7/1 2

Note: Board policy states that Fund Balance will not drop below 40% and to have a goal of Fund Balance at 68% of expenditures.

Balance \$17,100

CAPITAL RESERVE FUNDS:		Fire Department	
General Fund	FD Res. 6/30/22	FD Res. 6/30/22	FD Available Funds
GF Res. 6/30/2022	\$218,384	\$293,107	\$310,879
Approp. to CRF	\$0	\$0	\$0
Interest	\$3,206	\$14,087	\$3,685
Other			
Subsequent/Approp after 7/1			
GF Available Funds	\$221,590	\$310,879	\$310,879

REVOLVING LOAN FUND:	
RLF Balance 6/30/22	RLF Available Funds
Interest	\$103,121
Investment in Real Estate	\$635
Subsequent Year Approp.	-\$52,435
Balsam West Credit (A/R)	-\$6,000
	-\$8
	\$45,313

FISHER CREEK ANALYSIS:		Fisher Creek Funds Available	
Bank Investments	Current Invested	FY Interest as of 3/31/2023	Current Interest Rate
NCCMT	\$824,241	\$20,081.19	4.57%
Entegra/Select Bank/First Bank	\$240,218	\$3,479.81	2.50%
Community First Bank	\$2,036,511	\$27,486.17	2.80%
UICB	\$0		
HomeTrust	\$0		
Wachovia	\$0		
1st Citizen	\$0		
	\$3,100,970	\$51,047.17	

PROPERTY TAX ANALYSIS		OUTSTANDING LOANS	
Budgeted	Original Billing + Utilities	Loan	P/I
	\$2,139,982	Pumper Truck - FD	\$46,060
	\$2,215,495	Building Renovations - FD*	\$175,243
	\$2,166,311		\$221,303
	\$2,139,829		
	\$13,114		
	\$0		
	\$75,665		
	96.58%		
	95.62%		

Note: \$3,500,000 received from Clean Water Management Trust Grant 10/2007. The grant requires that \$1,400,000 (40%) be spent on water quality. Currently \$182,141 has been expended towards this purpose leaving \$1,217,859 remaining.

PROPERTY TAX ANALYSIS		OUTSTANDING LOANS	
Budgeted	Original Billing + Utilities	Loan	P/I
	\$2,139,982	Pumper Truck - FD	\$46,060
	\$2,215,495	Building Renovations - FD*	\$175,243
	\$2,166,311		\$221,303
	\$2,139,829		
	\$13,114		
	\$0		
	\$75,665		
	96.58%		
	95.62%		

\* Paid by Jackson County

Total H2O Quality Interest \$21,610.11

Annual Debt \$30,084

\$147,229

\$177,313

Funds Available \$1,808,042

ARPA Funds/Interest 879,869.49

Appropriations -435,949.00

Balance Remaining \$443,920.49

Fund Balance 3,032,295

Subsequent/Roll Over -26,000

Water Quality -1,239,469

Revenues 52,264

Expenditures -11,048

Total H2O Quality Interest \$21,610.11

Submitted by: Lynn Bryant, Finance Officer



Town of Sylva  
Special Revenue Funds/Capital and Grant Project Quarterly Report  
March 31, 2023

**Public Art Fund (Fund 23) - Special Revenue Fund:**

Original Ordinance (2017-01)	0
Fund Balance (6/30/2022 )	3,548
Revenue - Donations/ Interest	1,662.90
Fund Balance Appropriation (Operating Budget)	-2,000
Expenditures	-10
<b>Balance to Date</b>	<b>\$3,200</b>

**Sidewalk SRF (Fund 27) - Special Revenue Fund:**

Original Ordinance (2017-02)      Note: Amended from RLF	103,713
Budget Amendment #1 (Skyland Drive 7/11/19)	174,687
Budget Amendment #2 (Skyland Drive 3/12/20 - Note: will be reapproved on 2/10/22 )	2,800
GF Transfer In from GF (Hwy 107)	200,000
Budget Amendment #3 (Skyland Drive 11/12/22)	100,000
Revenue/Interest	18,898
Expenditures (Skyland Drive)	-89,200
<b>Balance to Date</b>	<b>\$510,898</b>
* Remaining DOT Contract Skyland Drive	<b>\$292,000</b>

**ARPA Funds (Fund 28) - Special Revenue Fund:**

Revenue - 1st Tranche	436,296.80
Supplanted to GF Fund Balance (10-229-0500)	-436,296.80
Transferred Interest (10-299-0500)	85.76
Revenue - 2nd Tranche	436,296.80
Supplanted to GF Fund Balance (10-299-0500)	-436,296.80
Transferred Interest (10-299-0500)	1,290.70
<b>Balance to Date</b>	<b>\$0.00</b>

**Allen Street Landslide (Fund 22) - Capital Project Fund:**

Original Ordinance (GF end of year - could have rolled into Capital Reserves)      (5/31/2021)	426,000
Amended (GF Fund Balance - Approved 6/10/2021)	324,000
Amended ( 6/30/2021 Capital Transfer)	490,500
Amended (4/21/22 GF Fund Balance)	323,647
Amended (4/21/22 DOT Contingency) Reimbursement	750,000
Expenditures	-\$273,139
Encumbrances (CDC, Wurster -Design, Duke)	-\$66,567
Anticipated Wurster Contract	-\$1,426,268
Contribution to Allen Street Fund Balance	-\$349,820
Interest	31,293
<b>Balance to Date</b>	<b>\$198,353.00</b>

Town of Sylva  
Special Revenue Funds/Capital and Grant Project Quarterly Report  
March 31, 2023

**Bryson Park/Playground (Fund 31) - SCIF Grant Capital Project Fund:**

Original Ordinance (SCIF Grant 11612) (2/24/22)		3,000,000
Expenditures		-73,350
Encumbrances (CDC Contract 7/28/2022)		-22,618
Anticipated Wurster Contract		-1,997,615
Interest	37,279	
		\$906,417

**Public Restrooms (Fund 30) - SCIF Grant Capital Project Fund:**

Original Ordinance (SCIF Grant 11611) (2/24/22)		250,000
Amended - SWC Grant (Reimbursable) (5/12/22)		40,000
Amended - (SCIF Grant 11613) (10/27/2022)		100,000
Expenditures		-15,825
Encumbrances (Odell Contract 3/24/2022)		-15,675
Interest	4,794	
		\$358,500

**Bridge Park Stormwater Project ( Fund 32) -**

Original Ordinance (10/27/2022) ARPA Related Funds		421,000
Amended Ordinance (11/10/2022) ARPA Related Funds		-3,000
Expenditures		
Encumbrances (Equinox Contract 11/21/22)		-67,500
Interest	4,312	
		\$350,500

R2023-03

## Resolution Authorizing the Sale of Town Personal Property by Public Auction

**WHEREAS**, the Board of Commissioners of the town of Sylva, North Carolina desire to declare surplus and dispose of certain Town owned personal property,

**WHEREAS**, G.S. 160A-270 (b) allows for the disposal of surplus personal property through public auction,

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

- 1- The following described property is hereby declared to be surplus to the needs of the Town of Sylva:
  - **Miracle Recreation Playground Slides and Climbing Equipment Set (Asset #0509)**
  - **Handmade Swing Set from Bryson Park (No Asset Number)**
  
- 2- The Finance Officer is authorized to receive, on behalf of the Town of Sylva, bids at public auction for the purchase of the described property.
  
