

Town Hall Council Chambers
30 South Main Street
Weaverville, N.C. 28787

July 18, 2016 at 6:00pm
Town Council Monthly Meeting & Public Hearings

- 1. **Call to Order**.....Mayor Dottie Sherrill
- 2. **Approval/Adjustments to the Agenda**.....Mayor Dottie Sherrill
- 3. **Public Hearing: Revision to Code referencing the Conservation Board**.....Planner James Eller
- 4. **Public Hearing: Town Parking Requirements**.....Planner James Eller
- 5. **Public Comments**
- 6. **Approval of Minutes**
 - A. June 20, 2016 Town Council Meeting
 - B. July 12, 2016 Town Council Workshop
- 7. **Employee Recognition**.....Town Manager Selena Coffey
- 8. **Consent Agenda:**
 - A. Resolution Adopting Buncombe-Madison Hazard Mitigation Plan.....Fire Chief Ted Williams
 - B. Schedule Public Hearing on “New Homes on North Main”
for August 15, 2016 at 6pm.....Planner James Eller
- 9. **Discussion & Action Items:**
 - A. Adoption of Town Parking Requirements.....Planner James Eller
 - B. Adoption of Revision to Code regarding Conservation Board.....Planner James Eller
 - C. Board Appointments.....Mayor Dottie Sherrill
 - D. Annexation Petitions & Initial Zoning Requests:
 - 1. Garrison Branch Reserve Investors.....Attorney Jennifer Jackson
 - 2. Serota Mars Hill, LLC.....Attorney Jennifer Jackson
- 10. **Town Manager’s Report** (No attachment)
- 11. **Departmental Reports** (No Attachments - Available to the public at Council Chambers)
- 12. **Adjournment**

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
MONDAY, JUNE 20, 2016**

The Town of Weaverville Town Council met on Monday, June 20, 2016 beginning at 7:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

Present: Mayor Dottie Sherrill, Vice-Mayor John Penley, Council Members Doug Dearth, Patrick Fitzsimmons, Doug Jackson and Andrew Nagle, Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Police Chief Greg Stephens, Public Works Director Tony Laughter, Interim Fire Chief Ted Williams and Town Planner & Code Enforcement Officer James Eller

1. Call to Order:

Mayor Sherrill called the meeting to order at 7pm.

2. Approval / Adjustment to the Agenda:

Mayor Sherrill announced the following changes to the presented agenda:

Items 6D (schedule a public hearing related to a revision of code referencing the Conservation Board) and 6E (schedule a public hearing on Town parking requirements) will be removed from the Consent Agenda and be placed under discussion & action items as 7H and 7I respectively.

Items 7B (waterline extension request: Sonic) and 7C (waterline extension request: Blue Ridge Homes) would be inverted under discussion & action items to accommodate the applicant who would be traveling back to Greensboro following the conclusion of business related to the waterline extension request.

Item 7D, Tax Release, will be added to the Consent Agenda.

Vice-Mayor Penley made a motion to adopt the agenda with the aforementioned revisions. Councilman Jackson seconded and all voted unanimously.

3. Public Comment:

Dale Pennell spoke to Council regarding his concerns over the proposed Major Subdivision Concept Plan for the property commonly known as 212 North Main Street (Discussion & Action Item 7D). Mr. Pennell objected to the proposed Concept Plan citing traffic, the proposed cul-de-sac and the disruption of a streambed in the area of the aforementioned cul-de-sac as aspects which could be troubling.

Tom Plout spoke to Council regarding his concerns over a Unified Housing Development for the property commonly known as 97 Lakeshore Drive which had recently been approved by the Zoning Board of Adjustment. Mr. Plout cited traffic concerns as his objection to the project and called for a new meeting

of the Zoning Board of Adjustment as, in his opinion, the qualifications of Section 36-238 Standards within Article IX Special Use Permits had not been adequately satisfied.

Barrett Hagan began to speak regarding a discussion & action item related to a waterline extension. It was suggested by various members of Council that Mr. Hagan would have the opportunity to speak during his specific agenda item.

4. Approval of the Minutes:

- A. May 16, 2016 Public Hearings (R-12 Zoning District and FY 2016-2017 proposed budget)
- B. May 16, 2016 Town Council Meeting

Vice Mayor Penley made a motion to approve the minutes from the May 16, 2016 Public Hearings and Town Council Meeting as presented. Councilman Nagle seconded and all voted unanimously.

5. Employee Recognition:

Town Manager Coffey expressed her gratitude toward Town Council, department heads and members of staff who were instrumental in crafting the proposed 2016-2017 fiscal year budget.

6. Consent Agenda:

- A. Ordinance for July 4th Road Closures
- B. Budget Amendment #4: Bond Refinancing
- C. Ratification of Appointment of Town Attorney
- D. Tax Release

With no comment from members of Council, Councilman Jackson made a motion to approve the Consent Agenda as presented. Councilman Fitzsimmons seconded and all voted unanimously.

7. Discussion & Action Items:

- A. Town Clerk Appointment & Oath of Office

Town Attorney Jackson suggested that it would be appropriate for Council to entertain a motion appointing Town Manager Coffey as the Town Clerk. Councilman Fitzsimmons made the aforementioned motion. Vice-Mayor Penley seconded and all voted unanimously. Town Attorney Jackson then administered the oath of office for Town Clerk to Town Manager Coffey. Town Attorney Jackson suggested that it would be appropriate for Council to entertain a motion giving Town Manager Coffey the authority to appoint a Deputy Town Clerk. *Vice-Mayor Penley made the aforementioned motion. Councilman Nagle seconded and all voted unanimously.*

- B. Waterline Extension Request: Blue Ridge Homes

Public Works Director Laughter spoke to Council regarding the capacity to absorb the impact of the proposed developments water needs and presented figures which illustrated the performance of the water system. Councilman Jackson asked how the presented figures were calculated and Public Works Director Laughter suggested that the numbers for estimated water consumption based upon a specific use were obtained from the North Carolina Department of Environment and Natural Resources. Councilman Jackson then commented on the tremendous growth Weaverville has experienced and suggested that the Town may wish to determine when water commitments shouldn't be automatically granted. Mr. Laughter noted that when the system approached 75% capacity then there would be reason for concern for future growth beyond without a water plant expansion. Councilman Nagle asked if the system was operating below 50% capacity and Mr. Laughter affirmed. Councilman Nagle asked where capacity would be given the proposed water commitment and Mr. Laughter answered with a range between 59-63%.

