



**Town of Weaverville
Zoning Board of Adjustment
Council Chambers
November 13, 2017**

Agenda

1. Call to Order – Chairman Jeff McKenna.
2. Public Hearing on an Amendment to an Existing Special Use Permit which Governs the Property Commonly Known as Northridge Commons.
3. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for an Amendment to an Existing Special Use Permit.
4. Public Hearing on an Amendment to an Existing Special Use Permit which Governs the Property Commonly Known as Fairfield Inn, Weaverville.
5. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for an Amendment to an Existing Special Use Permit.
6. Public Hearing on an Appeal of a Decision of the Zoning Administrator Related to the Design Standards Established by Ordinance within the Condition Zoning District for the Property Commonly Known as Weaver Village.
7. Consideration of a Motion Establishing a Ruling on the Aforementioned Appeal.
8. Any Other Business to Come Before the Board.
9. Adjournment.



Agenda Items 2&3

Amendment to an Existing Special Use Permit for Northridge Commons

- **Attached you will find an application for an amendment to an existing special use permit for Northridge Commons, a master plan for Northridge Commons noting outparcel F, the development standards for Northridge Commons noting an open space requirement of 20% and an open space bulletin noting the open space present without the area of parcel F.**
- **It is the opinion of staff, that should the Zoning Board of Adjustment wish to remove out parcel F from the Northridge Commons special use permit as the applicant desires, no subsequent violations of the development standards associated with the SUP would be created.**

**ZONING BOARD OF ADJUSTMENT
MEETING SHEET FOR NOVEMBER 13, 2017**

Agenda Items 2 and 3:

INTRODUCTION: HFW Endeavors, LLC, is the owner of the commercial development known as Northridge Commons located at 152 Monticello Road, which was developed under a special use permit that was issued on June 5, 2006. The developer has requested an amendment to its special use permit to remove Outparcel F, +/-2.64 acres, from the operation of the special use permit.

JURISDICTION: Sec. 36-328(1) authorizes the BOA to amend previously granted special use permits

STANDARDS:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the zoning board of adjustment.

QUESTION FOR DELIBERATION: Does the record include competent, relevant and substantial evidence that the amendment as requested by developer meets the standards and should therefore be granted?

**TOWN OF WEAVERVILLE UNIFIED BUSINESS DEVELOPMENT
ZONING 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
Special Use Permit Fee: \$350.00

OWNER/APPLICANT NAME: HFW Endeavors, LLC APPLICATION DATE: 10/17/2017

BRIEFLY DESCRIBE THE PROJECT: Removing Parcel F from North Ridge Commons Master Plan
and SPECIAL USE PERMIT

PHONE NUMBER: 704-377-6224
Road

PROPERTY ADDRESS: 152 Monticello

PIN: 9733-70-0398

DEED BOOK/PAGE: 5448/1391

TRACT AREA (acres): 2.5

PROPOSED SQ. FOOTAGE: N/A

REGISTERED CONTRACTOR: *TBD*
ADDRESS:

PHONE NUMBER: *STEVE HARRIS cell*
704-996-7547

REGISTERED ENGINEER: Civil Design Concepts
ADDRESS: 168 Patton Ave, Asheville, NC 28801

PHONE NUMBER: 828-252-5388

All applications shall be accompanied by a general site plan draw to scale and containing all elements of the attached checklist.

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.

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

Steven G Harris, MGR
SIGNATURE OF APPLICANT

10.17.17
DATE

OFFICE USE ONLY

FEE:	DATE PAID:	<input type="checkbox"/>	CHECK	<input type="checkbox"/>	CASH
SITE PLAN DECISION	<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	DATE:
DETAILED PLAN DECISION	<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	DATE:
<input type="checkbox"/>	APPROVED WITH CONDITIONS:				

**DEVELOPMENT STANDARDS
NORTHRIDGE COMMONS
WEAVERVILLE, N.C.**

General Provisions

These development standards form a Technical Data Sheet which will regulate the standards by which NorthRidge Commons, located at the intersection of Interstate Hwy. 26 and Hwy 25/70, will be developed.

1. Maximum Building Area

- (a) The shopping center will not exceed 487,229 square feet in gross floor area.

2. Permitted Uses

- (a) The uses within the center will be all those uses permitted in the C-2, General Business zoning district.
- (b) No drive-thrus other than those associated with a bank, drug store or dry cleaning service will be permitted within the land comprising the shopping center.

3. Design Performance Standards

- (a) The design of the buildings within the shopping center will be in keeping with the elevations shown in this submittal.
- (b) All front and side elevations of the buildings will be brick and stucco or stucco like material.
- (c) All buildings will be designed such that expanses of solid walls exceeding forty (40) linear feet will be avoided through the introduction of articulated facades and other specialty designed architectural elements
- (d) The area shown on the site plan as OUTPARCEL C will contain side walks and outdoor dining and seating areas.
- (e) All buildings will be sited with a reasonable emphasis on maintaining pedestrian interconnectivity.
- (f) Parking areas will be located so that they minimize the distance for pedestrian access between buildings
- (g) Buildings will not exceed thirty-five (35) feet in height except for architectural elements and cupolas which form a part of the buildings.

- (h) No aluminum or vinyl siding and no concrete block (except for painted block on the rear of the buildings) will be used for the final finished appearance on any buildings.
- (i) All landscaping will be as shown on the enclosed landscape plan unless other species and location of plants are approved by the zoning administrator.
- (j) All building signs will be individually illuminated letters. No box type signage will be permitted.
- (k) No individual store sign will exceed 70% of the storefront.
- (l) A minimum of 20% of the property will be maintained as open space.

4. Landscaping and Screening

- (a) All landscaping will meet or exceed the requirements of the Town of Weaverville's landscaping ordinance.

5. Lighting

- (a) The maximum height of any free standing light fixture including its base will not exceed thirty (30) feet.
- (b) All parking lot lighting over fifteen (15) feet in height will be fully shielded and downwardly directed to minimize off site lighting.
- (c) Any lighting fixture attached to the back of any building will be capped and downwardly directed.
- (d) These provisions will not apply to street lights erected on public streets or to decorative poles (not exceeding fifteen [15] feet in height) erected along side walks or in the open space or outdoor dining areas.

6. Erosion Control

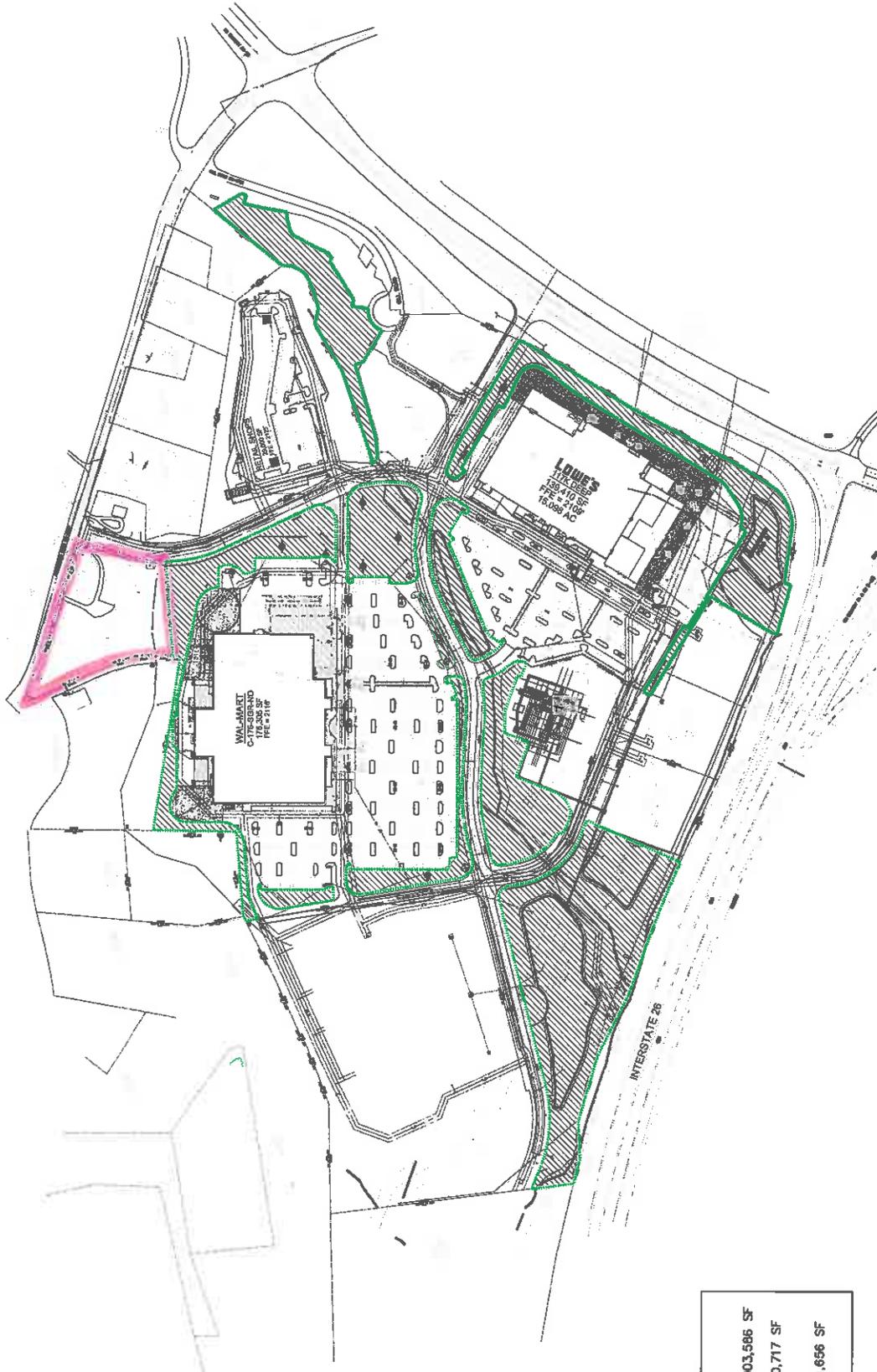
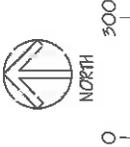
- (a) All development will fully adhere to the rules and regulations provided by Buncombe County, USACE and/or NCDENR.
- (b) Double row high hazard silt fences will be used in central areas next to the creek area.
- (c) Sediment basins will be used to control runoff.
- (d) All sediment control will be reviewed and approved by the Town of Weaverville.
- (e) All development will fully adhere to all rules and regulations for wetlands protection promulgated by USACE and NCDENR.

7. Vehicular Access and Road Improvements

(a) The placement of access points will be subject to the approval of NCDOT.

8. Binding Effect of these Documents

Developers hereby agree that the Zoning Administrator in the Town of Weaverville will have the full authority to review all plans to make certain that Developer is adhering to the items agreed to in this document. Furthermore, Developer agrees that the Zoning Administrator will have the right to withhold any certificate of occupancy until the Developer has adhered to the Development Standards.



SUMMARY	
TOTAL AREA:	4,003,586 SF
20% OPEN SPACE: (REQUIRED)	800,717 SF
20% OPEN SPACE: (PROVIDED)	811,656 SF

**WEAVERVILLE CONDO PROJECT
OPEN SPACE BULLETIN
MARCH 2017**



**STATE OF NORTH CAROLINA
BUNCOMBE COUNTY
WEAVERVILLE, NORTH CAROLINA**

**DECISION OF THE TOWN OF WEAVERVILLE
ZONING BOARD OF ADJUSTMENT BASED
UPON A HEARING OF THE APPLICATION OF
HMOVHN WEAVERVILLE, LLC FOR A
SPECIAL EXCEPTION TO ALLOW A UNIFIED
BUSINESS DEVELOPMENT TO BE CONSTRUCTED
IN AN AREA ZONED C-2, GENERAL BUSINESS
DISTRICT AND I-1, LIGHT INDUSTRIAL DISTRICT**

This matter came to be heard before the Town of Weaverville Zoning Board of Adjustment on Tuesday, April 4, 2006, at 7:00 p.m. in the Community Room of the Weaverville Town Hall located at 30 South Main Street, Weaverville, North Carolina. The meeting was a public meeting, held pursuant to public notice properly published in the Asheville Citizen-Times on March 21, 2006 and March 28, 2006. The public hearing was held after notice of the meeting was mailed to all persons owning property within a two hundred-foot area surrounding the property mentioned in the Petition.

Members of the Town of Weaverville Zoning Board of Adjustment present and hearing the matter were Bob Emblar, the Chairman, Susan Ballard, the Vice Chairman, and Board Members Karen Ruffing, Chris Crawford and Carol Cumbie. Alternate members who heard the testimony at the public hearing but who would not vote upon the petition were Earnest Hewitt and Warren Alcorn.

A packet of material had been submitted by the applicant, HMOVHN Weaverville, LLC and had been hand delivered to the members of the Zoning Board of Adjustment prior to the hearing, which packet consisted of the following:

1. A copy of the Application for a Unified Business Development as a special exception (on a Town form) dated February 23, 2006, signed by Steve Vermillion as Manager of HMOVHN Weaverville, LLC. Attached to the application was an exhibit "A" setting forth the various tax parcels of the property involved, the zoning of each parcel, either I-1 or C-2, and the address of each parcel and an exhibit "B" which is a conceptual site plan of the entire property;
2. A large loose leaf notebook compiled by the Applicant containing pictures, maps, and printed data which is divided into a number of sections which included the following information supplied by the Applicant:
 - (a) A brief history of the firm of Harris, Muir & Vermillion, including pictures of other shopping center buildings developed by the firm or its associates;
 - (b) Development Standards for Northridge Commons which gives an overview of the technical data which will regulate Northridge Commons and

which defines the maximum building area, permitted uses, design performance standards, landscaping and screening, lighting and erosion control, vehicular access and road improvement and which contains an agreement that the Zoning Administrator of the Town of Weaverville will have full authority to review all plans to make certain that the Developer adheres to the items agreed to in the document and by which the Developer assures that the Zoning Administrator will have the right to withhold any certificate of occupancy until the Developer has adhered to the development standards.

(c) Small and large maps of the preliminary site plan, outlining the buildings to be built, out parcels, parking, stormwater ponds, green spaces, certain easements and other features of the proposed development.

(d) Small and large maps showing the topography and elevations of the proposed development and all proposed grading, upon which maps are superimposed the proposed buildings, out parcels and other data.

(e) Small and large maps of the utility plan of the proposed development showing existing and proposed water, sewer and power line easements as well as drawings and aerial photographs of the property with existing and proposed utilities superimposed.

(f) Small and large maps of the landscaping and sidewalk plans for the proposed development, showing the location of all proposed sidewalks and plantings and detailing the type and location of all trees to be planted on the perimeters of the property as well as within the property, which maps also show the location of the buildings and parking.

(g) Building elevations and signage drawings for the proposed development which show the front, rear, right and left side elevations of the two major anchor stores as well as the junior anchor stores and retail shops to be built. These elevations also show drawings and dimensions of the freestanding signs for the shopping center as well as details of an out parcel monument sign.

(h) A traffic study and outline of proposed traffic improvements to be made by the Developer as well as a Traffic Impact Analysis. A preface to the study indicates that the Developer is committed to make all traffic improvements indicated as needed in the Traffic Impact Analysis. The preface further indicates that the Developer will work diligently with the NC DOT to approve a stoplight to be installed at the intersection of U.S. Highway 25-70 and the easternmost ramps from Interstate 26. If approved, Developer agrees to make all necessary road improvements to the interchange and install the traffic light at Developer's expense. The traffic study outlines the manner in which a traffic impact analysis ("TIA") was developed indicating initial meetings with the North Carolina Department of Transportation and the Town of Weaverville and follow up meetings prior to the preparation of the TIA. The study also outlines existing traffic volume on U. S. Highway 25-70 and Monticello Road and existing a.m. and p.m. levels of service ratings at three locations, (1) U. S. Highway 25-70 at Monticello Road, (2) U. S. Highway 25-70 at the south bound ramp of I-26 and

(3) on Weaver Boulevard at the existing shopping center (to the east of the property). The traffic study sets forth two scenarios. The first scenario presumes that the North Carolina Department of Transportation would allow a full movement access point into the property from U. S. Highway 25-70. The first scenario shows (in aerial views and drawings) traffic lanes to be widened or built for access to the proposed development from the proposed new entry as well as at the intersection of U. S. Highway 25-70 and Monticello Road and from two locations on Monticello Road. A chart of the first scenario sets forth the projected a.m. and p.m. levels of service ("LOS") expected at 4 locations when the project is built, the four locations being (1) U.S. Highway 25-70 at Monticello Road, (2) U. S. Highway 25-70 at the proposed driveway into the development, (3) U. S. Highway 25-70 at the south bound ramp of I-26 and (4) Weaver Boulevard at the Roses Shopping Center. The second scenario, based on the TIA, presumes that the North Carolina Department of Transportation allows no access point into the development from U.S. Highway 25-70. This scenario shows (in aerial view and charts) improvements to be made for entry into the proposed development from Monticello Road, including lanes to be widened or built at the intersection of U.S. Highway 25-70 at Monticello Road and at two proposed entrances into the development along Monticello Road. A chart of the second scenario also sets forth the projected a.m. and p.m. levels of service ("LOS") expected at three locations when the project is built, the three locations being (1) U. S. Highway 25-70 at Monticello Road, (2) U.S. Highway 25-70 at the south bound ramp (of I-26) and (3) Weaver Boulevard at Roses Shopping Center. Also included in the study based on the TIA is a summary table showing the a.m. and p.m. levels of service (1) as it exists, (2) as it would be when the proposed development is built under the first scenario and (3) as it would be when the proposed development is built under the second scenario at four locations. They are (1) U.S. Highway 25-70 at Monticello Road, (2) U. S. Highway 25-70 at the proposed driveway into the development (applicable only if the new entry is allowed), (3) U. S. Highway 25-70 at the south bound ramp of I-26 and (4) Weaver Boulevard at the Roses Shopping Center. Also a part of the traffic study is a complete copy of the Traffic Impact Analysis prepared for Harris, Muir and Vermillion, LLC by Kimley-Horn & Associates, Inc. of Cary, North Carolina. which includes a cover letter to Harris, Muir & Vermillion, LLC from Kimley-Horn & Associates, Inc. which summarizes the procedure taken in developing the traffic impact analysis, including meetings with the North Carolina Department of Transportation. The summary letter outlines the recommendations of Kimley-Horn for road improvements around the proposed project and has an attached aerial view of the area.

