



**Town of Weaverville  
Planning Board  
Regular Monthly Meeting  
Tuesday, December 6, 2022, 6:00pm**

**Agenda**

1. Call to Order – Chair Bob Pace
2. Approval of the Agenda
3. Approval of the Minutes
  - October 4, 2022 regular meeting of the Board
  - July 19, 2022 joint meeting with Town Council
4. 171 Monticello Road Conditional District Application and Supporting Documents
  - Discussion related to the reasonableness of the zoning request and consistency with the Comprehensive Land Use Plan
5. Nonconforming Lots
  - Discussion related to the Stated Goal of Reviewing Regulations for Nonconforming Lots
6. Adoption of the 2023 Schedule of Regular Meetings of the Planning Board
7. Any Other Business
8. Adjournment

**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

**Date of Meeting:** Tuesday, December 6, 2022

**Subject:** Minutes

**Presenter:** Planning Director

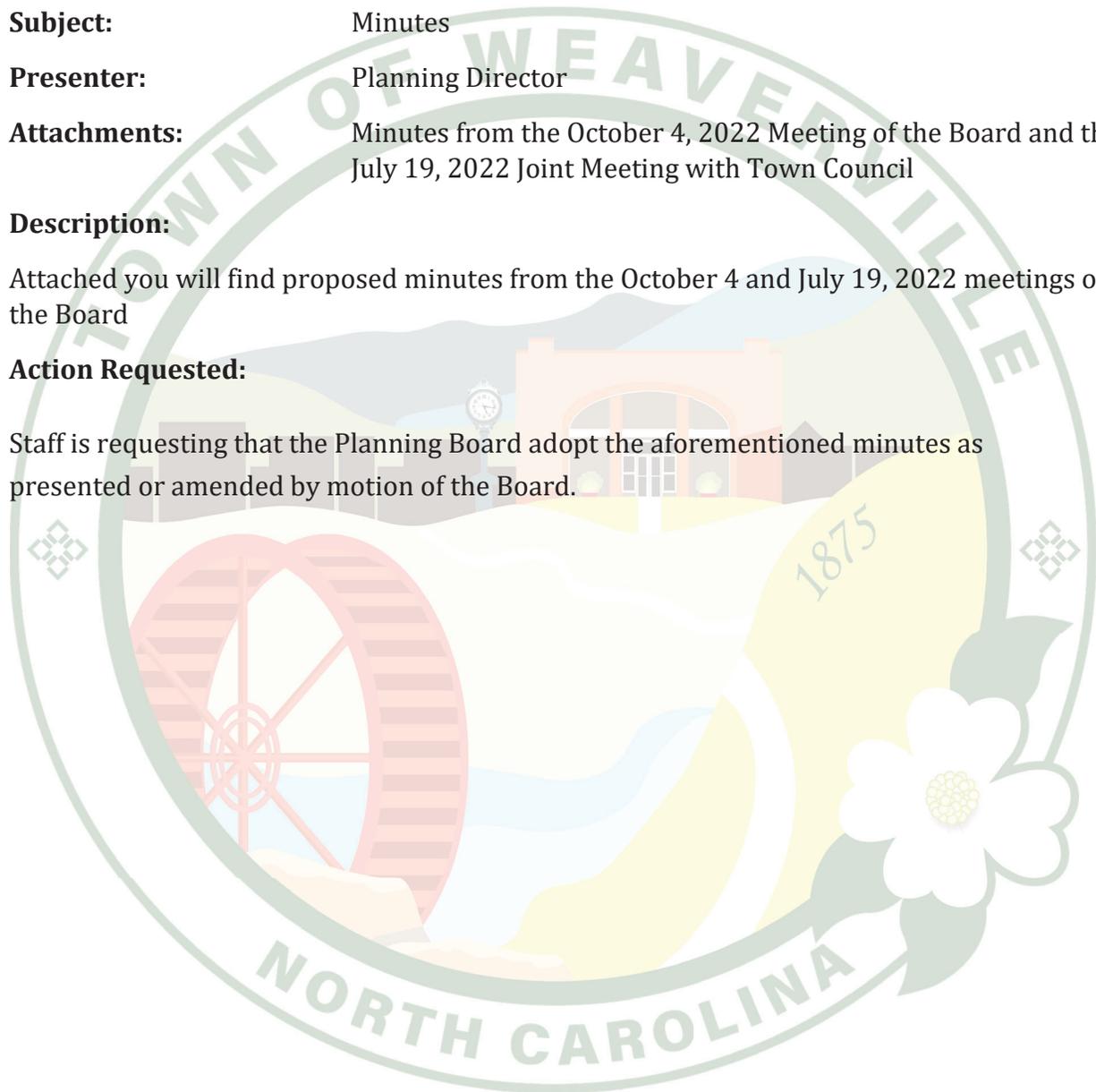
**Attachments:** Minutes from the October 4, 2022 Meeting of the Board and the July 19, 2022 Joint Meeting with Town Council

**Description:**

Attached you will find proposed minutes from the October 4 and July 19, 2022 meetings of the Board

**Action Requested:**

Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



Town of Weaverville  
Planning Board  
Minutes – Tuesday, October 4, 2022

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, October 4, 2022 within Council Chambers at Town Hall.

Present: Board Members Bob Pace, Rachael Bronson, Mark Endries, and Donna Mann Belt and Alternate Member Maggie Schroder, Town Manager Selena Coffey, Town Attorney Jennifer Jackson and Planning Director James Eller. Board Member Jane Kelley was absent.

**1. Call to Order**

Mr. Pace called to order at 6:00 pm.

Mr. Pace recognized Ms. Schroder as a regular member of the Board to fill the absence of a regular member.

**2. Approval of the Agenda**

Noting no objections Mr. Pace declared the agenda approved by consent.

**3. Approval of the Minutes from the September 6, 2022 Meeting of the Board**

Ms. Bronson motioned to approve the minutes as presented. Ms. Schroder seconded and all voted unanimously in favor of the motion.

**4. Discussion Related to Permissible and Impermissible Considerations for Legislative Development Decisions and Appropriate Conditions which can be Included in Conditional Zoning**

In anticipation of a forthcoming application for a conditional district Mr. Eller and Ms. Jackson reviewed three publications from the North Carolina School of Government and answered various questions from Board Members. These publications were “*Considerations for Legislative Development Decisions,*” “*Impermissible Considerations for Legislative Development Decisions,*” and “*What Conditions Can Be Included in Conditional Zoning?*”

**5. Any Other Business**

Mr. Eller presented an updated roster of the Planning Board.

**6. Adjournment.**

Without objection Mr. Pace declared the meeting adjourned.

---

**Bob Pace, Chair**  
**Planning and Zoning Board**

**ATTEST:**

---

**James W. Eller**  
**Planning Director / Town Clerk**



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Joint Meeting of Town Council and Planning Board  
Tuesday, July 19, 2022**

The Town Council for the Town of Weaverville met for its regularly scheduled workshop meeting on Tuesday, July 19, 2022, at 6:00 p.m. within Council Chamber at Town Hall, in order to hold a joint meeting with the Weaverville Planning Board. The Planning Board met for a special called meeting at this date and time for that purpose.