Barrett Hagen spoke to Council on behalf of the applicant Blue Ridge Homes and suggested that the property would welcome voluntary annexation. Councilman Nagle suggested that at some point Council should develop a plan for future water commitments.

Councilman Jackson made a motion to approve the proposed water line extension. Vice-Mayor Penley seconded and all voted unanimously.

C. Waterline Extension Request: Sonic

Public Works Director Laughter spoke to Council regarding the water line extension request for Sonic. Councilman Jackson asked if Sonic would be paying for the water line and Mr. Laughter affirmed.

Vice-Mayor Penley made a motion to approve the proposed water line extension. Councilman Nagle seconded and all voted unanimously.

D. Major Subdivision Concept Plan: 212 North Main

Town Planner & Code Enforcement Officer Eller spoke to Council regarding the proposed Major Subdivision Concept Plan for the property commonly known as 212 North Main and noted that the parcel consisted of approximately five acres and would be subdivided in a fashion which would place the existing home on its own lot and create five additional lots for single family homes. Councilman Dearth asked if some of the concerns shared by Mr. Pennell during Public Comment would be addressed as the plan progressed and Mr. Eller affirmed. Councilman Nagle asked why the owner wouldn't build homes on the property as is and Mr. Eller answered that each home is required to be on an individual parcel. Councilman Nagle asked if Council had the capacity to reject the proposal and Mr. Eller answered that, provided the qualifications of the Subdivision Ordinance are met, Council doesn't have the ability to deny the proposal. Town Attorney Jackson affirmed the aforementioned statement and spoke to Council's role in crafting legislation. Councilman Dearth spoke to the relationship between Municipal Code and State Statute.

Following an exchange between various unidentified members of the audience, Planning and Zoning Board Chairman Doug Theroux, Mr. Eller and Ms. Jackson regarding items not related, it was suggested that conversation should return to the specific agenda item.

Councilman Jackson made a motion to approve the proposed Major Subdivision Concept Plan for 212 North Main Street. Vice-Mayor Penley seconded and all voted unanimously.

E. Revisions to Council Meeting Times

Town Manager Coffey presented Council with the possibility of changing the regular monthly meeting time from 7pm to 6pm based on comments she had heard from citizens and some of Council who had mentioned the changes in times, as well as establishing a schedule for workshop sessions. Councilman Nagle suggested the proposed change in meeting time should not detract from public involvement. Vice-Mayor Penley suggested that the change in time would be more convenient for both Council and those who wish to attend the meetings.

Vice-Mayor Penley made a motion to move the Town Council meeting time to 6pm from the previously established 7pm. Councilman Jackson seconded and all voted unanimously.

Vice Mayor Penley made a motion to move the Town Council workshop meeting time to 5:30pm from the previously established 5pm. Councilman Nagle seconded and all voted unanimously.

Councilman Jackson made a motion to hold the aforementioned workshops every other odd month. Councilman Nagle seconded and all voted unanimously.

F. Capital Reserve Fund Resolution

Town Manager Coffey spoke to Council regarding the establishment of a Capital Reserve Fund and the requisite resolution to adopt same. Ms. Coffey noted that the resolution calls for any funds above 40% of fund balance would automatically be transferred into the proposed capital reserve fund. Councilman Jackson asked if department budgets would be altered as a result of the proposed fund and if each of the items listed must be funded. Town Attorney Jackson noted that the items listed were pertinent to the Town and did not all require funding. Councilmen Fitzsimmons and Nagle voiced their support for the proposed resolution.

Councilman Dearth made a motion to approve the resolution. Councilman Fitzsimmons seconded and all voted unanimously.

G. Fiscal Year 2016-2017 Budget Ordinance & Fee Schedule

Town Manager Coffey presented the Budget to Council and thanked them and department heads for their involvement in the process. Ms. Coffey noted that the budget includes a tax increase of \$.02 per \$100 of appraised value, a rate study for water service and a fee increase of 3% based upon the study's findings,

and that the general fund within the budget for the 2016-2017 fiscal year equates to \$6,043,240 and the aforementioned capital reserve fund calls for \$50,000.

Councilman Nagle thanked Ms. Coffey and the fellow members of Council for working with him over five budget workshop sessions.

Councilman Jackson made a motion to adopt the 2016-2017 fiscal year budget and associated fee schedule. Vice-Mayor Penley seconded and all voted unanimously.

H. Schedule a Public Hearing for a Revision of Code Referencing the Conservation Board

I. Schedule a Public Hearing on Town Parking Requirements.

Councilman Nagle made a motion to hold a Public Hearing for the revision of code referencing the Conservation Board and a revision of the town parking requirement for July 18, 2016 at 6pm. Vice-Mayor Penley seconded and all voted unanimously.

8. Town Manager Report

Town Manager Coffey addressed Council regarding the following subjects:

- The next Town Council workshop is scheduled for Tuesday, July 12, 2016 at 5:30 pm and will be held at the Fire Department Training Room.
- Negotiations continue with representatives from Sun Trust Bank and NCDOT related to the placement of a Town of Weaverville gateway sign along Weaver Boulevard.
- MSD would be conducting an emergency sewer line repair which would disrupt traffic on North Main Street and disrupt service to addresses ranging from 55 to 63 North Main.
- A reception for recently retired Town Clerk Shelby Shields is scheduled for Wednesday July, 13 from 4pm to 6pm and will be held in the Council Chambers within Town Hall.