(i) Small and large plans entitled "Site Light Location Plan" showing the location of all proposed lighting to be erected within the proposed development, indicating the type of light to be erected at each location. Also included with the Site Light Location Plan were pictures of each type of light to be used and manufacturer's specifications by Lithonia Lighting of each type of light to be used.

3. A letter dated March 29, 2006 from the Developer's site engineer, Freeland & Kauffman, Inc. indicating that the erosion control plan had been submitted to the State Department of Environmental, Health and Natural Resources.

In addition to the three items submitted by the Applicant, the members of the Zoning Board of Adjustment were furnished with the following:

- A. An affidavit of publication by the Asheville-Citizens Times containing a copy of the public notice published on March 21 and March 28, 2006.
- B. Documents entitled "Review and Comments on Northridge Commons Traffic Impact Analysis" by Roger D. Dyar dated November 11, 2005.
- C. Chapter 36 of the Zoning Ordinance of the Town of Weaverville (November, 2005 Edition.)
- D. Copies of part of the Town of Weaverville Zoning Map showing the current zoning of the area around the proposed project and the zoning of the land constituting the proposed project. The Zoning Administrator had waived the requirement that the applicant furnish ownership data on all properties within 500 feet of the project and the zoning of such properties as required by Section 36-240(d)(3) and Section 36-149(4) of the Town Code as the Administrator had all of such information..
- E. A copy of a letter by the Town Clerk, Shelby G. Shields to all persons owning property within 200 feet of the property and site and a list of those persons to whom the letter was sent.

After the Chairman and the Board members dispatched some prior business, Chairman Embler announced that the public hearing was for the purpose of hearing a request from Harris, Muir & Vermillion, LLC for a unified business development as a special exception. (The actual application is in the name of HMVHN Weaverville, LLC, Attn.: Steve Vermillion). The Chairman identified the property as being located at the southwest quadrant of Highway 25-70 and 19-23, soon to be known as I-26 and said that the property included 16 parcels to be known as Northridge Commons.

The Chairman announced that those wishing to speak would be given an opportunity to do so but must be sworn in and give their name and address. He further announced that due to the large crowd present members of the audience wishing to speak would be limited to three minutes and that they would be timed.

Chairman Embler reminded the Board that they must review standards given by the Town Council. He then read the standards from Article IX (Special Exceptions), Section 36-238 of the Town Zoning Ordinance which the Zoning Board of Adjustment shall find in order to grant a special exception permit, as follows:

- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

- (2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
- (5) Adequate utilities, access roads, drainage and/or other necessary facilities have been are being or will be provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Zoning Board of Adjustment.

Chairman Embler then recognized Mr. Steve Vermillion to make the presentation on behalf of the Applicant.

Steve Vermillion informed the Board that the book which had been given to the Board members (the book submitted as No. 2 above) sets forth detailed information "with regard to our plans" but that he would run through a slide presentation which gave a general overview (of the project). He indicated that there was more detailed information in the book.

Prior to beginning the slide presentation Mr. Vermillion and Richard Adams of Kimley-Horn & Associates, Inc. of Cary, North Carolina were sworn.

Mr. Vermillion then gave a slide presentation which projected on a screen for viewing by the audience blown up pictures of the documentation contained in the book presented to the members (the book submitted as No. 2 above). The slide presentation outlined the history of his firm, showed pictures of other buildings completed by the firm, showed pictures of fountains and lighting on other projects and showed landscaping. The slide presentation also put on the screen the development standards outlined in the book. Mr. Vermillion testified that the Developer would commit to the standards outlined. He testified that the structures would not exceed 487,229 sq. ft. in floor area and that the uses would be those allowed in the general business zoning district. That there would be no drive-throughs other than those associated with a bank, drug store or dry cleaning service. He testified that all buildings would be in keeping with the elevations submitted. He testified that all front and side elevations of the buildings would be brick and stucco or stucco like material. He testified that the building will be designed so that articulating facades and other architectural elements would be introduced into

the building so that no expanse of solid wall on a building would exceed forty linear feet. He testified that all buildings will be sited with a reasonable emphasis on maintaining pedestrian activity and that parking areas would be so located as to minimize the distance of the pedestrian access between buildings. He testified that no building would exceed thirty-five feet in height except for architectural elements and copulas which form a part of the building. He testified that no aluminum or vinyl siding would be used and that no concrete blocks would be allowed except for painted blocks in the rear of the building which would give a finished appearance. He testified that all landscaping will be as shown on the enclosed landscaping plan, unless other species and locations of plants are approved by the Zoning Administrator. He testified that all building signs will be individually illuminated letters and that no box type signs will be permitted and that no individual small store signs will exceed 70 percent of the store front. He testified that a minimum of 20% of the property will be maintained as open space and that all landscaping will meet or exceed the requirements of the Town of Weaverville's landscape ordinance. He testified that all development will fully adhere to the rules and regulations by Buncombe County, USACE and NCDENR with regard to erosion control. He stated that double rows of hazard silt fences will be used and that sediment basins will be used to control runoff. All sediment control will be reviewed and approved by the Town of Weaverville and that all development will fully adhere to all rules and regulations for wet land protection promulgated by USACE and NCDENR. He testified that the placement of access points (to the development) will be subject to the approval of NCDOT and that the Zoning Administrator and the Town of Weaverville will have the full authority to review all plans to make certain the Developer is adhering to the items agreed to in this documents (the book submitted as No. 2 above).

Mr. Vermillion then went over in detail (from the slides) the development plan showing the location of the anchor stores, the junior anchor stores and the shops. He showed and discussed the location of the drainage ponds, wet ponds, and a stream running through the property. He testified that there would be a boardwalk for pedestrians, an area for walking and picnicking and that there would be various access to the stream and ponds area for seating. He showed the elevations of the various buildings and described the signage.

Mr. Vermillion then introduced Richard Adams who identified himself as a traffic engineer with Kimley-Horn & Associates of Cary, North Carolina who testified that he would discuss the process which Kimley-Horn had been through (in developing the Traffic Impact Analysis) and the recommendations made by the firm in terms of traffic, both the traffic impact and the mitigation of the impact. Mr. Adams gave a slide presentation and in the course of his slide presentation, testified that the Developer is committed to making all the improvements indicated in the Traffic Study that Kimley-Horn submitted (in 2005) both to the Town and to the DOT. Mr. Adams further testified that there was some additional improvements that would be included and committed to beyond those in the traffic study. He testified that there were ongoing discussions between the Developer and the North Carolina Department of Transportation about a possible signal at the intersection of U.S. Highway 25-70 and the ramps on the eastern side of the interchange for future I-26. He testified that the Developer would fully fund such a signal should the DOT allow such signal to be built. He testified that the Developer would fully bear the cost of such a signal.

Mr. Adams testified that as background to the traffic impact analysis that they (Kimley-Horn) held meetings with local agencies including the Town and the District and Division offices of the Department of Transportation which were held in June, 2005. He stated that the traffic study was being reviewed by a group called the Congestion Management Group in Raleigh 483377-1

which reviewed the largest projects in the State and which has the highest standards in analyzing traffic studies. Mr. Adams then testified about the existing conditions of some of the roads (adjacent to the project) and said that the roads most approximate to the site are of the biggest concern. He testified that the traffic count on U. S. 25-70 closest to the site was about 18,000 vehicles per day and that the traffic count on Monticello Road was about 3,500 vehicles per day. Mr. Adams testified that the way to evaluate the operation of a road is by "level of service" and that letter grades were assigned, A-F, to the various levels of service, A being the best level of service and F being the worst. He testified that a D level of service is generally considered acceptable and is the threshold in every jurisdiction, including the NCDOT. He testified that "we" (the traffic engineering firm) worked to get or maintain a level of service of D in order to be considered acceptable traffic operations in the peak hours, being the morning rush hour and evening rush hour. He testified that throughout his presentation reference to a.m. and p.m. levels of service referred to the peak hours or the worse case. He further testified that the worse case geographically on a road was the intersection of a road with a stop sign or stop light because this is where the most delay is encountered. He testified that the Kimley-Horn traffic study focused on the intersections. He then testified as to the existing levels of service at three locations, being (1) U.S. 25-70 at Monticello Road, (2) U.S. 25-70 at the south bound ramp of the interchange (with I-26) and (3) Weaver Boulevard at Roses Shopping Center. He testified that the a.m. and p.m. rush hour level of service at U.S. 25-70 at Monticello Road was B; that the a.m. and p.m. rush hour level of service at 25-70 at the south bound ramp was A and that the rush hour level of service at Weaver Boulevard at Roses Shopping Center was B in the morning and C in the evening.

Mr. Adams then began to testify as to the expected levels of service (when the shopping center was built) at the same locations and testified that there were two scenarios because there was an issue that was being worked through with the Department of Transportation. He testified that the Developers had requested a break in the controlled access on U.S. 25-70 (to allow access to the shopping center from U.S. 25-70). Mr. Adams said that one scenario presumed a break in the controlled access (to allow the entry to the shopping center from U.S. 25-70) and that the second scenario was without the break in the controlled access. Mr. Adams then presented slide presentations of the two scenarios. The first scenario presumes the break in the controlled access from U.S. Highway 25-70. He testified that the Department of Transportation had already stated that they would not allow a full movement break in the controlled access on U.S. 25-70 (a traffic signal that would allow every movement) but that the Developer and the Department of Transportation are now discussing a break in the controlled access that would allow a "left over". He testified that a "left over" was a signal that would not allow every movement but would allow a left turn off of U.S. Highway 25-70 into the site (when traveling from east to west) and that would allow a right turn off of U.S. 25-70 into the site when traveling west to east. Such a configuration of the signal would allow traffic leaving the site to make right turns only. It would not allow an out bound left turn. Mr. Adams stated that by DOT standards such a configuration was considered much less of an impact on the road than a full movement signal.

Mr. Adams continued with the slide presentation and testified that the most important movement that the Developers were trying to capture is the "inbound left turn" (into the shopping center) coming from the interstate (I-26) and coming from the primary parts of Weaverville to the site. With the slide presentation, Mr. Adams pointed out "substantial improvements" that would be made to U.S. 25-70 at the site of the new driveway into the shopping center and pointed out substantial improvement that would be made at the

intersection of Monticello Road and U.S. Highway 25-70 and some additional improvements to Monticello Road itself so as not to impede through trips on Monticello Road. He testified that at the proposed new intersection, there would be two inbound left turn lanes to make sure that turns into the site would be kept out of the through lanes. The lanes also showed a "substantial amount of storage" for inbound turns. He stated that coming from the opposite direction (west) the Developer would provide a right turn deceleration lane so that people slowing down to turn right into the site would not impede through movement. He also testified that a left turn lane for U-turns in and out of the shopping center would be provided. With his slide presentation, Mr. Adams then focused on the intersection of Monticello Road and U.S. Highway 25-70 and on Gill Branch Road which he testified would become one of the main entrances into the site. He showed that a right turn would be provided on Gill Branch Road turning into Monticello Road. On Monticello Road turning into the site a left turn lane would be provided so that persons turning into the site would not block traffic on Monticello Road. Traveling on Monticello Road turning onto U.S. Highway 25-70, a separate right turn lane would be provided and two exclusive left turn lanes would be provided to make sure that left turning traffic is accommodated at the intersection. He testified that the traffic study only indicated one left turn lane from Monticello Road to U.S. 25-70 but that the Developer had designed two left turn lanes to make sure that there is enough "storage" in the left turn lane. He stated that this went above and beyond what was in the traffic study. Through his slide presentation, Mr. Adams then testified as to improvements to be made further south on Monticello Road at a new entrance into the proposed site. He stated that a separate left turn entrance into the site would be provided to make sure that people wait to cross opposing traffic and would not impede through movement on Monticello Road. Two new lanes would be provided on the new street outbound from the site, a left and right turn lane.

Mr. Adams then summarized his slide presentation and testified that the level of service (after the shopping center was built) under scenario one would be as follows:

At U.S. Highway 25-70 and Monticello Road, a level of service during the morning and evening rush hours of C.

The level of service at the proposed new entrance on U.S. 25-70 would be B in both the morning and evening rush hours.

The level of service at the southbound ramps of I-26 would be A in the morning and B in the evening rush hours.

The level of service at the traffic signal at the Roses Shopping Center would be B in the morning rush hour and C in the evening rush hour.

Mr. Adams then testified with the slide presentation as to the scenario which would exist if the Department of Transportation disallows any break in the controlled access on U.S. Highway 25-70. Substantial improvements would be made at the intersection of U.S. Highway 25-70 and Monticello Road and on Monticello Road itself. There would be dual outbound left turn lanes leaving U.S. Highway 25-70 onto Monticello Road and an exclusive right turn lane. There would be an exclusive left turn lane entering the site from Monticello Road on Gill Branch Road. Monticello Road would also be widened to provide two inbound through lanes (lanes on Monticello Road entering U.S. Highway 25-70). The dual left turn lanes would be provided from U.S. 25-70 turning left onto Monticello Road whereas there is only one turn lane on U.S. 25-70

at Monticello Road at the current time. He stated that 500 feet of storage would be added on each turn lane so that queues don't spill onto the through lane. Monticello Road would be widened and a left turn lane on Monticello Road (traveling north) would be provided onto Garrison Road. He testified that further improvements would be made at the proposed second entrance further south on Monticello Road. Mr. Adams testified that the peak hour levels of service under the second scenario (when the shopping center was built) would be as follows:

At the intersection of U.S. Highway 25-70 and Monticello Road C in the morning and D in the evening peak hours.

At U.S. 25-70 and the south bound ramp of I-26, A in the morning peak hours and C in the evening peak hours.

At the traffic signal at the Roses Store, the level of service would be B in the morning and C in the evening peak hours.

Mr. Adams then showed a slide giving a summary of all of the levels of service conditions presented and testified that in every case the level of service would be kept at or above the threshold required by the Department of Transportation and typical municipal requirements as well. He testified that to meet the required level of services, the Developer would have to make substantial improvements on Monticello Road and U.S. Highway 25-70. He testified that, in order to keep the service at an acceptable level, the Developer is committing to spend hundreds of thousands of dollars on improvements (on Monticello Road and U.S. Highway 25-70) without any cost to the Town or to the DOT.

Michael J. Morgan, Town Manager of Weaverville, stated that the town had an independent traffic analysis performed on the traffic engineering study prepared by Kimley-Horn. The results were presented into evidence (No. B above). Mr. Morgan said that the independent analysis concurred with the recommendations of Kimley-Horn.

Steve Vermillion then testified and showed slide presentations of the intended lighting for the center. He stated that the entrance drive lights would be shielded and covered lights and showed the proposed lighting along the boardwalk area and the pedestrian ways and seating area to illuminate these areas at night. He also displayed the lighting that would be used in the general (parking area) which would be shoe box type fixtures which focused all the light down as opposed to letting any light escape as much as possible from the site. Mr. Vermillion then again displayed the site plans and testified that with Weaverville requirements for landscaping, 160 trees would be required but that the Developer plans to put in 520 trees. He testified that the parking lot requirement would require 2,390 spaces and that the Developers were "right on that number".

Chairman Embler then asked if there were any questions of the Developer from any members of the Board. Warren Alcorn questioned the Town Manager as to the nature of the independent traffic study performed by the Town and was told that the study was performed by an independent traffic engineer from Greenville, South Carolina.

Ms. Ruffing questioned when anything further would be heard from the DOT as to the proposed entrance on U.S. Highway 25-70. Mr. Vermillion stated that it would probably be year end before a final answer was given.

Mrs. Ballard questioned Mr. Vermillion and Mr. Adams about traffic traveling north on I-26 making a right turn on the exit ramp going on to Weaver Boulevard. She stated that the ramp backs up frequently. Mr. Adams stated that the Developer had requested a traffic signal at that site which would facilitate a right turn movement off the interstate onto Weaver Boulevard and a left turn movement off of Weaver Boulevard onto the interstate. He stated that this was still under consideration by DOT but that the Developer would pay for such a signal. He stated that there was not a good fix for the situation but if the DOT did not approve a full signal at the location, the Developer had some other solutions, including a queue detector which would affect the phasing of the "upstream signal" to allow more people off of the ramp. Mr. Adams assured Mrs. Ballard that any such improvements would be at the expense of the Developer. Mr. Vermillion assured Mrs. Ballard that the light would be paid for by the Developer. Mrs. Ballard also made an inquiry if the Developer would build a bus stop inside the shopping center if the bus route out of Asheville survived. Mr. Vermillion assured Mrs. Ballard that bus stops would be provided as well as transit shelters and seating.

Chairman Embler indicated that there were no further questions from the Board and notified the audience that those members of the audience wishing to speak would now be heard and that one person at a time would be sworn and could ask questions or make a comment. Speakers would be allowed three minutes to speak.

All of the following persons who spoke were duly sworn (or affirmed) and gave their addresses.