Councilmembers present: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna, Doug Jackson, Andrew Nagle, John Chase, Catherine Cordell and Michele Wood. Planning Board Members present: Jane Kelley, Donna Mann Belt and Maggie Schroder. Planning Board Members Gary Burge, Rachael Bronson, Bob Pace and Mark Endries were absent. Staff members present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller.

### **1. Call to Order**

*Mayor Fitzsimmons called the meeting of Council to order at 6:00 p.m.*

*Having been selected to chair the meeting, Ms. Kelley called the meeting of the Planning Board to order at 6:00p.m.*

### **2. Economic Development Advisory Committee Recommendation**

Mayor Fitzsimmons presented a recommendation from the Economic Development Advisory Committee which sought to make general retail establishments of a certain size subject to the conditional district development review process. A staff report related to small box general retail establishments was also provided.

### **3. Information on Small Area Studies**

Chris Joyell presented information related to small area studies.

### **4. Comprehensive Land Use Plan – Review and Ranking of Priorities and Goals**

Ms. Jackson and Mr. Eller guided Council through the proposed table of priorities and goals to be included within the update of the comprehensive land use plan. Staff provided further explanations of the goals included noting new ones which had been added for consideration. Staff and the Planning Board spoke to Council regarding their ranking of the priorities. Through conversation consensus was reached by Council on their ranking of the individual priorities, These ranking were recorded by staff to be incorporated into the document. Ms. Jackson noted that updates to the Comprehensive Land Use Plan now require a formal adoption process including formal Planning Board review and recommendation and a public hearing and indicated that staff would begin the process so that the table can be considered for adoption and inclusion within the Comprehensive Land Use Plan.

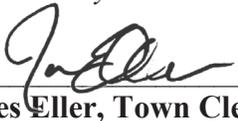
### **5. Other Discussion Items**

No additional items were noted.

### **6. Adjournment**

*Mayor Fitzsimmons declared the meeting of Council adjourned at 7:35 p.m.*

*Ms. Kelley declared the meeting of the Planning Board adjourned at 7:35 p.m.*

  
\_\_\_\_\_  
**James Eller, Town Clerk**

# COMPREHENSIVE LAND USE PLAN STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	PRIORITIZATION			STATED GOAL	NOTES	Staff	PB	TC
			TC	PB	Staff					
2										
3						<b>WATER</b>				
4	1	1	1	1	1	Update Plan and regulations to slow land use development if water treatment plant expansion is postponed or terminated and water usage and commitments reach 70% of available water supply		✓	✓	✓
5	1	1	1	1	1	Continue monitoring water production, allocations, usage, and availability	In progress by staff with quarterly reports	✓		
6	1	1	1	1	1	Continue reserving water allocation for infill development within the town	In progress by staff with quarterly reports	✓		
7	1	-	1	1	1	Investigate interconnection with Asheville for supplemental water	TC resolution adopted 6/27/22; in progress by staff	✓		
8	1	-	1	1	1	Negotiate interlocal agreement with Asheville for purchase of supplemental water	Pending investigation	✓		✓
9	2	-	2	2	2	Development of Water System GIS Layer	Anticipated FY2023-2024	✓		
10						<b>STREETS AND SIDEWALKS</b>				
11	1	1	1	1	1	Continue the Street Improvement Program	Program funded FY2023	✓		✓
12	1	1	1	1	1	Consider implementing a Sidewalk Improvement Program and Master Plan	Bike-Ped Study recommendations pending			✓
13	1	1	1	1	1	Establish Priority List for Sidewalk Installation	Bike-Ped Study recommendations pending	✓	✓	✓
14	1	-	1	1	1	Development of Stormwater System GIS Layer	Anticipated work for Spring 2023; LOSRC grant funding	✓		
15	2	2	2	2	2	Study possible adoption of driveway construction standards – steep slope, reduction of curb cuts, common driveways		✓	✓	✓
16	3	2	3	3	3	Consider a bike-ped overlay district for the implementation of the bike-ped plan	Bike-Ped Study recommendations pending	✓	✓	✓

## COMPREHENSIVE LAND USE PLAN STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
17			<b>HOUSING</b>							
18	1	1	1	1	1	Define and consider ways to achieve balanced residential development	Related to TC consensus on 5/14/22			✓
19	2	-	2	1	2	Consider ways to increase housing affordability	TC considered in 2020	✓		✓
20	2	-	2	2	2	Consider broadening allowable housing types in residential districts (duplexes, quadruplexes)				✓
21	2	-	2	2	2	Consider expansion of the MH Overlay District				✓
22			<b>GENERAL POLICY MATTERS</b>							
23	1	1	1	1	1	Review of overlapping land use authority	Anticipated FY2023	✓		✓
24	1	1	1	1	1	Negotiate interlocal agreement(s) with County (Building Permits and Inspections)	Anticipated FY2023	✓		✓
25	1	1	1	1	2	Review & update economic development goals				✓
26	1	-	1	1	1	Develop annexation guidelines that include consideration of how quality municipal services will be provided	Related to TC consensus on 5/14/22; TC considered in 2018 as part of Strategic Plan – current policy is case-by-case			✓
27	1	-	1	1	1	Continue to annex properties along the Town's borders in order to impose the Town's land use regulations	Related to TC consensus on 5/14/22			✓
28	1	-	1	1	1	Continue to work with Buncombe County during its on-going long term planning	Related to TC consensus on 5/14/22	✓		✓
29	1	-	1	1	1	Engage in conversations with NCDOT about long-term planning for growth	Related to TC consensus on 5/14/22	✓		✓
30	1	-	1	1	1	Engage in conversations with MSD about long-term planning for growth	Related to TC consensus on 5/14/22	✓		✓
31	1	-	1	1	1	Comprehensive review of Future Land Use Map	Related to TC workshop 5/14/22	✓	✓	✓

## COMPREHENSIVE LAND USE PLAN

### STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
32	1	-	1	1	1	Make decisions on annexation based on the ability to provide quality municipal services to proposed land uses to the same extent and under current policy	Related to TC consensus on 5/14/22			✓
33	2	-	2	2	2	Investigate possibility of reestablishing direct bus route between Weaverville and Asheville		✓		✓
34	2	-	2	2	2	Investigate possibility of establishing a "Park and Ride" in Weaverville to provide a shared ride option to Asheville		✓		✓
35	3	3	3	3	3	Consider reestablishing the Town's extraterritorial jurisdiction		✓		✓
36	3	3	3	3	3	Evaluate need to strengthen regulations with regard to hazard mitigation	Buncombe-Madison Hazard Mitigation Plan dated 6/21	✓	✓	✓
37	<b>LAND DEVELOPMENT REGULATIONS</b>									
38	1	-	1	1	1	Comprehensive review of Table of Uses		✓	✓	✓
39	1	2	1	1	1	Review regulations for non-conforming lots		✓	✓	✓
40	1	-	1	1	1	Initiate small area studies for growth areas: Gill Branch Valley, Monticello Rd West, Ollie Weaver Rd, I-26 Corridor, Reems Creek Rd	Related to TC workshop 5/14/22	✓	✓	✓
41	1	-	1	1	1	Consider adoption of land use regulations which provide greater control of retail development in Main Street area (C-1)	Economic Development Advisory Committee recommendation (7/22)	✓	✓	✓
42	1	-	1	2	2	Consider regulations that encourage open space or greenway dedication, conservation measures		✓	✓	✓
43	1	2	1	3	3	Consider Town-initiated rezonings to better align established uses with underlying zoning districts or to address long dormant properties	Focusing on long dormant properties	✓	✓	✓
44	2	2	2	2	2	Undertake a comprehensive review of zoning regulations		✓	✓	✓
45	2	2	2	2	2	Review sign regulations for legal compliance and policy objectives		✓	✓	✓