9. Department Reports:

Mayor Sherrill notified those in the audience that the department reports for Fire, Police and Public Works were available on a table near the entry door to Council Chambers for those who are interested in same.

10. Closed Session:

Town Attorney Jackson recommended a motion for Council to enter closed session as per:

North Carolina General Statutes 143-318.11(a)

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

(6) To consider the qualification, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; etc.

Vice-Mayor Penley made the aforementioned recommended motion. Councilman Fitzsimmons seconded and all voted unanimously.

Councilman Nagle made a motion to return to open session. Councilman Jackson seconded and all voted unanimously.

Upon return to open session, *Councilman Dearth made a motion to amend the Personnel Policy of the Town to add Article VI, Section 15 entitled "Administrative Leave" which reads as follows: "The Town Manager shall have the authority to place an employee on administrative leave with pay for a period of time to be determined at the Manager's discretion." Vice-Mayor Penley seconded and all voted unanimously.*

11. Adjournment:

There being no further discussion or business before Council, *Councilman Fitzsimmons made a motion to adjourn. Councilman Nagle seconded and all voted unanimously. Meeting adjourned.*

Dottie Sherrill, Mayor

ATTEST:

James Eller, Deputy Town Clerk

MINUTES

TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA

TOWN COUNCIL WORKSHOP
TUESDAY, JULY 12, 2016

The Town Council for the Town of Weaverville met for their regularly scheduled workshop on Tuesday, July 12, 2016 at 5:30pm at the Weaverville Fire Department training room at 3 Monticello Road, Weaverville.

Council members present were: Mayor Dottie Sherrill, Vice Mayor John Penley, Councilman Doug Jackson, Councilman Doug Dearth, Councilman Patrick Fitzsimmons and Councilman Andrew Nagle.

Staff present were: Town Attorney Jennifer Jackson, Town Manager/Town Clerk Selena Coffey, Public Works Director Tony Laughter and Planning & Code Enforcement Officer/Deputy Town Clerk James Eller.

1. **Call to Order of Regular Meeting**

Mayor Sherrill called the regular meeting to order at 5:30pm

2. **Approval & Adjustments to the Agenda**

No adjustments were requested.

3. **Discussion Items:**

- A. **Old Bus Garage:** Town Manager Coffey introduced this item by explaining that the Weaverville Economic Development Advisory Board had asked that Town Council consider whether it would like to continue using the space for Public Works storage or attempt to sell the property due to its potential for use by a downtown business if sold. Public Works Laughter was then asked to provide information about the space. Laughter explained that the building is 4,800 square feet (40ft² x 120ft²) with an approximate 16ft ceiling and is currently used for storage of Town materials and equipment. At the request of Coffey, Laughter then shared a general estimate for a structure necessary to replace the storage space from the bus garage should Town Council wish to move forward and sell that property. This estimate totaled \$210,872 and including the building quote, erection cost, grading site prep, concrete pad, electrical and plumbing and an eyewash station. This estimate did not include material site delivery. Town Council discussed the issue further noting that they had received an appraisal on the bus garage property approximately three (3) years ago for \$160,000 (as best recalled).

Following discussion, Town Council reached consensus to obtain a new appraisal on the property. Manager Coffey agreed to request an appraisal and bring it back to Town Council once completed.

- B. **Short-Term Rentals:** Town Manager Coffey initiated this discussion regarding the growing demand for short-term vacation rentals in the region. Town Attorney Jackson then provided information that she had collected regarding the subject, specifically referencing "AirBnB" and "home stays". Jackson shared some statistics indicating that short term rentals are prominent in our region and that regulations of short term rentals, like the regulations adopted by the City of Asheville, are being challenged. James has received a number of calls asking whether the Town has any regulations concerning short term rentals, indicating that this type of rental may be happening in the Town. *Council directed Town Attorney to follow-up on the Asheville litigation and keep Council informed as this may be an area that*

Council wishes to consider regulating at some time in the future. James Eller was also asked to keep a tally of the number of calls that he is receiving in this regard.

- C. **House Bill 483 Update:** Town Attorney Jackson updated the Council on the language that was included in the ratified but unsigned bill. This bill as passed was vastly different from the bill as introduced in that the only statutory changes were to add a 7-year vested right to multi-phased developments once a site plan receives approval. These vested rights are limited to only those parcels that are 100 acres or larger which excludes most if not all unimproved parcels in the Town of Weaverville. No action taken.
- D. **Senate Bill 326 Update:** Town Attorney Jackson reviewed with the Council the ratified but unsigned legislation which makes changes to the building inspection laws which govern multifamily dwellings and hazardous or unsafe conditions. The changes in the laws will be helpful to those jurisdictions that are performing building inspections and running rental registration programs in order to attempt to keep multi-family dwellings free of hazardous and unsafe conditions. It was noted that the Town does not perform building inspections but relies on Buncombe County to do so. No action taken.
- E. **Town Water and Voluntary Annexation:** Public Works Director Tony Laughter provided an overview of the availability of water which is currently at about 50% capacity with all pending projects. He also indicated that the water plant was designed to be tripled if needed but that it would be more cost effective to increase water availability by purchasing water from the City of Asheville if necessary. Tony indicated that he wasn't worried about water capacity at this point but that when the Town reaches 75% capacity he would want to look at other options and will so advise Council at that time. No action taken at this time.
- F. **Voluntary Annexation Petition Fees:** Town Attorney Jackson indicated that the Town will be receiving a voluntary annexation petition this week and that annexation fees were not adopted as part of the Town's fees at budget. *After some discussion the Council upon motion made by Councilman Nagle and seconded by Councilman Jackson, the Council unanimously adopted a \$500.00 annexation fee. Staff will keep track of the direct costs associated with these petitions and further advise if adjustments to the fee are warranted.*

4. Discussion Items:

- A. **Approval of Resolution Honoring Shelby Shields:** Town Manager Coffey had drafted and distributed a resolution honoring Shelby Shields. Councilman Fitzsimmons made a motion to approve the resolution. The motion was seconded by Councilman Jackson. All voted in favor.
- B. **Approval of Legal Contract:** Town Attorney Jackson presented her legal contract for approval by Town Council. A motion was made by Councilman Jackson to approve the contract. The motion was seconded by Councilman Penley and all voted in favor.

