

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, November 7, 2017

The Planning and Zoning Board of the Town of Weaverville met for a special called monthly meeting at 5:45pm on Tuesday, November 7, 2017 within the Weaverville Fire Department training room.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Members Catherine Cordell and Peter Stanz, Alternate Board Members John Chase and Steve Warren, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Board Members Leslie Osborne.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 5:45 pm.

Chairman Theroux noted that due to the absence of Board Member Osborne, Alternate Board Member Chase would be voting on matters before the Board.

2. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as Greenwood Park Phase One and the Hamlet Phase One, a Portion of Reems Creek Village.

Mr. Eller presented his findings to the Board related to the two aforementioned final plats:

- Title block of the final plat for The Hamlet should reflect that the Hamlet is a part of the Reems Creek Village subdivision as per Town Councils approval of the preliminary plat for same on Monday, February 23, 2015.
- The road maintenance agreement for Greenwood park should be crafted should one not presently exist and recorded.
- The road maintenance agreement for Reems Creek Village should be amended and recorded to include the lots created by the Hamlet portion of Reems Creek Village.
- The temporary t-turnaround shown on the proposed final plat for Greenwood park should be paved as per the Fire Marshal and shown as same on the final plat.
- Due to the road construction occurring outside the requisite supervision of the Town's Public Works Department, in order to ensure that the portion of Al Dorf Drive which extends into Greenwood Park phase 1 has been built to the Town's standards, the construction standards will need to be verified by a professional engineer who oversaw the construction and performed testing. In the alternative an engineer must test the soil and pavement compaction and depth by taking core borings to determine pavement, stone and soil compaction and depth at 100 foot intervals or 50 foot intervals should the test not reveal proper construction, with a report of same being presented to the Town.
- A verification from MSD will need to be submitted ensuring that individual sewer taps are available to each lot shown on each plat.
- The water line extending into Greenwood Park phase one has not been accepted by Town Council and is therefore not eligible to be utilized. Waterline easement documents should be

executed and recorded in conjunction with Town Council's acceptance of the line into the municipal water system. Town Attorney Jennifer Jackson will need to be involved in the preparation of these documents. Additionally, at the direction of the Public Works Director, two clear water samples (bacteriological testing) will be required prior to the activation of the line in order to ensure that bacteria regrowth has not occurred.

- A notation should be made on both plats that dedications to the Town are subject to the acceptance of Town Council.
- A reminder that on January 25, 2016, Town Council required lot 101 to be removed from Greenwood Park (which has been done on the plat you presented) and added to Reems Creek Village. The plat to accomplish this has been completed, see attached. It just needs to be re-labeled as a final plat and I am prepared to obtain Town signatures quickly so that you can get it recorded. Please let me know how I can help move this along.

In relation to the aforementioned emergency vehicle access requirement, Mr. Eller presented the Board with an alternative t-turnaround resulting from a conversation between Mr. Dorf and the Fire Marshal. Said turnaround is shown to extend into lot 118 within phase two of Greenwood Park. Mr. Theroux noted that same should be shown on the final plat whereas presently it is not. Ms. Jackson also noted that the t-turnaround should be constructed prior to the approval of the final plat.

Mr. Eller noted to the Board that their options following their review and a presentation by the developer and surveyor would be to recommend approval of the final plats to Council, recommend approval with conditions to Council or to disapprove the final plat and to instruct the applicant concerning revision, resubmittal and reconsideration.

Rob Brady, the surveyor of the two aforementioned plats and Amit Dorf, a representative of the developer spoke to the Board regarding their application and plats.

Mr. Theroux noted that note 15 of the preliminary plat of the Hamlet notes that it was a part of Reems Creek Village. Mr. Brady suggested that he would add the language into the notes or the title block of the final plat.

Mr. Dorf expressed his desire to have the plats conditionally approved and suggested that each correction or addition could be accomplished before the next meeting of Town Council.

Ms. Jackson suggested that the applicant should work with her moving forward for the requisite utility plat for the water line easement and acceptance.

Mr. Dorf suggested that in relation to lot 101, he would prefer to record all three plats at the same time.

Mr. Dorf suggested that the paving of the road was an oversight on their part and that they were not aware that a private road had to be built to the Town's standards. Bids had been placed for the engineering work that the town is requesting in relation to the road.

Mr. Brady asked if the waterline easement plat could be approved at the same time as a final plat. Ms. Jackson responded that the waterline easement and acceptance should come first so language contained on the final plat is true and accurate.

Mr. Theroux asked for the Board to give their thoughts having heard from both staff and the applicant:

Ms. Cordell noted her history on the Board and with this particular project. She suggested that she would like the Board to disapprove the final plat in light of the aforementioned information. Specifically she wished to have the engineering report for the road submitted, a verification from MSD submitted, the revisions noted to the title blocks noted, the road maintenance agreements submitted and the new design of the t-turnaround shown on the final plat.

