

# TOWN OF WAYNESVILLE

## Planning Board

9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
www.waynesvillenc.gov

Development Services  
Director  
Elizabeth Teague

### Chairman

Patrick McDowell

### Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Jason Rogers

### Regular Meeting

**Town Hall, 9 South Main Street, Waynesville, NC 28786**

**Monday, June 18, 2018, 5:30 PM**

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## A. CALL TO ORDER

1. Welcome/Calendar/Announcements
  - a) Land Use Plan Update: Survey and Community Visioning Meeting, July 21, 3-7pm, at the Recreation Center.
  - b) July Schedule of Meetings
2. Adoption of Minutes

*Motion:* To approve the minutes of May 21, 2018 presented (or as corrected)

## B. BUSINESS

1. Public Hearing and consideration of a Preliminary Subdivision Plat at Buchanan Drive, PIN 8604-94-0656 (AC-NR District) (*Quasi Judicial Proceeding*)
2. Discussion and consideration of a request to rezone 140 Broadview and adjacent undeveloped property, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center. (*Legislative*)
3. Continued discussion of proposed text amendment related to previous request to rezone properties in Mixed Use Overlay of Love Lane Neighborhood Residential (LL-NR) (619 Dellwood City Road PIN 8616-20-7488, 635 Dellwood City Road PIN 8616-20-8680, and 15 Arnold Heights PIN 8616-20-9635). (*Board direction to staff*)

## C. PUBLIC COMMENT/CALL ON THE AUDIENCE

## D. ADJOURN



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Ginger Hain

*DRAFT*  
**MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD**  
**Regular Meeting**  
**Town Hall – 9 South Main St., Waynesville, NC 28786**  
**May 21, 2018**

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THE WAYNESVILLE PLANNING BOARD held its regular meeting on May 21, 2018 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell called the meeting to order at 5:30 p.m., and welcomed everyone.

The following members were present:

- Patrick McDowell (Chairman)
- Danny Wingate (Vice Chairman)
- Jason Rogers
- Ginger Hain
- Pratik Shah
- Marty Prevost
- Anthony Sutton
- Bucky Dykes

The following member was absent:

- Robert Herrmann

The following staff members were present:

- Rob Hites, Town Manager
- Elizabeth Teague, Development Services Director
- Eddie Ward, Town Clerk
- Byron Hickox, Land Use Administrator
- Amie Owens, Assistant Town Manager
- Michelle Baker, Administrative Assistant

Brian Beck, Police Department  
Ricky Mehaffey, Fire Department  
Attorney Ron Sneed  
Attorney Bill Cannon

The following media representatives were present:  
Becky Johnson, The Mountaineer newspaper  
Cory Valliancourt, Smoky Mountain News  
Frank Kracher WLOS News

2. Adoption of Minutes

***A motion was made by Board Member Marty Prevost, seconded by Board Member Anthony Sutton, to approve the minutes of the March 19, 2018 board meeting as presented. The motion passed unanimously.***

Chairman Patrick McDowell advised to the Board and audience that this meeting is a legislative procedure to consider a text amendment to the Land Development Standards only, and to make a recommendation to the Board of Aldermen for the entire zoning district. He reviewed protocols with the Board and asked that the public also follow all protocols.

**B. BUSINESS**

1. Public Hearing and consideration of a text amendment to the Town of Waynesville Land Development Standards for the Plott Creek Neighborhood Residential District (PC NR), Table of Permitted Uses, Section 2.5.3, to allow multi-family dwellings. (Legislative Proceeding)

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Anthony Sutton, seconded by Board Member Pratik Shah, to open the Public Hearing at 5:38 p.m. The motion passed unanimously.***

Chairman Patrick McDowell asked Ms. Elizabeth Teague, Development Services Director, to present the staff report.

Ms. Teague provided the Board with a time line of events as follows:

- 1993 – Waynesville extended ETJ to provide zoning protections outside of its jurisdiction
- 1995 – Waynesville and Hazelwood Merge – Hazelwood did not have ETJ, and so there is no zoning past the municipal boundary
- 1999 – Hazelwood Elementary School is built
- 2002 – Waynesville Land Use Plan is adopted
- 2003 – Land Development Standards are adopted, Plott Creek Neighborhood District (PC-ND) is established – Dwelling, multi-family is permitted with special requirements – PC\_ND includes multi-family as permitted through 08-24-2010 revisions of LDS
- 2004 – Town conducts study and survey to extend ETJ further up Plott Creek; - Develop “Plott Creek Rural District” draft but determine not to extend ETJ
- 2006 – NCDOT widening project of Plott Creek Road introduced (NC Moving Ahead); - School parking lot extended.

- 2011 – Current Land Development Standards are revised and adopted by the Board; - Multi-family not permitted (“P”) in PC-NR District in Permitted Uses Table.
- 2017 - NCDOT Sidewalk project from Hazelwood to Will Hyatt Road approved - \*requested in 2010 Pedestrian Plan

Ms. Teague referred the Board to the 2002 Future Land Use Maps showing the Plott Creek District as located within the area designated for medium to high density growth and shown in orange on the map.

Ms. Teague stated that this request is for consideration of a Text Amendment to the Town of Waynesville Land Development Standards (LDS) to add “Dwelling-Multi-Family” as a Permitted Use (“P”) within the Plott Creek Neighborhood Residential District (PC-NR District).

The applicant is Triangle Real Estate of Gastonia/Southwood Realty, a development firm that has a contract to purchase a property within the Plott Creek Neighborhood Residential District and would like to build a multi-family development of apartments.

The zoning category Neighborhood Residential (“NR”) represents the medium to high density residential districts within Town. All of the NR districts have the same density and dimensional standards provided in Section 2.4.1. This includes Allen’s Creek, Love Lane, Main Street, Ninevah, Pigeon Street, Plott Creek, Raccoon Creek, Sulphur Springs, and Walnut Street Neighborhoods. On the Table of Permitted Uses, Section 2.5.3, the NR District allow single-family, two-family, and townhome dwellings, but only seven of the nine NR Districts allow “multi-family,” with the “P” being absent from the columns for Plott Creek-NR and Sulphur Springs-NR. The Low-Density Residential Districts and the Howell Mill Road Medium Density District also exclude “multi-family” while allowing townhomes. In an apparent contradiction within the Land Development Standards, Section 5.3 Permitted Building Types and Frontages, the LDS allow both townhouse and apartment buildings in all of the Town’s Residential Districts, including PC-NR. Ms. Teague referred the Board to the 2020 Land Development Plan Future Land Use Map, adopted in 2002, which designates the Plott Creek-NR area as medium to high density residential and to the LDS Section 2.5.3 Table of Permitted Uses in their agenda packet.

Ms. Teague said that the questions raised in this text amendment request are: why are townhomes and multi-family structures treated differently under the ordinance within the same zoning category while density and dimensional requirements are the same? And, why is multi-family not specifically included in the PC-NR and SS-NR Districts when these are part of the Town’s medium to high density development areas?

The Land Development Standards (LDS) make the following distinctions in Section 17.1 Definitions:

**Dwelling-Multifamily:** A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multi-family structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

**Dwelling-Townhouse:** Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separate from any other unit by one or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

Ms. Teague explained to the Board that these definitions refer to building style and structure, and the way in which the property is subdivided. They do not distinguish between rental and non-rental. She said someone could rent a townhome just as they could rent a condominium, apartment, duplex or single-family dwelling. A condominium could be within a multi-family structure or a townhome type structure. In the NR Table of Dimensional Standards, the development standards are ten units per acre and up to 16 units per acre with a Special Use Permit. The minimum lot size is 1/6 acre.

Ms. Teague read the Purpose Statement of the PC-NR District (LDS Section 2.3.3 (F) which states:

*As the Plott Creek Neighborhood district (PC-NR) develops it should do it in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.*

She said this was almost word for word as the Purpose and Needs Statement for the District when it was established in 2003, when multi-family was included.

Ms. Teague told the Board that every zoning or text amendment had to be consistent with the Land Development Plan. In the Waynesville: Out Heritage, Our Future, 2020 Land Development Plan, a stated Land Use Goal is:

*"Promote the orderly growth, development and enhanced land values of the Town or Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p 4-2)*

Another goal of the Land Use Plan is to:

*"Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville."*

Ms. Teague said the objective and actions listed under that goal are:

- *"To work with the development community to explore ways to make affordable housing construction more attractive to developers*
- *Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives*
- *Rezone areas as indicated on the Land Use Map which allow for higher density residential development*
- *Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives*
- *Rezone areas as indicated on the Land Use Map which allow for higher density residential development.*

- *Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options.” (LDP, p. 4-7)*

### **Staff Recommendation**

Ms. Teague explained to the Board that this text amendment would place a “P” within the Table of Permitted Uses in the PC-NR column at the multi-family row, and would not change any other requirements or density of the district. This would create a new housing opportunity by allowing multi-family structures that could accommodate apartments or condominiums for new rental or ownership. The Haywood County Housing Strategy, which was completed in 2017, indicated a high demand for rental housing and recommended that the County prioritize the creation of rental units.

The PC-NR is within a mile of the Hazelwood Central Business District and less than a half mile to the expressway. Beyond the district boundary are un-zoned boundaries of Haywood County. Ms. Teague stated that staff recommends that the proposed text amendment is consistent with the Land Use Plan and is a good way to create new and more flexible housing opportunities within the medium to high density zoning category and within the urban service boundary.

Some additional points by Ms. Teague were in reference to the flood plain area in this district. She referenced the 2012 FIRM Regulatory Floodplain map and explained the flood way, and the 100 and 500 year floodplain. She said a large part of Waynesville is in the floodplain, and wherever construction happens in the regulatory floodplain, Floodplain Regulations and building codes are enforced.

Chairman McDowell asked the applicant to come forward and speak.

**William Ratchford, VP Southwood Realty  
3005 Laurie Court  
Gastonia NC 28056**

Mr. Ratchford stated he was Vice President, builder and developer for Triangle Real Estate/Southwood Realty of Gastonia which is a family owned business that was started in 1960 by his grandfather. This company is the largest owner of apartments in Western North Carolina, and has been located in Henderson County since 2001. Mr. Ratchford stated that his company has built every complex that the company owns.

Mr. Ratchford said that the request for a text amendment has been submitted in order to fix a conflict in the PC-NR in Table of Permitted Uses, Section 2.5.3 of the Land Development Standards which allows apartments but not multi-family dwellings as a permitted use. He clarified to the Board and audience that this was a text amendment, not a specific project request. He stated that his company has builds housing that caters to the small town, with pricing that is often needed to provide housing to its residents. The median income in the last year for people requesting housing was just over \$40,000.00 per year. According to Mr. Ratchford’s records, the cost of housing has increased significantly in the last several years in Haywood County.

Mr. Ratchford stated that he would address the four main arguments that he expected to hear in this meeting: increased traffic, destruction of the natural environment, overcrowding of the Hazelwood School, and more density in the Plott Creek area.

The project his company would be proposing would be less than five units an acre. The North Carolina Fire Code allows two hundred maximum units per one entrance to the property. Traffic on Plott Creek has been studied in the event the project is approved in the future. Apartment communities typically have less traffic issues than townhomes or similar sized housing developments. Mr. Ratchford said this impact carries over to the school as well. As a two hundred unit apartment complex, with one bedroom apartments in it, one bedroom apartments have considerably less children than a townhome or housing development.

As far as the environment, apartments take up a less geographical footprint than townhomes or houses. This would leave more areas for stream buffers, areas away from neighbors, and conserve the mountain views that Plott Creek is known for.

Mr. Ratchford said the request is only to add apartments in the Table of Permitted Uses. Duplexes and townhomes are already permitted in this area. He told the Board that his company is looking to build a contemporary project that can support the Town's population needs. For an active adult, they can walk upstairs and they are home, and not have to go up and down for meals or monitoring children. A first floor unit will accommodate the handicapped, or someone who has a problem with stairs.

**Jason Fulton – Traffic Engineer**  
**J. M. Teague**  
**Auburn Park**  
**Waynesville, NC 28786**

Mr. Fulton was asked by the Board about the traffic impact if this project moved ahead on Plott Creek. He said the apartment complex would add approximately 1,300 cars daily up to the proposed driveway access of the apartment complex. Currently, there are approximately 2500 on that stretch of road. The highest concentration of traffic is the drop off period for the school between 7:00 and 8:00 am, and the pick up period for the school which is between 2:00 and 3:30 pm. The peak hour for homes or apartments is between 7:00am and 9:00am and 4:00pm and 6:00 pm. He stated that while traffic during the morning peak hour would increase, traffic in the afternoon would split peak times. Mr. Fulton stated that the Plott Creek Road is under utilized at all other times.

**Mark Teague – Traffic Engineer**  
**J. M. Teague**  
**Waynesville, NC 28786**

Mr. Teague explained to the Board that he is a traffic engineer who used to work for NCDOT. He stated that for townhomes and apartments, the average traffic count is based on seven trips per day per unit. For a single family home, the average is ten trips a day. The general capacity of a two lane road like Plott Creek Road is ten to twelve thousand vehicles per day. Plott Creek road would still be at less than half capacity with the build-out of the project, according to NCDOT standards.

**Alan Schork**  
**1055 Winding Creek Drive**  
**Waynesville, NC 28786**

Mr. Schork stated that he was speaking on behalf of several homeowners and a lot of owners who are in opposition to the text amendment and proposed apartment project. The issue is that since 2011 only seven of the nine neighborhood residential districts allow multi-family as a permitted use. The two excluded districts

are Plott Creek and Sulphur Springs. Mr. Schork said the reason that these two districts were excluded was that it was a deliberate choice of the homeowners in those districts to not allow apartments in these areas. He told the Board that the requested Text Amendment is driven by one developer's request. But if approved, the revision would apply to every property in the PC-NR District, and its impact is potentially far greater. Mr. Schork indicated to the Board that there is a Comprehensive Plan update in process now, and he asked the question why there is a rush for this decision. Public feedback is such an important part of what the Steering Committee is doing with this update. The stakeholders in and surrounding the PC-NR neighborhood are overwhelmingly opposed to this text amendment. Mr. Schorck said the project did have a place in the community, but not in their community.

**Mary Thomas**  
**152 Sherman Way**  
**Waynesville, NC 28786**

Ms. Thomas said she was a resident of Plott Creek Valley, and she is not within the city limits. She said the residents in Water Rock, The Villages of Plott Creek, and Falcon Ridge have the same values and shared purposes that have been stated in the Town's Land Use Development Plan. Those residents who live outside the Town limits and cannot vote in the municipal elections have invested in the community, and believe they have a voice in its well being. An online petition that was started stated concerns about traffic, a blind curve, school safety, and environmental concern. There are approximately forty homes within the PC-NR district, and the addition of a two hundred unit apartment complex will increase the neighborhood population by five hundred percent. Her concerns about the environment included the complex being built in the floodplain and the affect it will have on the trout streams. Wildlife habitat and water quality will undergo substantial stress. She stated that big city living will be inflicted on a quiet valley. Residents want to preserve the beauty of Plott Creek for future generations. Ms. Thomas said she disagreed with multi-family housing in the Plott Creek Valley.

**Sherrie Schork**  
**1055 Winding Creek Drive**  
**Waynesville, NC 28786**

Ms. Schork stated she was a minister in the United Methodist Church serving as the Church Vitality Strategist for the Smoky Mountain District which includes Haywood County. Ms. Schork stated that it is important to ask questions. She asked how many times the Town has scheduled back to back Planning Board and Board of Alderman meetings to accommodate a developer's request. The Town Code says that if a request is denied the applicant can schedule an appeal. She asked why a Board of Alderman meeting had already been scheduled for this developer. She said the Town seemed to be rushing to accommodate this developer on the Plott Creek property. Another question Ms. Schork asked the Board pertained to what the cost to the Plott Creek community is if the Text Amendment is approved and the zoning is changed along Plott Creek Road. She said there are other areas in the community that are good choices for apartment complexes that won't impact a major water way, require a change of zoning, have adequate roads and won't be the neighbors of a elementary school. She told the Board that once this change occurs, it will open a door for other development. The character of the Plott Valley will be changed forever.

**Teresa Brothers**  
**186 Water Rock Circle**  
**Waynesville, NC 28786**



Ms. Brothers said when considering multi-family apartments within the PC-NR District, preservation and conservation of the places must be considered. Future development can alter and destroy the Plott Creek Valley. She said attention must be placed on the historical nature of the area and protect its uniqueness. Ms. Brothers gave a detailed history of the Plott Creek area including the Civil War, Cherokee hunting, and the Plott Hound. Ms. Brothers asked the Board to preserve history by not allowing multi-family dwellings to be placed in the Plott Creek District.

**Al Danna  
191 Chestnut Flats  
Waynesville, NC 28786**

Mr. Danna stated he was a 44 year career law enforcement officer specializing in child protection. Mr. Danna said his concern was placing a two hundred unit apartment complex beside an elementary school. He said that these kinds of apartment complexes draw people who harm children. It would be very dangerous to have this complex close to Hazelwood School. Mr. Danna asked the Board what was more important, a housing crisis or protecting children.

**Marjorie Bogart  
527 Cardinal Way  
Waynesville, NC 28786**

Ms. Bogart stated she was president of the Eagle Point Homeowners Association, and that Eagle Point homes looked directly across Plott Creek to the vacant land where the proposed project would be developed. The residents of Eagle Point would lose their view of the mountains. The proposed apartments would change their entire lives. Ms. Bogart said she had worked for twenty five years in Haywood County Schools. The Hazelwood School is full, and the school would have to be enlarged significantly if two hundred more families are allowed to move in. She said that in Haywood County there are nursing homes, and a few assisted living facilities. A suggestion would be to use the vacant land to provide adults over fifty five that need medical care, but not necessarily a nursing home care, a place to live. That would not bring traffic or children and would be a better fit for the area rather than the apartment units.

**Chuck Dickson  
Old Burgin Place across from Hazelwood School  
Waynesville NC 28786**

Mr. Dickson said it seemed that the residents of the district had been bounced around with different designations. He urged the Board to let the 2040 planning process unfold prior to making a decision now which will forever impact the future of Plott Creek. He asked them to not allow one project to drive the future of their neighborhood. That one project could turn into many projects for Plott Creek. Mr. Dickson said there was a big difference in single-family and multi-family homes. Multi-family has less privacy, and more transiency. He said the density could be achieved for Plott Creek, Sulphur Springs, and Howell Mill without rezoning. This project does not compliment the Hazelwood Town Center or the Hazelwood School. This will be the largest apartment complex in Haywood County. The complex will not fulfill the vision of Waynesville. He asked the Board to please preserve Plott Creek and not destroy it by adding this apartment complex.

**Anne Fitzpatrick  
1714 Chestnut Flats  
Waynesville, NC 28786**

Ms. Fitzpatrick said Waynesville's tag line is Progress with Vision. She said she knew this vision included the need for additional housing. She asked the Board to focus their vision and leave the Plott Creek Zoning as is, and protect a pristine neighborhood, and prevent multi-family projects.

**Fred Tollison  
316 Skylark Lane  
Waynesville, NC 28786**

Mr. Tollison said he represented twenty nine homeowners in the Masters Pointe subdivision. He asked the Planning Board to maintain the current zoning in the Plott Creek District. He said that part of the attraction of the area is the low density, single-family nature of the surrounding community. He said the residents were concerned that the proposed Text Amendment would compromise the fundamental nature of the community and cause property values to erode over time. Master Point is attractive to buyers who are seeking a peaceful environment, and would like it to remain that way. Mr. Tollison said that if this change goes forward, he anticipates problems with traffic. He said there are no objections to single family homes, but oppose rezoning to allow large apartment complexes. He thanked the Board for allowing him to express his views.

**Brad Brothers  
186 Water Rock Circle  
Waynesville, NC 28786**

Mr. Brothers asked the Board if they wanted to risk a two hundred apartment complex next to a great school. He stated there are other places for the complex instead of next to a school. He asked the Board to think about their children and grand children, and if they would want them going to school next to a two hundred unit apartment complex.

**Ken Hollifield  
1228 Plott Creek Rod  
Waynesville, NC 28786**

Mr. Hollifield stated he was opposed to the changing the Text Amendment allowing a two hundred unit multi-family apartments. He said this proposed project would drive his property value down. He expressed concerns about the overcrowding of Hazelwood Elementary School. He said the traffic was horrendous. He asked about a DOT Official that could explain about the traffic on Plott Creek Road, because he feels the road would not handle that much traffic. He asked the Board to vote against the change.