- 3- The public auction will be held through GovDeals, an online governmental surplus auction service ([www.govdeals.com](http://www.govdeals.com)). The auction will start on May 15, 2023 at 8 a.m. and end on May 25, 2023 at 5 p.m. The terms of the sale shall be that the above listed items will be sold "as is" with no express or implied warranties.
  
- 4- The highest bid, if it complies with the terms of the sale, may be accepted by the Town of Sylva and the sale consummated.
  
- 5- The Town Clerk shall cause a notice of the public auction to be advertised solely by electronic means in accordance with G.S. 106A-270 (c). This will be accomplished by linking GovDeals to the Town of Sylva website at ([www.townofsylva.org](http://www.townofsylva.org)). The online auction will run for ten days; thus meeting the advertising requirements.

ADOPTED this 11th day of May 2023

\_\_\_\_\_  
David Nestler, Mayor

Attest:

\_\_\_\_\_  
Amanda W. Murajda, Town Clerk

R2023-04

### Resolution Authorizing the Disposition of Town Personal Property

**WHEREAS**, the Board of Commissioners of the Town of Sylva, North Carolina desire to declare surplus and dispose of certain Town owned personal property,

**WHEREAS**, the Town has authorized the Town Manager to dispose of surplus personal property for less than \$5,000 by any means to yield the highest attainable sale price in money or other consideration.

**WHEREAS**, the Public Works Director has determined that the pre-1970's steel climbing frame located in Bryson Park is obsolete and has possible safety concerns.

**WHEREAS**, the Public Works Director recommends that the steel climbing frame be disassembled and sold as scrap metal at fair market value.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Sylva that:  
The following described property is hereby declared to be surplus to the needs of the Town of Sylva:

- Steel climbing frame located in Bryson Park

**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized to dispose of the aforementioned personal property by means allowable by law. The Town Finance Officer shall keep a record of the destruction and report the fair market value obtained to the Board of Commissioners.

ADOPTED this 11th day of May 2023.

\_\_\_\_\_  
David Nestler, Mayor

Attest:

\_\_\_\_\_  
Amanda W. Murajda, Town Clerk



## TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, April 13, 2023 at 5:30 PM  
Board Room, 83 Allen Street Sylva, North Carolina

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### MINUTES

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**PRESENT:** Mary Gelbaugh, Mayor Pro-Tem  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Mayor  
Natalie Newman, Commissioner

Paige Dowling, Town Manager  
Amanda Murajda, Town Clerk  
Eric Ridenour, Town Attorney

**ABSENT:** Brad Waldrop, Commissioner

#### CALL TO ORDER

Mayor Nestler called the meeting to order at 5:30 p.m.

**STAFF PRESENT:** Aimee Watson

**VISITORS:** Alan Farmer, Matt Little, Ann Bass, Ross Orr, Owen Carson, Aster Ayer, Sunny Himes, Mike Nichols, Dennis Desmond, Kathy Mathews, Pete Bates, Matthew Morelli, Kelder Monar, Peter Tay.

#### APPROVAL OF AGENDA

Commissioner Gelbaugh made a motion to approve the agenda. The motion carries with a unanimous vote.

#### APPROVAL OF CONSENT AGENDA

Commissioner Newman made a motion to approve the consent agenda. The motion carries with a unanimous vote.

#### PUBLIC COMMENTS

None.

#### MAYOR'S REPORT

Mayor Nestler thanked the Pinnacle Park Foundation members for attending the meeting.

#### COMMISSIONER'S REPORT

Commissioner Gelbaugh reported that the Tuckasegee River Clean-up would be Saturday, April 13, 2023, and the annual bike rodeo would be Saturday, April 22, 2023. Commissioner Guiney requested that MSSA work with businesses on reducing waste. Commissioner McPherson thanked the Pinnacle Park Foundation board for attending. He would like a picnic table added to the Ritz lot. Commissioner Newman also thanked the Foundation for attending.

**MANAGER'S REPORT:** Manager Dowling reported the following:

- Staff is currently preparing for Greening Up the Mountains coming up on April 22, 2023.
- The Allen Street contract has been signed and work will soon begin.
- The skate ramp needs to be inspected by a risk adjuster from our insurance company. That will occur soon.

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 5.4.C.1 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—AGRICULTURAL USES:** Mayor Nestler opened the public hearing at 5:45 p.m. Being no comment, Commissioner McPherson made a motion to close the hearing at 5:45 p.m.

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 4.3.B.9 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—Flexibility Specific to Commercial Corridor Overlay (CCO) FEE IN LIEU OF SIDEWALKS:** Mayor Nestler opened the public hearing at 5:46 p.m. Being no comment, Commissioner McPherson made a motion to close the hearing at 5:46 p.m.

Regular Board Meeting April 13, 2023

**NEW BUSINESS**

**PINNACLE PARK BOTANICAL SURVEY PRESENTATION:** Owen Carson, Botanist at Equinox, presented the recent findings of a botanical survey with the boundaries of Pinnacle Park.

**PINNACLE PARK MASTER PLAN:** The Foundation received proposals for a Master Plan in the amount of \$150,000. Nestler noted that the TDA has pledged \$50,000 and he would like there to be a 3-way partnership with the County and Town. *Commissioner Guiney made a motion to appropriate \$50,000 from the Fisher Creek General Fund. The motion carried with unanimous vote.*

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 5.4.C.1 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—AGRICULTURAL USES:** Manager Dowling reported that the Planning Board has reviewed the ordinance as requested by the Town Board. The Town Board discussed the ordinance and changes to make to the district and start date. Commissioner McPherson made a motion to remove the restriction of the Downtown Business (DTB) district and add a one-year effective date for the number of allowed hens. *The motion carried with a 3-1 vote. Voting in the affirmative were Commissioners Gelbaugh, McPherson and Nestler. Voting against the motion was Commissioner Guiney.*

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 4.3.B.9 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—Flexibility Specific to Commercial Corridor Overlay (CCO) FEE IN LIEU OF SIDEWALKS:** Manager Dowling explained that this ordinance amendment was for properties impacted by the NC 107 construction project and would allow businesses to pay the sidewalk fee to the Town instead of actually constructing a sidewalk since it would be torn down by NCDOT during construction. *Commissioner Newman made a motion to approve the ordinance. The motion carried with a unanimous vote.*

**PLANNING BOARD APPOINTMENT:** Stephen Phillips withdrew his application leaving only one applicant, Larry Tyson. This term will expire February 28, 2025, and will be a 1<sup>st</sup> term. *Commissioner Gelbaugh made a motion to appoint Larry Tyson. The motion carried with a unanimous vote.*

**SCHEDULE CHANGE—MAY 25, 2023, PLANNING BOARD MEETING—CHANGE TO MAY 18, 2023:** The May Planning Board meeting will need to be moved since the budget public hearing will be on May 25<sup>th</sup>. *Commissioner Newman made a motion to move the May Planning Board meeting to May 18, 2023, at 5:00 p.m. The motion carried with a unanimous vote.*

**SCHEDULE CHANGE—MAY 25, 2023, REGULAR BOARD MEETING—CHANGE TIME TO 5:30 P.M.:** *Commissioner Newman made a motion to change the time of the May 25, 2023 board meeting to 5:30 p.m. to accommodate the budget public hearing. The motion carried with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 8:00 p.m. The motion carried with a unanimous vote.*

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David Nestler  
Mayor

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Amanda W. Murajda  
Town Clerk



## TOWN OF SYLVA BOARD OF COMMISSIONERS MEETING

Thursday, April 27, 2023 at 9:00 AM  
Board Room, 83 Allen Street Sylva, North Carolina

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### MINUTES

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**PRESENT:** Mary Gelbaugh, Mayor Pro-Tem  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Mayor  
Natalie Newman, Commissioner  
Brad Waldrop, Commissioner

Paige Dowling, Town Manager  
Amanda Murajda, Town Clerk  
Eric Ridenour, Town Attorney

**ABSENT:**

#### CALL TO ORDER

*Mayor Nestler called the meeting to order at 9:00 a.m.*

**STAFF PRESENT:** Jake Scott (Public Works Director), Bernadette Peters (Main Street Director), Mike Beck (Fire Chief) and Chris Hatton (Police Chief).