Dave Weir of 99 Ollie Weaver Road stated that the main question he was concerned about was the future of Monticello Road and 19-23 by the car wash (north). He inquired of Vermillion if any plans were made for the north end of Monticello Road beyond the shopping center, were there plans for an access ramp. Mr. Vermillion said he knew of no plans to widen Monticello Road in that vicinity. Mr. Weir also questioned Mr. Vermillion if the proposed widening of Monticello Road would cause more run off. Mr. Vermillion replied that they would not be allowed to increase the run off from the site and that the North Carolina Department of Transportation would force the Developer to put in proper drainage. He stated that you cannot take water off the site at a faster rate than it is currently going and indicated that the ponds on the project would take care of drainage. Mr. Vermillion said that curbs would be put in on Monticello Road where it is widened. That the widening would not create a water situation Mr. Weir was talking about.

Debra Mackey of 11 Robin Lane testified that she had lived in Weaverville all her life, that she thought the proposal was beautiful, that Weaverville was growing and that people were moving to Weaverville; that the police and fire departments needed to grow and that the Town needed new tax revenues and jobs and that the Town needed to take some of the tax burden off of senior citizens. She felt that the project would do so. It would provide jobs, tax revenue places to shop and eat and for senior citizens to go.

Mary Ann Bischell of 194 Rocky Hollow in Weaverville testified that she believes the development would impede the normal and orderly development of the surrounding property (as set forth in standard No. 3). She stated that Weaverville is a modern rural town. That while the development is very beautiful, it is quite a jump from the development that we currently have in Weaverville and that the proposed development was out of line with the development we need

in the area. She testified that she moved to Weaverville to enjoy green space, hearing no traffic or airplanes. She testified that Weaverville was a modern rural town and was a treasure north of Asheville and she wanted to keep it that way.

Harry Payne of Highland Street in Weaverville testified that he was a native; that he had watched and worked on the subject property as a teenager and that the proposed development was beautiful; that if the project did not go in, there would be 200 houses sitting there and that we would really have problems. He was a retired citizen and does not like to get on the interstate to go to Asheville. He would rather have an accessible area to walk to. If you had moved to this town in the last 15 years you are the main reason we need this store.

Samuel Tucker of 22 Alexander Road invited the Board to reflect on the conditions of the new Walmart Center at the old Sayles-Biltmore Bleachery Property, before and after. He indicated that Walmart was an improvement (to that area) and that the proposed facility would be a strong improvement to the neighborhood. He stated that it would eliminate trips to Asheville to have shops close by and save gas. He spoke to the concerns expressed by some that there would be a loss of jobs and small businesses (with the Walmart). He referred to an Asheville Citizen Times article discussing the fears before the new Walmart was built and that the article indicated that there was an increase in business after the Walmart project. He testified that as the criteria necessary to get the project was read, most of the things he saw was going to be a tremendous improvement over what was there now.

Chris Bauer of 12 Park Street testified that due to the lack of information from the DOT as to their intention (on the proposed new entrance) that the matter should be continued. He stated that the traffic study was done in the summer when school was out.

Richard Downing of 9 East Rolling Acres testified that his subdivision was just up Monticello Road from the shopping center. He was concerned about getting in and out of his subdivision because of Monticello Road. He felt that people would use Monticello Road and New Stock Road to access the shopping center and that it was a narrow two lane road. He wondered if there were any thoughts on widening Monticello Road beyond the shopping center. Chairman Embler permitted Mr. Adams to answer the question. Mr. Adams stated that "we" studied the area and that there was a very small distribution of trips coming from that end of Monticello Road. That is why there were additional turn lanes at the entrance to the project to make sure traffic was not impeded. He did not expect the creation of a level of service problem at New Stock or Monticello Roads. The intersections of Monticello Road and New Stock Road (2) were included in the traffic study and they met the level of service criteria. A small amount of trips (to the shopping center) were expected from that direction but were not enough to create substantial problems.

Paul Littman of 301 Monticello Road testified that the package of information presented by the Developer did not adequately discuss the demolition, grading and construction processes of the Northridge Commons shopping center. He inquired as to the hours of operation, the number of buildings and trees that would be demolished and removed and whether debris would be hauled or burned during the construction process. He also worried about burning poison ivy. He also addressed maintenance of the storm water ponds and would there be fences around the same. Mr. Vermillion was permitted to answer the question and stated that the normal hours of operation would be 7:00 a.m. in the morning to 5:00 p.m. in the afternoon. He could not foresee construction being beyond the 5:00 p.m. hour and answered Mr. Littman

that if any work went on beyond that hour, that a complainant could call him and that the problem could be fixed easily. Mr. Vermillion further addressed the ponds and the fencing and stated no chain link fencing would be used, that most of the screening would be landscaping with some decorative fencing which would be more decorative in nature and would be away from the ponds so that the area could be used for walking and picnic areas. He stated that they would be wet ponds and would be different from retention ponds; that they would not dry out and would give a much nicer appearance over all and could be used as an amenity. Mr. Vermillion stated that there would be no burning of material and that all material would be hauled off.

Anna Vogler of 301 Monticello Road testified that she had prepared a full description of her concerns as they related to the 7 points in question and would like to submit these concerns in writing, which she did. She had a special concern regarding the use and enjoyment of property in the vicinity. She stated that the North Carolina Department of Transportation had designated 45 special roads in the state as scenic by-ways. Monticello Road, from its intersection with U.S. 25-70 was the beginning segment of the French Broad Overview Scenic By-Way connecting Weaverville with Marshall through Alexander. She stated that the DOT (on its website) selected certain routes to embody diversity and beauty in the state in that there would be little development along the routes to distract from natural nature and quality of the by-way. She had a letter from cyclists from the area expressing concerns and asked to introduce the same. She stated that the current proposed commercial and retail plan would threaten the road's designation as a scenic by-way and therefore the property values of residents who live on or near the by-way. She further stated that the by-way program, was a grassroots program, where the authority to regulate and preserve the existing character of the by-way is left up to the community.

Julie Brant of 71 Forest Drive, Weaverville, testified that she felt that the meeting should be postponed until the DOT comes up with a decision (regarding the entrance from U.S. 25-70) and until the traffic patterns were determined. She stated that the traffic lights coming into Weaverville during rush hour were a major problem without the shopping center. She testified that the amount of traffic and crime would be increased and this would effect the quality of life.

Susan Stewart of 170 Hamburg Road testified that increased traffic causes increased auto emissions, ozone, CO₂, carbon monoxide, carbon dioxide and particulate matters. She referred to the North Carolina Air Quality Agency Chapter 4, Air Pollution Control Requirements, and questioned the impact of 1,500 parking spaces in terms of the ambient air quality. She stated that traffic and air quality concerns, apply to comfort, safety and general welfare of the citizens of Weaverville and surrounding areas. She also spoke of increased noise and light pollution and stated that her realtor would not show her property in West Asheville, Tunnel Road or South Asheville because of traffic, congestion and commercialization and sprawl in those areas. She stated that the mall would impede the normal and orderly development and improvement of surrounding property for uses permitted.

Darryl Coyle of Hamburg Mountain Road testified that she was for green parks and green ways and let the people come here and shop "we need the revenue."

Randy Weaver of 105 Alexander Road testified that he was the park manager of the existing mobile home park on the proposed site and had a couple of questions. He testified that there were approximately 65 residents in the mobile home park who were mostly low income or

fixed income residents. He questioned what provisions were being made for these people as they did not have funds to move. Mr. Vermillion was allowed to respond. He said that the Developer had a plan and would like to deal with the members of the mobile home community should the project be approved, but that they could make no commitment to the residents until the project was approved as any commitment made might be legally binding upon the current owners of the property which was not yet under contract. He assured Mr. Weaver that it was the Developer's intention to sit down and try to work through the issue (of the residents) and come up with an orderly process to provide funds for those people to be able to move.

Patrick Giese of 177 Monticello Road, had two specific questions of the Developers. He asked how many cars a day were planned for the shopping center. Mr. Adams was permitted to respond and stated that the total new trips generated was about 11,000 trips in and 11,000 trips out for a total of 22,000 trips per day, distributed throughout the entire network and not just at one point. Mr. Giese asked whether there would be stop lights at the entrances on Monticello Road, if the proposed entrance off of U.S. 25-70 were not permitted. Mr. Adams replied that there would only be turn lanes. Mr. Giese said that 22,000 trips on Monticello Road was too much when the current trips are 3,500 per day. Mr. Adams replied that there would be two separate entrances that they would be widening a stretch of Monticello Road to a minimum of 3 lanes in each direction so there would be well under 22,000 trips per day at the second entrance. Mr. Giese asked that the Board not approve the plans unless the exit off of U.S. 25-70 be allowed.

Bill Hussey of 30 Church Street, announced that there would be a meeting in Weaverville to discuss a comprehensive land use plan. He testified that the proposed shopping center would impede the normal and orderly development and improvement of the surrounding property for the uses permitted in the district. He stated that the project was "just too big". He stated that the shopping center represented an increase of 187% in commercial property on Weaver Boulevard.

Jill Totman of 205 North Main Street testified that traffic issues are the things where nos. 5 and 6 of the standards were not met. She stated that the traffic study was not done during the school year when traffic was heaviest. That during the school year traffic was heaviest on North Main Street, Dula Springs Road and Monticello Road. She testified that the matter should be continued until DOT makes a determination as to controlled access.

Bruce Weaver of 107 Monticello Road testified that he had been there for 30 years. That Weaverville had grown and would continue to grow more rapidly with the Improvements to I-26; that there was nothing in Northern Buncombe County for people to shop. He thought that the shopping center was a great idea; that it may have some shortcomings that could be worked out; that it would bring in revenue and that if we don't allow a shopping center, Woodfin was waiting to do so and would take our jobs. Also, that Mars Hill would like to take our jobs. He stated that the proposal was great.

Karin Hedburg stated that she was speaking on behalf of a group entitled West Weaverville Neighborhood Coalition consisting of at least 30 people and would like more time and was granted more time. She testified that the proposal would result in a significant increase in traffic along Monticello Road and at the intersection of U.S. 25-70 and Monticello Road, particularly during peak hours. She said that traffic on New Stock Road would be stressed by the project and by additional residential developments approved for the vicinity. She said that

an increase in traffic would threaten the safety of the people and property in the immediate vicinity. She also testified that there would be increased noise from traffic and large scale commercial activity, increased light pollution and significant alteration of the view of natural undeveloped areas. She stated that big box store "A" would be visible from Monticello Road and is injurious to the rural residential quality of life that exists and has existed in Weaverville since most of the homes were constructed more than 30 years ago. She stated that the development would pose an immediate threat to the property values of those homes whose view would be altered and by the rising traffic volumes. She stated that there were several properties adjoining project that had gone up for sale as commercial land since the beginning of the project although they were zoned R-3 and that further commercial development could be anticipated constituting another threat to property values. She stated that the "big box" store closest to Monticello Road would be a direct violation of Special Exception No. 4 as it would be grossly at variance with existing residential structures. She spoke of Weaverville's website ad as containing a motto "A good place for your home" and that Weaverville should actively manage growth and that neighborhoods and business areas are key building blocks of our community; that we should preserve areas of both types while buffering each from the other. She stated that commercial development on more than 85 acres of land containing 475,000 sq. ft. is directly incompatible with the Town's own vision and morals because of the scale. It is out of proportion to the Town's population. She requested a delay of the matter for further study.

Jane Roberts of 187 Monticello Road addressed, traffic, safety, comfort and the general welfare of the neighborhood. She stated that she had no factual numbers but sees from her window the amount of traffic on Monticello Road which, at times, can be considerably heavy. She testified that when her children were small, they sat on the front porch and watched fire works from Weaverville on Independence Day but with a large shopping mall in that direction, the quality of this particular tradition is taken away from us.

Brenda Dillingham, 6 Spice Cove Drive In Barnardsville, testified that she owned property off of Gill Branch Road and grew up on a farm directly behind the site. She testified that her property was a fourth generation family farm of 25 acres which had 600 feet along the property line which borders the proposed development. The farm had a 3 acre vineyard which is 200 feet from the property line of the development. She testified that she did not know what effect asphalt holding heat would have on the vineyard. She stated that heavy concentrations of exhaust emissions will affect not only human life, but effect our livestock. She wondered what effect acres of asphalt would have on the grape crop.

Jim Cooper of 252 Blackberry Inn Road testified that he had moved to the area 5 or 6 years ago hoping that Weaverville would be Weaverville for a long time. He moved from Northern Kentucky to escape sprawl and hoped that Weaverville would make a decision that has the legacy going a little more towards small town Weaverville than anytown USA.

Tommy Bucklew stated that he spoke for the residents of Mountain Terrace Mobile Home Park (the park currently located on the proposed site). He stated that his address was 92 High Point Road, Weaverville, NC. He stated that the owner of the mobile home park didn't care about the current residents of the park and that the owner was telling current residents to move. He stated that most of the residents were low income and questioned what kind of a moving package the Developer had for the residents. He called upon Mr. Vermillion to answer. Mr. Vermillion reiterated that no package could be offered until it was known whether the project would go forward. He stated that the Developers wanted to sit down with the people and make

the move as easy as possible. Mr. Bucklew asked Mr. Vermillion to keep in touch with the mobile home park residents rather than the owner, who was identified as Parks Banks. He testified that the current owner was not forthcoming with answers.

Betty Whittimore of 12 Hilltop Drive, another resident of Mountain Terrace Mobile Home Park, testified that she was a widow and old and the owner of the mobile home park had let the property run down and that the residents needed help.

After a 10 minute recess, the hearing was adjourned.

Becky Cheek testified that she lived right behind the largest shop in the middle and the lower longer stretch of shops on Gill Branch Road. She stated that the development would bring issue into her life that she doesn't have to deal with now – the safety of her children. She lives on a 25 acre farm with her family, has a vineyard and raises cattle and sheep. It is a working farm and has been so for 50 years. She said that her children could not camp behind their house next to a 90 acre shopping center. She worries about the safety, that the development would make her house visible and she feared for an increase in crime. She testified that there would be bright lights at night near her house and also addressed traffic concerns and that her neighborhood would be destroyed.

Catherine Horan, 185 Monticello Road, testified that she was concerned about the traffic on Monticello Road going from multiple lanes to 2 lanes in front of her house. She said that there was already an increase in traffic due to a landfill being built. She feared that Main Street in Weaverville would become a by-pass. She also testified that cyclists used the scenic highway and would no longer be able to use it.

Bill Cheek of 42 Gill Branch Road (the husband of Becky Cheek, who previously testified) reiterated her concerns. He stated that he respected the views of others who had testified but that he would live behind the bottom left section of the property and would see the back of the buildings. He felt that the proposed development would impede the normal and orderly development and improvement, especially for small business opportunities and home owners. He testified that there was a nearby farm on the market for 7 million dollars and a 30 acre farm next to it on the market for 9 million. He said the prices of real estate were inflated around the area and that prices were going to be very high. He reiterated that he was concerned about traffic.

Kurt Irmiter of 19 Salem Road and 179 Central Avenue testified that Weaverville now had "sort of organic, mom and pop businesses, . . ." and that the proposed development contained more retail space than the Asheville Mall. He hoped that the Board would consider the safety, comfort and general welfare of the Town as it (the development) created a potentially devastating situation for all Weaverville's current retail businesses. He spoke of an abandoned shopping center in Landrum, South Carolina.

Mel Kelly of North College Street in Weaverville testified that she was representing her husband and a couple of her neighbors who were here. She inquired of Mr. Vermillion which store would be the new Walmart. Mr. Vermillion replied that there had been conversations with Walmart and Target and that no decision had been made at this time. She then testified that the project would be detrimental and endanger the public health, safety, morals and general welfare of our many citizens. She also testified as to the current residents of the mobile home

park having to leave and that morally the Developer should help them to relocate. She said that she contends that moral values "will be endangered if Walmart comes into this community." It was currently being investigated in many states by the Environmental Protection Agency and was involved in the largest class action suit in American history. She stated that the parking lot would generate crime and that it would be injurious to the "scenic by-way of Monticello Road" declared by the federal government as a special road in the United States." She stated that the project would be injurious to any property owners and small businesses. She stated that the Town did not have the proper staff to monitor the project.

Cindy Spruill of 194 Rocky Hollow testified that the decision is going to affect real lives, real people and small businesses in Weaverville because of increased traffic and bringing in companies like Walmart and Lowes will not help small business owners. She wanted to keep Weaverville small and quaint.

John Kilby testified that he owned property adjoining the project but lived in Lake Lure, North Carolina; that Weaverville had changed over the years since he was born in 1950; but that change and growth was going to happen; that when he grew up there was no Weaver Boulevard, no Ingles, no six banks. Weaverville was what it was because of the people who lived there.

Vicky Banks of 45 North Pinnacle Drive, testified that Weaverville has changed over the years and that it had not had much growth. Her family was excited about the shopping center and she would be excited if her daughter were to get a job at Walmart so that she would not have to drive to Asheville. She felt that it would open up a lot of opportunities for the individuals who live here and the individuals who have always lived here. It is a beautiful community and that she thought that the council would do what's best. She stated that there was already crime and that you don't have to live on Patton Avenue for things to happen. She stated that there were air quality regulations that could not be exceeded. It may take a while for things to get settled but that the project would work out and the families would enjoy it.

Bill Penland testified that he was a small business owner at 70 Monticello Road and that he would welcome competition and that small business owners have a niche that big box stores can't fulfill. He did not feel that small business owners in Weaverville would be threatened. He testified that crime was already in the neighborhood. He would welcome the new development. He thought it was great.