**James W. Hall  
421 Ramp Patch Lane  
Waynesville, NC 28786**

Mr. Hall stated that that he and his wife had spent the last four years looking for a house after living overseas for several years. After deciding to buy a home in Waynesville, Mr. Hall said they did not want a two hundred unit apartment complex built near their home. He asked the Board to listen to the comments of the residents of Plott Creek and vote no to the Text Amendment change.

**Lindsay Boring  
171 Fountain Spring Lane  
Waynesville, NC 28786**

Mr. Boring commented on the seating arrangements for the meeting. He said the proposed project was very poorly planned, and should have been placed in Buncombe or Henderson County. Mr. Boring had concerns about the impact of the complex on the watershed. Being a retired Forest Scientist he said the given the kind of land use change the complex will bring, the impacts on the school, highways and homeowners will be great. He feels that Waynesville is different from surrounding communities in special ways, and he asked the Board to think more of the impact on the watershed.

Chairman McDowell asked Mr. Schork about the number of homes and vacant lots in the Villages of Plott Creek. Mr. Schork said there were about one hundred thirty homes and sixty vacant lots. Chairman McDowell explained that the future development of those vacant lots would have an impact on traffic and other concerns that have been brought by residents in the area.

***A motion to close the Public Hearing at 6:58 pm was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes. The motion passed unanimously.***

Board Member Anthony Sutton asked Ms. Teague to address the issue of the floodplain. She explained that there are regulations which have a process and permitting requirements for any new development in the floodplain. There are more steps and engineering involved when developing in the floodplain. She said the Floodplain Maps were redone in 2012, and maps often become outdated.

Mr. Sutton asked about the history of the Plott Creek District. Ms. Teague said this District was originally carved out of the Eagles Nest District in 2003. From then until 2010 multi-family dwellings were allowed in the District. In 2011 the Land Development Standards was revised and at the time multi-family dwellings were not included in the Table of Permitted Uses.

Chairman McDowell asked Ms. Teague about the parcels located on the purposed project. She explained to the Board that Lloyd's Mountain is not included in this district. She stated there is no ETJ or zoning outside the boundaries of this district. Any kind of development in this area would be directed to Haywood County. She stated that there is adequate water and sewer for this development area.

Board Member Jason Rogers expressed concerns about future development on the forty one acre parcel and the traffic this would create. There was discussion about fire code and the entrances that are required for the two hundred apartment complex. Ms. Teague said that because Plott Creek is a state road, the Department of Transportation will be responsible for driveway permits, and it is not a Town decision as far as their location and design. She said that when a driveway permit is applied for, density and trips will dictate whether a traffic study is required by DOT as part of their permitting.

***A motion was made by Board Member Anthony Sutton, seconded by Board Member Danny Wingate to add the designation of "P" to the Land Development Standards Table of Permitted Uses. The motion passed with five yays (Board Members Bucky Dykes, Anthony Sutton, Danny Wingate, Pratik Shah, and Patrick McDowell) and two nays (Board Members Ginger Hain, and Jason Rogers) and one abstaining (Board Member Marty Prevost).***

There was discussion to adopt a motion to find consistency with the Land Use Plan and the recommendations regarding consistency in the staff report. Chairman McDowell asked if the Board agreed that the text amendment was consistent the land use plan and the findings of the staff report.

***A motion was made by Board Member Anthony Sutton, seconded by Pratik Shah to find the Text Amendment consistent with the 2020 Land Use plan and in promoting the orderly growth, development, and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial venters, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community. consistent with the Town of Waynesville's 2020 Comprehensive Land Development Plan. The motion passed with six yays (Board Members Bucky Dykes, Anthony Sutton, Danny Wingate, Pratik Shah, Patrick McDowell, and Jason Rogers) one nay (Board Member Ginger Hain) and one abstain (Board Member Marty Prevost).***

Chairman McDowell called for a short recess at 7: 22 pm.

The meeting reconvened at 7:32 pm.

***A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes to open the Public Hearing at 7:33 p.m. The motion passed unanimously***

2. Public Hearing and consideration of a map amendment to the Land Development Map to rezone the following properties from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC): 619 Dellwood City Road PIN 8616-20-7488), 635 Dellwood City Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-9635. (Legislative Proceeding)

Chairman McDowell asked Land Use Administrator Byron Hickox to present the staff report. Mr. Hickox stated this request was for a Map Amendment to the Land Development Standards to change the zoning of four properties along Dellwood City Road from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC). The four properties are identified as 619 Dellwood Road (PIN 8616-20-7488), 635 Dellwood Road (PIN 8616-20-7595), 637 Dellwood Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-3695). The applicants are Gede Suptra, Moi Tham, and Robert Chinlund.

Mr. Hickox said the applicants approached the Development Services staff about locating a restaurant or general commercial (retail) use on one or more of these properties. The current zoning is Love Lane Neighborhood Residential Mixed-Use Overlay. This particular zoning designation would not permit the establishment of either restaurants or general commercial. The four subject properties are contiguous to the Russ Avenue Regional Center District, which would permit both proposed uses.

The Land Development Standards describe the Love Lane Neighborhood District as an older traditional neighborhood bordered by the Russ Avenue Town Center on one side and the Central Business District on the other. It is one of the oldest neighborhoods in Town. It has connectivity to ball fields, downtown, Richland Creek Greenway, and Russ Avenue. The area to the northwest of Dellwood Road has some of the oldest housing in Waynesville. Additional development needs to maintain a pedestrian scale, and any improvements, should enhance the comfort level of the pedestrian. Driveways accessing Dellwood Road should be kept to a minimum for this reason.

The Land Development Standards describe a Mixed-Use Overlay District as “a zoning overlay district established to permit certain limited mixed uses within residential neighborhoods.

Mr. Hickox told the Board that the properties are surrounded by the following land use types:

1. To the north by single family dwellings, duplexes, mixed uses, and general commercial
2. To the south by single family dwellings, office uses and a Bed & Breakfast on a 5.47 acre lot
3. To the east by single family dwellings, office uses, and general commercial uses.
4. To the west by single family dwellings and duplexes.

In the 2020 Land Development Plan Mr. Hickox explained that the Land Use Goal is to promote the orderly growth, development, and enhanced land values of the Town of Waynesville by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl, and protecting the natural beauty of the area. Objectives of this goal include designating appropriate amounts of land to reflect desired development patterns and to accommodate the protected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years, promote infill development in the Town of Waynesville as an alternative to continued outward expansion, and work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area.

Mr. Hickox reminded the Board the Mixed-use overlay districts are designed to promote limited commercial uses along corridors adjacent to residential districts. While the Town would like to promote new business, the Russ Avenue Regional Center District is an intensive commercial zoning which would exceed the scale and use of what is currently allowed within mixed-use districts and would introduce multiple commercial uses and signage that would be impactful to the Love Lane Neighborhood Residential District. Staff does not believe that this request is consistent with the Land Use Plan, but believes that a less intensive type of use within the mixed-use district could be appropriate.

#### **Staff Recommendation**

Staff recommends the creation of a less-intensive commercial use and a zoning such as a Neighborhood Center (NC) district designation consisting of these four properties which would allow the area to continue to serve as a transition corridor from RA-RC to CBD, while allowing some uses that are not otherwise permitted in the LL-NR MXO, Staff also recognizes that there may be a need to define and create a smaller scale retail category that could apply within transitional and overlay districts.

Mr. Hickox said that General Commercial is broken down into two categories: less than 100,000 square feet and over 100,000 square feet.

Therefore, staff recommends denial of this application or tabling the application until a more suitable type of zoning or text amendment could be requested. Staff would like to seek guidance from the Planning Board as to which type of commercial or mixed-use zoning might be acceptable and would like to hear the Planning Board’s thoughts regarding the creation of a smaller scale general commercial category.

Chairman McDowell told the Board that he wanted to make everyone aware that his family owned property directly across from these properties.

There was much discussion about tabling the request and if the request could be changed during that period of time, and the cost to the applicant.

**Frank Medina  
78 Leisure Lane  
Waynesville, NC 28786**

Mr. Medina stated he was representing Mr. Suputra and Ms. Moi Tham, who currently own Princess Nails. He stated that they would like to open a small retail shop. This would include an ice cream parlor, gifts, snacks, non-alcoholic drinks, magazines, and postcards.

***A motion to close the Public Hearing at 7:54 pm. was made by Board Member Marty Prevost, seconded by Board Member Anthony Sutton. The motion passed unanimously.***

Chairman McDowell said that he felt that the Town is trying to encourage walkability, so then there needs to be a smaller scale commercial category for small businesses, restaurants with no drive thru, etc. The Planning Board discussed what they would like to see in a smaller commercial district and what should be handled by the Steering Committee.

***A motion was made by Board Member Jason Rogers, seconded by Board Member Marty Prevost, to deny the application for a Map Amendment to the Land Development Standards (LDS) to change the zoning of four properties along Dellwood City Road from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC)- 619 Dellwood Road (PIN 8616-20-7488), 635 Dellwood Road (PIN 8616-20-7595), 637 Dellwood Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-3695). The motion passed with six yays (Board Members Patrick McDowell, Bucky Dykes, Marty Prevost, Pratik Shah, Jason Rogers, and Ginger Hain) and two abstaining (Board Members Anthony Sutton and Danny Wingate)***

***A motion was made by Jason Rogers, seconded by Bucky Dykes to direct staff to research a smaller scale residential neighborhood commercial category. The motion carried unanimously.***

**C. PUBLIC COMMENT /CALL ON THE AUDIENCE**

No one spoke

**D. ADJOURN**

***With no further business, a motion was made by Board Member Jason Rogers, seconded by Board Member Danny Wingate, to adjourn the meeting at 8:10 pm. The motion passed unanimously.***

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Eddie Ward, Town Clerk

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Patrick McDowell, Chairman

## Planning Board Staff Report

Subject: Major Subdivision of 15 lots  
(1 lot with existing structures plus 14 lots for new single family construction)  
Ordinance Section: LDS Chapter 15 Administration; 15.9.2 Major Subdivisions  
Applicant: Patrick Bradshaw/Civil Design Concepts, on behalf of June Lanning Ray  
Meeting Date: December 18, 2017

### Summary Information:

Application Date: 6/6/18  
Technical Review: 2/28/18 and 5/23/18  
Pre-application Meeting: 2/9/18, 5/4/18  
Project Location: Buchanan Drive, PIN 8604-94-0656  
Property Owner: Browning Branch, LLC  
Acreage of site: 7.04 acres  
Zoning District: Allen's Creek Neighborhood Residential (10 units/acre)  
Existing Development: Open Land

Submittal includes the following attached information:

1. Cover Sheet and narrative.
2. Environmental Plan with designated wetlands and stream buffers with attached jurisdictional determination from the US Army Corps of Engineers and floodplain information, topography and other natural features, per Section 15.4.1.
3. Subdivision Plan and Preliminary Plat, and a Utility Plan showing location of infrastructure, lots and building footprints and site data, per Section 15.4.3 and Section 15.9.2, prepared by a licensed Land Surveyor. Upon approval of Master Plan with Board comments, preliminary plat can be refined and detailed engineering for sedimentation and erosion control, roads, floodplain development, stormwater management and other required engineering for permits will be submitted for review.
4. The Preliminary Plat includes zoning and density information. Property is zoned Allens Creek Neighborhood Residential District (AC-NR), which allows 10 units per acre with a minimum lot size of 7,269 square feet. Total area of tract is 7.038 acres, however, 0.415 of that area is delineated wetland with an additional 0.69 (approximate) area of additional stream buffer. If one adds these areas together, there is approximately 1.10 acres that are environmentally restricted within the parcel, leaving only 5.93 acres of developable land. The impervious build-out of the site is listed as 4.2 acres, and bio-retention areas have been designated to capture stormwater. The project proposes 26 lots of duplexes or 52 units which is within the zoning density for the district. Lots meet the minimum lot size of 7,260 square feet, and dimensional requirements for AC-NR. The smallest lot is 7,334.8 s.f. and the largest is 19,909.6 s.f.



5. Elevations of proposed duplexes. Each structure must comply with North Carolina State Building and Fire Codes, floodplain management requirements and elevations, and all other local, state and federal requirements.

## **Background and Procedures:**

This application is for a major subdivision which requires a quasi-judicial proceeding and compliance with Chapter 15.9 of the Town of Waynesville's Land Development Standards. The applicant has met with individual staff on several occasions and has met with the Technical Review Committee twice. The TRC represents the Town's Fire, Public Works, Planning and Building Inspections staff and Town Engineer. The applicant made several revisions in response to staff comments and submitted a final master plan with environmental information as part of a complete application for Planning Board consideration. In accordance with LDS Guidelines, Chapter 15:

- A. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- B. **Decisions/Findings of Fact:** Following the public hearing the commission may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be granted unless it complies with the following findings of fact:
  1. The plan is consistent with the adopted plans and policies of the Town;
  2. The plan complies with all applicable requirements of this ordinance;
  3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
  4. The application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- C. **Review Period by Planning Board:** The Planning Board shall take action (approve or deny approval) within thirty-two (32) days of the public hearing on the matter. Should the Planning Board fail to act on the preliminary plat within the prescribed period, the applicant may seek preliminary plat approval by the Board of Aldermen at the next regularly scheduled meeting of the aldermen.
- D. **Decisions:** If the Planning Board approves the Major Subdivision, the applicant will be directed to proceed to the preparation of a Preliminary Plat (15..4.4). If the Planning Board disapproves or approves conditionally the plat, the reasons for such action shall be stated in writing and entered in the records of the Planning Board. The applicant may make changes and submit a revised plat which revision shall be submitted, review and acted on in accordance with the procedures set forth in this section.
- E. **Appeals:** An appeal from the decision of the Planning Board regarding a Major Subdivision request may be made by an aggrieved party and shall be made to the Superior Court of Haywood County in the nature of certiorari. Any such petition to the Superior County shall be filed with the court no later than thirty (30) days after the applicant receives the written copy of the decision of the Planning Board.
- F. **Permit Validity:** Approval of a Major Subdivision Plan shall be valid for one (1) year from the date of approval. A Preliminary Plat shall be presented for approval prior to the end of this one (1) year period.
- G. **Permit Extension:** The Administrator may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension.

## Staff Comment

The Land Development Standards describe the purpose and intent of the AC-NR District is as follows:

### 2.3.3 Neighborhood Residential Districts (NR) Purpose and Intent

- A. The **Allens Creek Neighborhood District (AC-NR)** is a predominately residential neighborhood of mostly medium density development mixed with agricultural uses. Due to the linear nature of the neighborhood, Allen's Creek Road becomes the "center" of the community and as such, maintaining a "pedestrian-friendly" environment is important. As development occurs, such things as building houses closer to the street, requiring sidewalks and planter strips and allowing narrow lane widths for new streets will help to maintain the pedestrian scale in the area which has already been started. Traffic calming devices may be needed to aid with maintaining a low speed (especially with large trucks) along Allens Creek Road. Connections from within the district to the South Main Street Business District are important and should be made wherever possible. Efforts will be made to preserve existing farmland and restrict development on the steep slopes found in this district. The county soccer complex should be emphasized as a focal point of activity and community for this neighborhood.

The project will take up a large undeveloped field that has been used for agricultural purposes in the past. The site plan creates a residential neighborhood with sidewalks and meets the density threshold and minimum lot sizes for the district.

The Planning Board must make findings of fact in the following areas.

#### 1. Consistency with 2020 Land Development Plan:

Staff submits that may find that this plan is consistent with the adopted comprehensive land use plan for Waynesville: "Waynesville Our Heritage, Our Future, 2020 Land Development Plan," in that several goals of the Plan could be applied to this request.

- Goal: "Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville." (LUP 4-6)  
Objective: "Establish appropriate locations and densities for residential development in the Waynesville community." (LUP 4-8)
- Action: "Utilize the zoning ordinance and map to promote residential development in accordance with the future land use map concentrating higher density housing where the services and land are suitable for such development and promote infill housing development. (LUP 4-8)"

The proposed project will create new residential housing within the Allen's Creek Neighborhood Residential (AC-NR), resulting in up to 52 new units using 26 lots of duplexes which will keep costs down. The development is compliant with the current Zoning Map and consistent with the 2020 Land Use Plan.

## **2. Compliance with the Land Development Standards and Town Regulations:**

This project has been reviewed by Town staff from Fire, Public Works and Development Services and is compliant with Town regulations in the following ways.

- The new lots all meet the minimum standard for lot size (7,260 s.f) and building envelopes are established with compliance to the District dimensional requirements for setbacks.
- Driveways will accommodate 2 cars, exceeding minimum standard for parking of 1 off-street parking space for each single family unit.
- Streets and sidewalks are designed to the Town standard as a residential street/lane per Section 6.6.2 (D) and (E) as discussed in the Technical Review Committee Meeting of May 23, 2018, with a sidewalk along one side. Interior streets are looped to avoid cul-de-sacs and are located to create short blocks of less than 400'. Landscaping must be provided between the roadway and the sidewalk in accordance with Section 8.5.1.
- Connection to Allen's Creek Road is subject to NCDOT Driveway requirements and right-of-way. Development would create 26 lots of duplexes, or 52 units. ITE Manual indicates average traffic generation as 10 trips per day per residential unit or a traffic generation factor of 520 per day. Waynesville Ordinance Section 6.10 requires that developments with estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the ITE Trip Generation Manual, but this project is below that threshold.
- The site plan maintains 2.84 acres of environmental areas, retention ponds, and yard space, or about 40% of the total 7.038 lot that will not be built upon area. A fully engineered stormwater plan will be required.

The staff has concerns regarding the following:

- The Plat designates "common area" as the 0.415 wetland delineation. Chapter 7 of the LDS however states that such spaces are distinct from areas that are environmentally significant and must be protected. Therefore, the delineated wetlands cannot count towards the required 5% civic space. The applicant has been made aware of this concern.
- The Town and NCDOT will need a better detail of drawing to see how the entry road into the development intersects with Buchanan Drive and Allen's Creek Road.

## **3. Adequate Infrastructure**

- Water and Sewer is available with capacity to serve the 52 new units. The Public Works.
- This area is served by Duke Power.

**4. Proposed Development and value of adjoining or abutting property.**

To the north of this property are single family homes on the other side of Buchanan Drive and to the south, the property abuts two manufactured home parks. The property is bordered to the west and east by Browning Branch. This property lays partially within the designated floodplain and any fill or construction activity will require compliance with the Town's Flood Hazard Prevention Ordinance. The Plan follows the USACE wetland delineations and establishes 25' stream buffers .

Staff believes that this major subdivision will not be detrimental to the use or development of adjacent properties or other neighborhood uses, and may in fact add value to the surrounding properties with new construction and investment.

**Staff Recommendation:**

Staff recommends that this proposed project is consistent with the Town's 2020 Plan but that the developer must better designate the 5% area required for civic space and demonstrate how the entry road will interact and connect weith Allen's Creek Road (NCSR 1147).

**Attachments:**

1. Location, Zoning, Floodplain and Topography Maps. NC Floodplain mapping FIS Map
2. Application Materials Submitted

**Suggested Actions:**

1. Motion to adopt Findings of Fact (Items 1-4).
2. Motion to recommend approval (or approval with conditions, or denial) of the Major subdivision.