**VISITORS:** Dave Russell and Jay Coward

#### APPROVAL OF AGENDA

*Commissioner Gelbaugh made a motion to approve the agenda. The motion carried with a unanimous vote.*

#### PUBLIC COMMENTS

Jay Coward addressed the board and requested a work session be scheduled to discuss the recommendations from the Pinnacle Park survey on invasive species, roads and water breaks, and site clearing.

#### MAYOR'S REPORT

None.

#### COMMISSIONER'S REPORT

Commissioner Newman requested support from the Board to attend an affordable housing conference in October. The board gave consensus for registration. All commissioners thanked staff and volunteers for their hard work on the Greening Up the Mountains festival. Commissioner Guiney requested that the Board add to the next agenda a discussion on the Town of Sylva sponsoring the Sylva Pride event so that a street closure could happen.

**MANAGER'S REPORT:** Manager Dowling reported the following:

- GUTM was a big success.
- Lieutenant Bruce Moore has submitted his resignation.
- Planning Board member Alan Brown will be moving in June and the board will need to replace him on the Planning Board.
- The Employee Wellness Fair is May 11, 2023.

**PUBLIC WORKS DEPARTMENT REPORT:** Jake Scott reported the following:

- He thanked all those who helped with Greening Up the Mountains.
- The weather has delayed the start of construction on Allen Street.

**POLICE DEPARTMENT REPORT:** Chris Hatton reported the following:

- Greening Up the Mountains went very well.

Regular Board Meeting April 27, 2023

- Thanked Lieutenant Bruce Moore for his service.
- The Police Department has one vacancy.
- Continuing training for department members.

**FIRE DEPARTMENT REPORT:** Mike Beck reported on the following:

- Reviewed calls for service for 2023.

**MAIN STREET REPORT:** Bernadette Peters reported the following:

- Brew Hop was a success.
- The Mainstreet Board retreat was a success.
- Thanked all who helped with Greening Up the Mountains.

**TWSA BOARD REPORT:** Mayor Nestler reported that TWSA was currently working on the FY 23-24 budget. He also added that TWSA had just received a completed rate study and system development fee study and it showed TWSA's fees were drastically low.

**PINNACLE BOARD REPORT:**

None.

**NEW BUSINESS**

None.

**CLOSED SESSION:** *Commissioner Gelbaugh made a motion to enter closed session pursuant to NCGS. 143-318-11(a)(3) to consult with the town attorney and (5) for contract purposes at 9:36 a.m. The motion carried with a unanimous vote.*

*Commissioner McPherson made a motion to come out of closed session. The motion carried with a unanimous vote and the Board entered into regular session at 10:05 a.m. No action was taken during closed session.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 10:05 a.m. The motion carried with a unanimous vote.*

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David Nestler  
Mayor

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Amanda W. Murajda  
Town Clerk



**BUDGET WORK SESSION**  
Town of Sylva Board of Commissioners  
April 27, 2023

The Town of Sylva Board of Commissioners held a budget work session on April 27, 2023, at 10:15 a.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

**PRESENT:** Mary Gelbaugh, Mayor Pro-Tem  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Mayor  
Natalie Newman, Commissioner  
Brad Waldrop, Commissioner

Paige Dowling, Town Manager  
Amanda Murajda, Town Clerk

**ABSENT:**

Mayor Nestler called the meeting to order at 10:15 a.m.

**STAFF PRESENT:** Lynn Bryant (Finance Officer), Chris Hatton (Police Chief) Jake Scott (Public Works Director), Bernadette Peters (Mainstreet Director) and Mike Beck (Fire Chief).

**VISITORS:** None.

**CALLED TO ORDER:** The budget work session was called to order at 10:15 a.m.

**OVERVIEW OF BUDGET PROCESS:** Manager Dowling explained that the presented budget includes a 1-cent tax increase. The board reviewed revenue and expense changes throughout the budget. The budget is balanced with an appropriation from fund balance in the amount of \$83,150. The board also reviewed the proposed FY 23-24 fee schedule. The only fee increase is adjustments for departmental labor charges.

The May 11, 2023 budget work session has been cancelled.

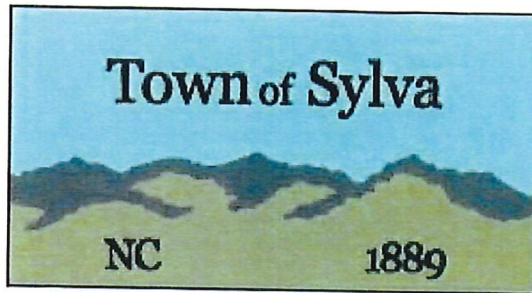
**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 11:15 a.m. The motion carried with a unanimous vote.*

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David Nestler  
Mayor

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Amanda 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: 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.

**Spot Zoning Statement:**

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed *rezoning will or will not constitute* a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

The proposed zoning will not constitute a spot zoning because it is adjacent to property that is already zoned General Business District.

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**Town of Sylva LAND USE PLAN CONSISTENCY**

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

**Current Land Use Classification(s):** \_\_\_\_\_

This rezoning request is:  Consistent with the Town's Land Use Map.

NOT consistent with the Town's Land Use Map.

**IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:**

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map and/or the Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

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## **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

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**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, 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

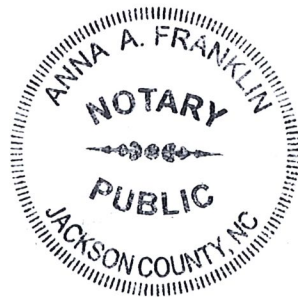
Email Address: don@westernbuildersinc.com

Owners Signature: Don Henley

Sworn to and subscribed before me, this the 31<sup>st</sup> 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**