5. Closed Session:

Councilman Penley made a motion to go into closed session in accordance with § 143-318.11. (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public

officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The motion was seconded by Councilman Jackson with all in favor.

[Closed Session]

Councilman Nagle made the motion to exit closed session with Councilman Dearth seconding the motion. All voted in favor.

The meeting concluded with a brief discussion about the upcoming audit process and Council agreed that the Town should request proposals for next year's audit process.

A final motion, to adjourn, was made by Councilman Jackson and seconded by Councilman Penley. All voted in favor and the meeting was adjourned.

Dottie Sherrill, Mayor
Town of Weaverville

ATTEST:

Selena D. Coffey, MPA, ICMA-CM
Town Manager / Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 18, 2016
Subject: Resolution to Adopt the Buncombe Madison
Hazard Mitigation Plan
Presenter: Ted Williams, Fire Chief
Attachments: Yes

Description:

The Buncombe Madison Regional Hazard Mitigation Plan is a plan developed by the stakeholders in each county and municipalities therein. The plan is developed with the purpose of recommending specific actions to minimize hazard vulnerability and protect residents from losses to those hazards that pose the most risk. The plan was developed according to state and federal guidelines and allows participants to remain eligible for disaster recovery funds authorized through the Stafford Act as well as mitigation funding.

Council Action Requested:

Adopt a resolution affirming the Town of Weaverville's continued participation in the Buncombe Madison Hazard Mitigation Plan.

**RESOLUTION TO ADOPT THE
BUNCOMBE MADISON REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Town of Weaverville is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, Town Council desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of Town Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Weaverville Town Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Weaverville; and

WHEREAS, the Town of Weaverville, in coordination with Buncombe County, Madison County, and the participating municipalities within those counties, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Weaverville hereby:

1. Adopts the Buncombe Madison Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on July 18, 2016.

Dottie Sherrill, Mayor
Town of Weaverville

ATTEST:

Selena D. Coffey, Town Manager / Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 18, 2016
Subject: Conditional Zoning District Petition
Presenter: James W. Eller
Attachments: Yes

Description:

Attached you will find Section 36-84 which establishes and outlines Conditional Zoning Districts, a Statement of Reasonableness and Recommendation from the Planning and Zoning Board, supporting documents submitted associated with the petition, and minutes from the June 7th and July 5th meeting of the Planning and Zoning Board reflecting the deliberations.

Action Requested:

Staff recommends a motion establishing a date for a Public Hearing on the Conditional Zoning District petition. for Monday, August 15, 2016 at 6:00pm

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

Date of Meeting: July 18, 2016
Subject: Municipal Parking Requirements
Presenter: James W. Eller
Attachments: Yes

Description:

Attached you will find a revision of the parking requirements established by the Town's Zoning Code, a statement from the Planning and Zoning Board regarding same and a chart which compares the Town's parking requirements with other municipalities. Changes made are noted in red font.

Action Requested:

Staff recommends a motion adopting the amendments to the Town's parking requirements.

Sec. 36-176. - Off-street parking.

- (a) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. Each parking space shall have an all weather surface with minimum dimensions of nine by 18 feet. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley.

Use	Required Parking
Any residential use	Two spaces for each dwelling unit.
Rooming and boarding houses	One space for each bedroom.
Hotels and motels	One space for each unit, plus one space for each employee working on the shift of greatest employment.
Medical or dental offices or clinics	Five spaces for each doctor, or five spaces for each office, whichever is greater.
Places of public assembly, including funeral homes, churches, and similar places of worship with fixed seating	One space for each four seats or one space for each seven feet of seating capacity in the principal assembly room.
Places of assembly or recreation without fixed seating	One space for each seven feet of seating capacity dedicated to patron use and one space for each employee working on the shift of greatest employment.
Schools, elementary and junior high	Two spaces for each classroom and for each administrative office.
Schools, senior high or higher	One space for each four pupils.
Libraries and public buildings	One space for each 200 square feet of gross floor space.
Professional and business offices	One space for each 200 square feet of gross floor space.
Banks	Five spaces for each employee.
Retail stores and shops of all kinds, including barber, shoe repair, and similar service outlets,	One space for each 200 300 square feet of gross floor space.

Multiple tenant development	One space for each 300 square feet of gross floor space for the entire facility.
Restaurants	One space for each three seats (booths and tables included), plus one space for each employee working on the shift of greatest employment.
Service stations	Five spaces for each service bay, whether a grease, wash or other type of bay.
Hospital facilities	One space for each 200 square feet of floor space.
Laundromats machines	One space for each five washing or drying.

- (b) Extension of parking space into a residential district. Required parking space may not extend from a commercial (C-1 and C-2) use district or from a conditional use district (CZD) that contains any commercial or office use into any residential use district.

(Ord. of 6-19-1978, Art. XI, § 17-1110; Ord. of 9-15-2008, § 1(t))

Sec. 36-5. - Definition of specific words and terms.

Multiple tenant development. A unified development in which there exist a number of individual and/or separate activities and in which there are appurtenant shared facilities (such as parking areas or a pedestrian mall area). The maximum sign height in such a development shall be 20 feet.



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, June 7th, 2016 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached revision to Section 36-176. – Off-street Parking.