## COMPREHENSIVE LAND USE PLAN STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

*Proposed - August 2022*

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
46	2	3	2	2	3	Review hillside/steep slope regulations for legal compliance and policy objectives		✓	✓	✓
47	2	3	2	2	3	Determine need or desire for Town grading regulations for projects less than 1 acre		✓	✓	✓
48	3	2	3	3	3	Continue to analyze ways to provide standard regulations in order to reserve use of conditional zoning for unique development	Areas improved: Mixed Use Development Apartments	✓	✓	✓
49	3	2	3	3	3	Study mountain ridge protection regulations for possible implementation		✓	✓	✓
50	3	2	3	3	3	Revise wireless telecommunication facility regulations for legal compliance and policy objectives		✓	✓	✓
51	0	2	0	3	3	Study removal of floodplain areas from density calculation		✓	✓	✓
52	0	3	0	0	0	Initiate special area studies: Downtown, North Main Street-“Five Points” Area, Monticello Road corridor, and Reems Creek Road corridor	Proposed for deletion; see line 43	✓	✓	✓
53	<b>PLAN CONSISTENCY REVIEW - LEGALLY REQUIRED</b>									
54		-		-	-	Consult plan priorities if inconsistencies develop in the implementation of this Plan		✓	✓	✓
55		-		-	-	Consult the Future Land Use Map and use descriptions for Plan consistency review	Legally required	✓	✓	✓
56		-		-	-	Consult Action Plan and stated goals for Plan consistency review	Legally required	✓	✓	✓
57		-		-	-	Consult additional approved plans for Plan consistency review	Legally required	✓	✓	✓
58	<b>MAINTENANCE OF PLAN AND REGULATIONS – LEGAL COMPLIANCE AND ACCOUNTABILITY</b>									
59		-		-	-	Conduct an annual review of progress towards accomplishment of Plan goals	July/August each year	✓	✓	✓

## COMPREHENSIVE LAND USE PLAN STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
60		-		-	-	Update appendix to this Plan when new plans or amendments are adopted	To keep Plan up-to-date and usable	✓		
61		-		-	-	Conduct an annual review of zoning regulations to ensure statutory compliance and consistency with stated goals	For legal compliance and progress towards Plan goals	✓		
62		-		-	-	Undertake annual review of the Table of Uses	For legal compliance	✓		
63		-		-	-	Conduct an annual review of subdivision regulations to ensure statutory compliance and consistency with stated goals	For legal compliance and progress towards Plan goals	✓		
64		-		-	-	Consider development of or amendment to regulations consistent with law and Plan	For progress towards Plan goals	✓	✓	✓
65		-		-	-	Undertake a comprehensive update to the Plan in 2025 or at such time as substantial legislative or other changes are experienced	2025 is proposed in order to provide for 5 year updates that better align w/ Census	✓	✓	✓
<b>COMPLETED</b>										
✓		-				Conduct an annual review of progress towards accomplishment of Plan goals	7/5/22 – PB Review; 7/19/22 Jt Mtg b/w TC and PB	✓	✓	✓
✓		-				Update appendix to this Plan when new plans or amendments are adopted	August 2022	✓		
✓		1				Consider simplification of outdoor lighting regulations	Amendments proposed for adoption 7/25/22	✓	✓	✓
✓		1				Continue the Street Improvement Program	Program funded FY2023	✓		✓
✓		1				Implementation of GIS system and Zoning Layer	Implemented April 2022	✓		
✓		1				Provide educational information on parking availability in downtown area	Website posting	✓		
✓		1				Continue monitoring water production, allocations, usage, and availability	In progress by staff with quarterly reports	✓		
✓		1				Continue reserving water allocation for infill development within the town	In progress by staff with quarterly reports	✓		

## COMPREHENSIVE LAND USE PLAN STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
✓		1				Negotiate interlocal agreement(s) with County (Stormwater and Sedimentation/Erosion Control Permitting and Enforcement)	Agreements approved by TC June 2022	✓		✓
✓		1				Review use of flag lots	Implemented Nov 2021	✓	✓	✓
✓		1				Study solar collector regulation for possible implementation	Implemented May 2022	✓	✓	✓
✓		-				Conduct an annual review of progress towards accomplishment of Plan goals	August 2021	✓	✓	✓
✓		-				Update appendix to this Plan when new plans or amendments are adopted	August 2021	✓		
✓		1				Implementation of Chapter 160D Amendments	Implemented July 2021	✓	✓	✓
✓		1				Consider Implementation of a Manufactured Home Overlay District	Implemented Feb 2021	✓	✓	✓
✓		1				Undertake a comprehensive review of subdivision regulations	Implemented July 2021	✓	✓	✓
✓		1				Clarify legally required exemptions to subdivision regulations and reexamine the definitions of minor subdivisions and major subdivisions	Implemented July 2021	✓	✓	✓
✓		1				Streamline the subdivision review process	Implemented July 2021	✓	✓	✓
✓		1				Determine when sidewalks and other improvements are required with development approvals	Implemented July 2021	✓	✓	✓
✓		-				Conduct an annual review of zoning regulations to ensure statutory compliance and consistency with stated goals	With 160D Project	✓		
✓		-				Undertake annual review of the Table of Uses	With 160D Project	✓		
✓		-				Conduct an annual review of subdivision regulations to ensure statutory compliance and consistency with stated goals	With 160D Project	✓		
✓		1				Continue monitoring water production, allocations, usage, and availability	Staff quarterly reports 2020/2021	✓		

## COMPREHENSIVE LAND USE PLAN

### STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1 = high priority to be accomplished in 12 months, 2 = medium priority to be addressed in 24 months, 3 = lower priority to be addressed in 36 months; 0 = proposed for removal as a goal)

Proposed - August 2022

1	2022	2021	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
✓		1				Continue reserving water allocation for infill development within the town	Staff quarterly reports 2020/2021	✓		
✓		-				Update appendix to this Plan when new plans or amendments are adopted	August 2020	✓		
✓		-				Conduct an annual review of progress towards accomplishment of Plan goals	August 2020	✓	✓	✓
✓		1				Continue monitoring water production, allocations, usage, and availability	In progress by staff with quarterly reports	✓		
✓		1				Continue reserving water allocation for infill development within the town	In progress by staff with quarterly reports	✓		
✓		1				Consider land use regulation that better provides for mixed use development	Regulations amended in May 2020	✓	✓	✓
✓		1				Consider land use regulation that provides for high density single family residential development	Studied in 2019; no new regulation desired	✓	✓	✓
✓		2				Review the current policy on street standards for private streets	Private street standards adopted May 2020	✓	✓	✓
✓		2				Consider ways to address housing affordability	Workshop presentation in January 2020	✓		✓
✓		2				Consider land use regulation that provides for transition districts	Accomplished 2020 with mixed use amendments	✓	✓	✓
✓		2				Implement a staff-led Technical Review Committee for development reviews	TRC amendments adopted in May 2020	✓	✓	✓
✓		3				Develop and distribute a downtown parking map	Map available on website and Town Hall in 2019	✓		

**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

**Date of Meeting:** Tuesday, December 6, 2022  
**Subject:** Conditional District Application for 171 Monticello Road  
**Presenter:** Planning Director, Town Attorney  
**Attachments:** Conditional District Application, Site Plan, Statement of Reasonableness, Staff Report

**Description:**

Staff is in possession of a conditional district application which proposes an affordable housing apartment complex on a 10.68 acre tract at 171 Monticello Road bearing the parcel identification number 9733-60-3503. The initial consideration, which shall not serve as a final determination, was held by Town Council on Monday November 21 and their input on the proposal may be found within the attached staff report.