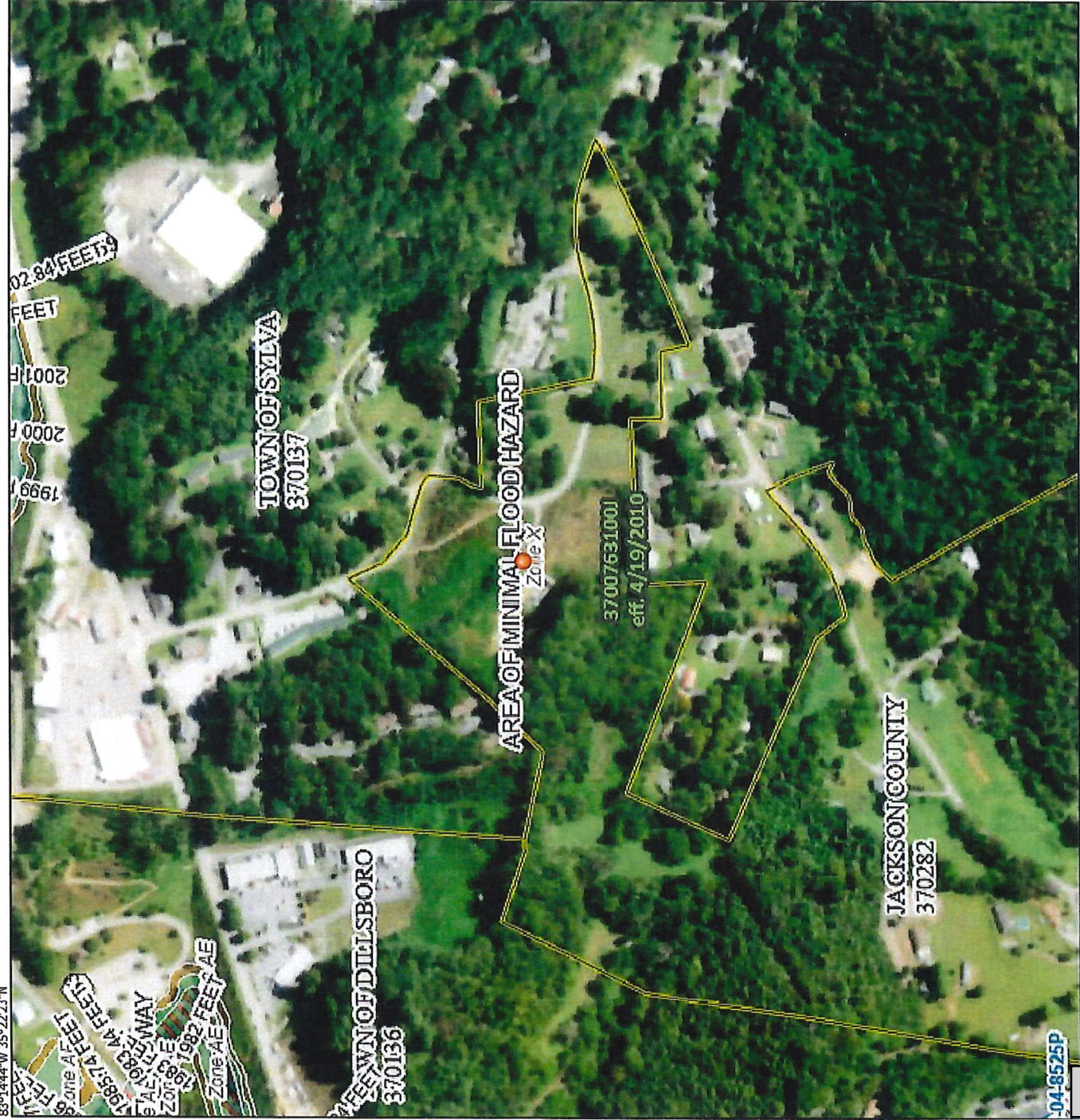
**The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur, with a focus on providing a variety of housing options that are walkable to Downtown Sylva and the Town’s other commercial areas. Higher-density 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



83°14'7"W 35°21'54"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 or 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 1)
- 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 LOMIRs
- 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.

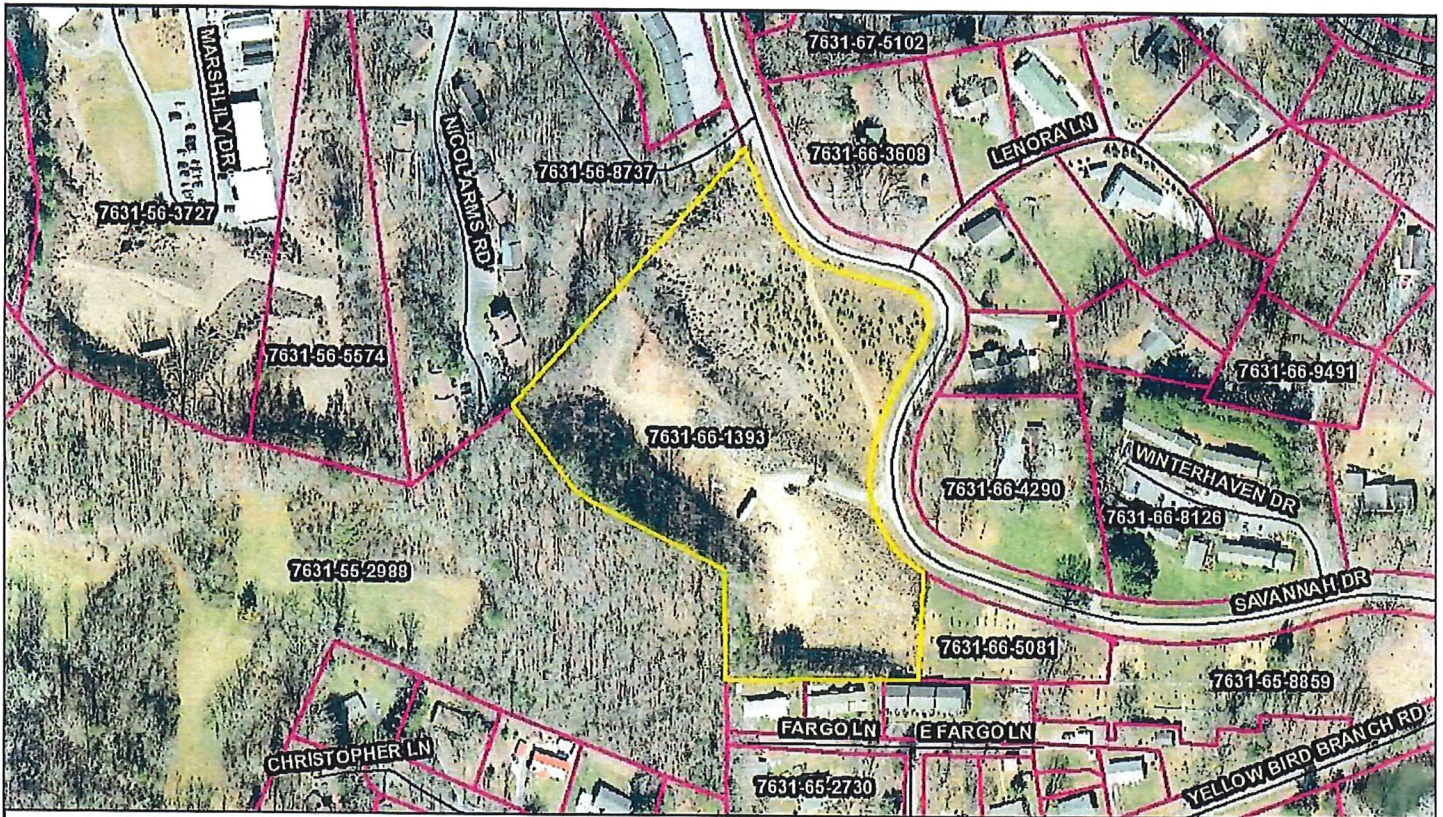
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/30/2023 at 2:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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 label legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images of unmapped and unmodernized areas cannot be used for regulatory purposes.

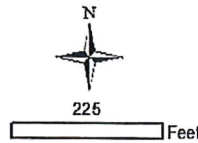
Item 6.

# 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

**Township:** DILLSBORO

RURAL

**Assessed Acres:** 6.8300

General Business District

**Jurisdiction:** None

Item 6.