It has been found that the revision to the Town's parking requirements would not conflict with the Town's Comprehensive Plan. The Planning and Zoning Board considers approval both reasonable and in the public interest due to a history of variances granted from the parking requirements and the loss of privilege licenses which limits staff's ability to track tenancy and use within multi-tenant or multi-use commercial facilities.

**Doug Theroux
Chairman, Planning and Zoning Board**



Parking Requirements

- The following chart is a demonstration of the Town's parking requirements for retail establishments in relation to other municipalities.

<i>Weaverville</i>	One space for each 200 square feet of gross floor space
Asheville	One space per 350 sq. ft.
Black Mountain	One space per 300 sq. ft.
Brevard	One space per 500 sq. ft.
Lenoir	One space per 250 sq. ft.
Mount Airy	One space per 200 sq. ft.
Shelby	One space per 200 sq. ft.
Waynesville	One space per 600 sq. ft.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 18, 2016
Subject: Sec. 36-150 General Provisions
Presenter: James W. Eller
Attachments: Yes

Description:

Attached you will find a revision of Section 36-150 General Provisions and a statement from the Planning and Zoning Board regarding same. Changes made are noted in red font.

In short, an ordinance was passed in March of 2015 which consolidated the duties and membership of the Tree Board, Main Street Nature Park Advisory Committee and Community Wildlife Habitat Team into one unit thereafter known as the Conservation Board.

Action Requested:

Staff recommends a motion adopting the amendments to Sec. 36-150 General Provisions .

Sec. 36-150. - General provisions.

- (a) All plant materials used to comply with the requirements of this article shall be selected from the list of recommended species unless otherwise approved by the zoning administrator.
- (b) When any landscaped area required by this article involves clear cutting of the property, the ~~wildlife habitat sub-committee of the town tree board~~ **Conservation Board** will be permitted to conduct a plant rescue survey and, if feasible, be permitted to remove desirable native plants for use in town parks or on other town property. The ~~sub-committee~~ **Conservation Board** shall have 30 days from the issuance of the zoning permit to conduct the survey and remove the plants. Absent agreement by the property owner and/or the permit holder, no expense for the survey or removal of the plants shall be borne by the property owner and/or the permit holder.
- (c) When any landscaped area required by this article is adjacent to parking or vehicular circulation areas, such planted area shall be protected by curbing or other parking barriers.
- (d) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard. Such landscaping shall not violate the guidelines set forth in the town's minimum construction standards for streets.
- (e) All landscaped areas herein required shall be stabilized from dust and soil erosion immediately upon planting and shall thereafter be so maintained until the use of the property or the zoning thereof is changed. Water efficient landscapes and practices are encouraged.
- (f) The property owner of record shall be responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants shall be replaced within 120 days after death with locally adapted plants which conform to the planting standards of this chapter. In the event that plant material is severely damaged due to unusual weather occurrence or other acts of God, the owner shall have two years to complete the replanting of the area so damaged.

(Ord. of 6-19-1978, Art. X, § 17-1020; Ord. of 11-17-2008, § 2)



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, June 7th, 2016 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached revision to Section 36-150. – General Provisions.

It has been found that the revision would not conflict with the Town's Comprehensive Plan or Zoning Code. The Planning and Zoning Board considers approval both reasonable and in the public interest to mirror an Ordinance adopted in 2015 creating the Conservation Board and to provide consistency throughout the Code.

**Doug Theroux
Chairman, Planning and Zoning Board**

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 18, 2016
Subject: Board Appointments
Presenter: Mayor Dottie Sherrill
Attachments: None

Description:

Some of the Town's boards and committees have vacancies either in their regular seats or their alternate seats. Specifically, there are two alternate seats open on the Zoning Board of Adjustment and one alternate seat open on the Planning & Zoning Board. The Town is in receipt of some applications that might be appropriate to consider in filling these positions.

The Town Council also needs to appoint a chairman for the Conservation Board. Mayor Sherrill has a candidate for Council's consideration.

Council Action Requested:

Suggested motions:

Motion to appoint ___ to the ___ Board for a term to expire on ___.

Motion to appoint ___ as the chairman of the Conservation Board for a term to expire on ___.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 18, 2016
Subject: Annexation Petitions and Initial Zoning Requests

Presenter: Jennifer Jackson

Attachments: Petitions for Voluntary Annexation and Applications for Zoning Map Amendments – Serota Mars Hill, LLC and Garrison Branch Reserve Investors

Proposed Schedule

Description:

At its meeting on June 20, 2016, the Town Council approved a water allocation request for an apartment project entitled Blue Ridge Crossings which is being developed on property currently owned by Garrison Branch Reserve Investors. This water allocation approval was conditioned upon the property owner submitting a voluntary annexation petition. This petition, along with the required request for initial zoning, was received by the Town on July 13, 2016. A voluntary annexation petition and initial zoning request was also received by the Town on July 13, 2016 for an adjoining property owned by Serota Mars Hill, LLC.

Council Action Requested:

Tonight Town Council is requested to (1) direct the Town Clerk to investigate the sufficiency of the voluntary annexation petitions and report back to Town Council at its next regular meeting, and (2) send the applications for zoning map amendments requesting initial zoning on the two parcels to the Planning and Zoning Board for review and recommendation.