Tom Moroney (no address given) spoke on behalf of a group entitled "Weaverville First." He said that there should be no rush, that the Developers could not answer a number of questions, that they could enter a contingent contract (with the residents of the mobile home park). Weaverville is a small tranquil community served by small local stores; that the proposed development would not fulfill any need in the community but rather the greed of the Developers; that if the development goes forward the Town of Weaverville "as you know it will cease to exist." That the proposed development would endanger the health, safety and general welfare in that it would attract shoppers from at least a 50 mile radius, that the roads would not accommodate the increased traffic; that other roads in Weaverville would have to serve as feeder roads for the development which they would not be able to do. The health of the Town would be detrimentally effected by the increase of exhaust fumes; that there would be increased noise; that the proposed development would substantially diminish and impair property values of adjacent land owners; that the ambient temperature would adversely affect the adjacent

vineyard, would affect the ability of adjacent residents to sell their property as residential property which would lead to more commercial zoning; that the Town did not need any 80,000 sq. ft. plus stores; that Weaverville was going to study long range planning and that there should be a continuance of the matter; that the Board should contact the State authorities who may enforce the state's scenic highway designation of Monticello Road to ascertain their reaction to the violation of the letter and spirit of the Scenic Highway Act. To do otherwise might invite a lawsuit which would not be good for the treasury of the Town of Weaverville nor its reputation.

Mimi Schleicher of 14 Wildwood Park, testified that she has several friends who have businesses in downtown Weaverville; that she is one of the artists in the community. She always hoped that Weaverville would become a quaint little town, that it would continue to grow in this direction with lovely galleries and small businesses. This type of business creates an artificial environment which she did not care for. To her knowledge, Weaverville is not suffering from lack of revenues but she is not sure. She asked Mr. Vermillion whether he preferred Walmart or Target to which he replied that the Developers preference would be Target. Ms. Schleicher said that Walmart is a very powerful force that she would like to keep out of Weaverville.

Chairman Embler asked if anyone else in the audience wished to speak. There being no one wishing to speak, he closed the public hearing and stated that the Board could ask further questions and discuss any part of any discussion that "we've had tonight".

Warren Alcorn, an alternate member, stated that it appeared that most of the residents of Monticello Road and the surrounding and bordering areas were most vocal but that it appeared that most Weaverville residents appeared in favor of the shopping center. He was interrupted by unidentified speakers shouting "no". He replied that "this is what I mean about having a vocal disproportionate amount of aggressive comments without listening." That the audience was not giving him the due courtesy that it had given to all of the other people. He asked what would happen "if we all booed when you said things that we may or may not agree with?" He asked the audience to show some appropriate behavior and let him finish his comments. He stated that most Weaverville residents appear to favor the shopping center due to the convenience, the tax revenue and the estimated 1,500 jobs that are sorely needed in this community, big box stores could be a starting platform for people to get started in the business community. He stated that we (the Board) should look and decide what is best for the Town of Weaverville; that progress and growth are inevitable.

Board Member Chris Crawford stated that the Developer had done diligence by having the traffic study performed. That some issues were out of the Developers control with the NC DOT but that (the Board) would have to trust that they would be resolved.

Ernie Hewitt questioned the water quality and the best practices for water quality and runoff and erosion control. He inquired of the Developer if stagnant water would be in the drainage basin.

Gene Hinkley with the firm of Freeland & Coffman, Engineers, stated that (his firm) was handling the site engineering on the project, that each of the basins was designed for water quality, that they would be wet all the time, that there would be three or four feet of water all the time with 3 separate ponds handling different portions of the site but all would have a permanent level of water but would also handle stormwater. They would be designed to handle permanent

and stormwater. The ponds would be sized to handle a 25 year storm event (predevelopment levels) but that they would have to be able to pass the 100 year storm event. Mr. Hewitt inquired as to fences and Mr. Hinkley replied that they were not required unless the shopping center retailers wanted such; that it was not a staged pond system; that each pond drained separately. That maintenance would not be a problem except during construction.

Karen Ruffing stated that she was concerned about traffic and wished the state could move more rapidly. That the intersections would be passable but that the (new) intersection off of Highway 25-70 would be a lot better. She said there had been a lot of talk about "mom and pop" businesses but that the nearby stores, Roses, CVS, Food Lion, McDonalds, Burger King and others were not of that nature; that the mom and pop businesses were really downtown and were unique; that there might be more people coming to Weaverville and discovering the types of unique businesses and small shops.

Carol Cumbie questioned the nature of the out parcels and was informed that they would generally be restaurants. She questioned whether the summary of traffic distribution would hold regardless of which of the two scenarios was chosen. Mr. Adams answered that the over all distribution would hold but that the individual assignment to (the different) driveways would change slightly depending on whether the (new) driveway was allowed. Ms. Cumbie questioned whether the point of origin of a majority of the traffic would change to which the answer was "no". That 73% of the traffic will come from either I-26 or U.S. 25-70. Ms. Cumbie questioned whether the level of service at U.S. 25-70 at Monticello Road, which would become a C or a D, Mr. Adams replied that this was not only because of the project but because of "background traffic growth" which he explained was normal growth from some of the residential developments had been mentioned. Mr. Adams stated that other developments in the future might also increase traffic.

Susan Ballard questioned the walkability to the project and Michael Morgan, Town Manager, said that there was no sidewalk across the interstate but within the shopping center the Developer had proposed interconnecting sidewalks. Ms. Ballard questioned whether sidewalks could be built along the proposed new traffic lanes on Monticello Road and U.S. 25-70. Mr. Vermillion replied that they would have to get the permission of the NC DOT to build such sidewalks but would do so if the DOT approved it. Mr. Vermillion said that they would pledge to put in a bus shelter within the shopping center.

Mr. Embler was assured by Mr. Adams (on behalf of the Developer) that there would be two entrances into the shopping center off of Monticello Road if the DOT did not give approval for an entrance off of U.S. 25-70. Mr. Embler inquired of Mr. Adams when an answer from the DOT might be expected to which the reply was "it could take months". Mr. Embler further inquired about a possible traffic light on Weaver Boulevard (east of the shopping center). He felt that lights would be appropriate there. Mr. Vermillion agreed. Mr. Embler thought that it was coming.

Carol Cumbie suggested that a condition (should be put in the Order) to encourage the developer to help in relocating the residents of the mobile home park and that communication (from the Developer) should be with the people who live there rather than the owner. Mr. Vermillion stated that the Developer would be happy to add a condition that they would meet with the owners and try to help them figure out a way (to relocate their residence) that's fair to everybody.

Tom Moroney asked a question of Mr. Embler and stated that "And as an attorney, I can assure that you, this gentleman right here can enter into an agreement right now where there can be a flat fee for all 60 plus families who are affected. I can assure you, if its not made a part of this packet, it ain't going to happen." A short further discussion ensued between Mr. Moroney and Mr. Vermillion.

Chairman Embler stated that the Board needed to make a decision on the information it had heard; that the Board had heard from 34 speakers over 3 hours and 20 minutes. He further stated that the decision would be based on the information and the standards.

Member Chris Crawford stated that he was prepared to make a motion but that it was in the best interest of the Developer and the public to pursue the state to get a new entrance into the facility but that he felt that the seven standards had been met and made a motion to approve the project.

Member Susan Ballard seconded the motion and wanted a contingency put into the Order that a sidewalk be built along U.S. 25-70 for the length of the property as long as it meets with DOT approval and that a sheltered bus stop be put in the shopping center. No one objected to the amendment.

Member Carol Cumbie stated that she was going to vote against the motion.

Member Susan Ballard questioned the Town Attorney, Carl Loftin, if the motion could be worded so that the sidewalk requirement is one that is not ignored to which the reply was "depending upon the DOT giving permission." Michael Morgan and Mr. Loftin discussed the option and Mrs. Ballard said she wanted it in the motion that the sidewalk must be built unless the DOT specifically prohibits it. No one objected to adding the sidewalk and bus stop amendments to the motion. A vote was then taken on the motion, as amended. Chairman Embler, Vice Chairwoman Ballard and members Karen Ruffing and Chris Crawford voted for the motion. Member Carol Cumbie voted against the motion. The motion therefore carried by vote of 4 to 1. Chairman Embler announced that the special exception has been granted. An order was to be prepared when a transcript of the public hearing was available.

A transcript of the public hearing having been produced and reviewed by the Board, the Board finds the following facts:

1. That all of the property constituting the proposed Unified Business Development is zoned either C-2, General Business District, or I-1, Light Industrial District, in accordance with Chapter 36, Zoning, of the Code of Ordinances of the Town of Weaverville, specifically Section 36-81, C-2, General Business District, and Section 36-82, I-1, Light Industrial District, a copy of both District classifications being hereto attached as Exhibit "A".
2. That Section 36-81(c)(2) of Chapter 36 of the Town Code provides that Unified Business Developments are a permitted use in the C-2, General Business

District, provided such developments meet the requirements of Section 36-240 of Chapter 36 of the Code of Ordinances of the Town of Weaverville.

3. That Section 36-82(c) of Chapter 36 of the Town Code provides that any special exception allowed in the C-2, General Business District, is also allowed in the I-1, Light Industrial District, provided all the provisions of Article IX (of the Code) regarding any special exceptions are met.
4. That Article IX of Chapter 36 of the Code of Ordinances of the Town of Weaverville is entitled "Special Exceptions," sets forth the rules and standards regarding such special exceptions, includes Section 36-240 (mentioned in Finding of Fact No. 2, above) which deals specifically with Unified Business Development and sets forth, in detail, the requirement for a Unified Business Development.
5. That a copy of Article IX, Special Exceptions, of Chapter 36 of the Code of Ordinances of the Town of Weaverville is attached hereto as Exhibit "B".
6. That Section 36-238, Standards, of Article IX, of Chapter 36 of the Code of Ordinances of the Town of Weaverville (a part of Exhibit "B" attached) sets forth the standards which must be found in order that a special exception can be granted by the Zoning Board of Adjustment.
7. That the Standards set forth in Section 36-238 were read to the Applicant (proposed Developer) and to the public during the public hearing held on April 4, 2006.
8. That the "Application for a Unified Business As A Special Exception" filed by the Developer, HVMHN of Weaverville, LLC, dated February 23, 2006, and the loose leaf notebook accompanying and filed as a part of the application, constitute the general plan of the Developer for the Unified Business Development in accordance with Section 36-240 of Chapter 36 of the Weaverville Town Code.
9. That the application filed by the Developer and the loose leaf notebook filed as a part of the application and containing photographs, development standards, site plans, grading plans, utility plans, landscaping and sidewalk plans, building elevations, signage, traffic study and traffic impact analysis and outdoor lighting information, taken together with the verbal testimony regarding the plans, fully meet the intent, applicability and all of the requirements, general plan requirements, area, sign and buffering requirements as set forth as criteria for the granting of a Unified Business Development in Section 36-240 of Chapter 36 of the Code of Ordinances of the Town of Weaverville, as set forth in the following findings numbered 10 through 27.
10. That the property contains more than two principal buildings located on a parcel of the land not subdivided into individual lots.
11. That the property contains more than two areas.

12. That the property abuts a major collector street maintained by the state department of transportation and has direct access thereto. If a cut is allowed in the controlled access of U.S. 25-70, the property will also abut and have access to a major existing thoroughfare.
13. That the development will have at least 2 points of ingress and egress located a sufficient distance from intersections to minimize traffic hazard, inconvenience and congestion.
14. That the Site and Landscape Plans indicate that the streets within the planned Unified Business Development will have widths exceeding the minimum pavement widths required by Section 36-240(c)(3)(a) of Chapter 36 of the Town Code.
15. The number, width and location of all curb cuts are located so as to minimize traffic hazards, inconvenience and congestion.
16. That the Landscape Plan further indicates that parking will be provided on the site which meets the provisions of Article VII, Off Street Parking and Loading Requirements, of Chapter 36, of the Town Code, specifically Section 36-176 of said Article, in that one space shall be provided for each 200 sq. ft. of gross floor space. The gross floor space will be 478,000 sq. ft. The required parking will be 2,390 and the provided parking will be 2,390.
17. That the general plans indicate that storm drainage will be provided through a series of ponds and that sanitary sewerage will be provided as approved by the Town Engineer in accordance with the regulations set forth in the Town Code and other applicable regulations.
18. That the general plans shows proposed property lines, street and other public right-of-way lines, public utility easements and rights of way.
19. That the general plans contains a grading plan showing the topography of the site in five foot contours and true elevations.
20. That the general plan shows proposed buildings and structures. The ownership and zoning of lands within 500 feet of the site boundary were available to the Zoning Administrator and the requirement was waived by the Administrator.
21. That the general plans show proposed points of ingress and egress and the general traffic and parking patterns.
22. That the plans show provisions for stormwater collection and disposal, natural and man made.
23. That the "development standards" set forth in the notebook presented by the Developer as part of its application indicate that all erosion control will fully adhere to rules promulgated by Buncombe County, USACE and/or NC DENR as

well as well as wetlands protection regulations provided by the these agencies.

24. That the plans show proposed connections to water and sewer and trash compactors and dumpsters for garbage.
25. That the Landscape Plan submitted by the Developer as a part of the loose leaf notebook complies with Article VI of Chapter 36 of the Town of Weaverville Code.
26. That by letter the Developer's engineers indicated that an erosion control plan was submitted to the State Department of Environment, Health and Natural Resources.
27. That the outdoor lighting plans are adequate and designed so as to minimize the escape of light from the site.
28. That the property which constitutes the proposed Unified Business Development is bordered on the east by U. S. Highway 19-23 (also known as Interstate Highway No. 26). That the property constituting the proposed Unified Business Development is bordered on the north by U. S. Highway 25-70 and that the property immediately across U. S. Highway 25-70 from the proposed Unitized Business Development is zoned I-1 Light Industrial. That the property constituting the proposed Unified Business Development is bordered on the west partially (the northern segment of the western boundary) by property lying between the subject property and the eastern margin of Monticello Road which property is zoned I-1, Light Industrial. That the southern segment of the western boundary of the subject property is bordered by Monticello Road and the property across Monticello Road from the southern subject property as well as the southern boundary of the subject property is zoned R-3 General Residential District.
29. That the landscape plan submitted by the Developer indicates that there will be a twenty foot buffer around that portion of the perimeter of the proposed Unified Business Development site which adjoins residentially zoned areas. The Landscape Plan indicates that the buffering will comply with the requirements of the twenty foot buffer as that term is defined in Section 36-5 of Chapter 36 of the Town Code.
30. That the Developer caused a detailed traffic impact analysis of the area in the vicinity of the proposed site to be prepared on the Developer's behalf by the traffic engineering firm of Kimley-Horn and Associates, Inc. of Cary, North Carolina, which traffic impact analysis was summarized in a traffic study, both the traffic impact analysis and the traffic study being submitted in the loose leaf notebook filed as a part of the application by the Developer.
31. The traffic impact analysis and traffic study, as submitted, indicate that the Developer is committed to making all of the traffic improvements indicated as being needed by the traffic impact analysis and that the Developer is working

diligently with the North Carolina Department of Transportation to seek the approval of a stop light installation at the intersection of Highway 25-70 and the easternmost ramp from I-26. That if approved by the Department of Transportation, the Developer agreed to make all necessary road improvements to the interchange and install the traffic lights at Developer's expense.

32. That traffic engineers analyze traffic by allocating grades to the level of service at a particular location, the grades being A through F. That a level of service grade of D or better is generally considered acceptable and is acceptable to the North Carolina Department of Transportation.
33. That the traffic study outlined existing traffic conditions on U. S. Highway 25-70 and on Monticello Road and outlined existing a.m. and p.m. rush hour levels of service at three intersections affecting the property, being: (1) U.S. Highway 25-70 at Monticello Road; (2) U.S. Highway 25-70 at the south bound ramp on Interstate 26 (U.S. 19-23) and (3) on Weaver Boulevard at the Roses Shopping Center (east of the property). The existing level of services at these three intersections was determined to be (1) U.S. Highway 25-70 at Monticello Road, B in the morning and B in the afternoon rush hour; (2) U.S. Highway 25-70 at the south bound ramp on Interstate 26, A in the morning and A in the afternoon rush hour and (3) on Weaver Boulevard at the Roses Shopping Center B in the morning and C in the afternoon rush hour.
34. That the Developer has applied to the North Carolina Department of Transportation to allow a new access into the proposed Unified Business Development from U.S. Highway 25-70 which is now a controlled access highway, with a traffic signal to be erected at the proposed new location.
35. That the North Carolina Department of Transportation has advised the Developer that it will not allow a break in the controlled access on Weaver Boulevard which would allow full movement turns in all directions, both in and out of the Proposed Unified Business Development.
36. That Developer is pursuing, and the North Carolina Department of Transportation is considering, allowing a new entry into the Proposed Unified Business Development from U. S. 25-70 which would be a "left over" traffic signal which would allow limited turns into the Proposed Unified Business Development, the left over allowing left turns into the site when traveling west on U.S. 25-70 and right turns into the site when traveling east on U.S. 25-70. That such a configuration would allow traffic leaving the site to make right turns only.
37. That the traffic impact analysis and the traffic study envision two scenarios of traffic entering and leaving the proposed Unified Business Development, scenario 1 being if the North Carolina Department of Transportation allows the proposed new entry into the Unified Business Development from U.S. 25-70 and Scenario 2 being if the North Carolina Department of Transportation does not allow entry into the site from U.S. 25-70. Under the latter scenario all traffic entering and leaving the site would be from 2 entrances on Monticello Road.