## 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:

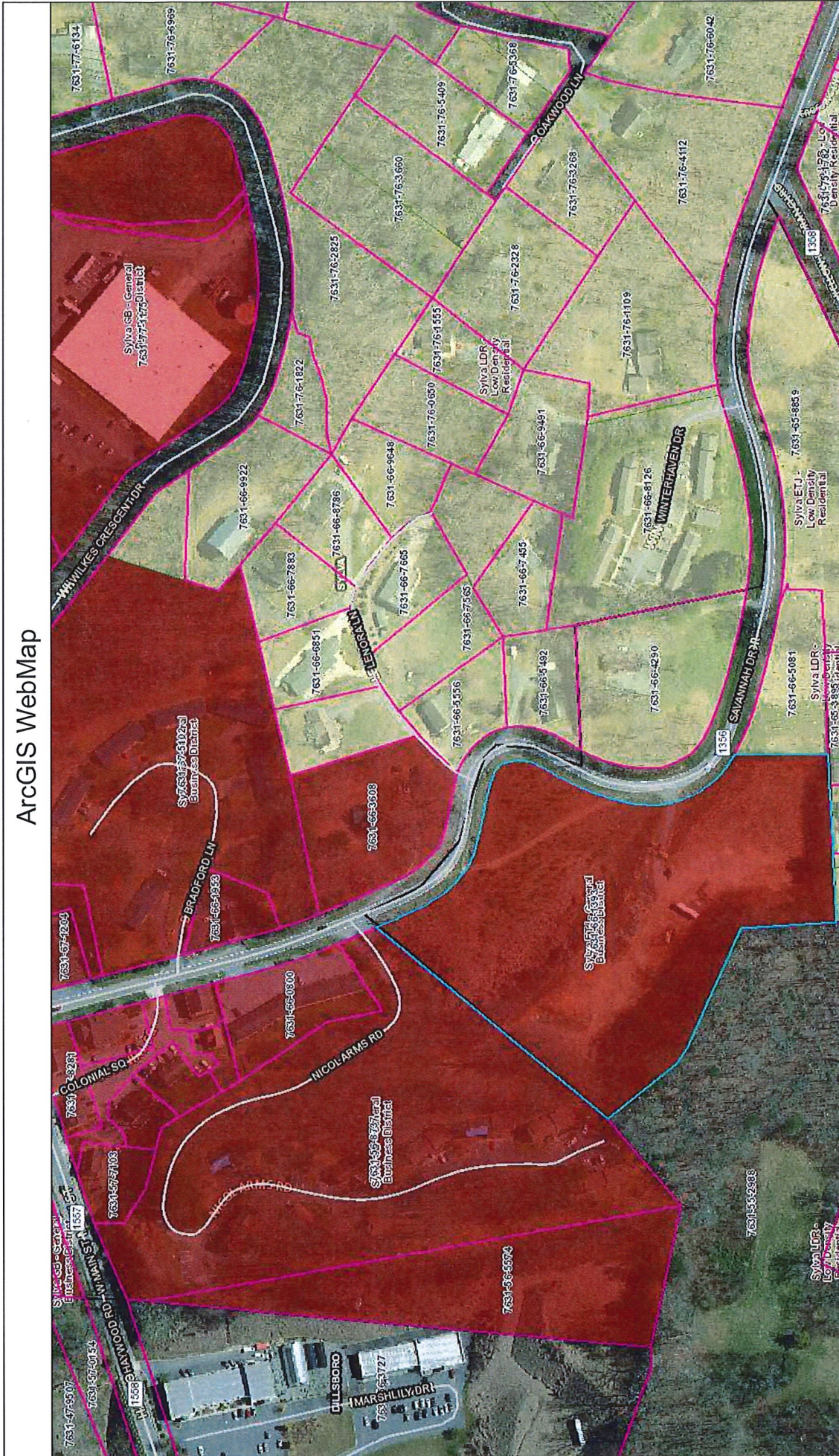
Conditional Zoning Districts (-CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The 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.



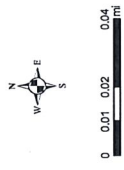
**Staff Findings:**

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



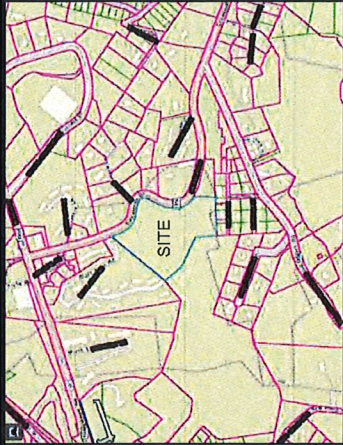
**WARNING: THIS IS NOT A SURVEY!**  
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- Parcels
- Municipal\_Li...
- Leader Line
- Lot Line
- Subdivision ROW
- Parcels
- Centerlines
- Parcel Lines
- Easement
- Hooks
- Overlay\_Districts**
  - CCO - Commercial Corridor Overlay
- CD - Conditional District**
  - CD - Conditional District
- Syva Zoning**
  - Syva DTB - Downtown Business District
  - Syva GB - General Business District
  - Syva PB - Professional Business District
  - Syva IN - Industrial District
  - Syva I - Institutional District
  - Syva LDR - Low Density Residential
  - Syva MDR - Medium Density Residential
  - Syva HDR - High Density Residential

WATERFALL GARDENS  
CONCEPTUAL LAYOUT EXHIBIT  
JACKSON CO, SYLVIA NC

Project Manager:	TSG
Date:	01.16.23
Project #:	P230xxx
SHEET	EXHIBIT 1



SCALE 1"=100'



NOTE  
RETAINING WALL LOCATIONS ARE PRELIMINARILY  
SHOWN. PRELIMINARY RETAINING WALLS HAVE  
NOT BEEN ENGINEERED AND WILL BE AVOIDED  
DURING DESIGN IF POSSIBLE.

















WATERFALL  
 GARDENS  
 JACKSON COUNTY  
 SYLVIA, NC  
 48 RESIDENTIAL UNITS

THESE DIMENSIONS ARE THE  
 FINISHED DIMENSIONS OF THE  
 BUILDING EXCEPT WHERE NOTED  
 OTHERWISE. ALL DIMENSIONS ARE  
 TO FACE UNLESS NOTED OTHERWISE.