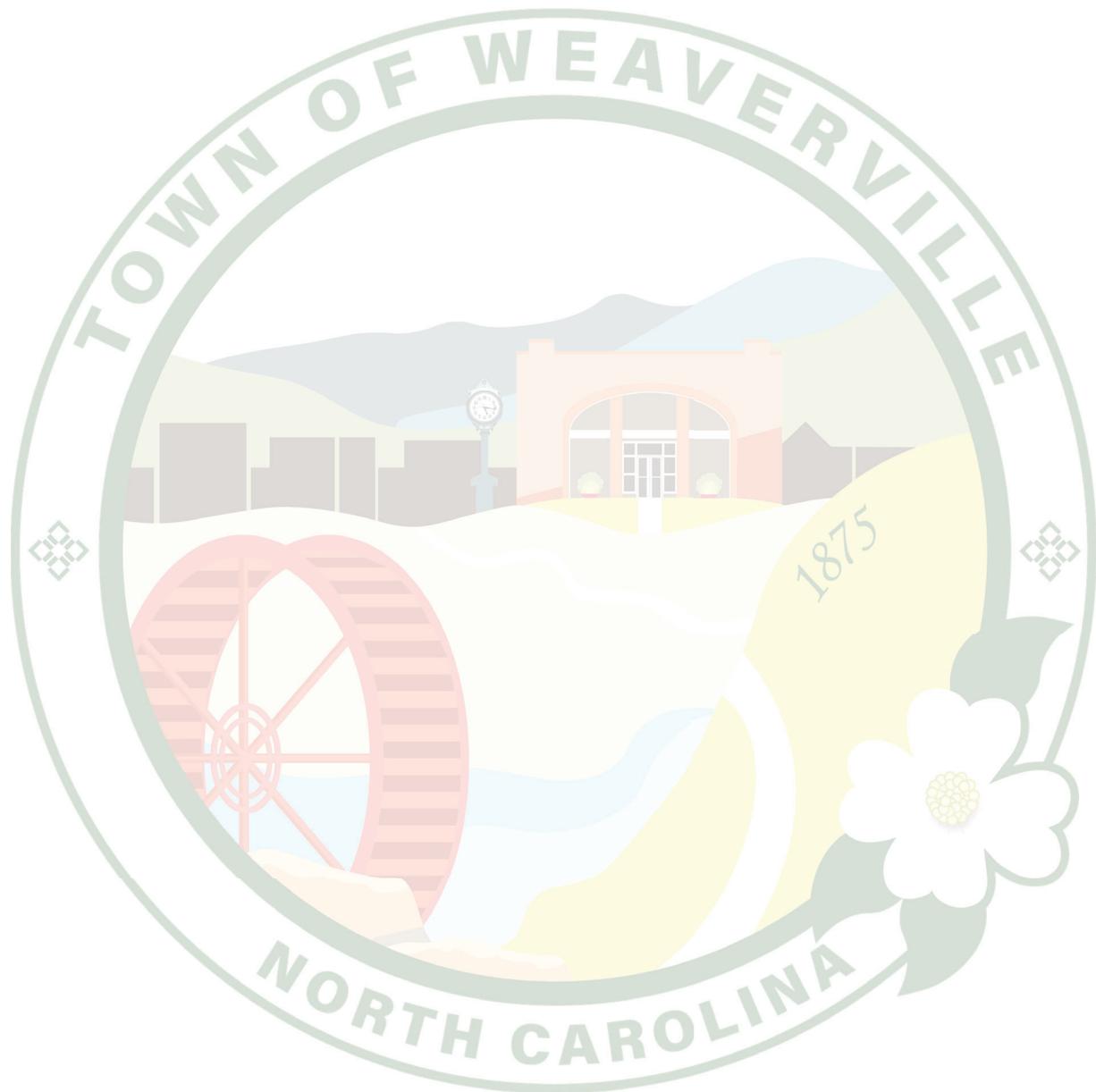
Town Council also referred the conditional zoning request to the Planning Board for the full review process as required by N.C.G.S. Chapter 160D. The Planning Board shall now review and offer comment on the proposal as per Sec. 20-1505.

**Sec. 20-1505. Planning board review and comment.**

- (c) *Plan consistency.* When conducting a review of proposed zoning text or map amendments pursuant to G.S. 160D-604 and this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (d) *Reasonableness statement for rezonings.* When conducting its review of proposed zoning map amendments, the planning board shall, as part of its plan consistency statement or separately, provide a statement analyzing the reasonableness of the proposed rezoning. Such analysis should consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the zoning map amendment qualifies as a large scale rezoning the analysis of reasonableness may address the overall rezoning.

**Action Requested:**

The Board is being asked to consider the conditional district application and offer a recommendation to Town Council on the proposal's consistency with the comprehensive land use plan and reasonableness of the proposed zoning amendment.



**CONDITIONAL DISTRICT APPLICATION**

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  
**Application Fee Based Upon Size of Property**



**Conditional Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area. Uses which may be considered for a Conditional District shall be established on the Table of Uses found at Sec. 20-3205. Additional information related to Conditional Districts may be found at Sec. 20-3203.**

**At the discretion of the Town Council, it may be required of the property owner to guarantee performance or completion of conditions included in the Conditional Zoning Plan. Such guarantee may take the form of: (1) a surety performance bond made by a company licensed and authorized in North Carolina, (2) a bond of a developer with an assignment to the Town of a certificate of deposit, (3) a bond of developer secured by an official bank check drawn in favor of the Town and deposited with the Town Clerk, (4) cash or an irrevocable letter of credit, (5) a bank escrow account whereby the developer deposits cash, a note, or a bond with a federally insured financial institution into an account payable to the Town. The amount of the guarantee shall be determined by Town Council.**

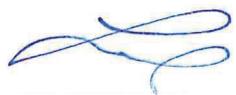
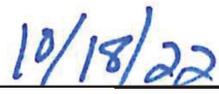
OWNER/APPLICANT NAME: LDG Multifamily, LLC      APPLICATION DATE: 10/17/2022

BRIEFLY DESCRIBE THE PROJECT: This project proposes 168 affordable housing units consisting of 1, 2, and 3 bedroom units as well as a pool and clubhouse.