# Parcel Report For 8604-94-0656

BROWNING BRANCH LLC  
4365 ARNOLD AVE  
NAPLES, FL 34104

**Account Information**  
PIN: 8604-94-0656  
Legal Ref: 949/1982

**Add Ref:** CAB/7959  
CAB/7790

## Site Information

BUCHANAN DR

Heated Area: 0  
Year Built: 0  
Total Acreage: 7.04

Township: TOWN OF WAYNESVILLE

## Site Value Information

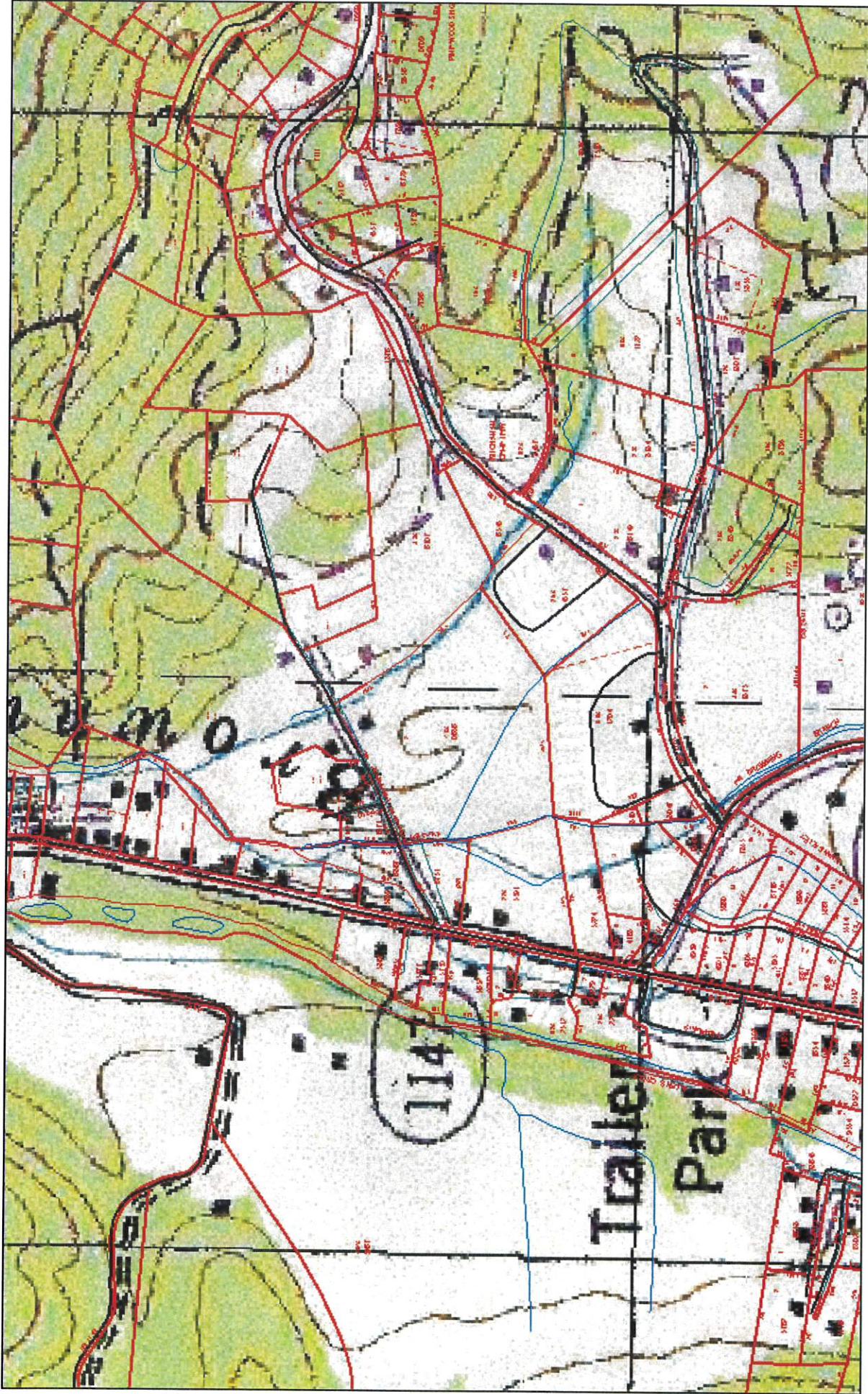
Land Value: \$43,200  
Building Value: \$0  
Market Value: \$43,200  
Deferred Value: \$0  
Assessed Value: \$43,200  
Sale Price: \$95,000  
Sale Date: 4/17/2018  
Tax Bill 1: \$0.00  
Tax Bill 2: \$0.00



1 inch = 200 feet  
June 5, 2018

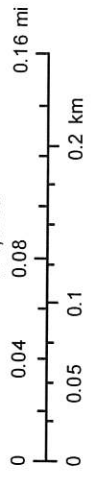
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

# Haywood County



June 14, 2018

1:4,800



# Parcel Report For 8604-94-0656

BROWNING BRANCH LLC  
4365 ARNOLD AVE  
NAPLES, FL 34104

**Account Information**  
PIN: 8604-94-0656  
Legal Ref: 949/1982

**Add Ref:** CAB/7959  
CAB/7790

## Site Information

BUCHANAN DR  
Heated Area: 0  
Year Built: 0  
Total Acreage: 7.04  
Township: TOWN OF WAYNESVILLE

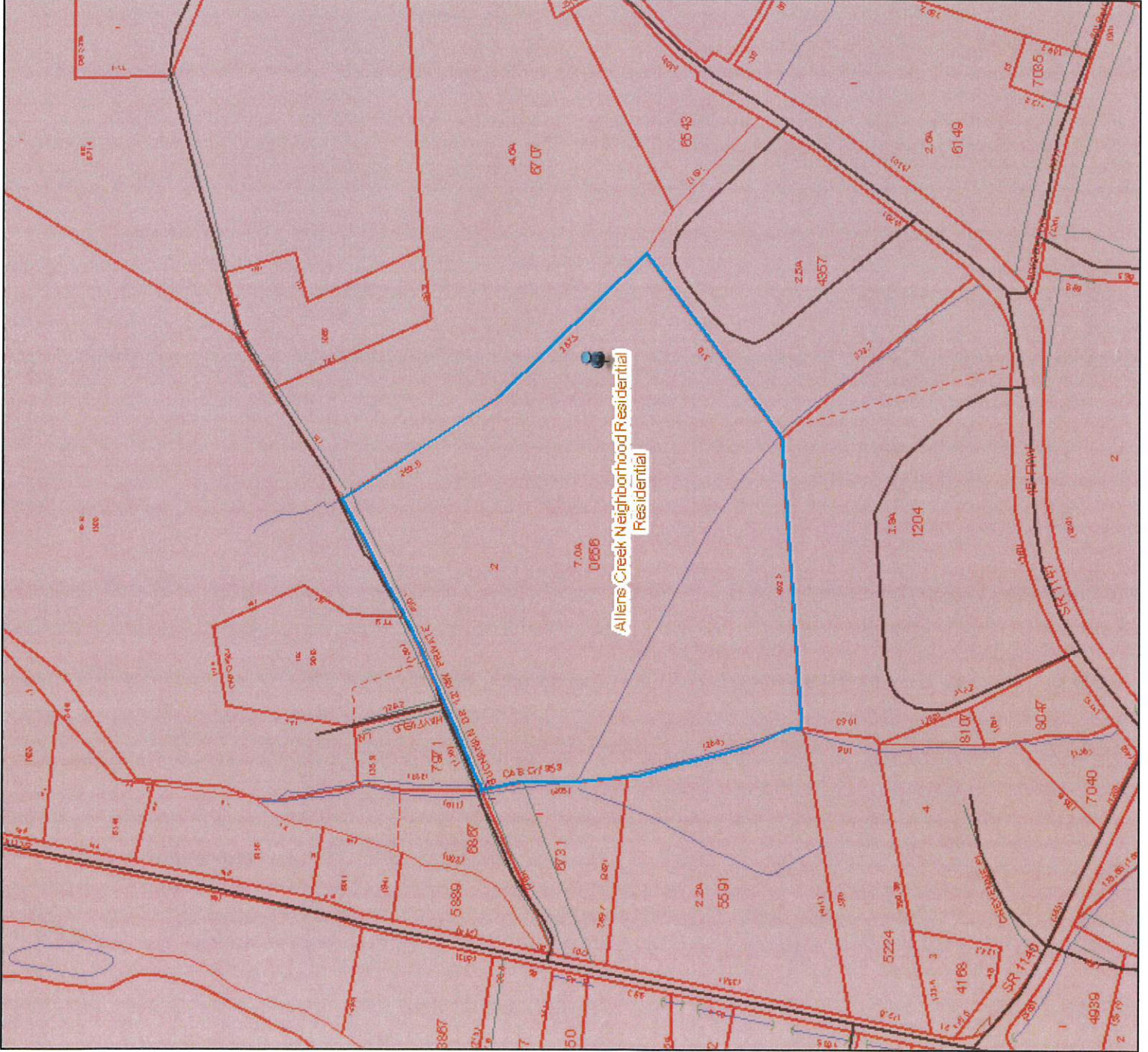
## Site Value Information

Land Value: \$43,200  
Building Value: \$0  
Market Value: \$43,200  
Deferred Value: \$0  
Assessed Value: \$43,200  
Sale Price: \$95,000  
Sale Date: 4/17/2018  
Tax Bill 1: \$0.00  
Tax Bill 2: \$0.00



1 inch = 200 feet  
June 13, 2018

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Heywood county and the website provider assume no legal responsibility for the information contained on these maps.



# Haywood County



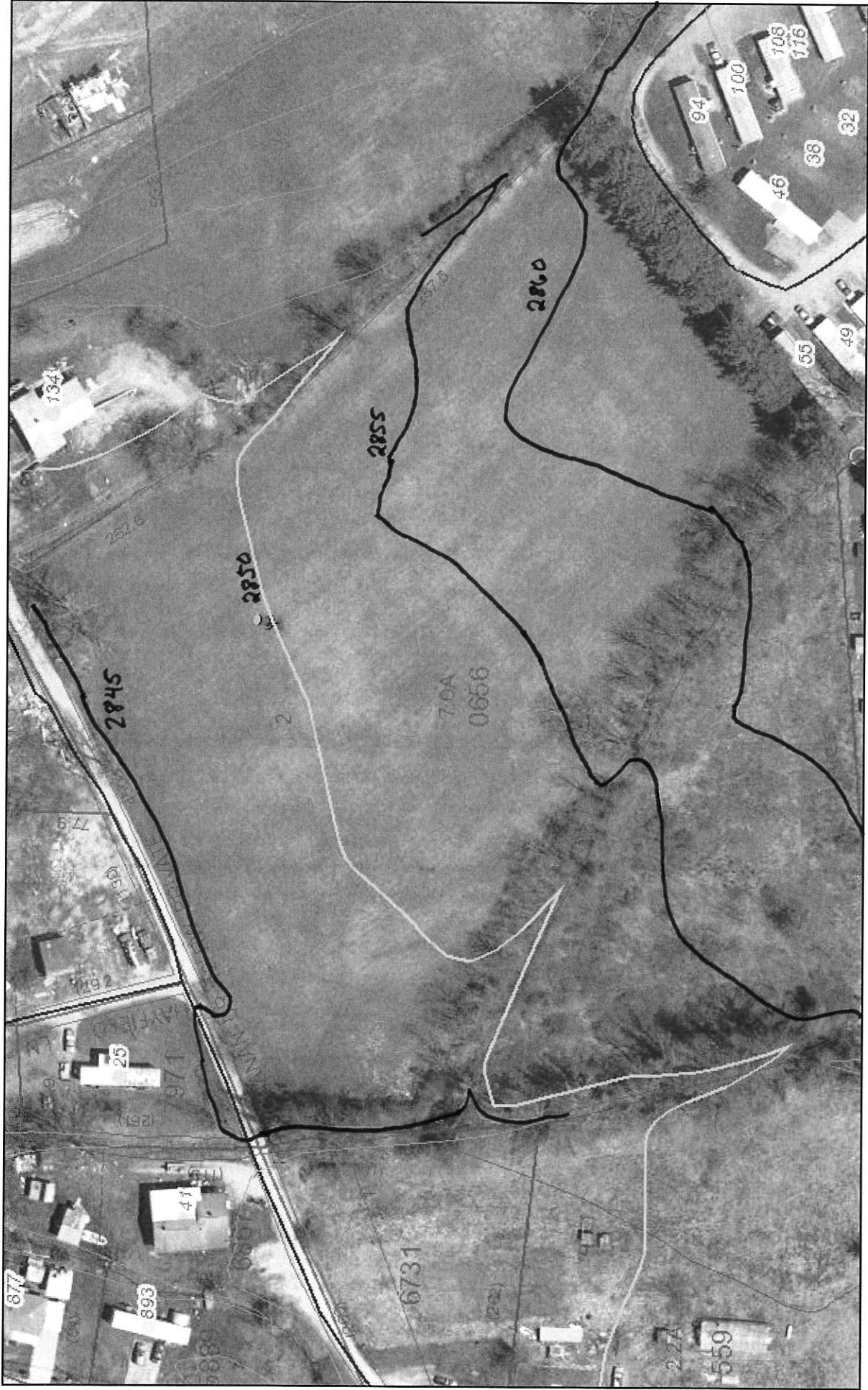
June 13, 2018

1:2,400





Haywood County Topo



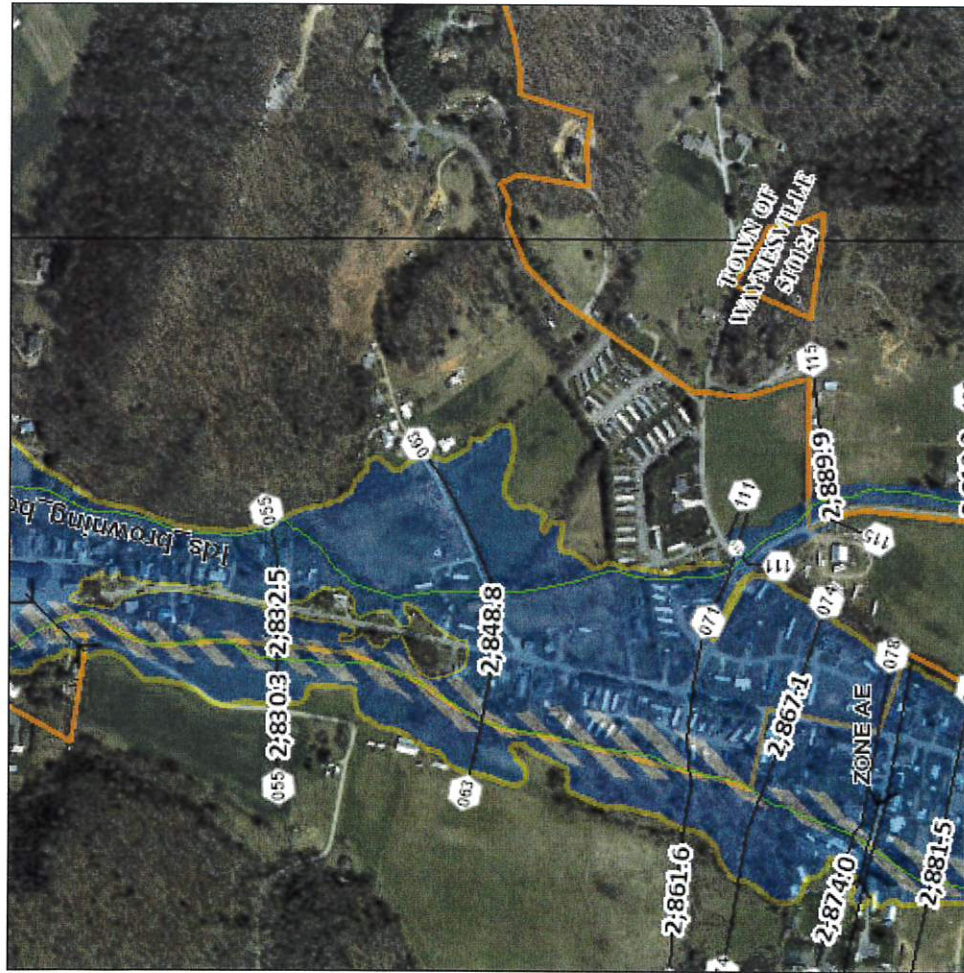
June 13, 2018

\* 063 Cross-Section, BFE 2,848.8 @ Existing topo of 2,845 (±)  
Ordinance Requirement is BFE + 1

\*

# Regulatory Map

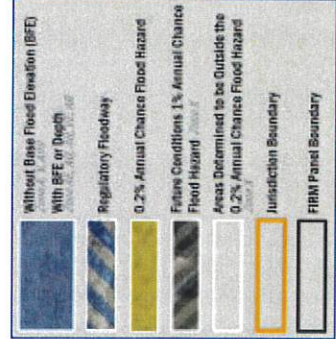
Northing: = 646,567, Easting = 807,377



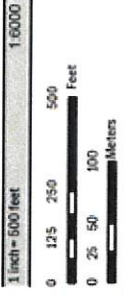
Northing: = 643,098, Easting = 807,377

This is an official copy of a portion of the above referenced flood map. This map incorporates changes or amendments which have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov).

[Save PDF](#)



North Carolina State Plane Projection Feet (Zone 3200)  
Datum: NAD 1983 (Horizontal), NAVD 1988 (Vertical)



**FEMA National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

**NORTH CAROLINA**  
Panel(s): 8604, 8614

**CONTAINS:**  
COMMUNITY CID  
TOWN OF WAYNESVILLE 370124

**Notice to User:** The Map Number(s) shown below should be used when placing map orders; the Community Number(s) shown above should be used on insurance applications for the subject community.

**SELECTED PANELS:**  
MAP NUMBER EFFECTIVE DATE  
3700860400J 4/3/2012  
3700861400J 4/3/2012

## Elizabeth Teague

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**To:** File  
**Subject:** Comments from Public Wokrs and Fire Department

**From:** Joey Webb  
**Sent:** Tuesday, June 12, 2018 1:41 PM  
**To:** Elizabeth Teague; Preston Gregg; David Foster; Jeff Stines  
**Subject:** RE: update with curb

Elizabeth,

I have reviewed the plans for the Browning Branch, LLC project. The number of fire hydrants and access is adequate for fire protection.

If you have any additional questions let me know.

**Joey Webb | Fire Chief**  
Waynesville Fire Department  
Town of Waynesville, NC  
1022 N. Main Street | Waynesville, NC 28786  
(FD) 828.456.6151 | (direct) 828.456.8646 | (f) 828.356.1188  
[jwebb@waynesvillenc.gov](mailto:jwebb@waynesvillenc.gov)

Pursuant to North Carolina General Statutes Chapter 132 (Public Records), all electronic correspondence to and from this address may be considered public record, and as such, subject to request and review by third parties at any time.

---

**From:** Preston Gregg  
**Sent:** Tuesday, June 12, 2018 12:46 PM  
**To:** Elizabeth Teague; David Foster; Joey Webb; Jeff Stines  
**Subject:** RE: update with curb

Elizabeth,

The Town has adequate water and sewer infrastructure in place for the Browning Branch, LLC project. Let us know if you need anything additional. Thanks,

**Preston Gregg, PE, PMP | Town Engineer | Electric Manager**  
Town of Waynesville, NC  
129 Legion Drive | Waynesville, NC 28786  
(o) 828.456.3706 | (f) 828.456.2005  
[pgregg@waynesvillenc.gov](mailto:pgregg@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.