38. The traffic impact analysis and the traffic study indicate that under Scenario 1, after construction of the Development, the a.m. and p.m. rush hour level of service at the 4 intersections affecting the property would be as follows: (1) U.S. Highway 25-70 at Monticello Road, C in the a.m. and C in the p.m. rush hour; (2) U.S. Highway 25-70 at the proposed driveway into the site would be B in the a.m. and B in the p.m. rush hour; (3) U.S. 25-70 at the south bound ramp on Interstate 26, A in the a.m. and B in the p.m. rush hour and (4) on Weaver Boulevard at the Roses Shopping Center B in the a.m. and C in the p.m. rush hour.
39. The traffic impact analysis and the traffic study indicate that the a.m. and the p.m. rush hour level of service at the three intersections which would be involved under Scenario 2 (the North Carolina Department of Transportation disallows the entry from U.S. 25-70) would be as follows: (1) U.S. Highway 25-70 at Monticello Road, C in the a.m. and D in the p.m. rush hour; (2) U.S. Highway 25-70 at the south bound ramp on Interstate 26, A in the a.m. and C in the p.m. rush hour and (3) on Weaver Boulevard at the Roses Shopping Center B in the a.m. and C in the p.m. rush hour.
40. That under either Scenario 1 or Scenario 2 the level of service at the intersections around the proposed Unified Business Development would be at acceptable levels in accordance with standards considered acceptable by the North Carolina Department of Transportation.
41. That the Town of Weaverville had an independent review of the Traffic Impact Analysis performed by Roger D. Dyar, a traffic engineer from Greenville, South Carolina and his report agreed with the findings of the Traffic Impact Analysis.
42. That while various individuals testified that, in their opinion, the allowance of the special exception for a Unified Business Development would be detrimental and endanger the public health, safety, morals, comfort and general welfare, no expert testimony was offered as to the manner in which the public would be so endangered.
43. While various individuals testified that, in their opinion, the allowance of the special exception would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and would substantially diminish and impair property values, no expert testimony was offered as to the manner in which the uses would be impaired or the property values would be substantially diminished.
44. That much of the property surrounding the site of the proposed Unified Business Development is already zoned so that other commercial or industrial activities could be conducted thereon.
45. That the traffic impact analysis and traffic study indicate that there would be no large increase in traffic on Monticello Road or on New Stock Road lying to the south of the subject property.

46. That while various individuals testified that, in their opinion, the Unified Business Development might affect the air quality in the neighborhood, no expert testimony with regard to air quality was offered.
47. That there was no expert testimony offered that the properties lying to the south of the proposed site could not be used for residential and/or farming purposes.
48. That by and with the consent of the Developer, it was agreed by the Board that certain conditions should be added to the Special Exceptions Permit if the same were granted. The conditions were that: (1) The Developer, HVMHN Weaverville, LLC, continue to pursue the North Carolina Department of Transportation for the allowance of an entry into the proposed Unified Business Development from U.S. Highway 25-70 and for the location of a stop light at such entry; (2) That the Developer, at its own expense, construct a sidewalk around the perimeter of the site and along the proposed new traffic lanes on Monticello Road and on U.S. Highway 25-70 unless the North Carolina Department of Transportation prohibited the construction of such sidewalks in its right of way. If possible, sidewalks would be constructed eastwardly across Interstate 26 in the vicinity of the Roses Shopping Center; (3) That appropriate covered bus stops be provided within the proposed Unified Business Development which would serve the bus route currently being offered from Asheville to Weaverville.

NOW, THEREFORE, based upon the foregoing findings of fact, the Zoning Board of Adjustment concludes as follows:

- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
- (5) Adequate utilities, access roads, drainage and/or other necessary facilities have been are being or will be provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The special exception shall, in all other respects, conform to the applicable

regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Zoning Board of Adjustment.

The Zoning Board of Adjustment does hereby grant to HVMHN Weaverville, LLC a Special Exception Permit for the construction of a Unified Business Development on the property at the intersection of U.S. Highway 25-70 and Monticello Road provided the Developer follows all of the provisions of Section 36-240(h)(1)(2) of Chapter 36 of the Code of Ordinances of the Town of Weaverville regarding subsequent performance and construction. The Permit is granted upon the following specific conditions:

- (1) That the Developer, HVMHN Weaverville, LLC, will continue to pursue the North Carolina Department of Transportation for the allowance of an entry into the proposed Unified Business Development from U.S. Highway 25-70 and for the location of a stop light at such entry;
- (2) That the Developer, at its own expense, construct sidewalks along the perimeter of the property and along the proposed new traffic lanes on Monticello Road and U.S. Highway 25-70 unless the North Carolina Department of Transportation prohibits the construction of such sidewalks in its right of way. If possible, sidewalks would be constructed eastwardly across Interstate 26 in the vicinity of the Roses Shopping Center;
- (3) That appropriate covered bus stops be provided within the proposed Unified Business Development which would serve the bus route being offered from Asheville to Weaverville, at the Developer's expense.

Adopted this 5th day of June, 2006.

The Town of Weaverville Zoning Board of Adjustment

By: 
Bob Embler, Chairman

Also voting for the adoption of the Decision:


Susan Ballard, Vice Chairman


Karen Ruffing


Chris Crawford

Voting against the motion was Carol Cumbie

Certified to as a true copy



Shelby G. Shields
Board Clerk



Agenda Items 4&5

Amendment to an Existing Special Use Permit for Fairfield Inn, Weaverville

- **Attached you will find an application for an amendment to an existing special use permit for Fairfield Inn, Weaverville, a map of the property in question, current ordinances related to buffering and the order establishing the SUP for Fairfield Inn, Weaverville.**
- **It is the opinion of staff that should the Zoning Board of Adjustment wish to remove the noted parcel from an existing special use permit as the applicant desires, buffering requirements will remain the same through the underlying zoning district.**

**ZONING BOARD OF ADJUSTMENT
MEETING SHEET FOR NOVEMBER 13, 2017**

Agenda Items 4 and 5:

INTRODUCTION: BH2 Partners, LLC, is the owner of 166 Weaver Boulevard which has been approved for development of a Fairfield Inn and Suites by Marriott under a special use permit that was adopted on October 10, 2016. The developer has requested an amendment to its special use permit to remove a +/-1.75 acre portion of the property from the operation of the special use permit.

JURISDICTION: Sec. 36-328(1) authorizes the BOA to amend previously granted special use permits

STANDARDS:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the zoning board of adjustment.

QUESTION FOR DELIBERATION: Does the record include competent, relevant and substantial evidence that the amendment as requested by developer meets the standards and should therefore be granted?

TOWN OF WEAVERVILLE UNIFIED BUSINESS DEVELOPMENT ZONING 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
Special Use Permit Fee: \$350.00

OWNER/APPLICANT NAME: BH2 Partners, LLC

APPLICATION DATE: 10/26/2017

BRIEFLY DESCRIBE THE PROJECT:

Removal of Parcel presently subject to an existing Special Use Permit

PHONE NUMBER: 336-462-1468

PROPERTY ADDRESS: 33 Fairfield Approach Drive

PIN: 9742-09-7663-00000

DEED BOOK/PAGE: 5544/1631

TRACT AREA (acres): 1.80

PROPOSED SQ. FOOTAGE:

REGISTERED CONTRACTOR:
ADDRESS:

PHONE NUMBER:

REGISTERED ENGINEER:
ADDRESS:

PHONE NUMBER:

All applications shall be accompanied by a general site plan draw to scale and containing all elements of the attached checklist.

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.

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

Bob Wadley
SIGNATURE OF APPLICANT BH2 PARTNERS, LLC

10/26/2017
DATE

OFFICE USE ONLY

FEE:	DATE PAID:	<input type="checkbox"/>	CHECK	<input type="checkbox"/>	CASH
SITE PLAN DECISION	<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	DATE:
DETAILED PLAN DECISION	<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	DATE:
<input type="checkbox"/>	APPROVED WITH CONDITIONS:				

stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment.

Automobile services - gas station. An establishment that primarily retails automotive fuels. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included but any establishment offering repair services as defined by *automobile services – repair* are not allowed under this category of use.

Automobile services – repair. An establishment that provides repair and maintenance of automobiles. These may or may not include facilities for lubricating, washing, or otherwise servicing automobiles, but may not include the painting thereof by any means. This classification shall not include convenience stores which do not dispense motor fuels. Gas stations as defined by *automobile services – gas station* may be permitted in conjunction with this use. This use does not include automobile body shop as such use shall be classified as Metal Product Fabrication, Machine or Welding Shop, Automobile Body Shop as defined herein.

Awning. A temporary hood or cover which projects from the wall of a building, and which may include a type which can be retracted, folded or collapsed against the face of a supporting building.

Banks, credit unions, financial services institutions. Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions include, but are not limited to, credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment banking, securities, brokerages and insurance-related services. Pawnshops shall not be considered under this definition.

Banner. A strip of cloth or other material on which a sign is painted.

Bar/tavern/nightclub. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. This term includes but is not limited to bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. It may also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Bed & Breakfast. Any dwelling in which three or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A bed & breakfast must be managed or operated by a person or family who resides on the premises. A "rooming house" and a "boarding house" establishment shall be deemed a bed & breakfast. If such an establishment is not managed by a person who resides on the premises, it shall be considered as a hotel, motel, or inn as herein defined.

Berm. A mound of earth, sometimes referred to as a "berm", which shall not be more than four feet higher than the elevation of the surrounding property and with a slope no steeper than one foot of vertical distance for each two feet of horizontal distance. Any mounding of earth located within a required buffer strip must be mounded in conjunction with planting. The mounding of earth in a buffer strip shall not relieve the developer of the requirement of planting said buffer strip as herein specified. The mounding of earth outside of a buffer strip may be permitted without the required planting, but such mounding shall not exceed the height set forth above.

Billboard. An advertising sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Buffer. A landscaped strip of land designed to minimize the potential conflicts between adjoining land uses. Specific buffers are defined as follows:

Ten-foot buffer. A planted strip of land which shall be a minimum of ten feet in width. The required planting thereon shall be composed of evergreen vegetation which at maturity will be between six and ten feet in height. Hedges or other evergreen plantings shall be installed at an initial height of at least four feet, and shall be of a variety (such as Hetizi Juniper, Carolina or Canadian Hemlock, or other

variety with similar characteristics) that can be expected to grow to an average height of ten feet, by a normal growth, within four years from the time of planting. Such required buffer strip must be at the same grade level as the land on both sides thereof.

Twenty-foot buffer. A planted strip of land which shall be a minimum of 20 feet in width. The required planting thereon shall be composed of evergreen bushes, trees, and/or shrubs, initially of a height of at least four feet, planted so that at least two rows are provided which shall be planted in a staggered pattern approximately in the center of the buffer strip and which will grow from the initial four-foot height to a height of six feet within five years and which will contain foliage overlaps within six years of planting. Each buffer shall contain at least one deciduous tree for each 40 feet of lot perimeter which shall be at least one inch caliper with an initial height of six feet. Buffer strips must be maintained and inspected annually by the original developer or current owner with a report of conditions being submitted to the zoning administrator or his designee. Such required buffer strip must be at the same grade level as the land on both sides thereof. The planning and zoning board may approve as a buffer strip a previously planted strip of land, provided that the existing vegetation is of a height and density which will afford equal or better protection to the adjoining properties as would a newly planted buffer strip, as provided for in the foregoing portions of this definition.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, property or business activity. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building. The connection of two buildings by an enclosed corridor connector where the buildings connected are not less than 50 feet apart at all points, and the connecting corridor is not less than 50 feet in length nor more than 15 feet in inside width, one story in height, and the outside walls of which contain not less than 30 percent glazing, shall not be deemed to make them one building provided the corridor has no other use than as a passage from one building to the next.

Building addition or expansion. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area or where a portion of the gross floor area is relocated.

Building frontage. The linear length of any building occupied by a single owner or tenant or the linear length of that portion of a building used by an individual tenant in a multiple tenant development which faces a public street or alley or which faces the access road in a unified business development.

Building, height of. The vertical distance measured from the center of the front ground floor level of the structure at finished grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest ridge of a gable, hip, or gambrel roof. Height limitations shall not apply to chimneys, steeples, communication antennas, spires, and other similar objects.

Building line. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

Building permit. See "permit, building."

Building, principal. A building in which is conducted the principal use of the lot on which said building is located.

Caliper. The diameter of a tree trunk measured 4½ feet above the ground.

Canopy. A permanently attached structure which projects from and is supported by a building, which structure serves as a cover providing shelter or decoration and which extends beyond the building.

Cemetery. A parcel of land used for interment of the dead in the ground or in mausoleums.

Changeable copy sign. Any permanent sign, illuminated or not, which is principally devoted to and designed for changeable text and graphics, but which specifically excludes "time/date/temperature" signs as hereinafter defined. Portable or moveable signs are not considered changeable copy signs.

Child care center. An individual, agency, or organization providing supervision or care on a regular basis for children who are not legal wards or foster children of the supervising adults. Child day care centers

Zoning District	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Minimum Lot Area (sq.ft.)	10,000 ^(2,7)	7,500 ^(1,2,3,4,7)	5,445 ^(1,2,3,4,7)	7,500 ^(4,7,8)	0	0	0
Minimum Lot Width (ft.)	100	75	75	75	0	50	0
Minimum Front Yard (ft.)	30	30	30	30	0	0	0
Major Thoroughfare	30	30	30	30 ⁽⁶⁾	0	60	35 ⁽⁶⁾
Minor Thoroughfare	30	30	30	30 ⁽⁶⁾	0	25 ⁽⁶⁾	35 ⁽⁶⁾
With Parking in Front	-	-	-	-	-	60	-
Without Parking in Front	-	-	-	-	-	40	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	0	30	40
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	0	0	40
Minimum Rear Yard (ft.) Abutting Residential District	10	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	0	30	40
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	0	0	40
Height Limit (ft.)	35	35	35	45 and no more than 3 stories	Note 10	75	75
Buffer if Abutting a Residential District (ft.)	0	0	0	0	Note 9	20	20

See dimensional notes in section 36-107.

(Ord. of 6-19-1978, Art. VIII; Ord. of 9-15-2008, § 1(s) ; [Ord. of 5-16-2016\(1\), § 4](#))

Sec. 36-107. - Notes for table of dimensional requirements.

See sections: dwelling setbacks, sections 36-13 to 36-15; nonconforming lots, section 36-21; right-of-way, section 36-8;

Notes:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**SPECIAL USE PERMIT
UNIFIED BUSINESS DEVELOPMENT**

IN THE MATTER OF:

**APPLICANT: BLUE RIDGE HOSPITALITY VENTURE, LLC
PROPERTY LOCATION: 2.5+/- ACRES AT 166 WEAVER BLVD, WEAVERVILLE, NC, 28787
PARCEL IDENTIFICATION NUMBER: 9742-09-6618**

The Zoning Board of Adjustment (hereinafter as Board) of the Town of Weaverville held a Quasi-Judicial Evidentiary Hearing on Monday, September 12, 2016, at 7p.m. in Council Chambers at Town Hall at 30 South Main Street, Weaverville, North Carolina, on an application for a special use permit to allow a unified business development for a 103 room, 4-story hotel.

A quorum of the Board was present with Chairman Al Root, Vice-Chairman Jeff McKenna, Board Members Paul Clauhs, Cynthia Wright, Tycer Lewis and Alternates Jan Rector and Roger Parkin each in attendance. Town Attorney Jennifer Jackson, Fire Marshal Jayson Harwood, and Town Planner & Code Enforcement Officer James Eller were also present.

The Quasi-Judicial Evidentiary Hearing was held after notice of the meeting had been mailed to property owners within five hundred feet of the subject property, notice of the meeting was posted on the subject property and notice of the meeting was duly advertised in a newspaper having general circulation.

At the Quasi-Judicial Evidentiary Hearing on September 12, 2016, Chairman Root presided and reviewed the procedure for the hearing on the special use request. Chairman Root inquired of the Board members whether anyone had any conflicts of interest, potential bias or outside communication concerning this project. None were noted.

The Board acknowledged without objection that the following individuals had standing to participate in the hearing and were made parties to this matter:

Planner/Zoning Administrator James Eller;
Applicant Blue Ridge Hospitality Venture, LLC, which has a contract to purchase the property;
Deborah Shelton who resides at 46 Alexander Road; and
Kelly Terry who resides at 39 Alexander Road.

The following were sworn in as potential witnesses: James Eller, Jayson Harwood, Marvin Mercer, Bob Hodges, John Sandman (?), Bernie Edwards, Deborah Shelton and Kelly Terry.

Documentary evidence was submitted and admitted into evidence without objection as follows:

- Exhibit A-1 – Affidavit of Publication
- Exhibit A-2 – Affidavit of Posting
- Exhibit A-3 – Affidavit of Mailing
- Exhibit B-1 – Application for Unified Business Development and Checklist
- Exhibit B-2 – MSD Allocation Approval
- Exhibit B-3 – Real Estate Sales Agreement
- Exhibit B-4 – Complete set of Plans (Sheets C-1 through C-4)
- Exhibit C – Aerial Image of Site and neighboring properties
- Exhibit D-1 through D-4 – Photographs of the Site

James Eller introduced the project and the Applicant, through its manager and engineer, reviewed the project and the plans and answered questions.

Deborah Shelton indicated that she was concerned about people coming and going through a hole in the fence, potential for light and noise pollution since it is a 24-hour business, adequate buffering, cutting of a bank and existing trees, outdoor amenities which would increase the noise. Kelly Terry expressed concerns about adequate buffering and screening, how lighting will affect her property, and whether the hotel expects to have lots of tractor trailers staying as guests.