PHONE NUMBER: (502) 649-0601      PROPERTY ADDRESS: 171 Monticello Rd  
Weaverville, NC 28787

PIN: 973360350300000      DEED BOOK/PAGE: 1245/0551

LOT AREA (acres): 10.68      ZONING DISTRICT: R-3

        
SIGNATURE OF APPLICANT      DATE

**Application fees are due at the time of submittal. Withdrawal of an application after the public hearing has been advertised will result in the forfeiture of the application fee.**

# **CONDITIONAL DISTRICT APPLICATION**

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  
**Application Fee Based Upon Size of Property**



**A petition for a Conditional District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan shall be substantially compliant with the mapping standards found within Sec. 20-2504. Additional information may be requested by members of staff, the Planning Board or Town Council.**

✓	Title block containing:														
	<table border="1"> <tr> <td>✓</td> <td>Name of owner &amp; applicant</td> </tr> <tr> <td>✓</td> <td>Property address</td> </tr> <tr> <td>✓</td> <td>Buncombe County PIN</td> </tr> <tr> <td>✓</td> <td>Date or dates survey was conducted or plan prepared</td> </tr> <tr> <td>✓</td> <td>Scale of the drawing in feet per inch</td> </tr> <tr> <td>✓</td> <td>Deed book and page reference of the deed</td> </tr> <tr> <td>✓</td> <td>Zoning designation of property</td> </tr> </table>	✓	Name of owner & applicant	✓	Property address	✓	Buncombe County PIN	✓	Date or dates survey was conducted or plan prepared	✓	Scale of the drawing in feet per inch	✓	Deed book and page reference of the deed	✓	Zoning designation of property
✓	Name of owner & applicant														
✓	Property address														
✓	Buncombe County PIN														
✓	Date or dates survey was conducted or plan prepared														
✓	Scale of the drawing in feet per inch														
✓	Deed book and page reference of the deed														
✓	Zoning designation of property														
✓	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area														
✓	North Arrow and orientation														
✓	Lot area in acres and square feet														
✓	Existing topography of the site and within 300 feet of the site boundary in five (5) foot contours														
✓	Delineation of areas within the floodplain.														
✓	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation														
✓	Minimum building setback lines applicable to the lot, including drainage or utility easements														
✓	Proposed number and location of signs														
✓	Exact dimensions, location, height, and exterior features of proposed buildings and structures														
NA	Photographs of buildings on properties within 200 ft. of subject property														
✓	Utility easements														
✓	Existing and proposed sanitary sewer system layout and a letter of commitment														
✓	Existing and proposed water distribution system layout and a letter of commitment														
✓	Plans for individual water supply and sewerage/septic disposal system, if any														
✓	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground														
✓	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.														
✓	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public.														
✓	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any														
✓	Proposed phasing, if any, and expected completion date of the project.														

**Upon reviewing the application, site plan, and supporting documents, the Planning and Zoning Board will issue statement of reasonableness of the proposed Conditional District.**

**Before a public hearing may be held by the Town Council, the petitioner must file in the Office of the Town Clerk, a written report of at least one community meeting held by the petitioner. The report shall include a list of those persons and organization notified of the meeting detailing the method and date of contact' the date, time, and location of the meeting; a roster of persons in attendance, a summary of issues discussed, and a description of any changes to the petition as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made and the reasons such a meeting was not held.**





November 17, 2022

Mr. James Eller, Planning Director  
Town of Weaverville, Planning and Zoning Department  
30 S. Main Street  
Weaverville, NC 28787

RE: Reasonableness Statement for Rezoning

Dear Mr. Eller,

LDG Multifamily, LLC (“LDG”) believes our request for the conditional rezoning of 171 Monticello Road (PIN: 973360350300000) is reasonable based on the Town of Weaverville’s goal to improve housing affordability, the current zoning for this parcel and neighboring parcels, and adjacent property uses.

The use of conditional zoning in this location will further the Town of Weaverville’s stated goal of addressing housing affordability by allowing the creation of 168 affordable housing units. The Town of Weaverville’s 2019 Comprehensive Plan (updated October 2022) identified the lack of affordable housing as “a concern for those living with limited or fixed income to remain or become part of the Weaverville community.” This concern was reflected by data from a February 2022 market study commissioned by LDG, which found the area has zero units of comparable housing available to the area’s 1,280 qualifying households. We believe the approval of LDG’s request for conditional zoning is important first step toward improving housing affordability and, for this reason, we believe our request for conditional zoning is reasonable.

LDG also believes that conditional zoning for this location is reasonable because it is consistent with the current zoning classification for both this parcel and adjoining parcels, as well as adjacent uses. The parcel is currently zoned R-3, which allows for the highest residential density available under the Buncombe County’s zoning ordinance. Neighboring parcels to the west, south, and north are also zoned for high density residential use by Buncombe County (R-3 and EMP). High density residential uses also exist on adjacent parcels within Weaverville’s jurisdiction to the north (multifamily communities on land zoned R-12) and east (townhomes on land zoned CZD). We believe our request for conditional zoning is strongly supported by the zoning classification of surrounding parcels and existing high density residential communities on adjacent land.

Thank you for your consideration,

Landon Cox  
Development Manager  
LDG Development, LLC

Town of Weaverville, North Carolina  
**Preliminary Staff Report:**  
**171 Monticello Road Annexation,**  
**Initial Zoning, Conditional District**

Prepared November 2022

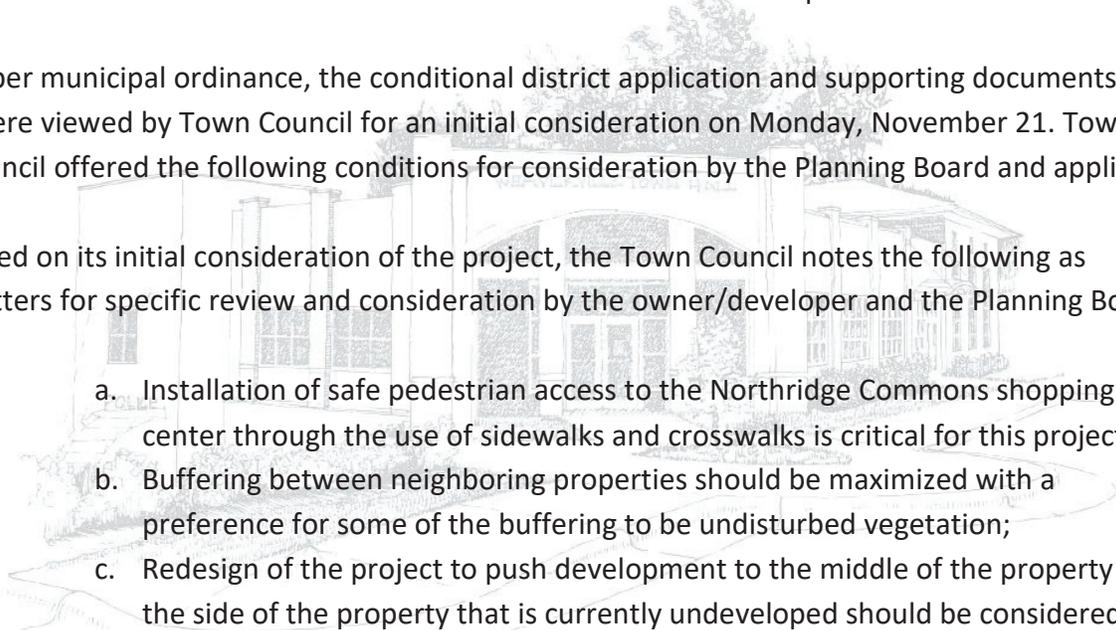
Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

**Zoning Analysis**

Town Council is set to consider a voluntary annexation of contiguous parcels adjacent to Monticello Road. The parcel consists of 10.68 acres and conditional zoning is being applied for in order to house the desired development. 168 units is being proposed at a density of 15.7 units per acre. The proposed density is north of what any standard district will accommodate creating the need for the conditional zoning request. Parking is also shown at less than two spaces per unit which would be noncompliant with existing code. Also, a buffer of 20 feet would normally be required for multifamily residential development where abutting a residential district. An increased buffer of 35 feet is shown on the plan.