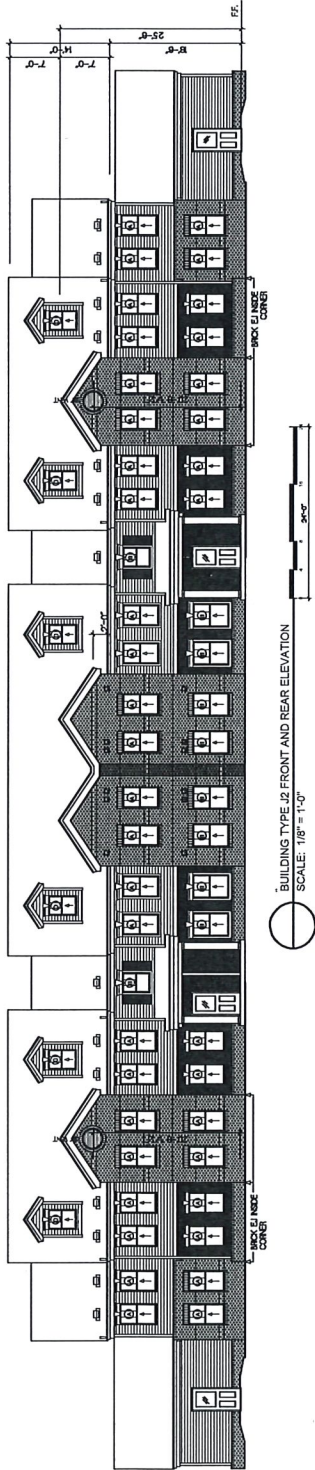
DATE: 01-15-2013  
 DRAWN BY: JHP  
 CHECKED BY: JHP  
 SCALE: AS SHOWN

NCHFA PREL. APPLICATION

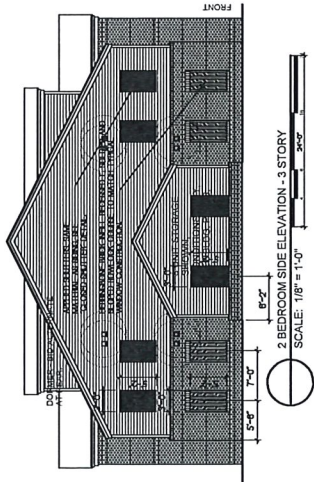
BUILDING ELEVATIONS

A5.02

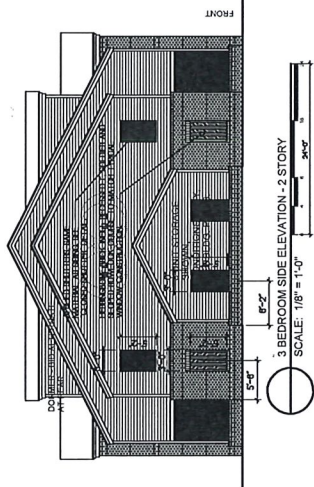
Item 6.



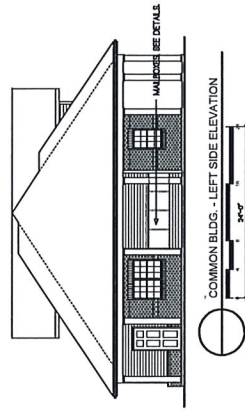
BUILDING TYPE 1/2 FRONT AND REAR ELEVATION  
 SCALE: 1/8" = 1'-0"



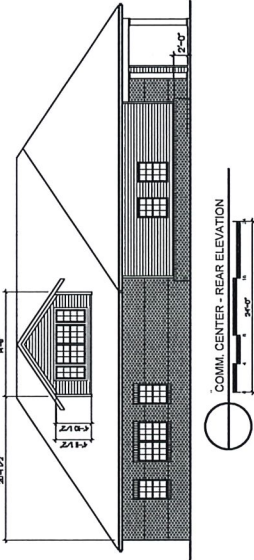
2 BEDROOM SIDE ELEVATION - 2 STORY  
 SCALE: 1/8" = 1'-0"



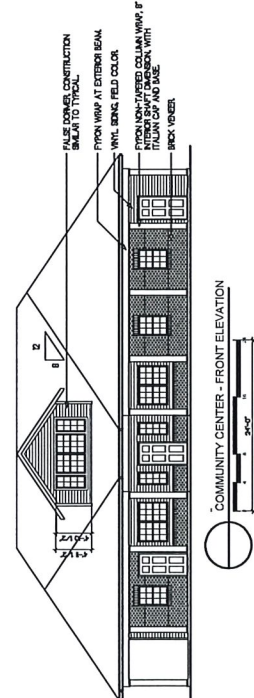
3 BEDROOM SIDE ELEVATION - 2 STORY  
 SCALE: 1/8" = 1'-0"



COMMON BLDG. - LEFT SIDE ELEVATION



COMMON BLDG. - REAR ELEVATION



COMMUNITY CENTER - FRONT ELEVATION



April 27, 2023

TOWN OF SYLVA PLANNING BOARD

**Statement of Consistency pursuant to G.S. 160D**

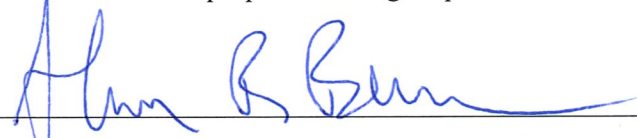
Re: Proposed zoning map amendment to apply a conditional zoning district to parcel identified by PIN# 7631-66-1393.

The Town of Sylva Planning Board has found the conditional district zoning map amendment to parcel identified by PIN# 7631-66-1393 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 29 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

- Driver 2—Providing Diversity in Housing Choices: To align with the vision, Sylva needs a wide range of housing options to attract the full range of employees necessary for existing and future employers and service providers. In addition, providing a wider range of housing provides more options for Sylva residents as they age over time, allowing residents to stay in their community as they age in place. Diversifying the mix of housing types in Sylva would offer more choices to the consumer.
- 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. A focus on things such as the walkability to Downtown Sylva and the Town's other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies in the Town's ETJ area directly adjacent to the Urban Neighborhood corridor area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed:   
Alan Brown, Chairman, Town of Sylva Planning Board



May 11, 2023

TOWN OF SYLVA BOARD OF COMMISSIONERS

**Statement of Consistency pursuant to G.S. 160D**

Re: Proposed zoning map amendment to apply a conditional zoning district to parcel identified by PIN# 7631-66-1393.

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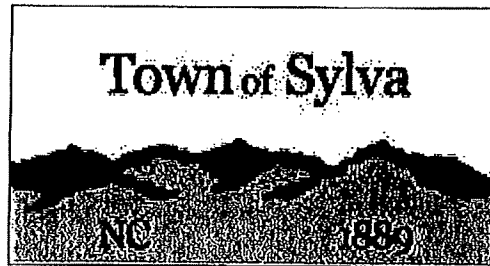
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- Driver 2-Providing Diversity in Housing Choices: To align with the vision, Sylva needs a wide range of housing options to attract the full range of employees necessary for existing and future employers and service providers. In addition, providing a wider range of housing provides more options for Sylva residents as they age over time, allowing residents to stay in their community as they age in place. Diversifying the mix of housing types in Sylva would offer more choices to the consumer.
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We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: \_\_\_\_\_

David Nestler, Mayor, Board of Commissioners



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

**Spot Zoning Statement:**

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed rezoning *will* or *will not* constitute a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

The proposed rezoning will not constitute spot zoning because the requested rezoning will be in accordance with the adopted 2040 land use plan.

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**Town of Sylva LAND USE PLAN CONSISTENCY**

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): \_\_\_\_\_

- This rezoning request is:  Consistent with the Town's Land Use Map.  
 NOT consistent with the Town's Land Use Map.

**IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:**

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map and/or the Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

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**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

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**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

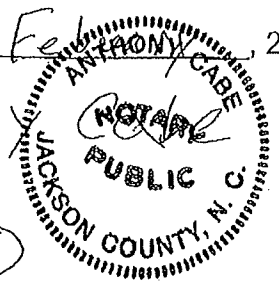
Phone Number: 828 226-5105

Email Address: kluppen@wccu.edu

Owners Signature: [Handwritten Signature]

Sworn to and subscribed before me, this the 22<sup>nd</sup> 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. Tuckasegee 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.

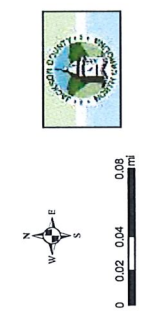
**Staff Findings:**

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.