Based on the documentary and testimonial evidence provided at the Evidentiary Hearing the Board makes the following FINDINGS OF FACT and CONCLUSIONS:

1. This matter was properly noticed in accordance with North Carolina law and Town Code.
2. The proposed unified business development is for a Fairfield Inn to be located at 166 Weaver Boulevard and consisting of a 103-room, 4-story hotel with rooms accessible internally, onsite security provided, no outside amenities such as pools, 121 parking spaces provided, access to Weaver Boulevard via an existing road intersecting with DOT road Weaver Boulevard at an intersection having dedicated turning lanes and a traffic light.
3. The lighting plan for the project will be developed by the applicant in consultation with Duke Energy and will to the greatest extent possible keep the light directed downward.
4. The proposed unified business development has been designed and planned in accordance with Town Code and, except for those matters specifically addressed herein, meets the standards set out in Town Code §§ 36-240 and 36-238.
5. The applicant has been working with the Town's Public Works Director on water allocation for this project. It was originally expected that a 2-inch water meter and allocation request would be sufficient and fall under the authority of the Public Works Director. Just prior to the September 12th Zoning Board of Adjustment meeting it was discovered that a 3-inch meter and allocation were necessary and requires approval by Town Council. The applicant has, therefore, not yet secured water meter and allocation approval from the Town of Weaverville for this project but intends to request the same at Town Council's next regularly scheduled meeting on September 19, 2016, and understands that the project cannot be approved without a condition requiring the approval of a water meter and allocation from the Town Council of Weaverville.
6. It was admitted by the applicant's engineer that this project would trigger the threshold calling for a traffic impact study for the project. However, due to the property's direct access to existing roads with dedicated turning lanes and a traffic light the Board finds that there is no purpose in having a traffic impact study conducted for this project as the remedies to handle the flow of traffic generated by the project are already in place.
7. The applicant's plans currently show two driveways/access roads, one to the East and one to the West of the hotel footprint, which provide a means of ingress and egress to a road that will be used to access Weaver Boulevard at a traffic light and to a right-of-way to access Weaver Boulevard through the SunTrust Bank parking lot. The Board finds that should the applicant wish to eliminate the driveway shown on the western side of the hotel and move the footprint of the building westward by up to 20 feet the project will still be in compliance with the standards set forth in §§ 36-240 and 36-238 as long as access to the hotel from the intersection at the traffic light on Weaver Boulevard between McDonalds and Bojangles is provided.
8. As this project abuts a residential district with several residences located just beyond the project boundaries it is necessary that the owner of the property install, repair and maintain in serviceable condition a fence which will serve to separate the property on which the hotel will be located from those residential properties along Alexander Road.

9. A 20-foot wide landscaped buffer is adequate if the buffer area is planted with sufficient vegetation selected from the Town's approved list found in Article 6 of Chapter 36 of Town Code. It is noted that the applicant agreed to provide taller and more prolific plantings within the 20-foot buffer.

NOW THEREFORE, based upon the foregoing findings and conclusions, the Zoning Board of Adjustment for the Town of Weaverville hereby waives the requirement for presentation of a traffic impact study and concludes that the application for a special use permit should be granted subject to certain conditions.

IT IS, THEREFORE, ORDERED that the application for the special use permit submitted by Blue Ridge Hospitality Venture, LLC, and shown on Exhibit B-4, a copy of which is attached hereto and incorporated herein, is hereby approved and the special use permit for the project is GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Weaverville Town Council approval of a 3-inch water meter and water allocation sufficient for the project;
2. Repair and/or installation of a fence to separate the project from Alexander Road and maintenance of that fence in a serviceable condition;
3. Installation and maintenance of a 20-foot wide landscape buffer along all portions of the property which abut a residential zoning district and the planting of that buffer area with plants and trees that meet or exceed, in height and/or density, those required by Article 6 of Chapter 36 of Town Code;
4. The width of all access road(s) must be at least 20 feet to meet Fire Code; and
5. If blasting of rock on the property is necessary, the applicant/owner/developer must provide all properties entitled to notice of this hearing with notice of the date and time of such blasting at least two weeks in advance.

An alternate plan in which the western driveway/access road is eliminated and the building footprint is moved westward by not more than 20 feet is also hereby GRANTED subject to the same conditions noted above and subject to the provision of a revised plan to the Town's Zoning Administrator.

Effective as of the 10th day of October, 2016.

**Al Root, Chairman
Zoning Board of Adjustment**

ATTEST:

**James W. Eller
Town Planner / Deputy Town Clerk**



Agenda Items 6&7

Appeal of an Administrative Decision Related to the Denial of a Zoning Permit for a Parcel within Weaver Village

Record

- **Application of Appeal**
- **Zoning Permit Denial, Ordinance Establishing Weaver Village as a Conditional Zoning District, and PowerPoint Presentation Referenced by Ordinance Showing Architectural Style.**
- **Zoning Permit Application and Subsequently Submitted Documents.**
- **Merriam-Webster definitions of stucco, plaster and emboss.**

**ZONING BOARD OF ADJUSTMENT
MEETING SHEET FOR NOVEMBER 13, 2017**

Agenda Items 6 and 7:

INTRODUCTION: Brant Point Investments, LLC, is the owner of one of the lots within Weaver Village which was developed under an ordinance approving a conditional zoning district that was adopted on May 19, 2008. The owner has requested approval to construct the exterior of its building with a metal siding product that is made to resemble stucco. The conditional zoning district has many development standards, one of which is that the exterior of all buildings must be of an arts and crafts style using arts and crafts finishes which include stone, wood timbers, brick, stucco, cement siding and cedar shake shingles. The zoning administrator determined that the use of metal siding, even if it was embossed to resemble stucco, was inconsistent with the CZD standards and denied the zoning permit on that basis. The owner has appealed the zoning administrator's decision and requests that metal siding made to resemble stucco be allowed as a permissible construction material under the CZD ordinance.

JURISDICTION: Sec. 36-328(3) authorizes the BOA to hear and decide appeals of decisions of the zoning administrator

STANDARDS: When the issue is whether the zoning administrator erred in interpreting an ordinance, the BOA reviews the issue de novo or as if it were deciding the question in the first place. The board must consider the interpretation of the zoning administrator but is not bound by that interpretation and may freely substitute its judgment.

QUESTION FOR DELIBERATION: Did the zoning administrator err in interpreting the CZD standards to exclude metal siding designed to resemble stucco as a construction material? Does the board wish to substitute its judgment?

TOWN OF WEAVERVILLE APPLICATION TO APPEAL DECISION OF ZONING ADMINISTRATOR

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: \$500.00

DATE APPLICATION SUBMITTED:

10/27/17

APPELLANT NAME:

Carolina Specialties Construction

PROPERTY OWNER NAME:

Brant Point Investment LLC.

PIN:

9742-29-2415

ZONING DISTRICT:

Town of Weaverville **CZD**

DESCRIBE THE NATURE OF THE APPEAL:

Getting an approval on using CF Tuff-Cast insulated metal wall panel with stucco finishes.

APPELLANT PHONE:

(828)697-7184

PROPERTY OWNER PHONE:

(828)230-2543

PROPERTY ADDRESS:

Weaverville Villageway
Weaverville, NC

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. This application must be filed with the Town Clerk.

Please indicate on the following line how you wish to receive a copy of the written order establishing a decision related to this application.

email: ryeong@cscwnc.com

I certify that the above information is accurate and true.

SIGNATURE OF APPELLANT

DATE

SIGNATURE OF PROPERTY OWNER

DATE

OFFICE USE ONLY

FEE: \$500

DATE PAID: 10.27.17

CHECK

CASH

CARD

The Town of
Weaverville
NORTH CAROLINA



CF TUFF-CAST

INSULATED METAL WALL PANEL



The Metl-Span CF Tuff-Cast is an attractive insulated metal panel with the appearance of finished precast concrete. The exterior surface of the panel is a hard aggregated fiber-reinforced polymer coating created with the factory-applied Tuff Cote[®] finish system. Tuff Cote[®] finish offers an extremely durable, impact and abrasion-resistant coating that can withstand severe weather conditions.

Note: Not intended for exterior walls on cold storage buildings.

PRODUCT SPECIFICATIONS

- WIDTH** • 36", 42"
- THICKNESS** • 2", 2½", 3", 4", 5", 6"
- LENGTH** • 8'-0" to 40'-0"
- EXTERIOR FACE** • Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 24 and 22 Ga. with factory-applied Tuff Cote[®] finish system
- INTERIOR FACE** • Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.
- JOINT** • Offset double tongue-and-groove with extended metal shelf for positive face fastening
- EXTERIOR PROFILE** • 2", 2½", 3" and 4" are no profile with Tuff Cote[®] finish system; 5" and 6" are Mesa nominal ⅛" deep with Tuff Cote[®] finish system
- INTERIOR PROFILE** • Light Mesa nominal ⅛" deep

LOCK & GROOVE SYSTEM



PANEL



PANEL PROFILE

- CORE** • Foamed-in-place, Non-CFC & zero ODP polyurethane, FM Approved Class 1 with no height restrictions
- THERMAL VALUES** • K-Factor* @ 75° F (24° C) is 0.14, @ 40° F (4° C) is 0.126
- EXTERIOR TEXTURE** • Tuff Cote[®] finish system—a hard aggregated fiber-reinforced polymer coating
- FASTENING** • Fastener and clip concealed in the side joint

U-FACTORS AND R-VALUES**

U-FACTOR (BTU/h-ft ² ·°F)		R-VALUE (h-ft ² ·°F/BTU)	
PANEL WIDTH: 42"		PANEL WIDTH: 42"	
	75°		75°
2"	0.0669	2"	14.95
2½"	0.0500	2½"	20.00
3"	0.0400	3"	25.00
4"	0.0307	4"	32.57
5"	0.0264	5"	37.88
6"	0.0224	6"	44.64

*K-Factor calculations: BTU in/ft²·hr. °F

**Based on ASTM C518, ASTM C1363 and thermal modeling, 75° F core mean temp.

DESIGN FEATURES & BENEFITS

- Look of finished precast concrete with the efficiency of an insulated metal panel
- Field-tested and proven Tuff Cote[®] technology
- Durable finish that is highly resistant to impact and abrasion
- 10-year limited exterior finish warranty
- Utilizes concealed clips and eliminates thermal short circuits
- Easy and fast installation, with reduced construction labor costs

Metl-Span: Performance Redefined

1720 Lakepointe Drive, Suite 101, Lewisville, Texas 75057 (p) 877.585.9969 (f) 972.420.9382 metlspan.com

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PART# TCDS0516

Dottie Sherrill
Mayor

The Town of
Weaverville
NORTH CAROLINA

Doug Dearth
Council Member

Patrick Fitzsimmons
Council Member

Doug Jackson
Council Member

Andrew Nagle
Council Member

John Penley
Council Member

October 9, 2017

To Whom It May Concern:

Ref: PIN: 9742-29-0485, Unaddressed Weaver Village Way

The aforementioned property, within the development commonly known as Weaver Village, was established as a Conditional Zoning District (CZD) in May of 2008. As a result of approval, there were 29 conditions placed upon the property and by ordinance each must be satisfied prior to the issuance of a zoning permit by municipal staff.

It is my determination that the proposed structure, which would establish a 2,500 square foot commercial facility, does not meet the requirements of the CZD due to the following findings of fact. A copy of the ordinance establishing the CZD and an amended master site plan is attached for your reference.

- Condition #14 establishes that "The architecture of all the structures located on the property shall be of an arts and crafts style, using arts and crafts finishes (which include stone, wood timbers, brick, stucco, cement siding and cedar shake shingles on exterior elevations and architectural design roof shingles) and colors."
- Metal panels, designed with a texture to resemble stucco, do not constitute an arts and crafts finish required by ordinance.

Know that I am available to you at your earliest convenience to further discuss the application and plans to begin to work through the aforementioned issues. Please feel free to contact me should you require additional information or assistance.



James Eller
Planner / Code Enforcement Officer
Town of Weaverville
828-645-7116
jeller@weavervillenc.org

**ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED
ON WEAVER BOULEVARD (WEAVER VILLAGE)**

WHEREAS, the Town of Weaverville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, Section 36-84 of the Code of Ordinances of the Town of Weaverville establishes the procedures and requirements for zoning property to Conditional Zoning District; and

WHEREAS, this proposed amendment is consistent with the Town's Comprehensive Land Use Plan because it provides adequate buffers to help mitigate conflicts between established low-density residential neighborhoods and existing high-intensity commercial districts by means of a medium-density, mixed-use complex featuring an amalgam of commercial, retail, office and single-family residential uses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE THAT:

Section 1. The Zoning Map of the Town of Weaverville be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9742.05-29-1461, 9742.05-29-4650 and 9742.06-29-5251 be rezoned from R-1 Residential District to Conditional Zoning District. A copy of the Buncombe County tax map showing said lots with striping is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to compliance with the approved "Master Site Plan" and the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

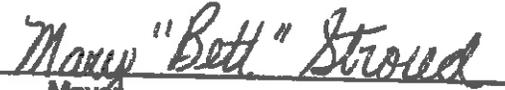
Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of May, 2008.



Town Clerk



Mayor

May 22, 2008

EXHIBIT B

CONDITIONS OF APPROVAL

1. All uses allowed within the C-1, Central Business District shall be allowed in Zones A, B and C as shown on the "Master Site Plan" as finally approved on the property being rezoned (the "Property") except for the following uses: child care/day care facilities (unless they do not exceed 5,000 square feet and all exterior play areas are enclosed with fencing materials acceptable to the Town's Zoning Administrator,) employment offices (which are greater than 5,000 square feet or include construction labor employment,) construction offices with outside storage, movie theatres, funeral homes, government buildings whose uses exceed 1.2 vehicle trips per thousand square feet per hour, churches and other places of worship, veterinarian offices or clinics with outside kennels or runs, check cashing services, pawn shops, bail bond services, newspaper publishing operations, museums, hotels and motels, and multi-family dwellings or buildings. Further, only single family dwellings shall be allowed within Zone D as shown on the "Master Site Plan" as finally approved.
2. No adult oriented businesses, as defined in section 36-28 of the Code of Ordinances of the Town of Weaverville, shall be located on the Property.
3. No drive-through or drive-in type restaurants shall be allowed on the Property, including, but not limited to, drive up and eat restaurants, except that a drive-through restaurant shall be allowed in a structure located within Zone A whose footprint is located close to the western boundary of the Property, provided the restaurant has a minimum number of twenty (20) indoor seats, no more than one drive-through lane or area, no more than one window for ordering and receiving and no more than one speaker box for ordering which shall be designed to prevent noise and light trespass on to any residentially used property.

4. **No businesses that sell gasoline or other petroleum products measured through a pumping device shall be allowed on the Property.**
5. **No convenience stores shall be allowed on the Property.**
6. **No businesses will operate 24 hours a day other than a drug store or automated teller machines operated by financial institutions.**
7. **No businesses that perform any type of automobile services, including, but not limited to oil changes or car washes, shall be allowed on the Property.**
8. **No automobile or farm equipment sales lots nor individual vehicles offered for sale shall be allowed on the Property.**
9. **None of the structures to be located in Zone A as shown on the approved site plan shall have a footprint which exceeds 14,500 square feet. No more than one structure with a footprint of 14,500 square feet shall be allowed in Zone A and the total square footage of all levels of all structures to be located in Zone A shall not exceed 40,000 square feet. The maximum footprint limits for Zone A exclude enclosed garbage dumpster areas and/or covered drive-through areas.**
10. **None of the structures to be located in Zone B as shown on the approved site plan shall have a footprint which exceeds 10,000 square feet. No more than one structure with a footprint of 10,000 square feet shall be allowed in Zone B and the total square footage of all levels of all structures to be located in both Zone B and Zone C together shall not exceed 30,000 square feet.**
11. **None of the structures to be located in Zone C as shown on the approved site plan shall have a footprint which exceeds 8,000 square feet. No more than one structure with a footprint of 8,000 square feet shall be allowed in Zone C and the total square footage of all levels of all structures to be located in Zone C shall not exceed 14,000 square feet.**
12. **No business or facility that is primarily involved with heavy shipping or storage shall be allowed on the Property; provided, however, businesses will be allowed to receive**

shipments and store products for their own sales and use. No outside storage shall be permitted on the Property, except during periods of construction or remodeling.

13. There shall be no parking of service vehicles for a period of 24 hours.

14. The architecture of all of the structures located on the Property shall be of an Arts and Crafts style, using Arts and Crafts finishes (which include stone, wood timbers, brick, stucco, cement siding and cedar shake shingles on exterior elevations and architectural design roof shingles) and colors. The architectural style shall match the style shown in the applicant's Power Point presentation, except for the architectural style of the pharmacy building shown in the presentation, and the presentation is hereby incorporated by reference in these conditions and as an essential part of the applicant's petition for zoning. The color patterns for all structures shall be those shown on the plan sheets or sample boards as approved by the Town Council, unless otherwise approved by the Town's Zoning Administrator. The architectural style and colors shall tie the project together through all four zones on the Property.

15. No vinyl siding shall be used on any structure on the Property.

16. No bare metal fencing shall be allowed on the Property. Fencing of a height of four (4) feet which meets this requirement shall be placed along the top elevation of the retaining wall running along the western boundary of the property. The fencing shall be constructed as shown on the approved "Master Site Plan".

17. No structure on the Property shall be over 35 feet above finished grade elevation on any side of the structure.

18. Weaverville Partners shall grant to the Town of Weaverville a "non-development easement" around the perimeter of the property which abuts residentially used property as of the date of issuance of the building permit for the project. The "easement" will vary in width according to the "Master Site Plan" as finally approved, with a minimum width of two (2) feet. The purpose of this easement will be to prohibit this project and the Property included in the project from ever expanding beyond its size as shown on the approved plan and from

connecting this project to any future development. This easement will not increase any set back requirements and set backs shall be measured from the actual property lines as shown on the "Master Site Plan" as finally approved. No structures or drives or parking areas may be constructed within the "non-development easement," except that emergency access may be provided through that strip of property conveyed pursuant to Paragraph 19 below.

19. Weaverville Partners shall convey to the Town of Weaverville by gift deed any interest it may have in the unopened portion of Reagan Lane which is approximately 30 feet wide and 245 feet long and which runs south from the central portion of the Property to Moore Street. If Weaverville Partners has any easement or right of way across this unopened portion of Reagan Lane, it will execute any documents necessary to surrender its rights to cross over the subject portion of the Property; provided, however, Weaverville Partners may reserve an easement for utilities to the Property. The Town will cooperate with Weaverville Partners in the event Weaverville Partners makes an application for this conveyance to be deemed a charitable contribution.