As per municipal ordinance, the conditional district application and supporting documents were viewed by Town Council for an initial consideration on Monday, November 21. Town Council offered the following conditions for consideration by the Planning Board and applicant.

Based on its initial consideration of the project, the Town Council notes the following as matters for specific review and consideration by the owner/developer and the Planning Board:



- a. Installation of safe pedestrian access to the Northridge Commons shopping center through the use of sidewalks and crosswalks is critical for this project;
- b. Buffering between neighboring properties should be maximized with a preference for some of the buffering to be undisturbed vegetation;
- c. Redesign of the project to push development to the middle of the property or to the side of the property that is currently undeveloped should be considered;
- d. Location of the pool appears to be too close to the neighboring property;
- e. Density was raised as a concern by at least one Councilmember;
- f. Parking spaces being below what Town Code would require is not a concern.

Town of Weaverville, North Carolina  
**Preliminary Staff Report:**  
**171 Monticello Road Annexation,**  
**Initial Zoning, Conditional District**

Prepared November 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

**Comprehensive Land Use Plan Compliance**

When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. Here it is found that the future land use map has identified the area in question for mixed use development. Mixed use as identified on the future land use map is defined as follows:

*“Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”*

The conditional zoning being applied for is specifically to accommodate multifamily residential development.

Additionally, the stated goal within the CLUP of *“consider ways to increase housing affordability”* should be taken into account. The conditional district being applied for is also specifically for an affordable housing development.

Given the aforementioned variables, it is the opinion of staff that the voluntary annexation and desired conditional zoning is not inconsistent with the Town’s CLUP.

**Reasonableness of the Proposed Zoning**

When considering the reasonableness of the proposed zoning, Town Council and the Planning Board are provided with the following statutorily prescribed guidance.

***Sec. 20-1505. Planning board review and comment.***

*(d) Reasonableness statement for rezonings. When conducting its review of proposed zoning map amendments, the planning board shall, as part of its plan consistency statement or separately, provide a statement analyzing the reasonableness of the proposed rezoning. Such*

Town of Weaverville, North Carolina  
**Preliminary Staff Report:**  
**171 Monticello Road Annexation,**  
**Initial Zoning, Conditional District**

Prepared November 2022

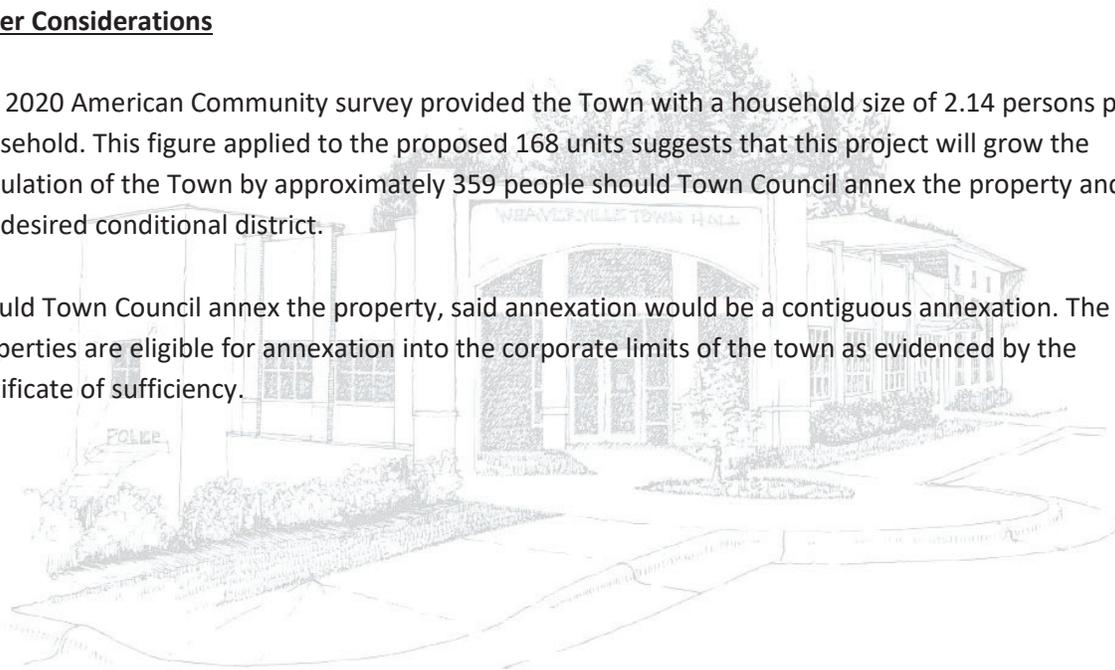
Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

*analysis should consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the zoning map amendment qualifies as a large scale rezoning the analysis of reasonableness may address the overall rezoning.*

**Other Considerations**

The 2020 American Community survey provided the Town with a household size of 2.14 persons per household. This figure applied to the proposed 168 units suggests that this project will grow the population of the Town by approximately 359 people should Town Council annex the property and grant the desired conditional district.

Should Town Council annex the property, said annexation would be a contiguous annexation. The properties are eligible for annexation into the corporate limits of the town as evidenced by the certificate of sufficiency.