# ArcGIS WebMap

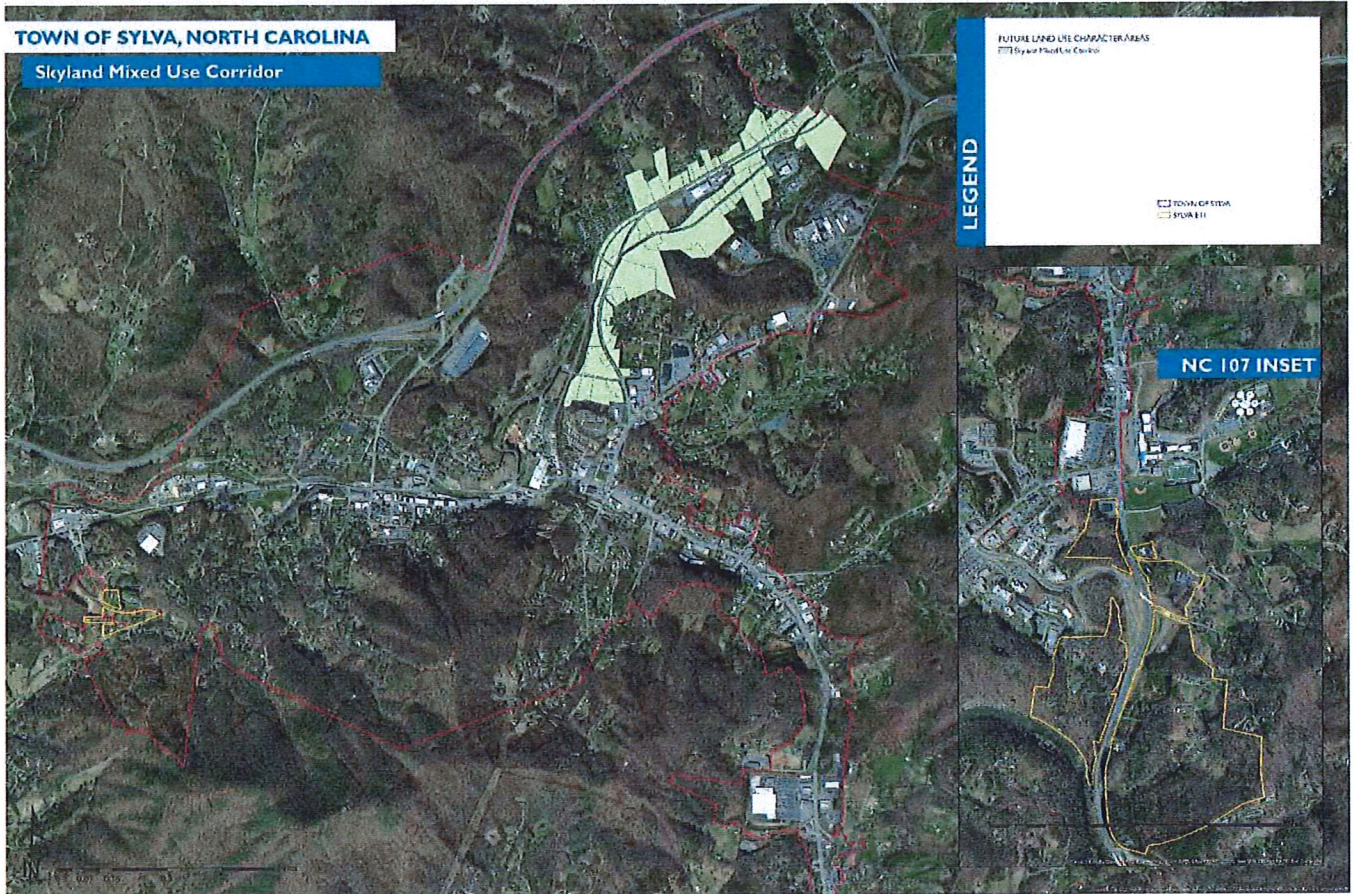


**WARNING: THIS IS NOT A SURVEY!**  
 This map is prepared for the purpose of real property within Jackson County. It is compiled from recorded deeds, plats, and public data records. Users of this map are hereby notified that the aforementioned public information does not constitute a survey. The user of Jackson County or any County representative assumes no legal responsibility for the contents of this map.



- Septic Tanks
  - Septic Tank Parcel Lines
  - Septic Areas
  - Override 1
- Centerlines
- Leader Line
- Lot Line
- Easement
- Hooks
- Parcels
- Municipal\_Li...
- Subdivision ROW

Item 8.



### 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



April 27, 2023

TOWN OF SYLVA PLANNING BOARD

**Statement of Consistency pursuant to G.S. 160D**

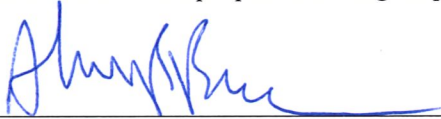
Re: Proposed zoning map amendment from General Business (GB) to Professional Business (PB) for parcels identified by PIN# 7642-41-7128 and 7642-51-1400.

The Town of Sylva Planning Board has found the zoning map amendment to parcels identified by PIN# 7642-41-7128 and 7642-51-1400 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with The Plan for Sylva corridor specifications found on page 34 of the Town of Sylva 2040 Land Use Plan. More specifically:

- Skyland Mixed Use Corridor: 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.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed:  \_\_\_\_\_

Alan Brown, Chairman, Town of Sylva Planning Board



May 11, 2023

TOWN OF SYLVA BOARD OF COMMISSIONERS

**Statement of Consistency pursuant to G.S. 160D**

Re: Proposed zoning map amendment from General Business (GB) to Professional Business (PB) for parcels identified by PIN# 7642-41-7128 and 7642-51-1400.

The Town of Sylva Board of Commissioners has found the zoning map amendment to parcels identified by PIN# 7642-41-7128 and 7642-51-1400 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with The Plan for Sylva corridor specifications found on page 34 of the Town of Sylva 2040 Land Use Plan. More specifically:

- Skyland Mixed Use Corridor: 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.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: \_\_\_\_\_

David Nestler, Mayor, Board of Commissioners

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



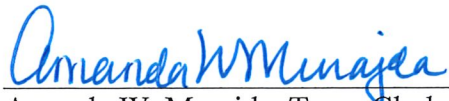
owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street in accordance with N.C.G.S. §160A-299(c),

This the 23<sup>rd</sup> day of March, 2023.



\_\_\_\_\_  
David Nestler, Mayor

ATTESTED BY:



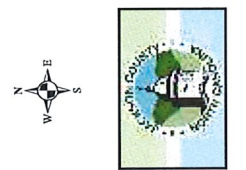
\_\_\_\_\_  
Amanda W. Murajda, Town Clerk

# Custom Jackson County, NC Property Map



0 0.005 0.01 0.02 mi

**\*WARNING: THIS IS NOT A SURVEY!\***  
 This map is prepared for inventory of real property within Jackson County. It is not to be used for recorded deeds, plats, and public records. Users of this map are hereby advised that the aforementioned public information should be consulted for verification of parcel boundaries. Jackson County or any County representative assumes no legal responsibility for the accuracy of this map.



Item 10.