20. Weaverville Partners shall convey to the Town of Weaverville by gift deed the portion of the Property located on the North side of Weaverville Boulevard, consisting of an area of approximately .93 acres and identified as PIN #9742.05-29-0995. This portion of the Property shall not be rezoned to Conditional Zoning District. The Town will cooperate with Weaverville Partners in the event Weaverville Partners makes an application for this conveyance to be deemed a charitable contribution.

21. All lighting on the property shall be mounted on posts no more than 16 feet tall. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties; provided, however, light posts within Zone A may exceed 16 feet in height if security lighting requirements of financial institutions exceed that limit and there is no light trespass on to adjoining residential properties. The exterior lighting plan shall be subject to review and approval by the Town's Zoning Administrator prior to installation.

22. A T-turnaround or other turnaround as shown on the approved plan shall be constructed at the end of Reagan Lane which runs off of Main Street where it intersects with the Property boundary. Plantings in a buffer strip of twenty (20) feet wide shall be installed and maintained all around the turnaround area and shall be shown on the approved plan.

23. A minimum of 1.76 acre of open space or green space shall be maintained on the Property at all times.

24. Parking in Zones A, B and C shall be provided at not less than four(4) spaces but no more than five (5) spaces per one thousand (1,000) square feet of finished floor space. Parking for residential dwellings in Zone D shall be two (2) spaces per unit, inclusive of interior garage spaces.

25. Setback minimums and landscaping buffer areas shall be as shown on the approved "Master Site Plan".

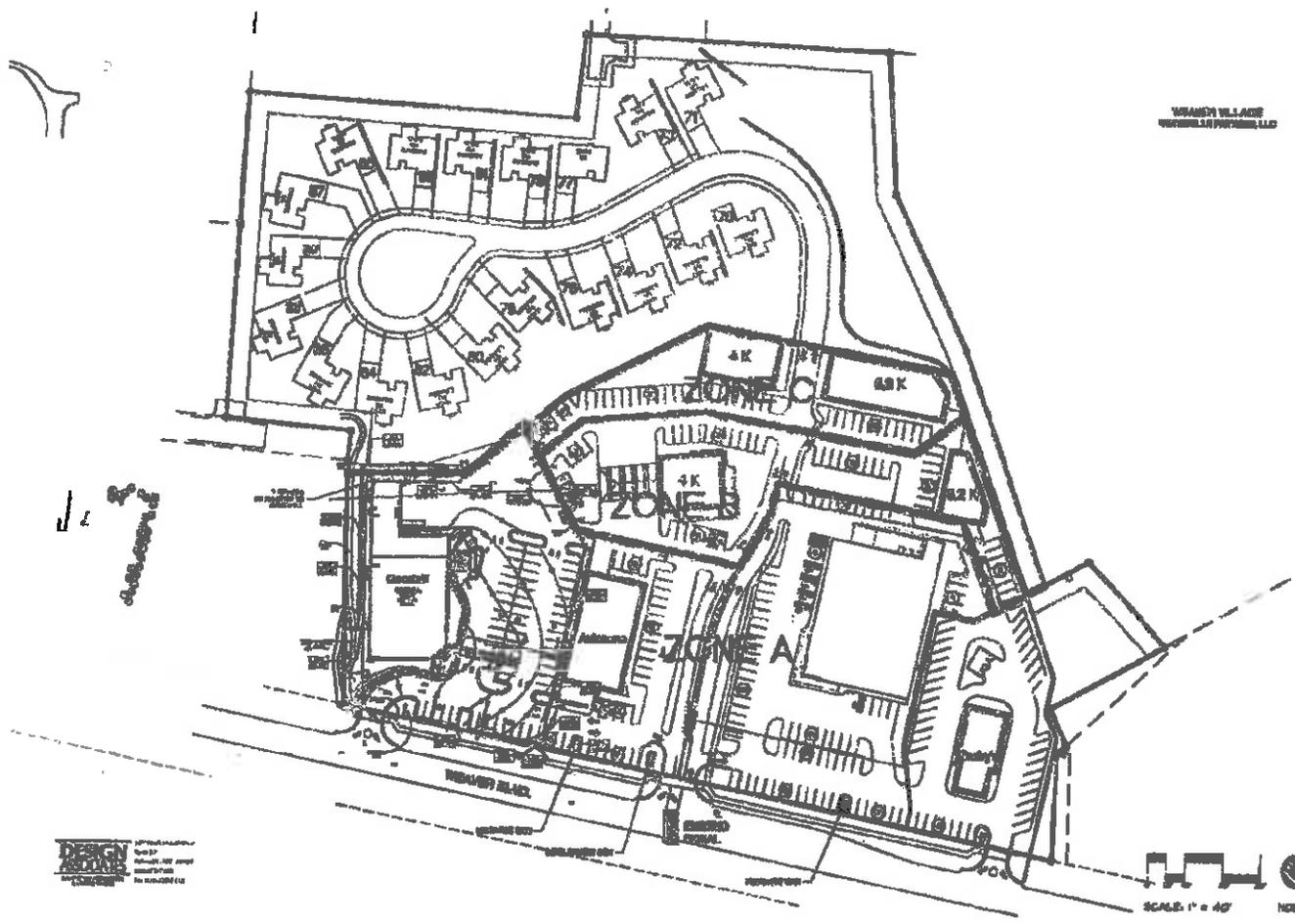
26. Subject to the conditions set forth on this Exhibit "B", the footprints of structures in Zones A, B and C may be relocated and/or combined and the footprints of structures in Zone D may be relocated.

27. Subject to the conditions set forth on this Exhibit "B" and any other applicable laws, portions of the Property designated Zones A, B and C shall be deemed to be a "unified business development" and the portion of the Property designated Zone D shall be deemed to be a "unified housing development" for the purpose of being designated as exempt in Section 25-26 of the Town's Subdivision Ordinance.

28. Weaverville Partners shall provide to the Town of Weaverville a Letter of Credit for \$75,000 to insure the site is substantially completed according to the approved "Master Site Plan" and these conditions.

29. Weaverville Partners shall add the Town of Weaverville as an additional obligee on the grading contractor's performance bond.

WINDY VILLAGE
WINDY VILLAGE PARTIAL L.P.



DESIGN
ARCHITECTURE
INC.

SCALE: 1" = 40'
NORTH



WEAVER VILLAGE

WEAVERVILLE, NORTH CAROLINA



MERCER DESIGN GROUP
CIVIL ENGINEERS

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS AND LAND PLANNERS

DESIGN ASSOCIATES
 14000 WOODBRIDGE BLVD
 SUITE 200
 WOODBRIDGE, VA 22191
 TEL: 703-771-1100
 FAX: 703-771-1101



Weaver Village
 Weaver Blvd
 Manassas, VA

MANASSA DESIGN GROUP, PC
 1301 SOUTH MAIN STREET, SUITE 200
 MANASSAS, VA 20108
 TEL: 703-771-1100
 FAX: 703-771-1101

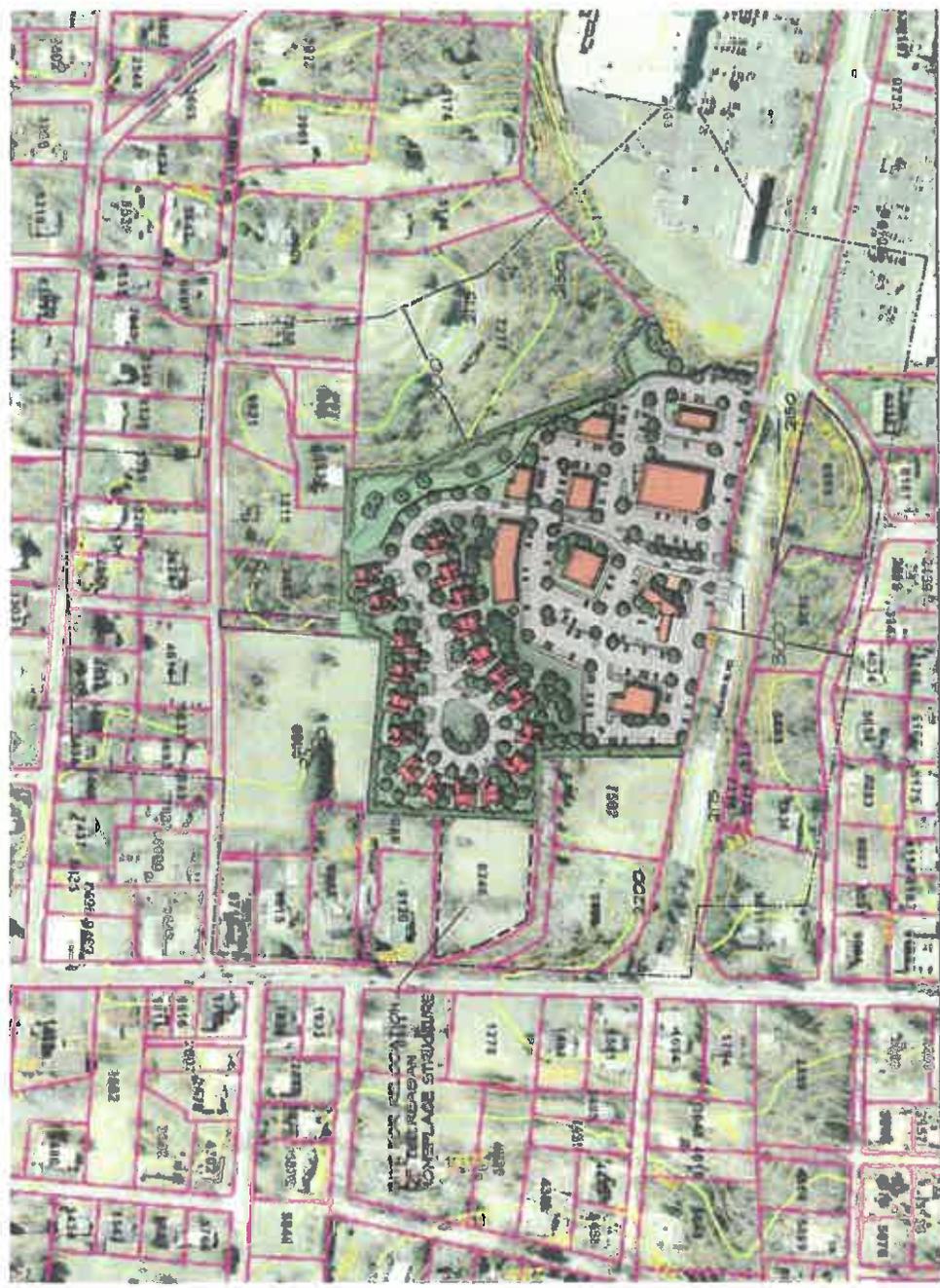
Existing Topography



ET
 02/11/05



PROJECT BOUNDARY
 OWNER: [Redacted]
 ARCHITECT: [Redacted]
 DEVELOPER: [Redacted]
 LANDSCAPE ARCHITECT: [Redacted]
 PROJECT ADDRESS: [Redacted]
 PROJECT INFORMATION:
 PROJECT NO.: [Redacted]
 SHEET NO.: [Redacted]
 DATE: [Redacted]
 SCALE: 1" = 100'



CONTOUR INTERVAL = 5'
 SCALE: 1" = 100'
 NORTH

DESIGN ASSOCIATES
 LANDSCAPE ARCHITECTS
 8 LAND MARKERS
 SUITE 21
 1205 WARDLAW RD
 ARLINGHAM, NC 27805
 919-271-7410
 FAX 919-271-7419



Weaver Village
 Weaver Blvd
 Weaverville, NC

MCCOY DESIGN GROUP, PC
 CIVIL ENGINEERING & PROJECT MANAGEMENT

Usage Exhibit

REVISIONS

UE
 12/14/07

VICINITY MAP

PROJECT SUMMARY

OWNER:
 Weaver Village
 1205 Wardlaw Rd
 Arlingham, NC 27805

DESIGNATION:
 2.82 AC - 21.7% OF SITE
 3.81 AC - 29.3% OF SITE

LANDSCAPE ARCHITECT:
 Design Associates
 8 Land Markers
 Suite 21
 1205 Wardlaw Rd
 Arlingham, NC 27805
 919-271-7410
 Fax 919-271-7419

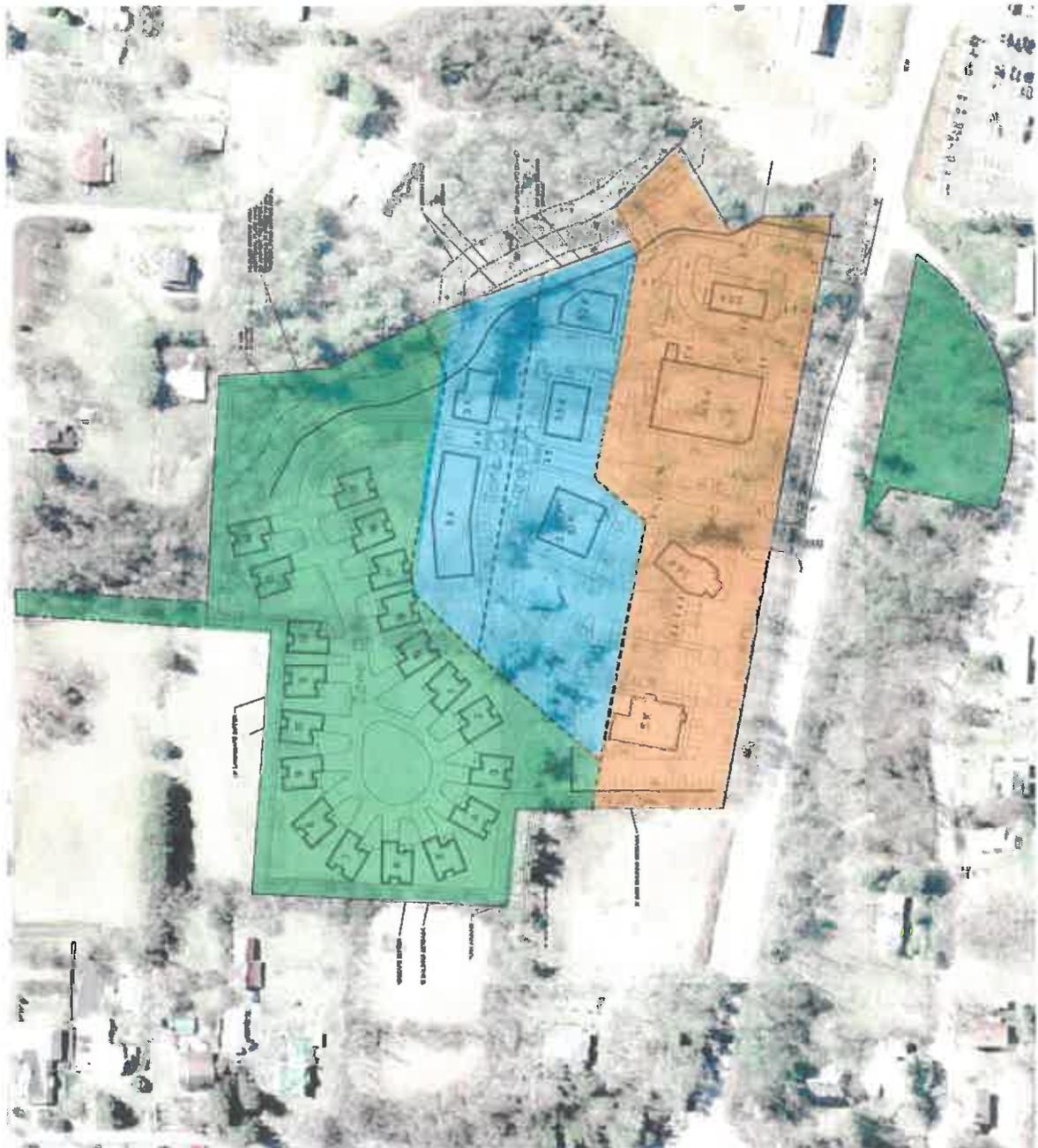
PROJECT INFORMATION:
 Project No. 07-012 and 014
 Project Name: Weaver Village
 2.82 AC - 21.7% OF SITE
 3.81 AC - 29.3% OF SITE
 7/21/07
 2007

DATE:
 12/14/07

SCALE:
 1" = 60'

NORTH

- RESIDENTIAL ZONE**
 6.38 AC - 49.0% OF SITE
- RETAIL/OFFICE ZONE**
 2.82 AC - 21.7% OF SITE
- COMMERCIAL ZONE**
 3.81 AC - 29.3% OF SITE