Proposed Schedule for Annexation Petition and Initial Zoning Request

	Annexation Petition	Application for Zoning Map Amendment
7/13/16	Petition Received	Application Received
7/18/16	Town Council directs Clerk to investigate the sufficiency of the applications	Town Council sends zoning map amendment to Planning and Zoning Board for review and recommendation
8/2016		Planning Board reviews zoning map amendments and makes recommendation to Town Council
8/15/16	Town Council receives Certificate of Sufficiency from Clerk and sets Public Hearing for 9/19/16	Town Council sets Public Hearing for 9/19/16
9/7/16 9/14/16	Public Hearing is advertised	Public Hearing is advertised
9/2016		Planning Board continues review of zoning map amendments and makes recommendation, if necessary
9/19/16	Town Council holds public hearing on annexation petitions	Town Council holds public hearing on zoning map amendments
	Town Council action on annexation petitions	Town Council action on zoning map amendments

PETITION FOR VOLUNTARY ANNEXATION PROCESS INFORMATION

Town of Weaverville, North Carolina

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes § 160A-31 and § 160A-58.1 The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. § 62-3(23), or electric or telephone membership corporations. A rezoning petition must accompany the annexation petition if any portion of the property to be annexed is located outside of the Town of Apex's corporate limits.

SUBMITTAL REQUIREMENTS:

- Town of Weaverville Petition for Annexation with original signatures
- Annexation Petition Fee (\$ TBD) *500*
- Plat/Survey *To be Provided*
- Legal Description (metes and bounds) *To be Provided*

REVIEW PROCESS:

Staff Review – The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email. Clerk begins review of annexation petition for sufficiency.

Annexation Plat Submission – After the map and legal description are deemed sufficient by the Town of Weaverville, the applicant is required to submit three (3) mylar annexation plats to the Planning Department.

Town Council Meeting – The Town Council meetings are typically held on the third Monday of each month at 6pm. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement – A legal advertisement will be published on the Town's website and in the newspaper no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting – The Town Council meetings are typically held the third Monday of each month at 6pm. After holding the public hearing, the Town Council will either adopt or deny an ordinance to the extend the corporate limits of the Town of Weaverville

Recordation – If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Buncombe County Register of Deeds. Buncombe County will keep one of the recorded plats, one copy will be returned to the Planning Department and the surveying company will be given the remaining recorded Annexation Plat.

PETITION FOR VOLUNTARY ANNEXATION APPLICATION

Town of Weaverville, North Carolina

Submittal Date: _____
 Date Fee Paid: _____
 Petition No: _____

STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, _____ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. Name of Property Owner(s)/Address	Telephone Number Email Address	Deed Book/Page No PIN# of Property
<u>Garrison Branch</u>	_____	<u>538911960</u>
<u>Reserve Investors</u>	_____	<u>973363239800000</u>
<u>20 Harrison St</u>	_____	<u>538810066</u>
<u>Asheville NC 28801-0000</u>	_____	<u>973362693300000</u>
_____	_____	<u>538911942</u>
_____	_____	<u>973362751400000</u>

5. Zoning vested rights _____ are not claimed, _____ have been established under G.S. § 160A-385.1 or § 153A-344.1 as follows: _____

Total Acreage to be annexed: +/- 18.85
 Existing Housing Units: 2
 Population in annexed area: unknown
 Proposed Zoning District: R-12
 Reason for annexation: Receive Town Services
 _____ Other (please specify) _____

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828) 484-7002 for questions.

If the purpose of the petition is a connection to public water, contact the Public Works Department at (828) 645-0606 to confirm that public water is available to the property and the cost of that connection. Owner Signature:

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

OWNER/APPLICANT NAME:

APPLICATION DATE:

PHONE NUMBER:

MAILING ADDRESS:

Application is made to the Town Council of Weaverville to amend:

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 99999, 40, 30 Garrison Branch Rd.

97336 323980000

PIN: 97336 269330000

9733 62 75 140000

LOT AREA (acres): +1-18.85 Ac

CURRENT ZONING DISTRICT:

PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING: To Be Provided.

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

Civil Engineer for Developer

[Handwritten Signature]

SIGNATURE OF APPLICANT

7/15/16

DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

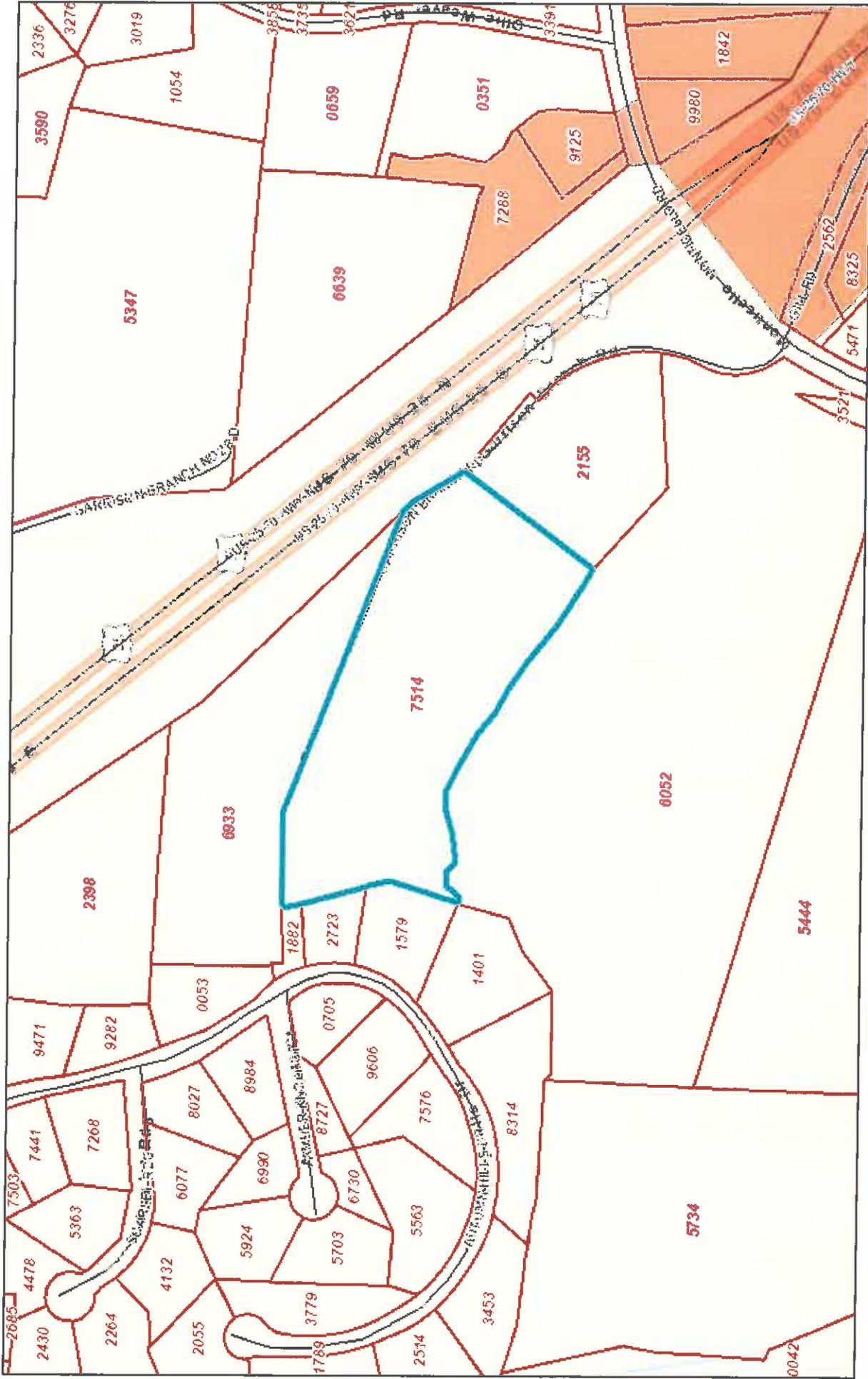
REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