**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

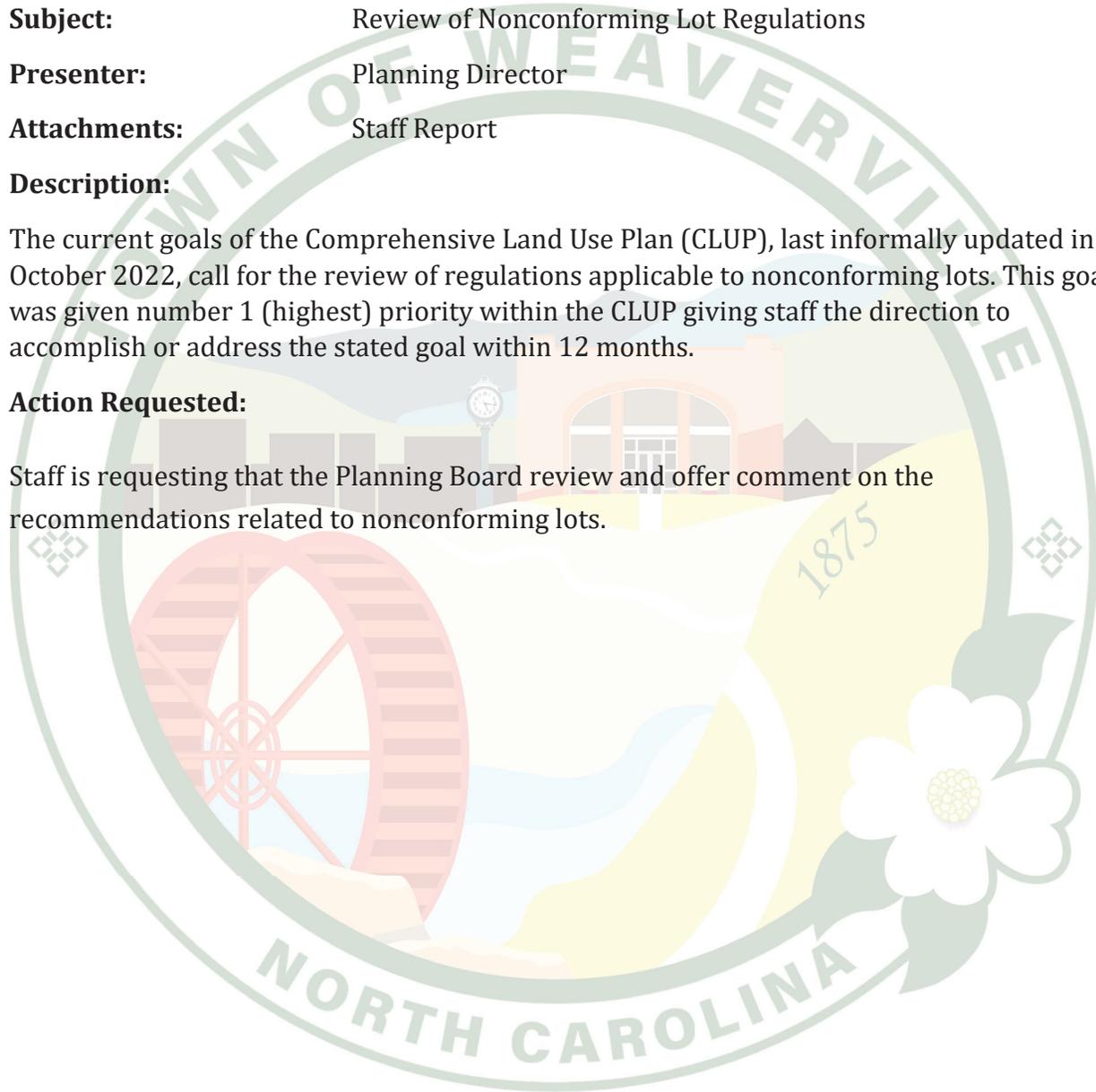
**Date of Meeting:** Tuesday, December 6, 2022  
**Subject:** Review of Nonconforming Lot Regulations  
**Presenter:** Planning Director  
**Attachments:** Staff Report

**Description:**

The current goals of the Comprehensive Land Use Plan (CLUP), last informally updated in October 2022, call for the review of regulations applicable to nonconforming lots. This goal was given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

**Action Requested:**

Staff is requesting that the Planning Board review and offer comment on the recommendations related to nonconforming lots.



Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

### **Comprehensive Land Use Plan Stated Goal and Background Information**

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in October 2022, call for the review of regulations for non-conforming lots. The goal of reviewing regulations for non-conforming lots was also given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

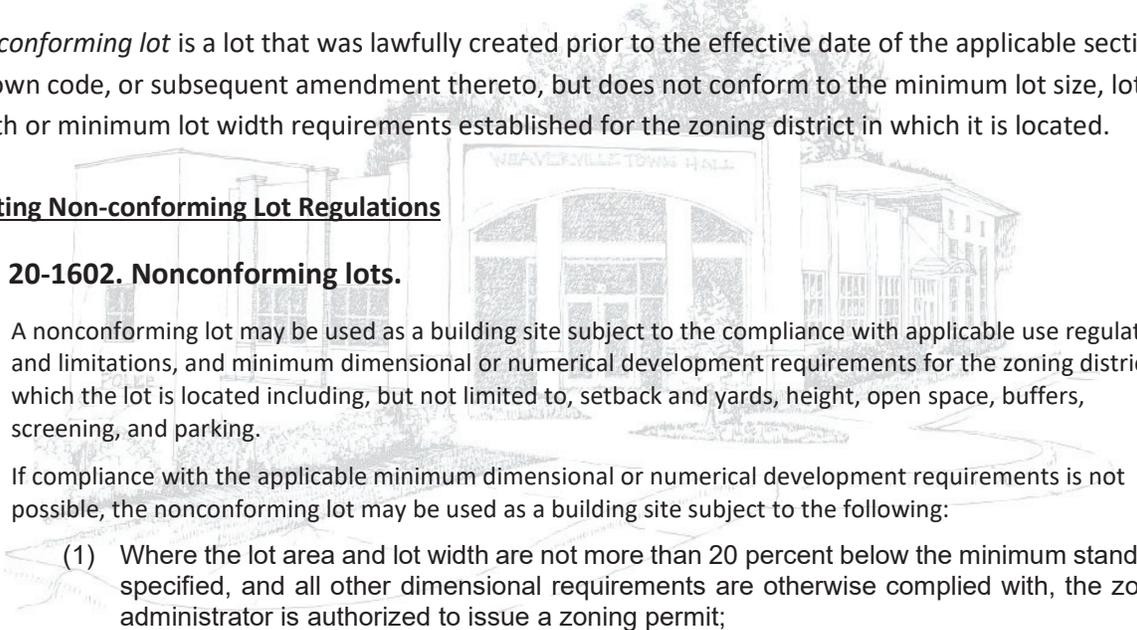
### **Definition of Non-conforming Lot**

*Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Buncombe County prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.*

*Nonconforming lot is a lot that was lawfully created prior to the effective date of the applicable sections of town code, or subsequent amendment thereto, but does not conform to the minimum lot size, lot depth or minimum lot width requirements established for the zoning district in which it is located.*

### **Existing Non-conforming Lot Regulations**

#### **Sec. 20-1602. Nonconforming lots.**

- 
- (a) A nonconforming lot may be used as a building site subject to the compliance with applicable use regulations and limitations, and minimum dimensional or numerical development requirements for the zoning district in which the lot is located including, but not limited to, setback and yards, height, open space, buffers, screening, and parking.
  - (b) If compliance with the applicable minimum dimensional or numerical development requirements is not possible, the nonconforming lot may be used as a building site subject to the following:
    - (1) Where the lot area and lot width are not more than 20 percent below the minimum standards specified, and all other dimensional requirements are otherwise complied with, the zoning administrator is authorized to issue a zoning permit;
    - (2) Where the lot area and lot width are more than 20 percent below the minimum standards specified in this chapter or other dimensional requirements cannot be met, the board of adjustment is authorized to consider requests for variances of such dimensional and numerical requirements as shall conform as closely as possible to the required dimensions.
  - (c) If a lot is nonconforming in that it does not have street access as described in Code section 20-3208(g), a building can be constructed on such lot if the applicant can provide evidence of a recorded legal access to a publicly maintained street or roadway which will support actual vehicular access to the lot.