## Elizabeth Teague

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**To:** File  
**Subject:** FW: the site plan to be presented today

---

**From:** Preston Gregg  
**Sent:** Friday, May 25, 2018 9:50 AM  
**To:** 'Greg Wishart'; Elizabeth Teague; Marek Hevier; Jeff Stines; David Foster  
**Subject:** RE: the site plan to be presented today

Good Morning Mr. Wishart,

This week during TRC we briefly discussed water and sewer fees for the Browning Branch Subdivision project. I want to point out a couple different scenarios that could play out over the next few months should our current rate structure for water and sewer change:

Assuming No Change – Current Rates

Water (Tap & Capacity) for 1 – 2 BR Unit: \$1,400  
Sewer (Tap & Capacity) for 1 -2 BR Unit: \$1,600  
**TOTAL: \$3,000.00 / unit X 52 units = \$156,000.00**

Assuming Rates Increase to our “Predicted” Rates (meaning the Board can do what they want to with the rates)

Water (Tap & Capacity) for 1 – 2 BR Unit: \$1,850  
Sewer (Tap & Capacity) for 1 – 2 BR Unit: \$2,150  
**TOTAL: \$4,000 / unit X 52 units = \$208,000.00**

These numbers vary from what I stated in our TRC meeting. Unfortunately, at this current point in time we cannot predict what the board will decide to do with the rates, so what has been stated above is a best guess given what information we have on hand. We should have more definitive numbers by July. Hope this helps. Thanks,

**Preston Gregg, PE, PMP | Town Engineer | Electric Manager**

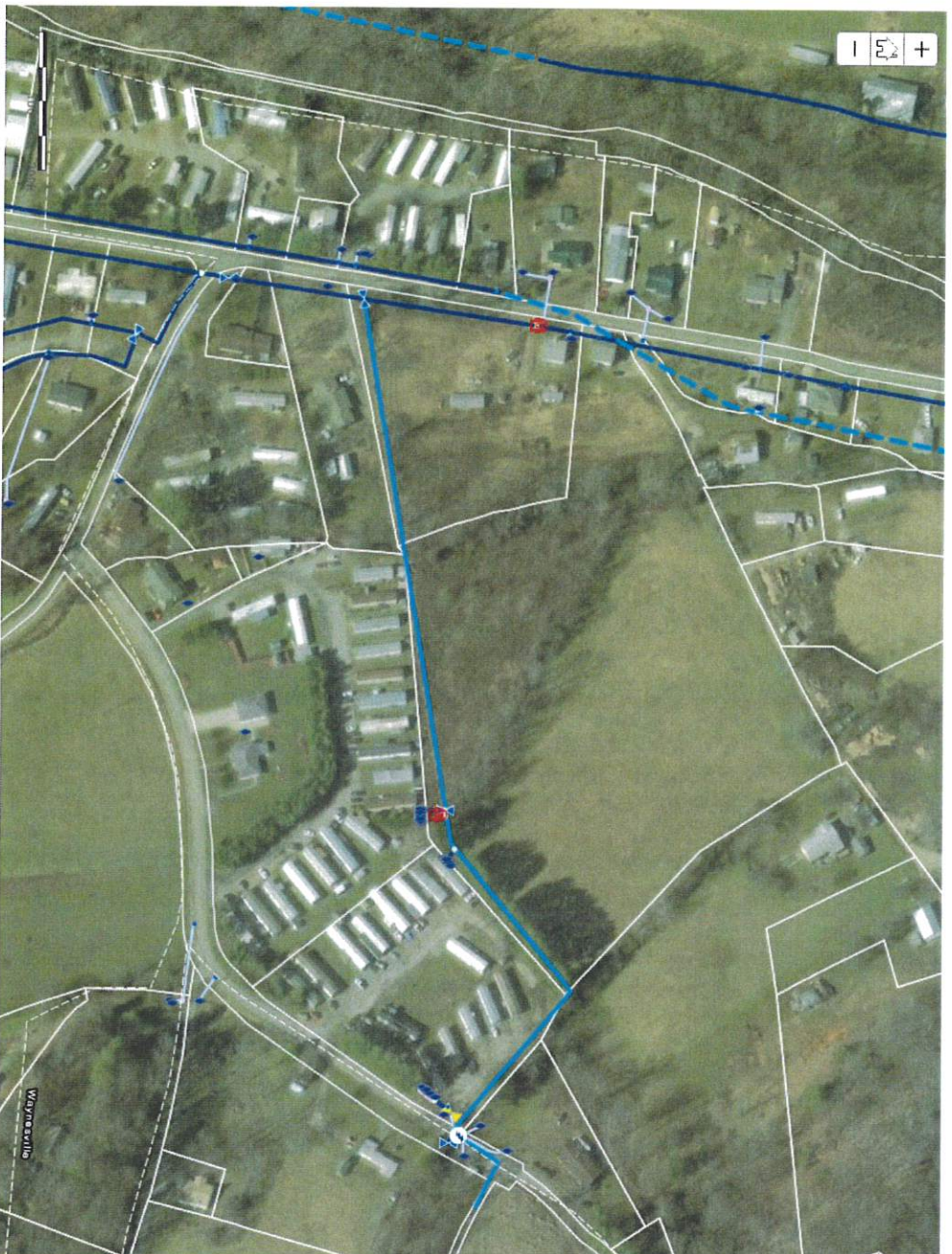
Town of Waynesville, NC  
129 Legion Drive | Waynesville, NC 28786  
(o) 828.456.3706 | (f) 828.456.2005

[pgregg@waynesvillenc.gov](mailto:pgregg@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)

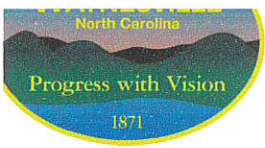
Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.



Location of existing waterlines:



Location of waterlines (6" cast iron). Can support 52 units with hydrants within 400' of each structure.  
Sewer will be 8"



**CERTIFICATE OF PLAT APPROVAL**

**DESCRIPTION OF PROPERTY**

PROPERTY OWNER(S) OF RECORD: Browning Branch, LLC.  
PARENT PARCEL IDENTIFICATION NUMBER(S): 8604-94-0656  
PROPERTY LOCATION: Buchanan Dr. / Allens Creek Rd.  
REGISTERED LAND SURVEYOR/DRAWING NUMBER: Mountain Heritage Land Surveying  
ZONING: AC-NR

**TYPE OF PLAT**

- MAJOR SUBDIVISION, FINAL PLAT APPROVAL DATE: \_\_\_\_\_
- MINOR SUBDIVISION, FINAL PLAT APPROVAL DATE: \_\_\_\_\_
- COMBINATION OR RECOMBINATION OF RECORDED LOTS
- PARCELS GREATER THAN 10 ACRES, WITH NO STREET(S) REQUIRED
- PUBLIC ACQUISITION OF LAND FOR STREET(S)
- 2 ACRES OR LESS DIVIDED INTO NOT MORE THAN 3 LOTS
- CONVEYANCE TO LINEAL DESCENDANTS, AS LISTED: \_\_\_\_\_
- \_\_\_\_\_
- OTHER: \_\_\_\_\_

**APPLICANT INFORMATION**

NAME(S): Greg Wishart  
MAILING ADDRESS: P.O. Box 23, Clyde, NC 28721  
PHONE NUMBER: 828-646-1470  
RELATIONSHIP TO PROPERTY OWNER: Project Supervisor

**APPROVED BY:**

\_\_\_\_\_  
PLANNING DIRECTOR

DATE: \_\_\_\_\_

Greg Wishart  
125 Wild Cherry Drive  
Clyde, NC 28721

June 7, 2018

Re: Browning Branch Major Subdivision Application for Planning Board Meeting June 18, 2018

My name is Greg Wishart, I reside at 125 Wild Cherry Drive, Clyde, NC. 28721. I have been a property owner in Haywood County since 1999 and a full-time resident since 2005, when I obtained my building and real estate licenses. My roots here go back even further, though, as my grandfather and his brothers were raised in the area, attending Asheville High School in the 1930s. I consider this area my permanent home. I currently own five acres in Clyde, where my family and I reside. I also have several rental homes and duplexes on the property. Several years of working with tenants has educated me on the need for more quality housing in this area, which is why I am here.

I am a project manager for Browning Branch LLC, a corporation formed by Florida resident Marek Hevier, who works there as a building contractor. He has been a property owner in Haywood County for about five years, which included a home in the Rabbits Ridge development. Marek plans on retiring in Waynesville within 10 years. He formed Browning Branch LLC. to invest in and manage real estate in this area, beginning with a development on Buchanan Drive in the Allen's Creek area. Marek is dedicated to growing a strong, long-lasting business that will add value to the local housing market.

The Browning Branch Subdivision will consist of 26 duplexes on 7.04 acres that will feature 52 handicap-accessible rental units. This is below the maximum allowable 10 units per acre. Each unit will feature 2 bedrooms and 2 baths in 1,064 square feet of heated space. Each building will be separated by at least 20 feet. We anticipate charging an average of \$1,000 a month for rent, with minimum 12-month leases.

We have been working with the Town Water and sewer Department and the site features a 6-inch water line that will service the development. The Town's capacity analysis is that the sanitary sewer is adequate for the number of proposed units.

The roads will be 20 feet wide, within a 40' right-of-way and meet the Town of Waynesville's standards to meet all fire and safety standards. There will be three fire hydrants throughout the site, with all buildings situated within 400 feet of each per Waynesville requirements.

Browning Branch has conducted the wetlands determination in conjunction with Equinox Environmental and the US Army Corp of Engineers. The amount of wetlands is .41 acres, which will not be disturbed by construction. The Jurisdictional determination by the US Army Corp of Engineers was completed March 7, 2018; the action ID # is SAW-2018-00368.

The project includes two creek crossings, one at the entrance to the development and the other spanning a small branch. The entry bridge will be a bottomless arch bridge; the other will be a culvert / reinforced concrete pipe, although it will replace a collapsed culvert that is currently impeding water flow. David Brown of the US Army Corp of Engineers sees no problem with replacing the culvert since it will improve the flow of the branch.

A portion of the property is in the 100 year flood plain, with 12 of the 26 buildings partially or wholly included in the plain. Construction within the floodplain zone will comply with the appropriate state and federal officials, to ensure these areas are developed properly.

The development will add impervious surface to 60% of the total site and leave 40% as impervious with either open space, yards, wetlands, and stream buffer. Stormwater run-off will be captured and treated according to the Town standards by a combination of Bio retention ponds as part of a wholistic, engineered storm water plan.

We believe this proposed project will not only add quality housing units to an area that needs them, but will attract young professionals working in critical areas such as public safety and education looking for good schools, shopping, restaurants, and an easy commute to Asheville. The corporation's goal is to help grow the area housing market while seeing a reasonable long-term interest .

We've spent the last six months researching the feasibility of this project, gathering thoughts and suggestions from a variety of sources – including surveyors and engineers, and meeting with the Town of Waynesville staff. We believe this is a win/win project for everyone involved and appreciate your consideration.



Date 9/14/00

By [Signature]

Book Page  
481 2103  
FILED  
HAYWOOD COUNTY NC  
09/14/2000 11:45 AM  
AMY R. MURRAY  
Register Of Deeds

11910

Excise Tax -0-

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of .....  
by .....

Mail after recording to T. Michael Jordan, 154 N. Main Street, Suite 1, Waynesville, NC 28786

This instrument was prepared by T. Michael Jordan, Attorney

Brief description for the Index  TITLE NOT SEARCHED BY PREPARER

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th day of September, 2000, by and between

GRANTOR

GRANTEE

FAYE MAXINE BUCHANAN ROSS, a/k/a  
FAY MAXINE BUCHANAN ROSS and husband,  
JAMES DEWEY ROSS

NEAL K. ROSS  
390 Freeman Road  
Waynesville, NC 28786

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Waynesville Township, Haywood County, North Carolina and more particularly described as follows:

See Schedule "A" attached and incorporated herein by reference.

2103

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book ..... page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

By: \_\_\_\_\_  
\_\_\_\_\_  
President  
ATTEST:  
\_\_\_\_\_  
Secretary (Corporate Seal)

USE BLACK INK ONLY

*Faye Maxine Buchanan Ross* (SEAL)  
Faye Maxine Buchanan Ross  
*Faye Maxine Buchanan Ross* (SEAL)  
Faye Maxine Buchanan Ross  
*James Dewey Ross* (SEAL)  
James Dewey Ross  
\_\_\_\_\_  
(SEAL)



NORTH CAROLINA, Haywood County.  
I, a Notary Public of the County and State aforesaid, certify that FAYE MAXINE BUCHANAN ROSS, a/k/a FAYE MAXINE BUCHANAN ROSS and husband, JAMES DEWEY ROSS Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 11th day of September, 2000.  
My commission expires: 6/22/2002 *Rhonda Warren* Notary Public

SEAL-STAMP

NORTH CAROLINA, \_\_\_\_\_ County.  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of \_\_\_\_\_ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by \_\_\_\_\_ as its \_\_\_\_\_ Secretary. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
My commission expires: \_\_\_\_\_ Notary Public

The foregoing Certificate(s) of Rhonda Warren

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By *Amy R Murray* REGISTER OF DEEDS FOR *Haywood* COUNTY  
*Jackie F Paris* Deputy ~~Assistant~~ Register of Deeds

## SCHEDULE A

BEING No. 3 of the Walter Buchanan Farm, containing 10.08 acres, as shown and described on a plat of survey by Gibson Land Surveying, dated October 29, 1982, and found of record in Plat Cabinet A, Slot 192-A, in the Office of the Register of Deeds of Haywood County, to which recorded plat of survey reference is hereby made for more complete and particular description thereof.

“The owners of Lot No. 3 shall have reserved unto them and are hereby granted the right of a permanent easement to make equal use of the present Buchanan farm road along with the owners of Lots Nos. 1, 2 and 4, provided, however, that they shall bear their fair share of the maintenance and upkeep of said road.”

**Saving and excepting**, however, from the land above described that part thereof which shall remain vested in Grantors as their sole and separate property, to-wit:

According to a plat of survey by J. Randy Herron, PLS, dated July 31, 2000, drawing no. 711-27-A, and from said plat of survey being more particularly described as follows:

Beginning on a point located in the centerline of Allens Creek Road, N. C. S. R. 1147, being the southwest corner of Deed Book 410, page 836 and the northwest corner of Ruby L. Bumgarner (Deed Book 310, page 232), said beginning point bearing S. 78 deg. 53 min. 46 sec. W. 21.70 feet from an iron pin set in a fence; thence runs with the centerline of said Allens Creek Road the following courses and distances: N. 09 deg. 56 min. 28 sec. E. 102.54 feet; N. 10 deg. 09 min. 54 sec. E. 105.03 feet; N. 10 deg. 07 min. 02 sec. E. 73.64 feet; N. 10 deg. 08 min. 17 sec. E. 52.99 feet; N. 10 deg. 09 min. 19 sec. E. 14.08 feet to a point located in the centerline of said public road; thence leaving said public road runs with a new divisional line of the land of Grantors (Deed Book 410, page 836) the following courses and distances: S. 84 deg. 39 min. 37 sec. E., passing a set iron pin (control corner) at 11.24 feet, and a set iron pin (control corner) at 262.85 feet, a whole distance of 270.00 feet to a point located in the center of a 4-foot branch; thence runs with the center of and meanders of said branch and continuing with the new divisional line of the land of Grantors, the following courses and distances: S. 09 deg. 18 min. 27 sec. E. 18.84 feet; S. 16 deg. 07 min. 55 sec. E. 87.75 feet; S. 15 deg. 16 min. 42 sec. E. 71.83 feet; S. 25 deg. 54 min. 33 sec. E. 55.42 feet; S. 10 deg. 30 min. 33 sec. E. 18.86 feet; thence leaving said branch runs along or near a fence line the following courses and distances: S. 79 deg. 28 min. 44 sec. W. 19.39 feet; S. 79 deg. 28 min. 44 sec. W. 83.71 feet; S. 79 deg. 21 min. 32 sec. W. 77.13 feet; S. 79 deg. 14 min. 03 sec. W. 39.54 feet; S. 78 deg. 58 min. 12 sec. W. 91.40 feet; S. 78 deg. 53 min. 46 sec. W. 78.27 feet; thence S. 78 deg. 53 min. 46 sec. W. 21.70 feet to the point of Beginning, containing 2.235 acres.

This deed creates a family subdivision and is exempted from the provisions of the Haywood County Predevelopment Ordinance. Septic tank suitability evaluations may not have been performed on these lots.

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action ID: SAW-2018-00368 County: Haywood U.S.G.S. Quad: Hazelwood

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Property Owner: Neal Ross  
Address: 955 Allens Creek Road  
Waynesville, NC 28785  
Telephone Number: 828-734-2154

Size (acres): 7.04 Nearest Town: Waynesville  
Nearest Waterway: UT Browning Branch and  
Browning Branch Coordinates: 35.45526 N, 83.00066 W  
River Basin/ HUC: Pigeon (06010106)

Location description: The project site is located on a tract of land (PIN 8604-94-0656) along the south side of Buchanan Drive approximately 400 feet east of the intersection of Allens Creek Road and Buchanan Drive in Waynesville, Haywood County, North Carolina.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

- There are waters, including wetlands, on the above described project area, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

**B. Approved Determination**

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the U.S. including wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

The waters of the U.S. including wetlands on your property have been delineated and the delineation has been verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA jurisdiction on your

property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

\_ The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on \_\_\_\_\_. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **David Brown** at 828-271-7980, ext. 4232 or [david.w.brown@usace.army.mil](mailto:david.w.brown@usace.army.mil).

### **C. Basis for Determination:**

See attached approved jurisdictional determination form.

### **D. Remarks:**

The waters of the U.S., at this site, were verified on-site by the Corps on March 6, 2018, and are as approximately depicted on the attached Resources Delineation Map Buchanan Drive Site – Stream and Wetland Determination/Delineation submitted by Equinox. UT-2, noted on the figure, is not within the property boundaries and is located on the adjoining property to the east.

### **E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

### **F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by May 6, 2018.

\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

Corps Regulatory Official:   
David Brown

Issue Date of JD: **March 7, 2018**

Expiration Date: Five years from *Issue Date*

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy furnished:  
Equinox Environmental, Owen Carson, 37 Haywood Street, Suite 100, Asheville, NC 28801



**RESOURCES DELINEATION MAP**  
**BUCHANAN DRIVE SITE - STREAM & WETLAND DETERMINATION / DELINEATION**

0 170 340 680 Feet

- Subject Parcel
- Parcels
- Wetland Area

- Delineated Stream
- LIDAR Streams
- Streets

- Upland Datapoint
- Wetland Datapoint

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: <b>Neal Ross</b>		File Number: <b>SAW-2018-00368</b>	Date: <b>March 7, 2018</b>
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.



E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
**District Engineer, Wilmington Regulatory Division,**  
**Attn: David Brown**  
**151 Patton Avenue, Room 208**  
**Asheville, North Carolina 28801-5006**  
**828-271-7980, ext. 4232**

If you only have questions regarding the appeal process you may also contact:  
 Mr. Jason Steele, Administrative Appeal Review Officer  
 CESAD-PDO  
 U.S. Army Corps of Engineers, South Atlantic Division  
 60 Forsyth Street, Room 10M15  
 Atlanta, Georgia 30303-8801  
 Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
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**For appeals on Initial Proffered Permits send this form to:**

**District Engineer, Wilmington Regulatory Division, Attn.: David Brown, 69 Darlington Avenue, Wilmington, North Carolina 28403**

**For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:**

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137**

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** March 7, 2018

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** CESAW-RG-A, SAW-2018-00368, Buchanan Drive Development

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: **NC** County/parish/borough: **Haywood** City: **Waynesville**

Center coordinates of site (lat/long in degree decimal format): Latitude & Longitude in Decimal Degrees: **35.45526 N, 83.00066 W**  
Universal Transverse Mercator:

Name of nearest waterbody: **UT Browning Branch and Browning Branch**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Pigeon River**

Name of watershed or Hydrologic Unit Code (HUC): **Pigeon (06010106)**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: **March 6, 2018**

Field Determination. Date(s): **March 7, 2018**

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: **1,081** linear feet: **3-15** width (ft) and/or acres.

Wetlands: **0.015** acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known) .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: .

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**  
Identify TNW: \_\_\_\_\_  
Summarize rationale supporting determination: \_\_\_\_\_
2. **Wetland adjacent to TNW**  
Summarize rationale supporting conclusion that wetland is "adjacent": \_\_\_\_\_

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**
  - (i) **General Area Conditions:**  
Watershed size: Pick List  
Drainage area: Pick List  
Average annual rainfall: \_\_\_\_\_ inches  
Average annual snowfall: \_\_\_\_\_ inches
  - (ii) **Physical Characteristics:**
    - (a) Relationship with TNW:  
 Tributary flows directly into TNW.  
 Tributary flows through Pick List tributaries before entering TNW.  
  
Project waters are Pick List river miles from TNW.  
Project waters are Pick List river miles from RPW.  
Project waters are Pick List aerial (straight) miles from TNW.  
Project waters are Pick List aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_  
  
Identify flow route to TNW<sup>5</sup>: \_\_\_\_\_  
Tributary stream order, if known: \_\_\_\_\_
    - (b) General Tributary Characteristics (check all that apply):  
Tributary is:  Natural

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

- Artificial (man-made). Explain:
- Manipulated (man-altered). Explain:

**Tributary properties with respect to top of bank (estimate):**

Average width:            feet  
 Average depth:            feet  
 Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

- |  |  |                                   |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts           | <input type="checkbox"/> Sands                     | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles         | <input type="checkbox"/> Gravel                    | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock         | <input type="checkbox"/> Vegetation. Type/% cover: |                                   |
| <input type="checkbox"/> Other. Explain: |  |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope):            %

(c) **Flow:**

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

**Tributary has (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Bed and banks  |   |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list):  |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain:            |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
- Federally Listed species. Explain findings:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

- Fish/spawn areas. Explain findings:
- Other environmentally-sensitive species. Explain findings:
- Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW.

Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow

of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: linear feet width (ft), Or, acres.  
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **UT Browning Branch and Browning Branch exhibits indicators of ordinary high water marks (OHWM) including developed bed and bank, scour, presence of aquatic life, presence of litter and debris, destruction of terrestrial vegetation, sediment sorting and deposition, and leaf litter washed away. UT Browning Branch and Browning Branch are depicted as a solid blue lines on the USGS 7.5 minute quadrangle map Hazelwood and the most current Natural Resource Conservation Service Soil Survey for Haywood County. Solid blue line features on these mapping conventions typically represent perennial streams. Perennial flow has been observed by Corps representatives during visits to the Waynesville, North Carolina vicinity.**  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **1, 081** linear feet **3-15** width (ft). **Browning Branch and UT Browning Branch (UT-1)**  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**  
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

<sup>8</sup>See Footnote # 3.

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Flows directly into associated tributary. Wetlands are contiguous to RPWs that flow directly or indirectly into TNWs. Wetland hydrology is enhanced with abutting RPWs via normal down gradient flows and periods of high water.**
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: **0.015** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:        acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:        acres.

7. **Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:        .
- Other factors. Explain:        .

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters:        linear feet        width (ft).
- Other non-wetland waters:        acres.
- Identify type(s) of waters:        .
- Wetlands:        acres.

F. **NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:        .
- Other: (explain, if not covered above):        .

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

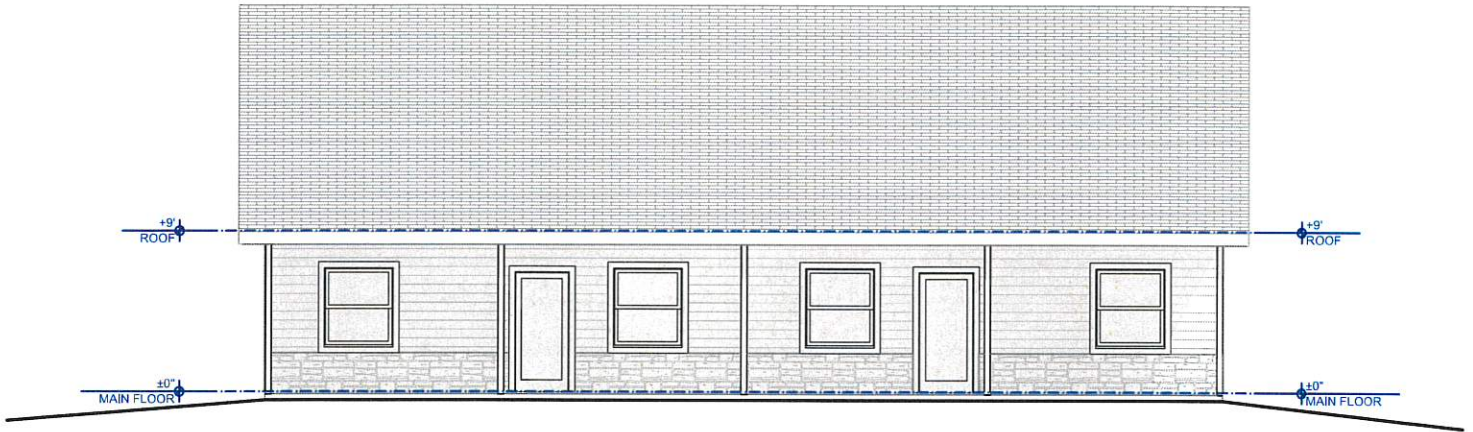
#### **SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Equinox Environmental.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. **Equinox Environmental.**
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **Hazelwood.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Haywood County, NC** .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: **Map No. 3700860400J, effective date April 3, 2012**
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): **Google Earth Pro, Nov. 2017, Oct. 2015, Mar. 2013, May 2009, Jun. 2006, Apr. 1998, and Mar. 1995**  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The stream channels at the property are UT Browning Branch (UT-1) and Browning Branch, both are RPWs. UT Browning Branch flows into Browning Branch, which flows into Richland Creek, and then flows into the Pigeon River, a traditionally navigable water (TNW) and a Section 10 River below Waterville Dam,. The Pigeon River flows into the French Broad River and merges with the Holston River to form the Tennessee River. The Tennessee River drains into the Mississippi River before entering the Gulf of Mexico.





**FRONT ELEVATION**

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

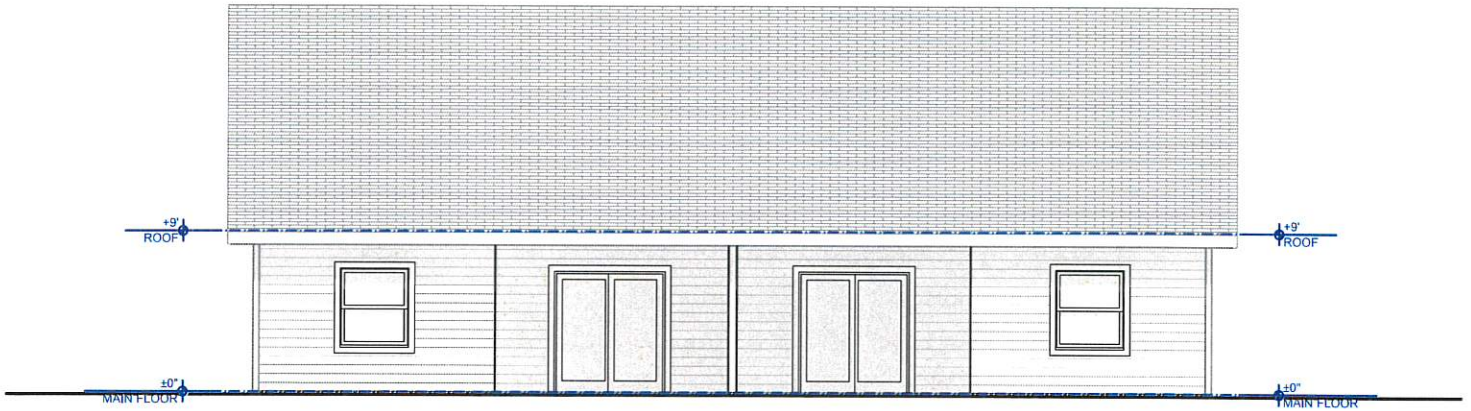


**LEFT ELEVATION**

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

**GABLE DUPLEX**

4/21/2018



**BACK ELEVATION**

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

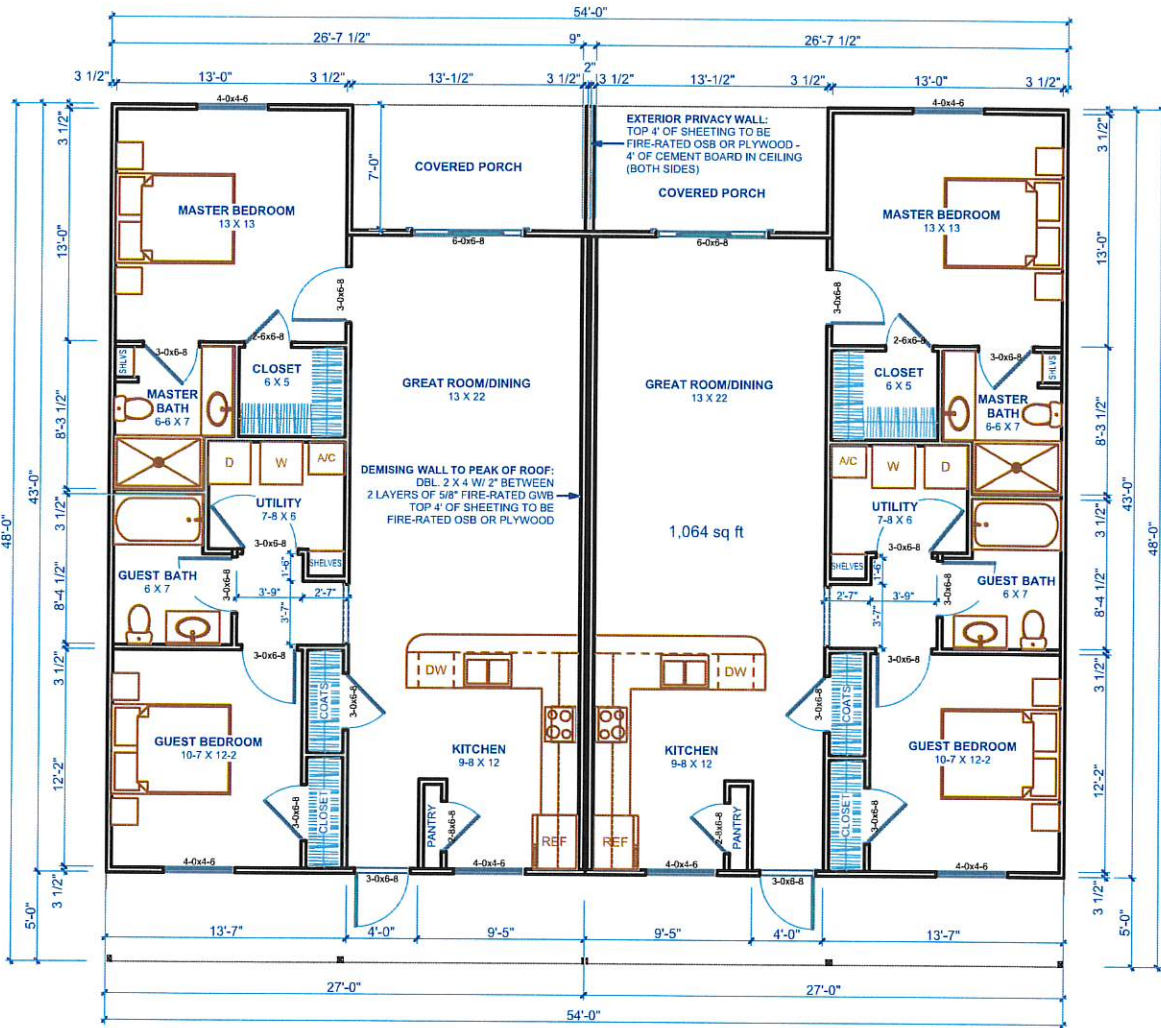


**RIGHT ELEVATION**

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

**GABLE DUPLEX**

4/21/2018



**MAIN FLOOR**

GABLE DUPLEX

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

4/21/2018

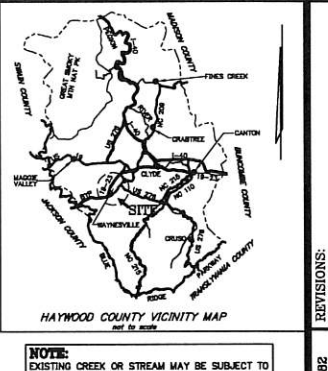
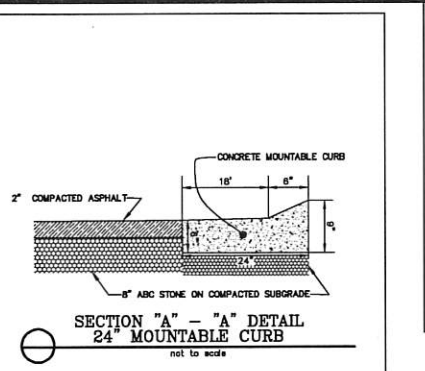
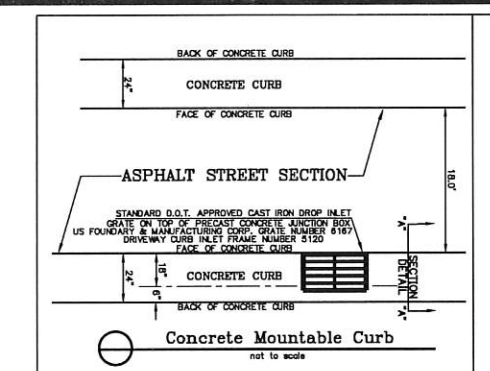
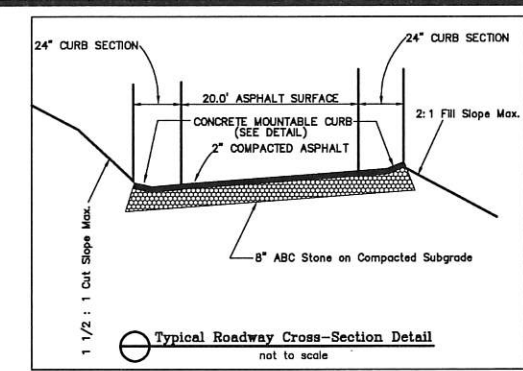
**LEGEND**

EIP = Existing Iron Pipe or Pin  
 IPS = Iron Pin Set, 5/8" Rebar With Survey Cap  
 ELH = Existing Locust Hub  
 MON = Concrete Monument  
 R/W = Right of Way  
 R/R Spike = Railroad Spike  
 FS = Fence Stake  
 CGS = Cotton Gin Spike  
 P = Aerial Power Line  
 --- = Fence Line  
 --- = Branch or Stream  
 --- = Surveyed Property Line  
 --- = Adjoining Property Line (not surveyed)  
 --- = Surveyed Tie Line  
 --- = Edge of Road or Drive (type of surface noted)  
 --- = Edge of R/W (width noted)  
 --- = Edge of Easement (type noted and dimensioned)  
 --- = Top of Ridge

⊙ MH = Manhole  
 ⊙ CB = Catch Basin  
 ⊙ WM = Water Meter  
 ⊕ PP = Power service Pole  
 N/F = Now or Formerly  
 P/O = Part of  
 DB = Deed Book  
 PG = Page  
 B.S.L. = BUILDING SETBACK LINE  
 --- = PROPOSED 6" WATER LINE  
 --- = PROPOSED 8" SEWER LINE

Curve	Radius	Chord Bearing and Distance	Arc Length
C1	90.00'	S 85° 36' 35" E 25.34'	25.43'
C2	36.87'	N 21° 48' 30" W 31.38'	31.38'
C3	36.87'	N 10° 27' 17" W 15.54'	15.54'
C4	52.86'	N 82° 45' 12" E 25.41'	25.87'
C5	36.87'	N 38° 09' 35" E 13.60'	13.98'
C6	52.86'	S 80° 43' 24" W 40.41'	41.47'
C7	775.00'	S 82° 54' 13" E 20.87'	20.87'
C8	775.00'	S 80° 09' 08" E 33.77'	33.78'
C9	775.00'	S 89° 38' 48" E 64.80'	64.81'
C10	775.00'	S 85° 27' 32" E 48.45'	48.46'
C11	775.00'	S 74° 47' 43" E 33.78'	33.78'
C12	90.00'	S 85° 36' 35" E 25.34'	25.43'
C13	90.00'	N 76° 31' 39" E 30.44'	30.58'

Line	Bearing	Distance
L1	N 63° 40' 23" E	13.10'
L2	N 85° 48' 24" W	7.15'
L3	N 89° 08' 24" W	10.98'
L4	N 11° 40' 20" W	20.23'
L5	N 10° 28' 14" W	18.84'
L6	S 83° 53' 28" W	15.20'
L7	S 79° 00' 00" W	21.70'
L8	N 8° 58' 02" E	32.25'
L9	N 8° 58' 02" E	25.34'
L10	N 8° 58' 02" E	11.41'
L11	S 33° 52' 00" W	29.25'
L12	S 50° 55' 05" W	42.90'
L13	S 83° 40' 23" W	31.18'
L14	N 63° 08' 58" E	38.75'
L15	N 83° 08' 58" E	35.28'
L16	S 83° 08' 58" E	34.98'
L17	S 40° 38' 34" E	13.73'
L18	N 48° 59' 47" W	35.89'
L19	N 48° 59' 47" W	31.58'
L20	N 48° 31' 07" W	40.99'
L21	S 69° 08' 19" W	43.50'
L22	S 31° 48' 18" W	44.18'
L23	S 85° 42' 42" W	38.80'
L24	S 89° 09' 40" E	28.82'
L25	N 86° 20' 25" W	28.16'
L26	S 69° 08' 19" W	17.85'
L27	N 80° 35' 10" W	38.21'
L28	N 54° 11' 30" W	47.88'
L29	S 75° 03' 40" W	21.63'
L30	N 66° 52' 21" W	7.73'
L31	S 14° 18' 02" W	45.69'
L32	S 28° 58' 32" W	54.49'
L33	S 28° 58' 32" W	22.15'
L34	N 10° 28' 14" W	18.84'
L35	N 13° 52' 00" W	17.28'
L36	N 13° 52' 00" W	13.33'
L37	S 83° 55' 42" W	38.83'
L38	S 83° 55' 42" W	18.44'
L39	S 27° 04' 20" W	35.59'
L40	N 11° 40' 20" W	20.23'
L41	N 27° 04' 20" W	18.83'
L42	S 50° 08' 19" E	43.50'
L43	N 48° 31' 07" E	40.99'
L44	S 11° 17' 20" W	40.19'



- NOTES**
- Acreage calculated by Coordinate Computation Method.
  - ALL property corners NOT described are computed "points" only.
  - Property is subject to all applicable easements and rights of way of record.
  - Error of closure meets or exceeds 1:10,000+. ALL distances are horizontal.
  - This Survey meets the requirements of a Class "A" Survey.
  - Location of ALL underground utilities are approximate, unless otherwise indicated. Exact location to be determined by owner.
  - Property corners are marked with blue flagging, other color flagging is for reference only, unless otherwise indicated.
  - If land disturbing activities in excess of 0.5 acre are planned, the property owner is required to submit a Sedimentation and Erosion Control Plan to North Carolina Dept. of Environment Health and Natural Resources.
  - The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
  - This survey was prepared without benefit of abstract title and ALL matters of title should be referred to an Attorney-at-Law.
  - This property has not been inspected for wetlands or floodway encroachment.
  - There IS NO recoverable Horizontal Control within 2000'.
  - Property IS NOT located in a special flood hazard area, in accordance with current FEMA and FIRIM maps.
  - North is "Plat North" of Plat Cabinet C Slot 192A.
  - This plat represents a survey of Deed Book 481 Page 2103.
  - Elevations are NAVD 88 datum referenced and the Contour Interval is two foot.