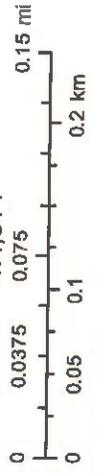
FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	

Buncombe County



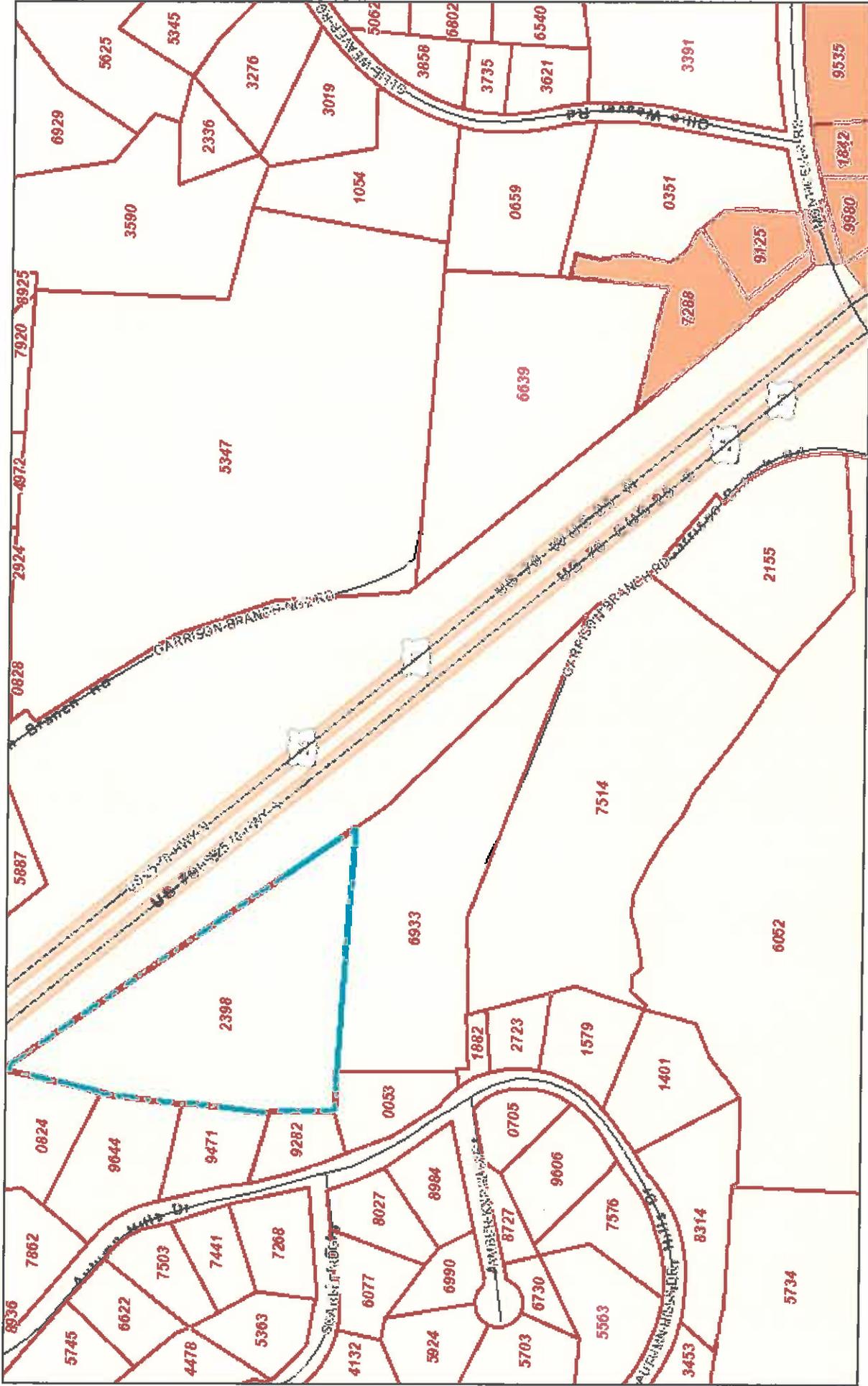
July 13, 2016

1:4,514

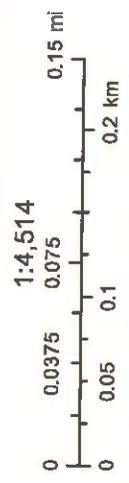


Sources: Esri, HERE, DeLorme, USGS, Intermap, Incentiv P Corp.,
NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Buncombe County



July 13, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, Increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

PETITION FOR VOLUNTARY ANNEXATION PROCESS INFORMATION

Town of Weaverville, North Carolina

RECEIVED JUL 13 2016



VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes § 160A-31 and § 160A-58.1 The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. § 62-3(23), or electric or telephone membership corporations. A rezoning petition must accompany the annexation petition if any portion of the property to be annexed is located outside of the Town of Apex's corporate limits.