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

**Enforcement of Existing Regulations**

As you will have seen in the existing regulations have an arbitrary threshold of 20% below the minimum dimensional standards required by the zoning district in which the property is located. Where a nonconformity at or below 20% is experienced, staff has the authority to issue permits for a nonconforming lot to be built upon. Where a nonconformity of more than 20% is experienced a variance from the Board of Adjustment must be achieved to convert the nonconforming lot to a buildable lot.

For example, in the R-1 zoning district where a minimum lot width of 100 feet is required.

Required Lot Width	Lot Width Present	Authority
100 ft.	75 ft.	Board of Adjustment
100 ft.	80 ft.	Staff

When these nonconforming lots have gone to the Board of Adjustment for a variance, each has had a variance granted.

**Potential Additional Regulation**

It is more common than not in other ordinances to have a requirement that nonconforming lots under common ownership be combined with one another to create a conforming lot. With this additional requirement the number of nonconforming lots is reduced. For example:

*A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot owned by the same person on or after the effective date of these regulations in order to create a single lot. For the purposes of this section, adjoining shall be deemed to mean the sharing of one or more common lot lines.*

Or:

*Where a nonconforming lot abuts another lot of record, whether conforming or nonconforming, held in the same ownership at or subsequent to the adoption of these regulations, such lots shall be combined or recombined as necessary to form a conforming lot or lots and shall not be subdivided thereafter except in compliance with the requirements of this Chapter.*

# Town of Weaverville, North Carolina

## Staff Report: Non-Conforming Lots

Prepared November, 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

### Intent of Regulation Revision

Staff is seeking a conversation with the Board revolving around how to simplify the regulations applicable to nonconforming lots with a specific interest on the Board's opinion related to the 20% threshold for variances and a potential additional regulation requiring the combination of nonconforming lots under common ownership in order to create a conforming lot.



**TOWN OF WEAVERVILLE**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

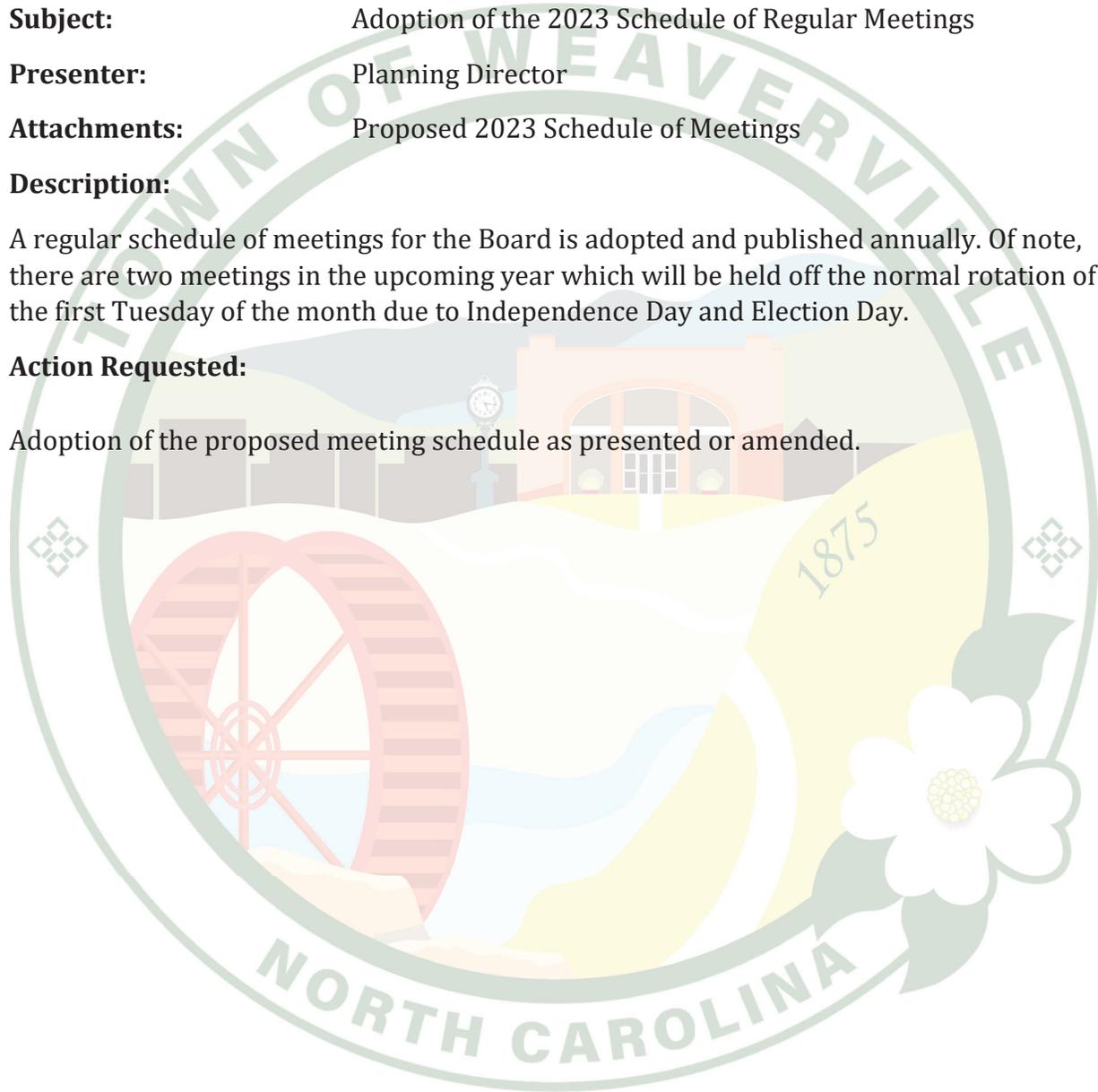
**Date of Meeting:** Tuesday, December 6, 2022  
**Subject:** Adoption of the 2023 Schedule of Regular Meetings  
**Presenter:** Planning Director  
**Attachments:** Proposed 2023 Schedule of Meetings

**Description:**

A regular schedule of meetings for the Board is adopted and published annually. Of note, there are two meetings in the upcoming year which will be held off the normal rotation of the first Tuesday of the month due to Independence Day and Election Day.

**Action Requested:**

Adoption of the proposed meeting schedule as presented or amended.





TOWN OF WEAVERVILLE PLANNING BOARD 2023 SCHEDULE OF MEETINGS *Dates off normal rotation of first Tuesday		
Date	Time	Location
Tuesday, January 3	6:00	Council Chambers
Tuesday, February 7	6:00	Council Chambers
Tuesday, March 7	6:00	Council Chambers
Tuesday, April 4	6:00	Council Chambers
Tuesday, May 2	6:00	Council Chambers
Tuesday, June 6	6:00	Council Chambers
*Thursday, July 6*	6:00	Council Chambers
Tuesday, August 1	6:00	Council Chambers
Tuesday, September 5	6:00	Council Chambers
Tuesday, October 3	6:00	Council Chambers
*Thursday, November 9*	6:00	Council Chambers
Tuesday, December 5	6:00	Council Chambers