State of North Carolina, County of Haywood  
 Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_  
 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M and recorded in Plat Cabinet \_\_\_\_\_  
 at Slot \_\_\_\_\_

Register of Deeds - Haywood County  
 by: \_\_\_\_\_ Assistant Deputy

State of North Carolina, County of Haywood  
 I, \_\_\_\_\_ Review Officer of  
 Haywood County, certify that the map or plat to which this  
 certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER (Date)

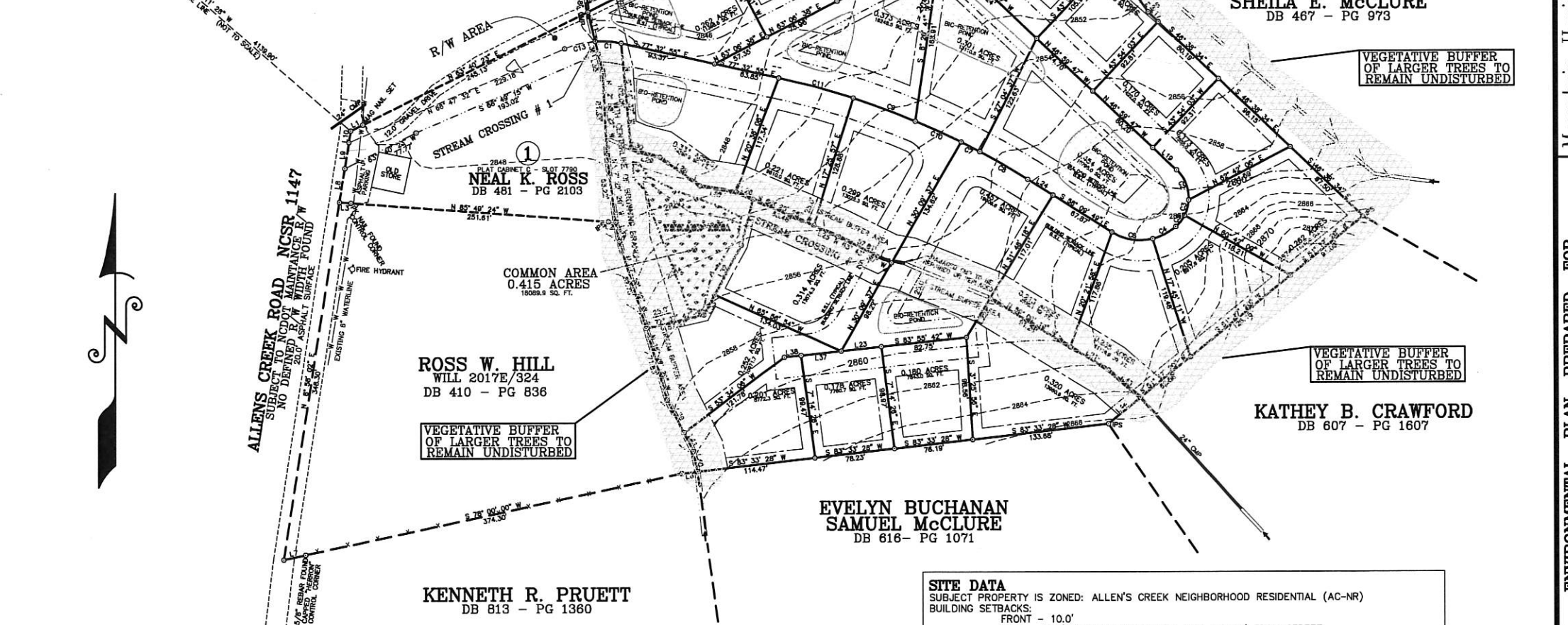
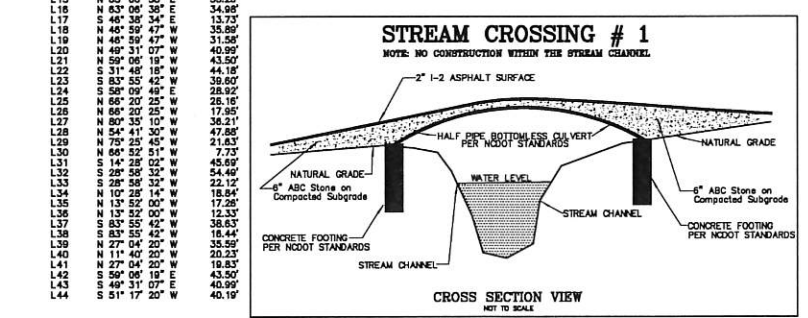
- TYPE OF SURVEY PERFORMED**
- ( ) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
  - ( ) This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
  - (X) This survey is of an existing parcel(s) of land and does not create a new street or change an existing street.
  - ( ) This survey is of an existing building or other structure, or natural feature, such as a watercourse.
  - ( ) This survey is a control survey.
  - ( ) This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.
  - ( ) The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to which type of survey listed above best describes the type of survey performed.

I, JONATHAN T. GILBERT, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated as drawn from information found in referenced documents; that the ratio of precision as calculated is 1:15,000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 02nd day of MAY, 2018.

Professional Land Surveyor  
 License Number L-3971

**JONATHAN T. GILBERT**  
 LAND SURVEYOR  
 SEAL L-3971

2018-199.PSD/2018-199 ENVIRONMENTAL.DWG



**7.038 ACRES TOTAL**

60 30 0 60 120 180  
 SCALE IN FEET

OWNER OF RECORD:  
**BROWNING BRANCH, LLC**

**SITE DATA**  
 SUBJECT PROPERTY IS ZONED: ALLEN'S CREEK NEIGHBORHOOD RESIDENTIAL (AC-NR)  
 BUILDING SETBACKS:  
 FRONT - 10.0'  
 SIDE - 10.0' FROM ADJACENT LOT LINE OR 5.0' FROM STREET  
 REAR - 6.0' FROM ADJACENT LOT LINE  
 6.0' SEPARATION BETWEEN BUILDINGS  
 MAXIMUM DENSITY: 10 UNITS PER ACRE  
 7.038 ACRES DIVIDED INTO 26 LOTS CONTAINING 52 UNITS WITH A COMMON AREA OF 0.415 ACRES  
 MINIMUM LOT SIZE: 1/6th ACRE (7,260 SQUARE FEET)  
 SMALLEST LOT CONTAINS UNITS 13 & 14 AND IS 0.168 ACRES (7,334.8 SQUARE FEET)  
 LARGEST LOT CONTAINS UNITS 27 & 28 AND IS 0.457 ACRES (19,909.6 SQUARE FEET)  
 2030.0 LINEAR FEET OF NEW 20.0' WIDE ASPHALT ROAD TO BE BUILT  
 4.2 ACRES OF IMPERVIOUS SURFACE (BUILDINGS, DRIVEWAYS & STREETS)  
 2.84 ACRES OF PERVIOUS SURFACE FOR WATER DRAINAGE  
 OFFSTREET PARKING - EACH UNIT TO HAVE A LARGE ENOUGH DRIVEWAY TO ACCOMMODATE 2 PARKED CARS

SEAL P-1780  
 JONATHAN T. GILBERT  
 LAND SURVEYOR

ENVIRONMENTAL PLAN PREPARED FOR  
**BROWNING BRANCH, LLC**  
 Haywood County, N.C.  
 Waynesville Township

REVISIONS:  
 REFERENCES: DB 949 - PG 1982  
 PLAT CABINET C - SLOT 1790

DATE: 06/06/2018  
 DRAWN BY: JRH  
 CHECKED BY: JTC

SCALE: 1" = 80'  
 SHEET NUMBER: 1 of 1  
 DRAWING NUMBER: 2018-199-000-A  
 HERRON: 711-87-A

Mountain Heritage  
 Land Surveying, PLLC  
 SURVEYING & MAPPING - GPS  
 UNIT #18 - SITE #3 - WAYNESVILLE PLAZA,  
 WAYNESVILLE, NC 27886

**LEGEND**

EIP = Existing Iron Pipe or Pin	⊙MH = Manhole
IPS = Iron Pin Set, 5/8" Rebar With Survey Cap	⊠CB = Catch Basin
ELH = Existing Locust Hub	⊠WM = Water Meter
MON = Concrete Monument	⊕PP = Concrete Service Pole
R/W = Right of Way	N/F = Now or Formerly
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FS = Fence Stake	DB = Dead Book
CGS = Cotton Gin Spike	PG = Page
P = Aerial Power Line	B.S.L. = BUILDING SETBACK LINE
--- = Fence Line	--- = PROPOSED 6" WATER LINE
--- = Branch or Stream	--- = PROPOSED 8" SEWER LINE
--- = Surveyed Property Line	--- = ADJOINING PROPERTY LINE (not surveyed)
--- = Surveyed Tie Line	--- = Edge of Road or Drive (type of surface noted)
--- = Edge of R/W (width noted)	--- = Edge of R/W (width noted)
--- = Edge of Easement (type noted and dimensioned)	--- = Edge of Easement (type noted and dimensioned)
⊕ = Top of Ridge	

- NOTES**
- Acreage calculated by Coordinate Computation Method.
  - ALL property corners NOT described are computed "points" only.
  - Property is subject to all applicable easements and rights of way of record.
  - Error of closure meets or exceeds 1:10,000+. ALL distances are horizontal.
  - This Survey meets the requirements of a Class "A" Survey.
  - Location of ALL underground utilities are approximate, unless otherwise indicated. Exact location to be determined by owner.
  - Property corners are marked with blue flagging, other color flagging is for reference only, unless otherwise indicated.
  - If land disturbing activities in excess of 0.5 acre are planned, the property owner is required to submit a Sedimentation and Erosion Control Plan to North Carolina Dept. of Environment Health and Natural Resources.
  - The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
  - This survey was prepared without benefit of abstract title and ALL matters of title should be referred to an Attorney-at-Law.
  - This property has not been inspected for wetlands or floodway encroachment.
  - There IS NO recoverable Horizontal Control within 2000'.
  - Property IS NOT located in a special flood hazard area, in accordance with current FEMA and FIRIM maps.
  - North is "Plat North" of Plat Cabinet C Slot 192A.
  - This plat represents a survey of Deed Book 481 Page 2103.
  - Elevations are NAVD 88 datum referenced and the Contour Interval is two foot.

State of North Carolina, County of Haywood  
 Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_  
 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M and recorded in Plat Cabinet \_\_\_\_\_  
 at Slot \_\_\_\_\_

Register of Deeds - Haywood County  
 by: \_\_\_\_\_ Assistant Deputy

State of North Carolina, County of Haywood  
 I, \_\_\_\_\_ Review Officer of  
 Haywood County, certify that the map or plat to which this  
 certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER (Date)

- TYPE OF SURVEY PERFORMED**
- ( ) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
  - ( ) This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
  - (X) This survey is of an existing parcel(s) of land and does not create a new street or change an existing street.
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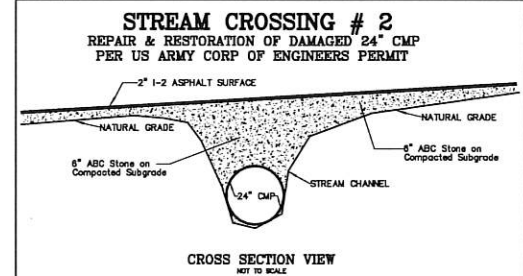
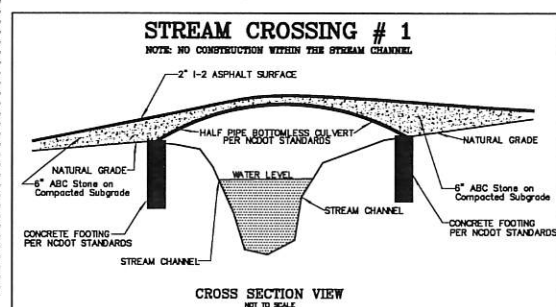
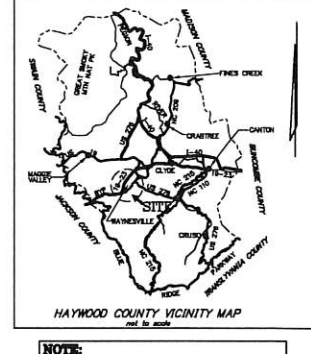
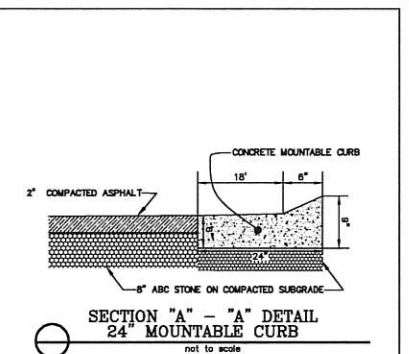
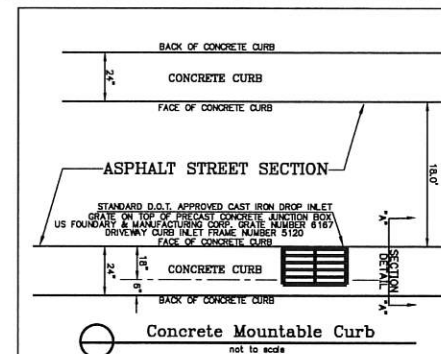
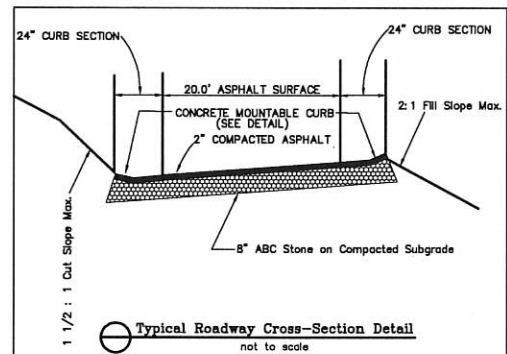
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Professional Land Surveyor  
 License Number L-3971



Curve	Radius	Chord Bearing and Distance	Arc Length
C1	90.00'	S 85° 38' 35" E 25.34'	25.43'
C2	36.87'	N 21° 48' 30" W 31.38'	32.42'
C3	36.87'	N 15° 27' 17" W 16.43'	16.54'
C4	52.84'	N 82° 45' 12" E 25.41'	25.87'
C5	36.87'	S 89° 09' 35" W 13.80'	13.88'
C6	52.84'	S 89° 43' 24" W 40.41'	41.47'
C7	775.00'	S 82° 54' 13" W 20.87'	20.87'
C8	775.00'	S 89° 38' 46" W 53.78'	53.78'
C9	775.00'	S 89° 38' 46" W 54.80'	54.81'
C10	775.00'	S 85° 27' 35" W 48.45'	48.46'
C11	775.00'	S 74° 47' 43" W 74.46'	74.46'
C12	90.00'	S 85° 38' 35" E 25.34'	25.43'
C13	90.00'	N 78° 31' 39" E 30.44'	30.58'

Line	Bearing	Distance
L1	N 83° 40' 23" E	13.10'
L2	N 85° 48' 24" W	7.15'
L3	N 89° 48' 24" W	10.98'
L4	N 11° 40' 20" W	20.23'
L5	N 10° 28' 14" W	18.84'
L6	S 83° 33' 28" W	15.22'
L7	S 78° 00' 00" W	21.70'
L8	N 8° 58' 02" E	32.28'
L9	N 8° 58' 02" E	25.34'
L10	N 8° 58' 02" E	11.41'
L11	S 13° 52' 00" E	29.25'
L12	S 58° 55' 05" W	42.90'
L13	N 83° 40' 23" E	31.18'
L14	N 83° 08' 53" E	36.75'
L15	N 83° 08' 53" E	35.28'
L16	N 83° 08' 53" E	34.08'
L17	S 49° 38' 34" E	13.73'
L18	N 46° 58' 47" W	35.88'
L19	N 73° 25' 45" W	21.83'
L20	N 49° 31' 07" W	40.99'
L21	S 59° 08' 19" W	43.50'
L22	S 31° 48' 18" W	44.18'
L23	S 85° 58' 42" W	38.80'
L24	S 88° 09' 49" E	28.92'
L25	N 86° 20' 25" W	28.18'
L26	N 86° 20' 25" W	17.85'
L27	N 80° 30' 10" W	36.21'
L28	N 54° 41' 30" W	47.85'
L29	N 73° 25' 45" W	21.83'
L30	N 85° 52' 51" W	7.73'
L31	S 14° 38' 52" W	45.89'
L32	S 28° 58' 32" W	54.48'
L33	S 28° 58' 32" W	22.12'
L34	N 10° 28' 14" W	18.84'
L35	N 13° 52' 00" W	17.28'
L36	N 13° 52' 00" W	12.33'
L37	S 83° 26' 42" W	35.83'
L38	S 83° 26' 42" W	18.44'
L39	N 27° 04' 20" W	35.58'
L40	N 11° 40' 20" W	20.23'
L41	N 27° 04' 20" W	18.83'
L42	S 89° 08' 19" W	43.50'
L43	S 49° 31' 07" E	40.99'
L44	S 51° 17' 20" W	40.19'



NCSR MONUMENT "DAYCO"  
 DB 181 - PG 288  
 NAD 83 (2011) DATUM  
 CONVERSION FACTOR = 0.99974864

CHARLIE DEEVER  
 DB 554 - PG 1748

NEAL K. ROSS  
 DB 481 - PG 2103

ROSS W. HILL  
 WILL 2017E/324  
 DB 410 - PG 836

KENNETH R. PRUETT  
 DB 813 - PG 1380

EVELYN BUCHANAN  
 SAMUEL McCLURE  
 DB 616 - PG 1071

SHEILA E. McCLURE  
 DB 487 - PG 973

KATHY B. CRAWFORD  
 DB 607 - PG 1807

FRANK A. DEEVER  
 DB 462 - PG 508

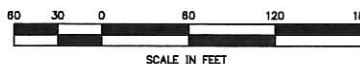
MONICA D. NOLAND  
 ADRIAN H. NOLAND  
 DB 712 - PG 2493

ALLENS CREEK ROAD NCSR 1147  
 SUBJECT TO NCDOT MAINTENANCE  
 NO DEFINED RIGHT OF WAY FOUND

COMMON AREA  
 0.415 ACRES  
 18089.9 SQ. FT.

**SITE DATA**  
 SUBJECT PROPERTY IS ZONED: ALLEN'S CREEK NEIGHBORHOOD RESIDENTIAL (AC-NR)  
 BUILDING SETBACKS:  
 FRONT - 10.0'  
 SIDE - 10.0' FROM ADJACENT LOT LINE OR 5.0' FROM STREET  
 REAR - 5.0' FROM ADJACENT LOT LINE  
 6.0' SEPARATION BETWEEN BUILDINGS  
 MAXIMUM DENSITY: 10 UNITS PER ACRE  
 7.038 ACRES DIVIDED INTO 26 LOTS CONTAINING 52 UNITS WITH A COMMON AREA OF 0.415 ACRES  
 MINIMUM LOT SIZE: 1/8TH ACRE (7,260 SQUARE FEET)  
 SMALLEST LOT CONTAINS UNITS 13 & 14 AND IS 0.188 ACRES (7,334.8 SQUARE FEET)  
 LARGEST LOT CONTAINS UNITS 27 & 28 AND IS 0.457 ACRES (19,909.6 SQUARE FEET)  
 2030.0 LINEAR FEET OF NEW 20.0' WIDE ASPHALT ROAD TO BE BUILT  
 4.2 ACRES OF IMPERVIOUS SURFACE (BUILDINGS, DRIVEWAYS & STREETS)  
 2.84 ACRES OF PERVIOUS SURFACE FOR WATER DRAINAGE  
 OFFSTREET PARKING - EACH UNIT TO HAVE A LARGE ENOUGH DRIVEWAY TO ACCOMMODATE 2 PARKED CARS

7.038 ACRES TOTAL



OWNER OF RECORD:  
**BROWNING BRANCH, LLC**

REVISIONS:

REFERENCES: DB 949 - PG 1982  
 PLAT CABINET C - SLOT 7700

FOR NUMBER: 6004-64-0711 & 6004-64-0666  
 DATE: 06/02/2018  
 SCALE: 1" = 80'  
 DRAWN BY: JHR  
 CHECKED BY: JTG

Mountain Heritage  
 Land Surveying, PLLC  
 1400 W. MAIN ST. SUITE 100  
 WAYNESVILLE, NC 27586

MASTER SITE PLAN PREPARED FOR  
**BROWNING BRANCH, LLC**  
 Haywood County, N.C.