Mr. Burge agreed with Ms. Cordell's assessment and suggested that they wouldn't be doing their jobs if they recommended this application and plats to Town Council.

Mr. Stanz gave his consensus to what has been suggested by each preceding Board Member.

Mr. Chase noted that water and sewer availability prior to the approval of the final plat was a crucial part of the process.

Mr. Warren gave his consensus to what has been suggested by each preceding Board Member.

Mr. Eller noted that a final plat is basically a certification that the subdivision has been built to the specifications of the jurisdiction and that in his opinion those conditions have not been achieved.

3. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for Greenwood Park Phase One.

Mr. Theroux noted that, due to the history of the property and project and the aforementioned information still needed for consideration, he would suggest a motion to disapprove the applications and plats as submitted and for the applicant to consider the staff report and items discussed as instruction for revision, resubmittal and reconsideration.

Ms. Cordell made such a motion for the application and final plat of Greenwood Park Phase One. Mr. Burge seconded and all voted unanimously.

4. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for the Hamlet Phase One, a Portion of Reems Creek Village.

Mr. Theroux noted that, due to the history of the property and project and the aforementioned information still needed for consideration, he would suggest a motion to disapprove the applications and plats as submitted and for the applicant to consider the staff report and items discussed as instruction for revision, resubmittal and reconsideration.

Ms. Cordell made such a motion for the application and final plat of The Hamlet Phase One, a portion of Reems Creek Village. Mr. Burge seconded and all voted unanimously.

5. Discussion Related to a Proposed Amendment of Code Related to the Requisite Certificate of Ownership and Dedication for the Final Plat of Major Subdivisions.

Mr. Theroux noted that this subject had been approached by the Planning Board in 2014 and a similar revision of ordinance was desired.

Mr. Eller noted that language found within the Certificate of Ownership and Dedication appeared to offer ownership of infrastructure to the Town which is not subject to the purview of the jurisdiction. Ms. Jackson

proposed a slightly different version of the language presented. The following proposed revision of code resulted from the language presented and conversation related to same.

Sec. 25-83. - Plat requirements for major subdivisions.

(c) Signed certificates, substantially in the forms provided for in subsections (1), (2) and (3), below shall appear on all copies of the final plat:

(1) "Certificate of Ownership and Offer of Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements shown on the plat to public or private use as noted on the plat subject to official acceptance by the Town of Weaverville. ~~Furthermore, I hereby dedicate all sanitary sewers, storm sewers, and water lines shown on the plat to the Town of Weaverville.~~

Owner: _____

Date: _____/_____/_____ "

6. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.

Mr. Burge motioned to recommend approval of the aforementioned proposed change of ordinance to Town Council. Ms. Cordell seconded and all voted unanimously.

7. Any Other Business to Come Before the Board.

Mr. Stanz inquired as to how the Town can be proactive in attracting desirable development and how a citizen can initiate same. Ms. Jackson noted that the Town does have an Economic Development Advisory Board chaired by Councilman Jackson. An individual could also contact Town Manager Coffey or appear before Town Council.

Mr. Stanz also relayed that he had been contacted by the owner of Eluvium Brewing Company who had learned that mobile food vendors were not permissible where his business is located within the C-1 zoning district. Mr. Eller noted that in over a year of conversations with the business owner, the subject of mobile food vendors on site in conjunction with the brewery was never brought up as a possibility. Ms. Jackson noted that with the recent adoption of the table of uses mobile food vendors were only permitted within the C-1 zoning district in conjunction with a special event permit. Mr. Stanz asked how the business owner could approach a change in the ordinance and Ms. Jackson described the process to achieve a text amendment.

Mr. Chase described a conversation he had with an individual who had purchased a home within Reems Creek Village with no sewer easements to reach the public sewer system and asked if this had occurred. Mr. Theroux confirmed and described a situation where private sewer lines had been allegedly installed without the knowledge or consent of MSD.

Mr. Stanz asked if the Town could prevent the clearcutting of land as the result of new development. Mr. Eller described that the Tree City USA designation related to the care of trees on public lands and not privately owned parcels of land.

At Mr. Stanz' request, Mr. Eller provided an update on the progress of the facility being constructed at 56 North Main Street.

At Mr. Warren's request, Mr. Eller provided an update on matters going before the Zoning Board of Adjustment on Monday November 13, 2017.

At Ms. Cordell's request, Mr. Eller provided an update on a code enforcement matter in the vicinity of Florida Avenue.

8. Adjournment.

Mr. Stanz motioned to adjourn. Mr. Burge seconded and all voted unanimously.

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

ATTEST:

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