Weaverville

SUBMITTAL REQUIREMENTS:

- Town of Weaverville Petition for Annexation with original signatures
- Annexation Petition Fee (\$ TBD) *\$500.00*
- Plat/Survey
- Legal Description (metes and bounds)

REVIEW PROCESS:

Staff Review – The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email. Clerk begins review of annexation petition for sufficiency.

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7/12/16
[Signature]
Verota Marshall LLC, Manager, Jon Sarver

PETITION FOR VOLUNTARY ANNEXATION APPLICATION

Town of Weaverville, North Carolina

Submittal Date: 7/12/16
Date Fee Paid: 7/13/16
Petition No: _____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. Name of Property Owner(s)/Address	Telephone Number Email Address	Deed Book/Page No PIN# of Property
<u>Serota Marsh Hill LLC</u> <u>PO Box 187</u> <u>Weaverville NC 28787</u>	<u>c/o atty for Owner</u> <u>Waldemar Bird, Attorney</u> <u>828-645-4215 x313</u> <u>WWAdford48@gmail.com</u>	<u>54-15/821</u> <u>9733-62-2155-06000</u>
_____	_____	_____
_____	_____	_____

5. Zoning vested rights are not claimed, have been established under G.S. § 160A-385.1 or § 153A-344.1 as follows: _____

Total Acreage to be annexed: 2.83 Acres
Existing Housing Units: -0-
Population in annexed area: -0-
Proposed Zoning District: C-2
Reason for annexation: Receive Town Services
 Other (please specify) _____

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828) 484-7002 for questions.

If the purpose of the petition is a connection to public water, contact the Public Works Department at (828) 645-0606 to confirm that public water is available to the property and the cost of that connection.

7/12/16
Serota Marsh Hill LLC, Manager, Jon Sarver

EXHIBIT A
SEROA MARS HILL, LLC

BEGINNING at an unmarked point, said point being beginning corner of Book 1326 at Page 76, Buncombe County Registry, reference to which is being made for a more particular description; thence from said BEGINNING point thus established South 42-30-00 East 117.83 feet to an unmarked point; thence South 49-10-00 East 78.76 feet to a masonry nail set in Garrison Branch Road (NCSR 1791), said nail being North 66-40-45 West 84.58 feet from NC DOT concrete r/w monument set in the northern/eastern margin NC DOT Right of Way, being 60 feet in width and more particularly described in Book 1194 at Page 188, Buncombe County Registry, reference to which is being made for a more particular description; thence South 41-01-00 West 34.29 feet to at ½" rebar with ID cap (set) on the southern/western margin of the aforementioned NC DOT Right of Way; thence with said right of way the following courses and distances: South 48-59-00 East 80.58 feet to a ½" rebar with ID cap (set); and on a curve to the right with a radius of 256.48 feet, an arc length of 249.41 feet, a chord length of 239.70 feet and a chord bearing of South 21-07-31 East to a ½" rebar with ID cap (set) in a fence line, said rebar located North 86-00-00 East 1.80 feet from a 6" PVC pipe filled with concrete; thence with said fence South 86-00-00 West 269.74 feet to a ½" rebar with ID cap (set) in a fence line; thence North 50-04-00 West 256.00 feet to a ½" rebar with ID cap (set) partially in a fence line, said rebar being in a fence post hole in concrete and also being the terminus of the first (1st) call in Book 1326 at Page 76, Buncombe County Registry, reference to which is being made for a more particular description; thence with a fallen fence line North 34-19-00 East 357.42 feet to a NC DOT concrete right of way monument, said monument being located in the southern/western edge of the right of way for Garrison Branch Road (NCSR 1791), said point being more particularly described in Book 1194 at Page 163, Buncombe County Registry, reference to which is being made for a more particular description; thence North 34-19-00 East 18.62 feet to the point and place of BEGINNING. Containing 2.83 acres, more or less, according to a survey by Bobby C. McMahan, P.L.S., dated July 11, 2016, entitled Serota Mars Hill, LLC Job number 12-3334 and being the same property as described in Book 5415 at Page 821 and shown in Plat Book 179 at Page 176, all in the Buncombe County Registry, reference to which is being made for a more particular description, and also being identified by Parcel Identification Number 9733-62-2155-00000, Buncombe County Tax Office.

TOGETHER WITH AND SUBJECT TO easements, restrictions and rights of way of record.



**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

OWNER/APPLICANT NAME: *Serot + Mrs Hill, LLC*

APPLICATION DATE: *7/13/16*

PHONE NUMBER: *828 - 645-4216 ext 313*

MAILING ADDRESS: *PO Box 187*

Application is made to the Town Council of Weaverville to amend:

*Weaverville, NC
28787*

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: *10-20 GARRISON Branch Rd, Weaverville NC 28787*

PIN: *9733-62-2155-00000*

LOT AREA (acres): *2.83*

CURRENT ZONING DISTRICT: *N/A*

PROPOSED ZONING DISTRICT: *C-2*

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.


 SIGNATURE OF APPLICANT _____ DATE 2/12/16
2207 Adams Hill LLC Manager, Jew Sarvon

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	