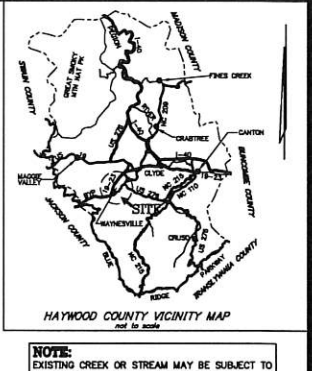
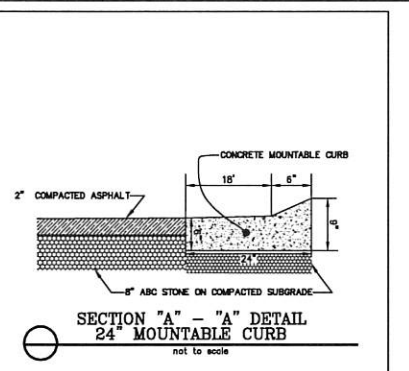
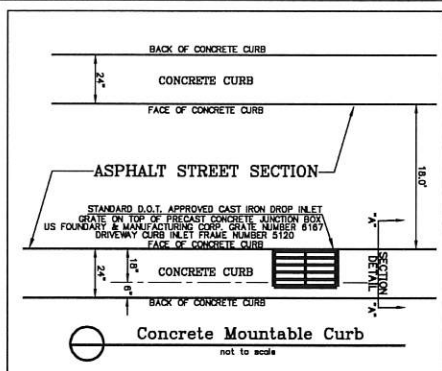
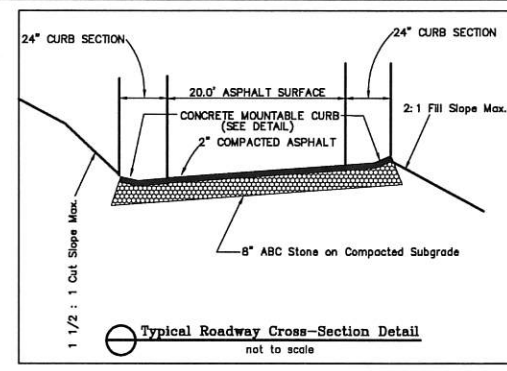
2018-199-000-A  
 1 of 1  
 SEAL P-1780

**LEGEND**

EIP = Existing Iron Pipe or Pin	⊙MH = Manhole
IPS = Iron Pin Set, 5/8" Rebar With Survey Cap	⊠CB = Catch Basin
ELH = Existing Locust Hub	⊠WM = Water Meter
MON = Concrete Monument	⊕PP = Power service Pole
R/W = Right of Way	N/F = Now or Formerly
R/S Spike = Railroad Spike	P/O = Part of
FS = Fence Stake	DB = Deed Book
C/S = Cotton Gin Spike	PG = Page
P = Aerial Power Line	B.S.L. = BUILDING SETBACK LINE
--- = Fence Line	--- = PROPOSED 8" WATER LINE
--- = Branch or Stream	--- = PROPOSED 8" SEWER LINE
--- = Surveyed Property Line	--- = Surveyed Tie Line (not surveyed)
--- = Adjoining Property Line (not surveyed)	--- = Edge of Road or Drive (type of surface noted)
--- = Surveyed Tie Line	--- = Edge of R/W (width noted)
--- = Edge of Road or Drive (type of surface noted)	--- = Edge of Easement (type noted and dimensioned)
--- = Edge of R/W (width noted)	⊙ = Top of Ridge

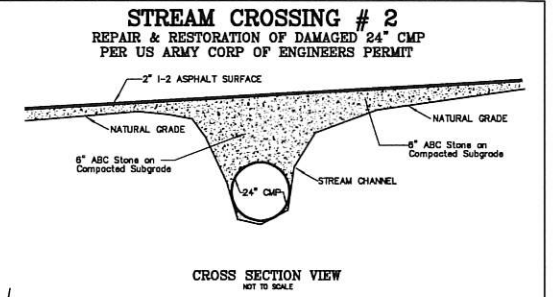
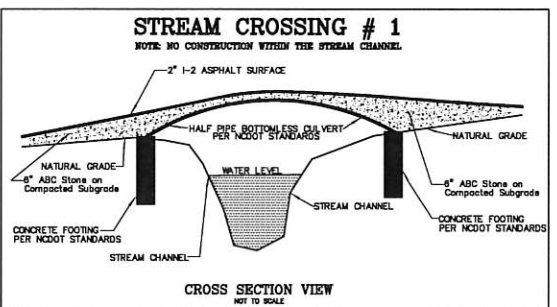
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C9	775.00'	E 89° 38' 48" E 84.80'	84.81'
C10	775.00'	S 85° 27' 32" E 48.45'	48.46'
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L3	N 85° 49' 24" W	10.86'
L4	N 11° 40' 20" W	20.23'
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L39	N 27° 04' 20" W	35.59'
L40	N 11° 40' 20" W	20.23'
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**NOTES**

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- North is "Plat North" of Plat Cabinet C Slot 192A.
- This plat represents a survey of Deed Book 481 Page 2103.
- Elevations are NAVD 88 datum referenced and the Contour Interval is two foot.



State of North Carolina, County of Haywood  
 Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_  
 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M and recorded in Plat Cabinet \_\_\_\_\_  
 at Slot \_\_\_\_\_  
 Register of Deeds - Haywood County  
 by \_\_\_\_\_ Assistant Deputy

State of North Carolina, County of Haywood  
 I, \_\_\_\_\_ Review Officer of  
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 certification is affixed meets all statutory requirements for recording.  
 REVIEW OFFICER (Date)

**TYPE OF SURVEY PERFORMED**

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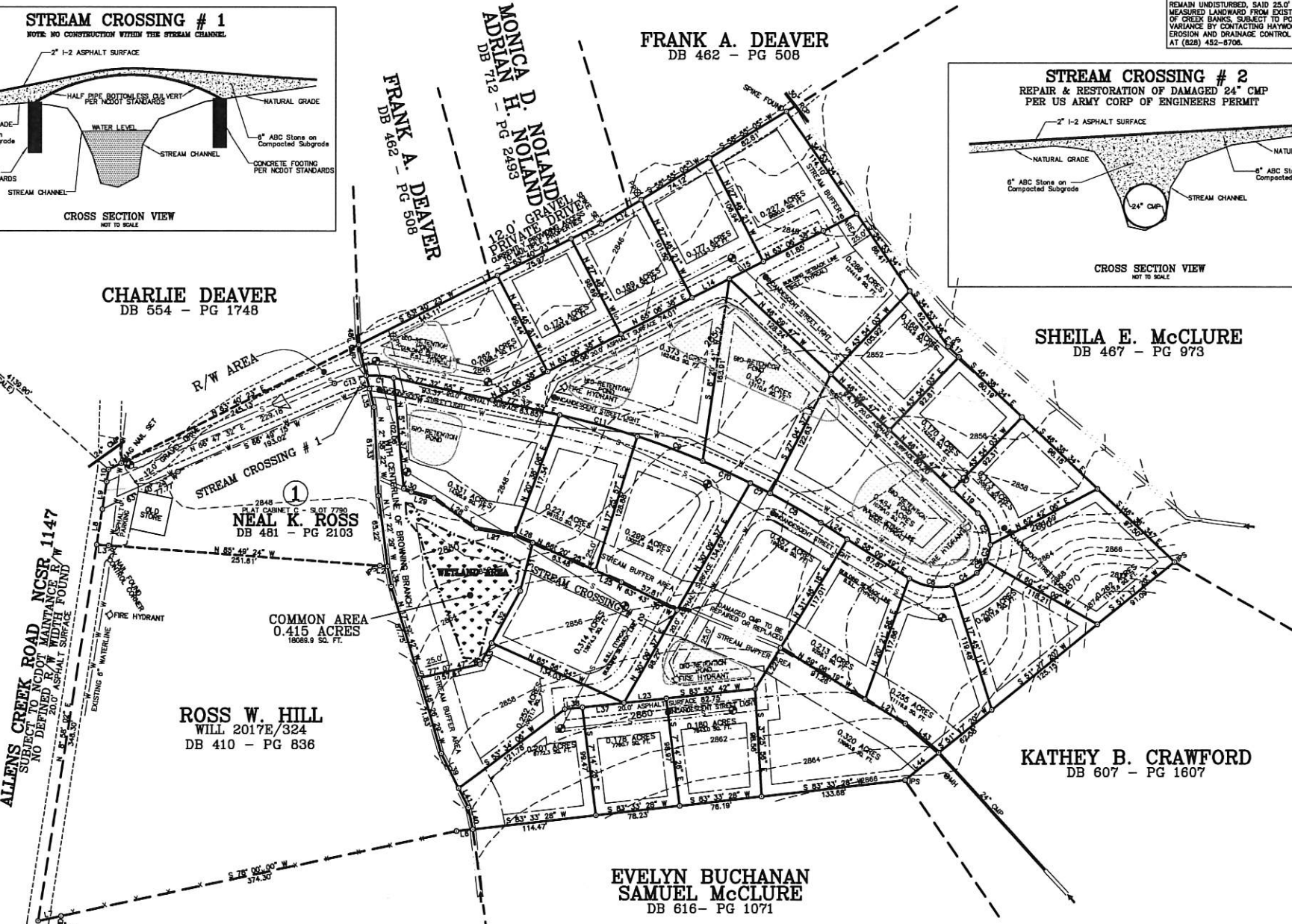
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Professional Land Surveyor  
 License Number L-3971

**7.038 ACRES TOTAL**

SCALE IN FEET

OWNER OF RECORD:  
**BROWNING BRANCH, LLC**



**SITE DATA**  
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 4.2 ACRES OF IMPERVIOUS SURFACE (BUILDINGS, DRIVEWAYS & STREETS)  
 2.84 ACRES OF PERVIOUS SURFACE FOR WATER DRAINAGE  
 OFFSTREET PARKING - EACH UNIT TO HAVE A LARGE ENOUGH DRIVEWAY TO ACCOMMODATE 2 PARKED CARS

Mountain Heritage  
 Land Surveying, PLLC  
 SURVEYING • MAPPING • GPS  
 UNIT #36 - SUITE #8 - WAYNESVILLE PLAZA  
 WAYNESVILLE, NC 27886

UTILITY PLAN PREPARED FOR  
**BROWNING BRANCH, LLC**  
 Waynesville Township  
 Haywood County, N.C.

SHEET NUMBER  
 1 of 1  
 DRAWING NUMBER  
 2018-199-000-A  
 DATE  
 06/02/2018  
 SCALE  
 1" = 60'

REFERENCES: DB 949 - PG 1962  
 PLAT CABINET C - SLOT 7790  
 REVISIONS:

DATE  
 06/02/2018  
 DRAWN BY  
 JRH  
 CHECKED BY  
 JYG

DATE  
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## Planning Board Staff Report

Subject: Map Amendment Request from East Waynesville Urban Residential to North Main Neighborhood Center at 140 Broadview and at 122 Broadview Rd undeveloped adjacent lot, PINs 8615-69-9255 and 8615-69-8390

Ordinance Section: Chapter 2; Section 15.1417.3

Applicant: Cookie2LLC

Meeting Date: June 18, 2018

### Background:

The owners of two properties located along Broadview Road would like to sell their pre-existing insurance office to a hair salon. The insurance business has been there since 2008. However, an insurance office falls under the use definition of “professional services,” but a “hair salon” falls under the use definition of personal services and are therefore distinct uses within the Table of Permitted Uses that assigns uses to zoning districts. The properties are within the East Waynesville Urban Residential District, but across the street from the North Main Neighborhood Center District. The applicant is seeking a rezoning in order to allow the sale of the property for the future use as a salon.

This section of Broadview already has commercial on the same side as the property in question, including a dentist office, but is not part of a designated overlay district in which a simple addition to the district could be added. Attached are photos of the surrounding area and the property itself from a street view. This application is somewhat reminiscent of the previous request the Town received along Dellwood Road in which a property owner would like to expand their options to re-use property commercially.

The two zoning designations are adjacent to each other, not only physically, but within the Table of Permitted Uses – with the NR District being a mixed use district and the UR District being a high density residential district. This means that on one side of Broadview mixed-use commercial is allowed, but on the other, it is strictly residential. Purpose and Intent Statement for the Zoning Districts in Question:

#### 2.3.4 Urban Residential Districts (UR) ☐ Purpose and Intent

- A. The **East Waynesville Urban Residential District (EW-UR)** is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district.

#### 2.3.5 Neighborhood Center Districts (NC) ☐ Purpose and Intent

- A. The **North Main Street Neighborhood Center District (NM-NC)** is a mixed use district that forms the gateway into town from the northeast. The setting of this district is important as it frames Eagles Nest Mountain at the apex of the hill on North Main and forms a forced

perspective to the "center" of the district -- the intersection of Walnut and Main Streets. As a result, maintaining inviting vistas down Main Street and creating an attractive public realm are the objective of many of the standards set forth for this district. Street walls, boulevard trees and sign control will all be important in meeting these objectives as the street is redesigned. Working to keep traffic congestion to a minimum in this area will require the use of rear access drives, side street entrances and shared driveway connections. The uses found in the North Main Street Boulevard District serve not only the surrounding neighborhoods, but all of the Waynesville community and are varied in nature.

## **Consistency with the 2020 Comprehensive Land Development Plan**

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the stated Land Use Goal is:

"Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p. 4-2)

Objectives under this goal include:

- "Designate appropriate amounts of land to reflect desired development patterns and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years." (Page 4-2)
- "Promote infill development in the Town of Waynesville as an alternative to continued outward expansion." (Page 4-4)
- "Work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area." (Page 4-5)

Another key goal of the Land Use Plan is to "Maintain and strengthen a broad-based economy in Waynesville comprised of a vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction sectors." (Page 4-19)

An Objective under this goal includes:

- Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy. (Page 4-19)

I believe this is a case in which you could argue consistency in either direction....we want to encourage mixed-use in some areas and promote the re-use of land and the economy, but we also want to maintain the integrity of the zoning districts that were established in order to reserve certain amounts of land for certain purposes, including residential.



## **Staff Recommendation**

This portion of Broadview may be an area for a future designation as a mixed-use overlay and may be something the Board would like to take up as part of the Comprehensive Plan update when it comes to recommended updates to the Zoning Map. As a stand-alone request, this amendment would allow the sale of a property for a business at hand to re-use the building as it exists now.

Rezoning these properties would allow mixed use zoning to encroach into the UR district. However in this case there are two on-the ground facts for consideration:

1. This side of Broadview has allowed professional services and there are already office buildings and commercial uses in existence along with residential. Therefore this side of Broadview is already mixed-use to some degree, and this property itself is already commercial since it has been an insurance office since 2008.
2. This property faces an automotive service center and warehouse which is not conducive to the property returning to a residential use.

I believe there are some cases in which the rights of the property owner to use their property should be considered and that this is one. As a stand alone action to allow this map amendment would not be detrimental to the surrounding area and the area could be re-examined as part of Land Use Planning updates. I would recommend rezoning in this case, but would like to hear Board discussion regarding this case and am open to other ideas or considerations before further action is taken.

In fairness to the applicant, this request was not noticed in time for a public hearing tonight, but the Board should provide some definitive direction so that a public hearing could be set.

# Parcel Report For 8615-69-9255

COOKIE 2 LLC  
140 BROADVIEW RD  
WAYNESVILLE, NC 28786

## Account Information

PIN: 8615-69-9255  
Legal Ref: 728/565

## Add Ref:

## Site Information

BROOKMONT  
OFFICE, GENERAL  
COMMERCIAL USE  
140 BROADVIEW RD

## Heated Area:

## Year Built:

Total Acreage: 0.3803  
Township: TOWN OF WAYNESVILLE

## Site Value Information

Land Value:	\$57,000
Building Value:	\$209,300
Market Value:	\$266,300
Deferred Value:	\$0
Assessed Value:	\$266,300
Sale Price:	\$41,000
Sale Date:	1202428800000
Tax Bill 1:	\$1,557.86
Tax Bill 2:	\$1,463.37



1 inch = 50 feet  
June 13, 2018

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



# Haywood County



June 13, 2018

1:1,200  
0 0.01 0.02 0.03 0.04 mi  
0 0.015 0.03 0.06 km

140 Broadview

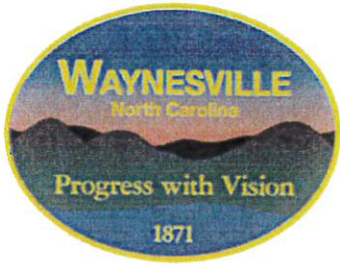


Looking down Broadview from the property:



Looking across the street:





TOWN OF WAYNESVILLE  
 Development Services Department  
 PO Box 100  
 9 South Main Street  
 Waynesville, NC 28786  
 Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

**Application for Land Development Standards Map Amendment**

Application is hereby made on May 25<sup>th</sup>, 2018 to the Town of Waynesville for the following map amendment:

Property owner of record: Cookie 2, LLC  
 Address/location of property: 140 Broadview with adjoining property  
 Parcel identification number(s): 8615-69-9255  
 Deed/Plat Book/Page, (attach legal description): \_\_\_\_\_  
 The property contains 38 acres.  
 Current district: East Waynesville Urban Residential  
 Requested district: North Main Street Neighborhood Center

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

We are requesting to be re-zoned to the district across the street, for purpose of a hair salon.

**Applicant Contact Information**

Applicant Name (Printed): William Keith Cook  
 Mailing Address: 360 Lenwood Drive Waynesville, NC 28785  
 Phone(s): 828-545-2411 or 828-246-2133  
 Email: jc36090@yahoo.com  
 Signature of Property Owner(s) of Record Authorizing Application:  
William Keith Cook

**Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.**

County Tax Rate **Way** 48.57 <sup>69</sup>

**Cross Property Client Full w/photos**

**140 Broadview Road, Waynesville NC 28786-3322**

MLS #: <b>3231190</b>	Category: <b>Commercial</b>	Parcel ID: <b>8615-69-9255</b>	List Price: <b>\$350,000</b>
Status: <b>Active</b>	Tax Location: <b>Haywood</b>	County: <b>Haywood</b>	
Project Name:	Tax Value: <b>\$258,500</b>	Zoning Desc: <b>Commercial</b>	
Zoning: <b>EW-ND</b>		Deed Reference: <b>728</b>	
Road Front: <b>101</b>		Cross Street: <b>GALLOWAY STREET</b>	
Legal Desc: <b>Deed Book 728, Page 565, Parcel 8615-69-9255</b>		Elevation: <b>1500-2000 ft. Elev.</b>	
Comm Loc:			



<u>General Information</u>		<u>Listing Information</u>	
Type: <b>Office</b>		Trans Type: <b>For Sale</b>	
Secondary Type: <b>Showroom/Office</b>		Sale/Lease Incl: <b>Building, Land</b>	
Documents: <b>Aerial Photo</b>		In City: <b>Yes</b>	
Restrictions: <b>Use</b>		\$/Acre: <b>\$921,053</b>	
		Potential Income:	
Restrictions Rmks: <b>OFFICE</b>			
<u>Bldg Information</u>		<u>Square Footage</u>	
New Const: <b>No</b>		Total: <b>3,200</b>	
Builder:		Min Sqft Avail: <b>1,570</b>	
Year Built: <b>2008</b>		Max Sqft Avail: <b>3,200</b>	
Construct Status: <b>Complete</b>		Min Lse\$/Sqft: <b>\$0.00</b>	
Construction Type: <b>Site Built</b>		Max Lse\$/Sqft: <b>\$0.00</b>	
# of Bldgs: <b>1</b>		Office Sqft:	
# of Units:		Warehouse Sqft:	
# of Rentals:			
# of Stories: <b>1</b>			
Baths Total:			
<u>Additional Information</u>			
Prop Fin: <b>Cash/Only, Conventional</b>			
Assumable:	Publicly Maint Rd: <b>Yes</b>		
Ownership: <b>Seller owned for at least one year</b>			
Special Conditions: <b>None</b>			

Recent: **11/14/2016 : NEWS : -> ACT**

<u>Total Parking:</u>		<u>Features</u>	
# Bays:	# of Docks:	# Drive In Doors:	Rail Service: <b>N/A</b>
Sprinkler: <b>N/A</b>		Flooring: <b>Tile, Wall-to-wall Carpet, Wood</b>	
Fixtures Exceptions: <b>No</b>		Floor Rvalue:	
Foundation: <b>Slab</b>		Wall Rvalue:	
Construction: <b>Wood</b>			
Miscellaneous: <b>Handicap Access, Security System</b>			
Roofing: <b>Architectural Shingle</b>			
Access: <b>City Street</b>			

<u>Heating:</u>		<u>Utilities</u>	
Central		Cooling: <b>Central</b>	
Utilities: <b>Cable, City Sewer, City Water, Electricity</b>			

<u>Approx Acres:</u>		<u>Land Information</u>	
<b>0.38</b>	Flood Plain: <b>N/A</b>	Approx Lot Dim: <b>101X147X103X146</b>	

<u>Subject To HOA:</u>		<u>Association Information</u>	
Confirm Spcl Assess: <b>No</b>		Subject to CCRs: <b>No</b>	
		Proposed Spcl Assess: <b>No</b>	

Public Remarks: **Luxury commercial building, centrally located in beautiful Waynesville, less than one-half mile from award-winning Main Street. The building was a former insurance business and would make a beautiful attorney's office, real estate office, retail space, salon or spa. The lot next door is available to expand the parking lot, if needed. Handicapped accessible. Nice attached garage.**

Directions: **Russ Avenue to Walnut Street to right on Broadview to 140 on the right.**

<u>DOM:</u>		<u>Listing Information</u>	
<b>9</b>	CDOM: <b>183</b>	Closed Dt:	Slr Contr:
UC Dt:	DDP-End Date:	Closed Price:	LTC:

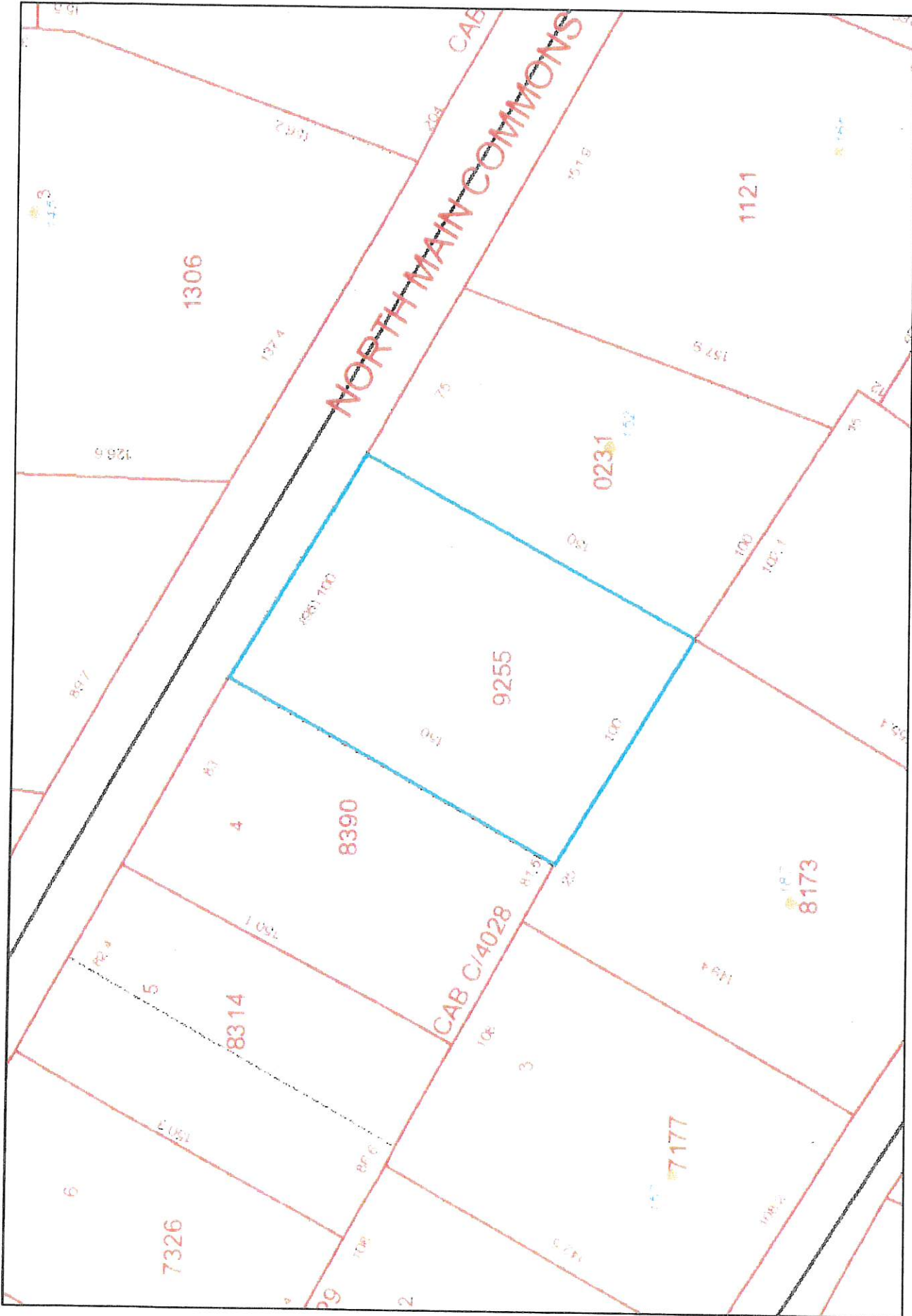




Prepared By: Anastasia Irby

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1 inch = 50 feet  
November 4, 2016

# Haywood County

TRANSFER MADE ON PROPERTY RECORD

Date 2/8/08  
By CRG



**2008001511**

HAYWOOD CO, NC FEE \$20.00  
STATE OF NC REAL ESTATE EXT  
**\$82.00**

PRESENTED & RECORDED:  
02-08-2008 03:32:17 PM

AMY R. MURRAY  
REGISTER OF DEEDS  
BY: REBECCA CEDRONE  
ASSISTANT

**BK: RB 728**  
**PG: 565-567**

There are no delinquent taxes due that are a lien  
against parcel number(s) 8615-09-9255  
David B. Francis, Haywood County Tax Collector  
Date 2-8-08 RV

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 82.00 1.9

Parcel Identifier No. 8615-09-9255 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: William F. Slawter, Attorney, One Oak Plaza, Suite 208, Asheville, NC 28801

This instrument was prepared by: JAMES W. KIRKPATRICK, III, 37 BRANNER AVENUE, WAYNESVILLE, NC 28786

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 8th day of February, 2008, by and between

**GRANTOR**  
Donald Thomas Buckner, Jr. and wife,  
Jennifer Hawk Buckner

**GRANTEE**  
Cookie 2, LLC, a  
NC Limited Liability Company  
  
360 Lenwood Drive  
Waynesville, NC 28786

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Waynesville, Waynesville Township, Haywood County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 453 page 452.

A map showing the above described property is recorded in Plat Book D page 6.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

\_\_\_\_\_  
(Entity Name)

Donald Thomas Buckner, Jr. (SEAL)  
Donald Thomas Buckner, Jr.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Jennifer Hawk Buckner (SEAL)  
Jennifer Hawk Buckner

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

State of North Carolina - County of Haywood

I, the undersigned Notary Public of the County and State aforesaid, certify that Donald Thomas Buckner, Jr. and wife, Jennifer Hawk Buckner personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 5th day of February 2008

My Commission Expires: 11-2-2012



Pamela N. Starner  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ of \_\_\_\_\_ a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

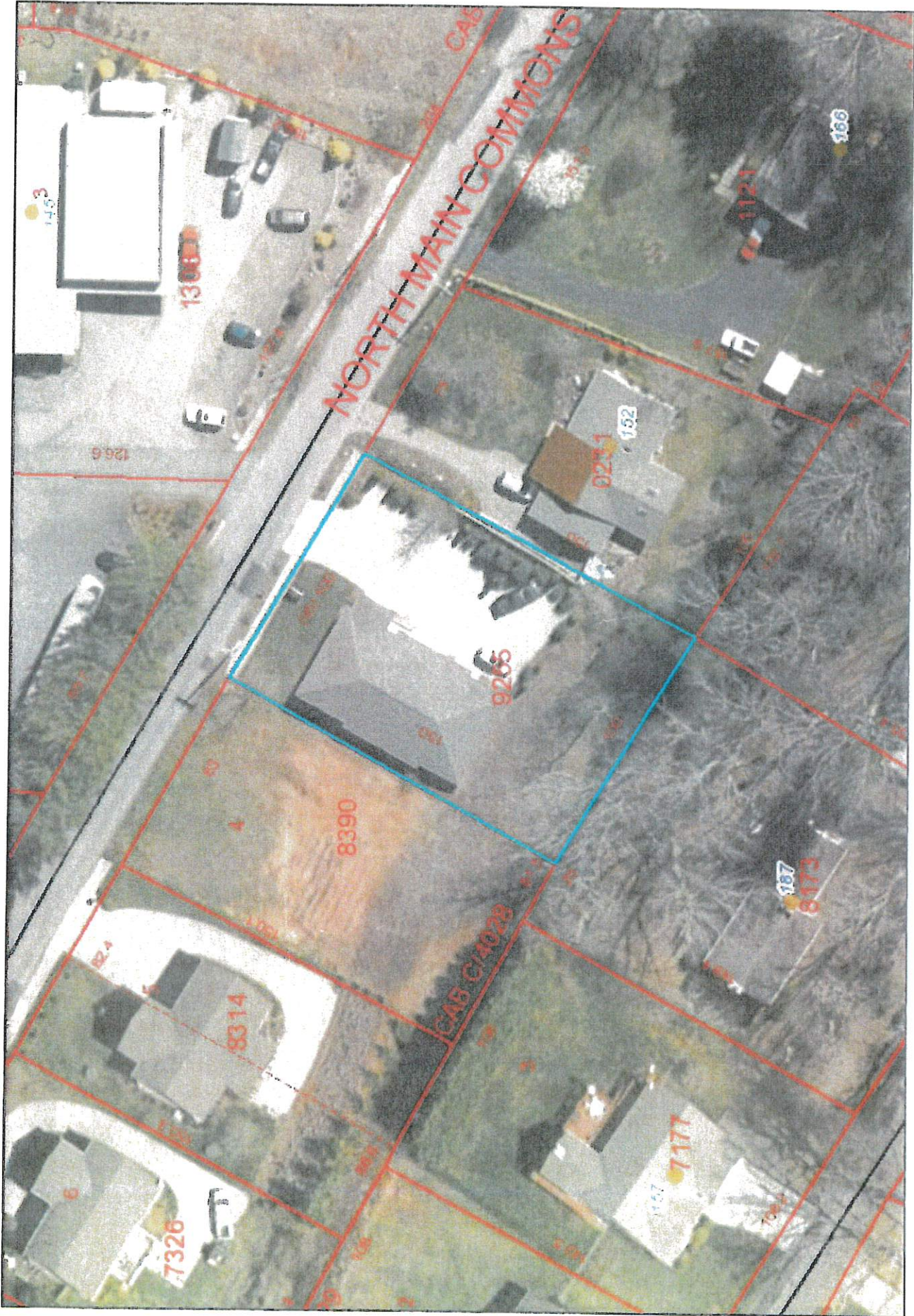
By: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds

EXHIBIT A

BEING Lots 87, 88, 89 and 90 in Block E, Brookmont, as recorded in Plat Book D, Page 6, Haywood County Registry, and further described on plat of survey by Peterson Engineering & Surveying, dated May 21 & 23, 1996, bearing Drawing No. 566.

SUBJECT TO a 40-foot right of way for Broadview Road as shown and described on survey by Peterson Engineering & Surveying dated May 21 & 23, 1996, bearing Drawing No. 566.

BEING a portion of the property conveyed to Donald Thomas Buckner, Jr. and wife, Jennifer Hawk Buckner by deed dated June 3, 1996, recorded in Deed Book 453, page 452, Haywood County Registry.



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November 4, 2016

# Haywood County



**Beverly-Hanks & Associates, Realtors**  
**AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE**  
**PURSUANT TO THE FEDERAL REAL ESTATE SETTLEMENT**  
**PROCEDURES ACT AND REGULATION X**  
**RESPA NOTICE**



This provides notice that Beverly-Hanks & Associates, or its owners, have business relationships with certain providers of services related to your sale or purchase of real estate.

Beverly-Hanks & Associates is in the real estate brokerage business providing brokerage service to buyers and sellers and receives a commission on these services.

**BEVERLY-HANKS MORTGAGE SERVICES:** Beverly-Hanks & Associates and its owner have common ownership and financial interest in Beverly-Hanks Mortgage Services.

**CARDINAL TITLE CENTER:** Beverly-Hanks & Associates has a 9.80% ownership interest in the Cardinal Title Center, LLC, which is an agent for Investors Title Insurance Company. Because of this relationship, this referral may provide Beverly-Hanks & Associates a financial or other benefit. Set forth below is the estimated charge by Cardinal Title Center, LLC for title insurance on the subject property.

You are NOT required to use Beverly-Hanks Mortgage Service, nor Cardinal Title Center, LLC as a condition for settlement of your loan on the subject property. OTHER SETTLEMENT SERVICE PROVIDERS WITH SIMILAR SERVICES MAY BE AVAILABLE. OTHER TITLE INSURANCE COMPANIES & MORTGAGE LOAN SERVICES MAY BE AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO COMPARE PROVIDERS TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

<b>Amount of Insurance</b>	<b>Estimated Charge</b>
<b>Up to \$250,000</b>	<b>Up to \$505</b>
<b>\$250,000 - \$500,000</b>	<b>\$505 - \$905</b>
<b>\$500,000 - \$750,000</b>	<b>\$905 - \$1,155</b>
<b>\$750,000 - \$1,000,000</b>	<b>\$1,155 - \$1,405</b>

*\* Additional charges may apply for the simultaneous issuance of an Owner's And Lender's Policy and/or issuance of certain endorsements.*

**HOME WARRANTY DISCLOSURE:** No Beverly-Hanks & Associates company or company principal has any ownership interest in any company offering home warranties. However, when a seller or purchaser purchases a home warranty policy through Beverly-Hanks & Associates, Beverly-Hanks may receive a portion of the premium paid for administrative services performed in the placement of this policy.

As a mechanism for our company to assist non-profit organizations and charitable causes within our communities, Beverly-Hanks & Associates has established the "Neal Hanks, Sr. Memorial Fund". One hundred percent of the contributions to this fund are allocated to programs within our communities. Allocations are determined by a board of directors made up of Beverly-Hanks & Associates agents and management team members.

One of the sources of contributions to the fund is the administration fees which our firm is paid by home warranty companies for originating warranty sales. We contribute 100% of those fees to the Neal Hanks, Sr. Memorial Community Assistance Fund.

**Sales Associates receive no fees from any of these services.**

There are other service providers available with similar services. You are free to shop around and determine that you are receiving the best services and the best rate for these services. You are under no obligation to use any of the companies listed above. Beverly-Hanks & Associates or its Owners, does not have ownership or financial interest in any real estate service provider other than those listed above.

**ACKNOWLEDGEMENT**

I/we have read this disclosure form. I/we understand that Beverly-Hanks & Associates is referring me/us to Cardinal Title Center, LLC for the purchase of the above-described title service and Beverly-Hanks & Associates may receive financial or other benefit as a result of this referral.

140 Broadview Road, Waynesville, NC 28786

Property Address  
*Amanda Cook Williams* dotloop verified 11/09/16 8:04AM EST FWS9-TKOG-AUP9-ISSI

Buyer/  Seller Name Printed/Signature Amanda Cook Williams Date

*Jessica Cook Nicholson* dotloop verified 11/10/16 10:09AM EST 6Z0Y-RXBB-NAFV-IRHE

Buyer/  Seller Name Printed/Signature Jessica Cook Nicholson Date

Entity Buyer: Cookie 2 LLC

(Name of LLC/Corporation/Partnership/Trust/etc.)

By: *William Keith Cook* dotloop verified 11/11/16 10:38PM EST MAEG-WSEM-IXXG-MRHX

Name: William Keith Cook Title: \_\_\_\_\_

## Planning Board Staff Report

Subject: Proposal to Create Additional Use Categories – Neighborhood Commercial and/or Neighborhood Restaurant  
Ordinance Section: 2.5.3 and 17.3  
Applicant: Planning Board-Initiated  
Meeting Date: June 18, 2018

### Background:

The owners of four properties located along Dellwood City Road approached the Development Services staff about locating a restaurant or general commercial (retail) use on one or more of the properties. The current zoning is Love Lane Neighborhood Residential Mixed-Use Overlay. This particular zoning designation would not permit the establishment of either restaurants or general commercial. Therefore, the property owners submitted formal application for map amendment to rezone the four subject properties to Russ Avenue Regional Center. The Planning Board did not approve this request for map amendment, but the related discussion led to an interest in the creation of additional use categories that might designate retail establishments or restaurants at a scale that would be appropriate to Mixed-Use Overlays. The Land Development Standards describes a Mixed-Use Overlay District as:

“a zoning overlay district established to permit certain limited mixed uses within residential neighborhoods.” LDS 2.6.2(A)

A survey of several other jurisdictions around the State of North Carolina revealed that smaller scale retail and restaurant establishments and the location of these establishments within residential areas are handled in a variety of ways:

1. Separate zoning districts – A separate district, often referred to as neighborhood or community commercial, permits the establishment of retail or restaurant uses. This, however, is similar to the town’s existing Neighborhood Center Districts, which already permit commercial uses of less than 100,000 square feet as well as restaurants.
2. Additional permitting requirements – A tiered permitting system exists to apply different standards for approval depending on the size of the development. The smallest category of retail and restaurant uses is approved at the staff level, the next largest category requires Planning Board approval, and the largest category requires the approval of the jurisdiction’s governing body (Board of Aldermen).
3. Size limitations on non-residential uses – Size limitations are placed on certain use categories or on all non-residential uses within particular zoning districts or mixed-use overlays. These size limitation thresholds mostly fall in the 3,000 – 5,000 square foot range, with many jurisdictions including height restrictions as well (typically limited to 2 stories).

The third method most closely matches the approach discussed by the Planning Board at its May 21, 2018 meeting.



A survey of a few small general commercial and restaurant uses within Waynesville helps to envision what these small-scale uses actually look like:

Haywood Smokehouse – 2,169 Square Feet  
Kanini’s – 2,888 Square Feet  
Log Cabin Frozen Treats – 1,545 Square Feet

Charlie’s Corner – 2,465 Square Feet  
Bob’s Sports Store – 3,584 Square Feet  
Antique Antics – 1,264 Square Feet

## **Consistency with the 2020 Comprehensive Land Development Plan**

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the stated Land Use Goal is:

“Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.” (2020 LDP, p. 4-2)

Objectives under this goal include:

- “Designate appropriate amounts of land to reflect desired development patterns and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years.” (Page 4-2)
- “Promote infill development in the Town of Waynesville as an alternative to continued outward expansion.” (Page 4-4)
- “Work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area.” (Page 4-5)

Another key goal of the Land Use Plan is to “Maintain and strengthen a broad-based economy in Waynesville comprised of a vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction sectors.” (Page 4-19)

An Objective under this goal includes:

- Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy. (Page 4-19)

## **Staff Recommendation**

Mixed-use overlay districts are designed to promote limited commercial uses along corridors adjacent to residential districts. The compromise approach of permitting some additional non-residential uses at a scale that is more appropriate to the scale of such residential districts would allow limited infill development that could serve to promote walkability within neighborhoods and can provide goods, services, and jobs to those neighborhoods.

The mixed-use overlays within the town have historically been home to a diverse mix of single-family dwellings, duplexes, offices, mixed-uses, and general commercial uses. These areas are often corridors that serve as transition areas between more intensive commercial centers. This historic pattern of uses along these corridors served as the rationale for the creation of the town's mixed-use overlays.

Staff recommends the creation of two smaller scale commercial use types, to be named Neighborhood Commercial and Neighborhood Restaurant, each limited to 3,000 gross square feet. This would distinguish a neighborhood scale use, from the larger *General Commercial*, and *Restaurants* currently provided in the ordinance. Staff recommends that these two use types be permitted within the Town's Mixed-Use Overlay Districts, as directed by the Planning Board, starting with Love Lane. These use types would be listed on the Table of Permitted Uses (2.5.3) as PL – Permitted in Designated Locations. The staff would recommend the following definitions for Neighborhood Commercial and Neighborhood Restaurant:

*Neighborhood Commercial* – A place of business limited to 3,000 gross square feet that provides the sale of goods directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

*Neighborhood Restaurant* – A place of business limited to 3,000 gross square feet that sells ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (cafeteria or limited service restaurant), at their tables (full-service restaurant), and/or at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter, but not from drive-thru windows.

Staff submits that the introduction of small-scale retail and restaurants would be appropriate within several mixed-use overlay districts and would be consistent with the Land Use Plan. This would add another option onto the Table of Permitted Uses to allow for infill and redevelopment of properties along major corridors. This would also allow the applicants along Dellwood City Road to use a different and more sensitive approach than rezoning, by allowing them to re-use property for the purpose of a small shop and restaurant.

Staff asks for Planning Board feedback on this proposal and any specific guidance the Board might have related to the creation of these types of uses within the Table of Permitted Uses and is encouraged to consider potential impacts on adjacent residential districts. For example, the Land Development Standards regulates parking in Chapter 9. The parking requirement is one space for every 8 seats of a restaurant and 1 space for every 600 square feet for retail. A 3,000 square foot retail store would therefore only require 5 parking spaces. A 3,000 square foot restaurant however, would require more depending on actual floor space for seating (minus kitchen). Patrons using on-street parking could take away from the parking needs of adjacent residents, and large parking lots could detract from the character or aesthetic of a road corridor or neighborhood. Therefore, supplemental standards that required additional buffering and sidewalk connections could be considered. Lighting and signage within mixed-use overlays are already subject to the standards of the residential district in which they are located, so no additional design standards regarding these elements would be necessary.

Based on Planning Board feedback, and with a motion from the Board, staff can bring forward a text amendment for consideration and a public hearing at the next meeting.

Town of Waynesville Planning Board  
Neighborhood Scale Businesses (Photos for reference/discussion) Dellwood City Road  
June 18, 2019



Other Examples- Hazelwood