- Centerlines
- Parcel Lines
- Easement
- Hooks
- Leader Line
- Lot Line
- Subdivision
- ROW
- Parcels

Street Closing Order

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF PATHFINDER LANE

WHEREAS, on the 23<sup>rd</sup> day of March, 2023, the Board of Commissioners of the Town of Sylva directed the Town Clerk to publish the Resolution of Intent of the Town of Sylva to consider closing a portion of Pathfinder Lane, in the Sylva Herald newspaper once each week for four consecutive weeks, such resolution advising the public that a meeting would be conducted at Sylva Municipal Hall on May 11<sup>th</sup>, 2023; and

WHEREAS, the Town of Sylva Board of Commissioners on the 23<sup>rd</sup> day of March, 2023, ordered the Town Clerk to notify all persons owning property abutting on a portion of Pathfinder Lane, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Board of Commissioners that she sent a letter by registered or certified mail to each of the abutting property owners and advised such property owners of the Town Board's intent to decide, at the May 11, 2023 Sylva Town Board meeting scheduled for 5:30 pm, whether to close that certain portion of Pathfinder Lane, that she enclosed a copy of the Resolution of Intent with such letter, and that she prominently posted a copy of such Resolution in at least two places along said street in accordance with the provisions of G.S. §160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street at the public hearing held on May 11, 2023; and

WHEREAS, it now appears to the satisfaction of the Board of Commissioners that the closing of said street is not contrary to the public interest, and that no property owner that abuts the street or owns property in the vicinity of the street or in the subdivision in which the street is located, shall, as a result of said closing, be deprived of reasonable means of ingress and egress to his or her property.

## NOW, THEREFORE, IT IS ORDERED:

1. 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 to the intersection of Hallie Manor Court as more particularly depicted on the attached Exhibit A, is hereby CLOSED, and
2. All right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. §160A-299.
3. The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street in accordance with the provision of G.S. §160A-299.
4. The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Jackson County a certified copy of this resolution and order.

Upon motion duly made by Commissioner \_\_\_\_\_ the above resolution was duly adopted by the Board of Commissioners at a meeting held on the 11<sup>th</sup> day of May, 2023, in the Sylva Municipal Hall.

This the 11<sup>th</sup> day of May, 2023 at \_\_\_\_\_ o'clock pm.

\_\_\_\_\_  
David Nestler, Mayor

ATTEST:

\_\_\_\_\_  
Amanda W. Murajda, Town Clerk

# TOWN OF SYLVA

Parks and Recreation Department  
83 Allen Street  
Sylva, N.C. 28779

Phone: (828) 586-2719 Fax: (828) 586-8134 E-mail: [townclerk@townofsylva.org](mailto:townclerk@townofsylva.org)

## BRIDGE PARK PAVILION OUTDOOR SPECIAL EVENT PERMIT APPLICATION

Event Date 9/9/2023

Today's Date 2/1/2023

Name of Organization Sylva Pride

Primary Organizer Contact:

Name Travis A. Rountree

Phone# 804 356 2210

Address 15 Landmark Dr. Sylva, NC 28779

Email Address info@sylvanpride.org

Fax # none

Primary Event Category:

**\*\*Note\*\* 60 Day Advance Notice is Required for Events that will need a Road Closure!!**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Assembly/Rally | <input type="checkbox"/> Race/Run/Walk     | <input checked="" type="checkbox"/> Festival |
| <input type="checkbox"/> Concert        | <input type="checkbox"/> Block Party       | <input type="checkbox"/> Performance         |
| <input type="checkbox"/> Educational    | <input checked="" type="checkbox"/> Parade | <input type="checkbox"/> Filming/Photography |
| <input type="checkbox"/> Other: _____   |  |  |

Name of Event Sylva Pride

Estimated Attendance 250

Event Time(s) Opening 10am AM/PM - Closing 4pm AM/PM

Set-up Date(s) 9/9/23 Set-up Time(s) 9am AM/PM -- 10am AM/PM

Primary On-Site Contact Travis A. Rountree

Mobile Phone# 804 356 2210

If the date and/or location requested is not available, or if the requested location is not an appropriate site to conduct your proposed event, the department will contact you and an alternate location will suggested if available. Your confirmation will be in the form of a permit, issued to the organization and/or person responsible for planning the event. **Do not publicize your event until preliminary approval has been confirmed by the Town of Sylva.** The submission of an Outdoor Special Event Permit Application is NOT approval to hold an event.

**Confetti is strictly prohibited.**

**List of Fees:**

**\*NOTE: All fees must be paid before reservation is approved.**

- \$30.00 for two hours (Town Residents)
- \$50.00 for two hours (non Town Residents)
- \$50.00 for four hours (Town Residents)
- \$75.00 for four hours (non Town Residents)
- \$100.00 for eight hours (Town Residents)
- \$125.00 for eight hours (non Town Residents)
- \$5.00 per vendor

Everything that I have stated on this application is correct to the best of my knowledge. I have read, understand, and agree to abide by the policies, rules and regulations. The permit, if granted, is not transferable and is revocable at any time at the absolute discretion of the Sylva Town Manager.

Name of Applicant Travis A. Rountree

Signature  Date 2/1/23

Town Official Approval \_\_\_\_\_ Date \_\_\_\_\_

State of North Carolina  
Town of Sylva

**RESOLUTION TO REQUEST A PARADE PERMIT  
FOR THE SYLVA PRIDE PARADE IN SYLVA, NORTH CAROLINA**

**WHEREAS**, the Town of Sylva Board of Commissioners has received a request from Sylva Pride requesting the Board undertake the formal steps necessary for the citizens of Sylva, North Carolina to conduct a parade in the downtown area on Main Street (NC 107/US 23 BUS.), on Saturday afternoon, September 9, 2023, at 12:00 P.M.; and

**WHEREAS**, the Town of Sylva Board of Commissioners believes that it is in the best interest of the citizens of the Town of Sylva that they act favorably on said request and formally notify the NC Department of Transportation for the closing of said highway at said times for the conducting of a parade in Sylva, North Carolina.

**NOW, THEREFORE**, the Town of Sylva Board of Commissioners does hereby resolve as follows:

1. The North Carolina Department of Transportation be advised that the Town of Sylva Board of Commissioners hereby agrees to serve as the sponsoring governmental entity for a parade to be held in Sylva, North Carolina on Saturday afternoon, September 9, 2023, at 12:00 P.M., with no rain date and at the location of downtown Sylva on Main Street (NC107/US 23 BUS.).
2. That the Town of Sylva Board of Commissioners agrees to be the governmental entity making a request for the closing of said highway at said times and for obtaining compliance with those requirements of the North Carolina Department of Transportation for the conducting of said parade and the rerouting traffic during those times when said highway is closed.
3. The Town of Sylva Board of Commissioners accepts full responsibility for the special event and recognizes that the Town of Sylva will be responsible for safety, traffic flow, traffic control, signage, and ensuring that decorations and all debris will be removed following the event.

Date: September 9, 2023

Time: 12:00 p.m. – 1:00 p.m.

Route Description: The parade will originate at Bridge Park and travel to the intersection of Grindstaff Cove Road. The parade will turn onto Grindstaff Cove Road and proceed up Schulman Street to Main Street. The parade will then turn onto Main Street and proceed south to the intersection of Spring Street. Parade will turn on to Spring Street and travel to Mill Street across to Allen Street and back down Railroad Avenue. Traffic will be paused at each intersection during the parade.

Adopted this the 11<sup>th</sup> day of May 2023.

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David Nestler, Mayor  
Town of Sylva

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Amanda W. Murajda, Town Clerk  
Town of Sylva