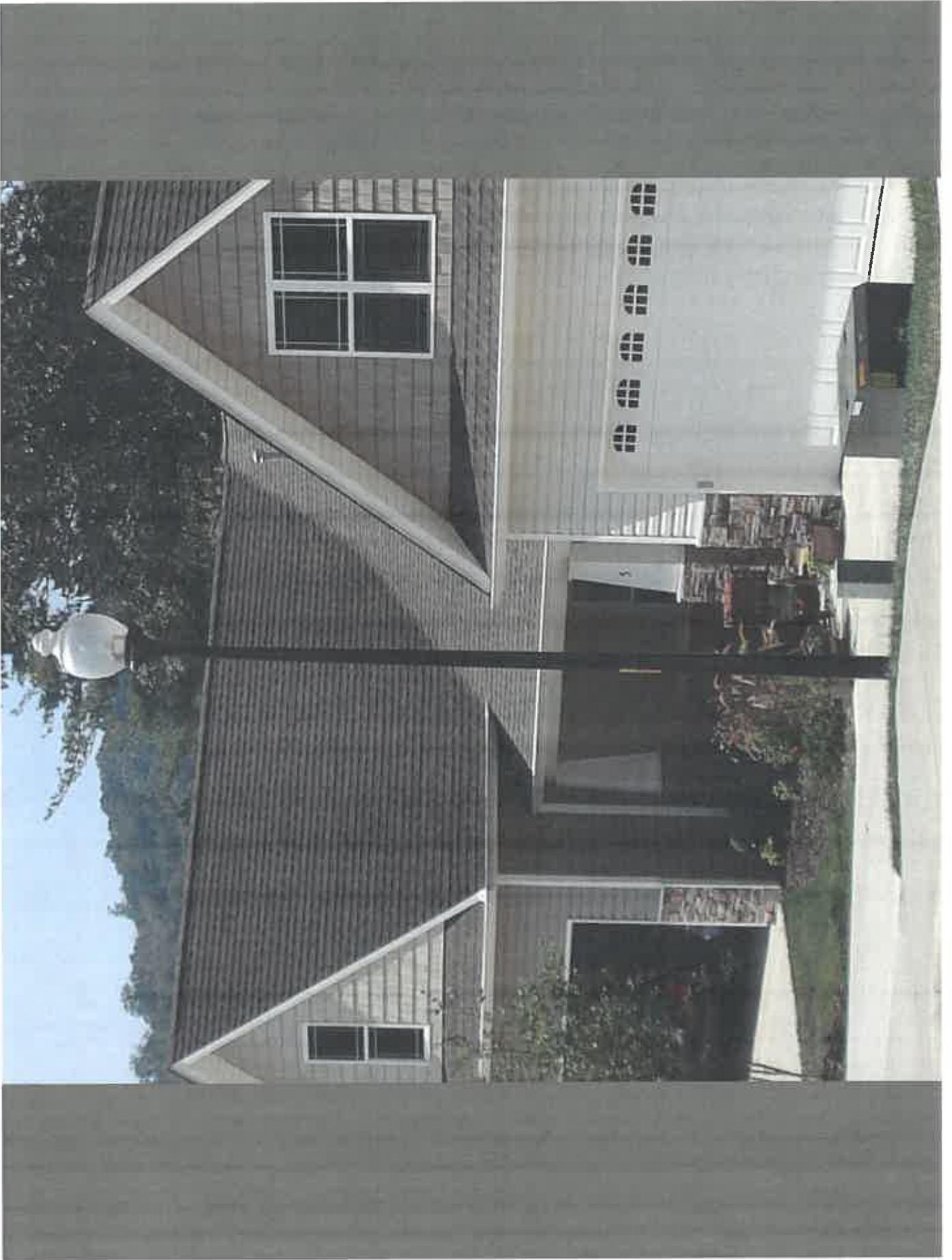




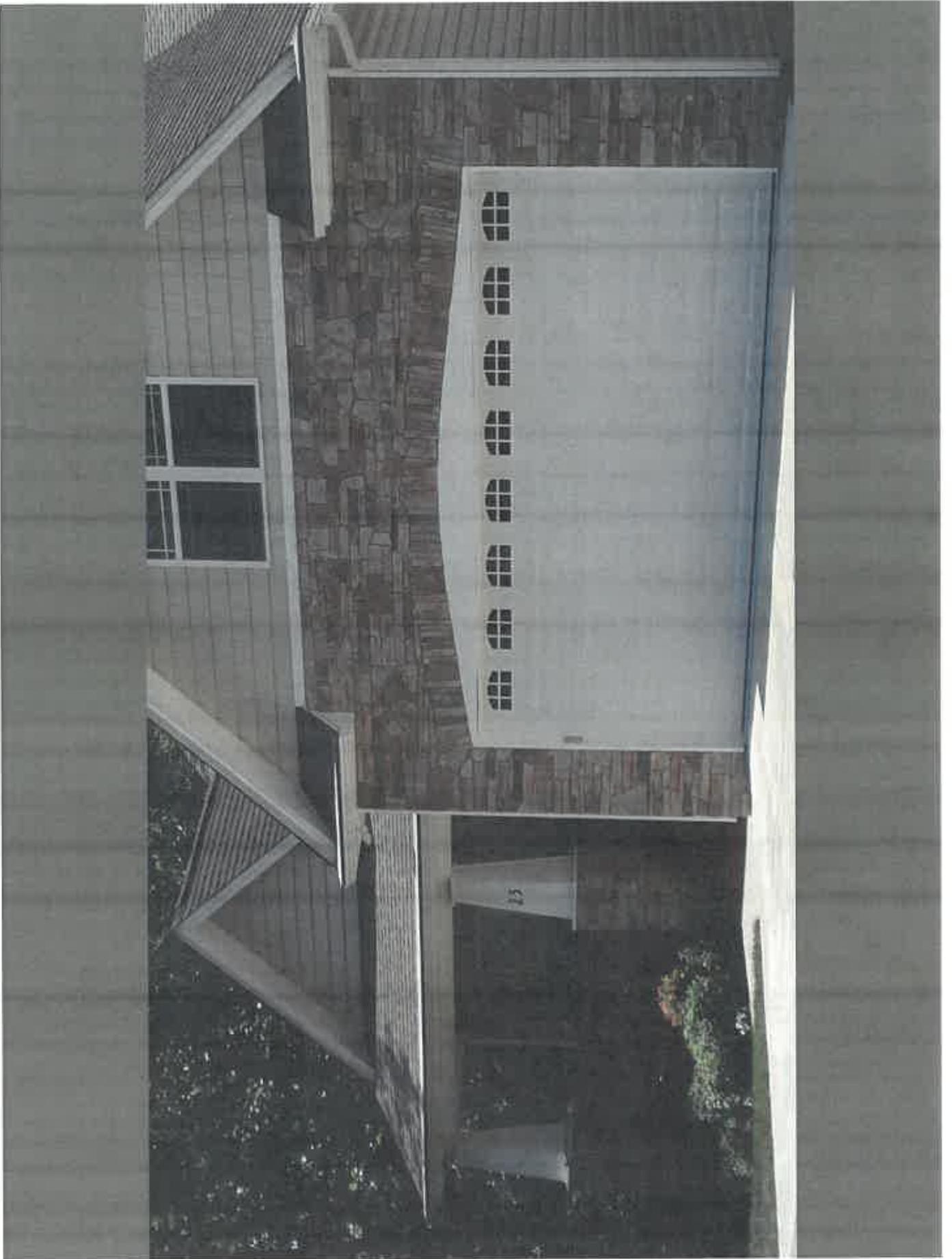












DESIGN ASSOCIATES
 2825-271-1410
 Asheville, NC 28803
 2825-271-1410
 LANDSCAPE ARCHITECTS & LAND PLANNERS

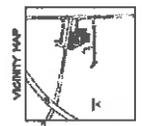


Weaver Village
 Weaver Blvd.
 Weaver, NC

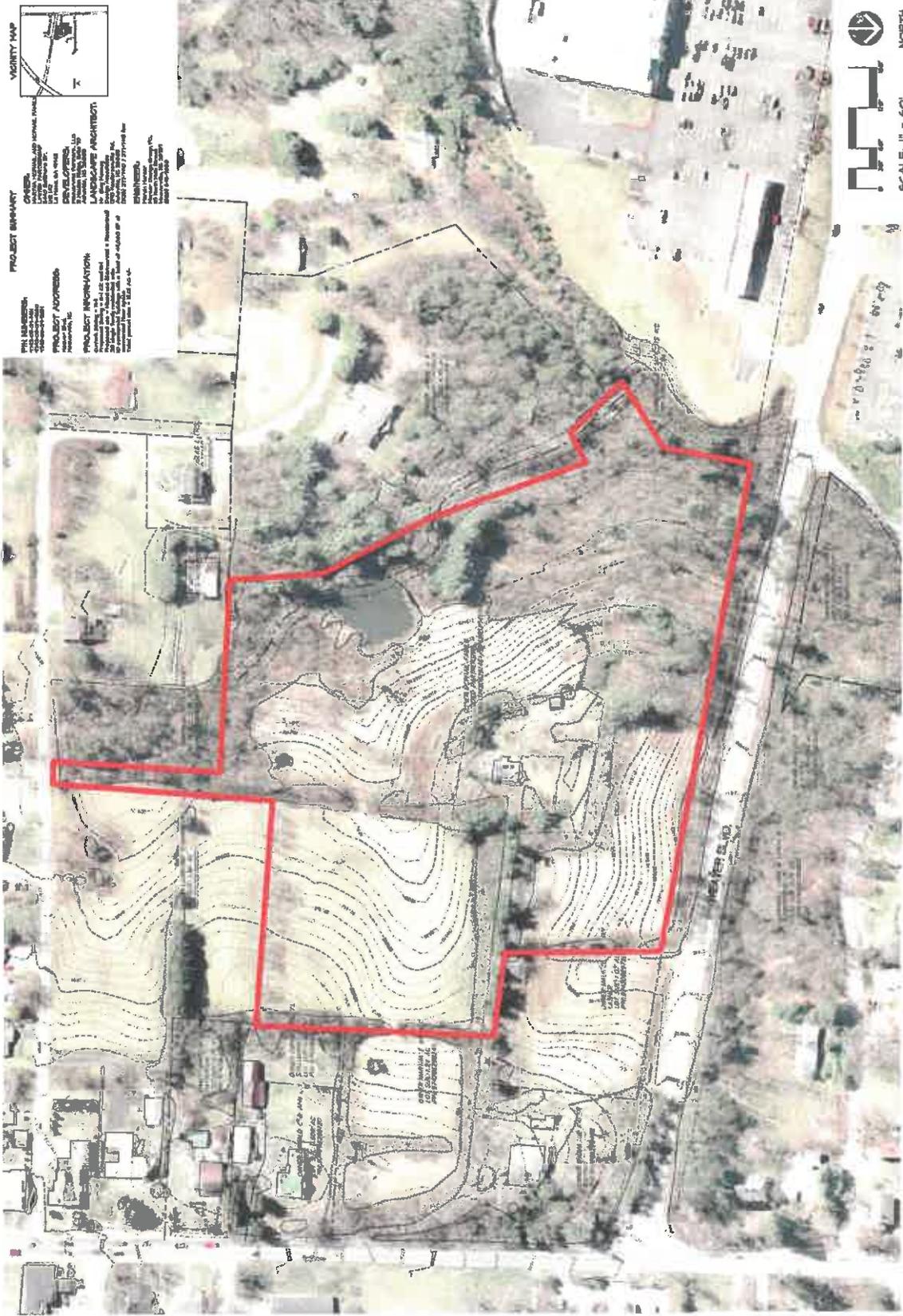
Survey & Existing Conditions

REVISIONS:

EC
 12/14/07



PROJECT BIDDENT
 PROJECT NUMBER: 07-00-0000
 PROJECT ADDRESS: 2825-271-1410
 PROJECT INFORMATION: 2825-271-1410



SCALE: 1" = 60'
 NORTH



169 Oak Street • Forest City, NC 28043
office 828.247.4495 • fax 828.247.4498

August 14, 2017

James Eller
Planning Director
Planning and Zoning Department
30 South Main Street
Weaverville, NC 28787

Subject: Weaver Village Way – Zoning Permit Application
Weaverville, Buncombe County, NC 28787

Dear Mr. Eller,

Good Day!

Attached herewith is the pdf copy of the signed Application Form and Plans/Details for Weaver Village Way, a proposed 1-storey Commercial Building located at Weaverville, NC 28787 - PIN# 9742-29-0485/DB 5552/DP 1030. This is for the Zoning Permit Application for your review/approval.

Please see attached file for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Odom', with a long horizontal flourish extending to the right.

David Odom, P.E.

TOWN OF WEAVERVILLE APPLICATION FOR ZONING PERMIT

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: **BRANT POINT INVESTMENTS, LLC** APPLICATION DATE: **8/3/17**

BRIEFLY DESCRIBE THE PROJECT: **1-STOREY COMMERCIAL BUILDING**

PHONE NUMBER: **(828) 230-2543**

PROPERTY ADDRESS: **WEAVER VILLAGE WAY
WEAVERVILLE, NC 28787**

PIN: **9742-29-0485**

DEED BOOK/PAGE: **5552/1030**

LOT AREA (acres): **+/- 0.95 ACRES**

PROPOSED SQ. FOOTAGE: **2,500 SQFT.**

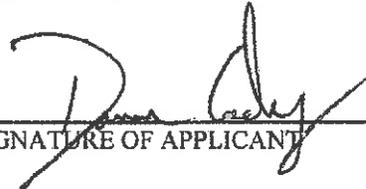
ZONING DISTRICT: **CONDITIONAL ZONING DISTRICT**

All applications shall be accompanied by a general site plan draw to scale and containing all elements of the attached checklist.

Prior to submission of the application and site plan, all property corners shall be in place and proposed buildings and structures shall be accurately located upon the lot by stakes or other acceptable means.

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.

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

OFFICE USE ONLY

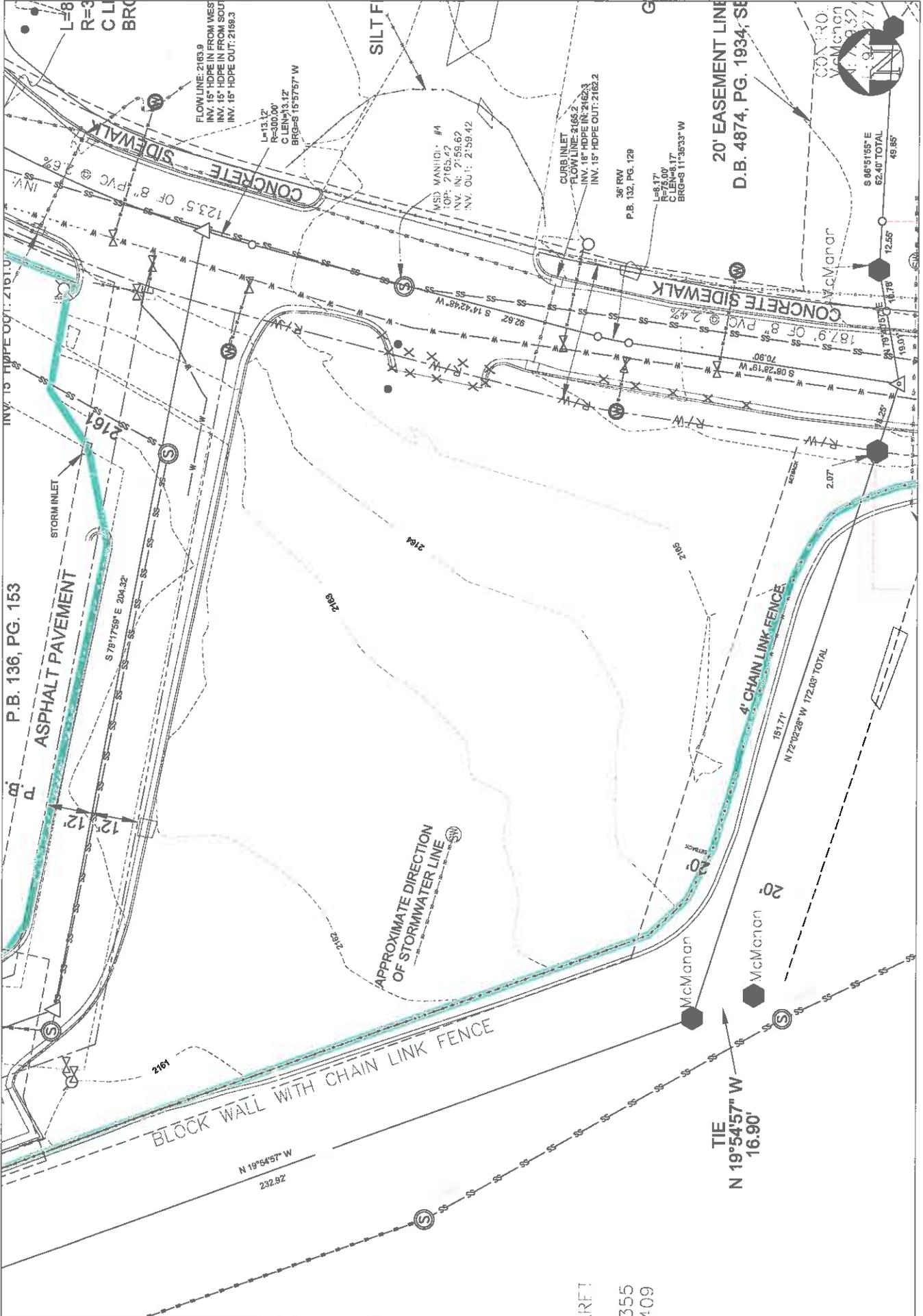
FEE:	DATE PAID:	<input type="checkbox"/>	CHECK	<input type="checkbox"/>	CASH	<input type="checkbox"/>	CARD
SITE PLAN DECISION	<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	DATE:		
<input type="checkbox"/>	APPROVED WITH CONDITIONS:						

TOWN OF WEAVERVILLE APPLICATION FOR ZONING PERMIT

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

ZONING PERMIT SITE PLAN CHECKLIST

Title block containing:	
	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 conveying the property to the current owner
	Exact dimensions of the lot, including any interior lot lines
	Lot area in acres and square feet
	Location and name of all streets bordering the property
	Minimum building setback lines applicable to the lot, including drainage or utility easements
	Exact dimensions and location of existing buildings/structures on the lot or within 10ft. of any exterior lot line
	Exact dimensions and location of proposed buildings/structures/additions
	Exact size and location of all existing and proposed patios, decks, porches, awnings, carports, etc.
	Exact dimension and location of any off-street parking and loading spaces including all turn-arounds
	Proposed and Existing water and sewer lines
	NCDOT Driveway Permit for commercial developments
	Any landscaping plan required
	Outdoor lighting plan, if required
	Grading Plan
	Traffic Impact Analysis, if required
	Stormwater permit, as required by Buncombe County

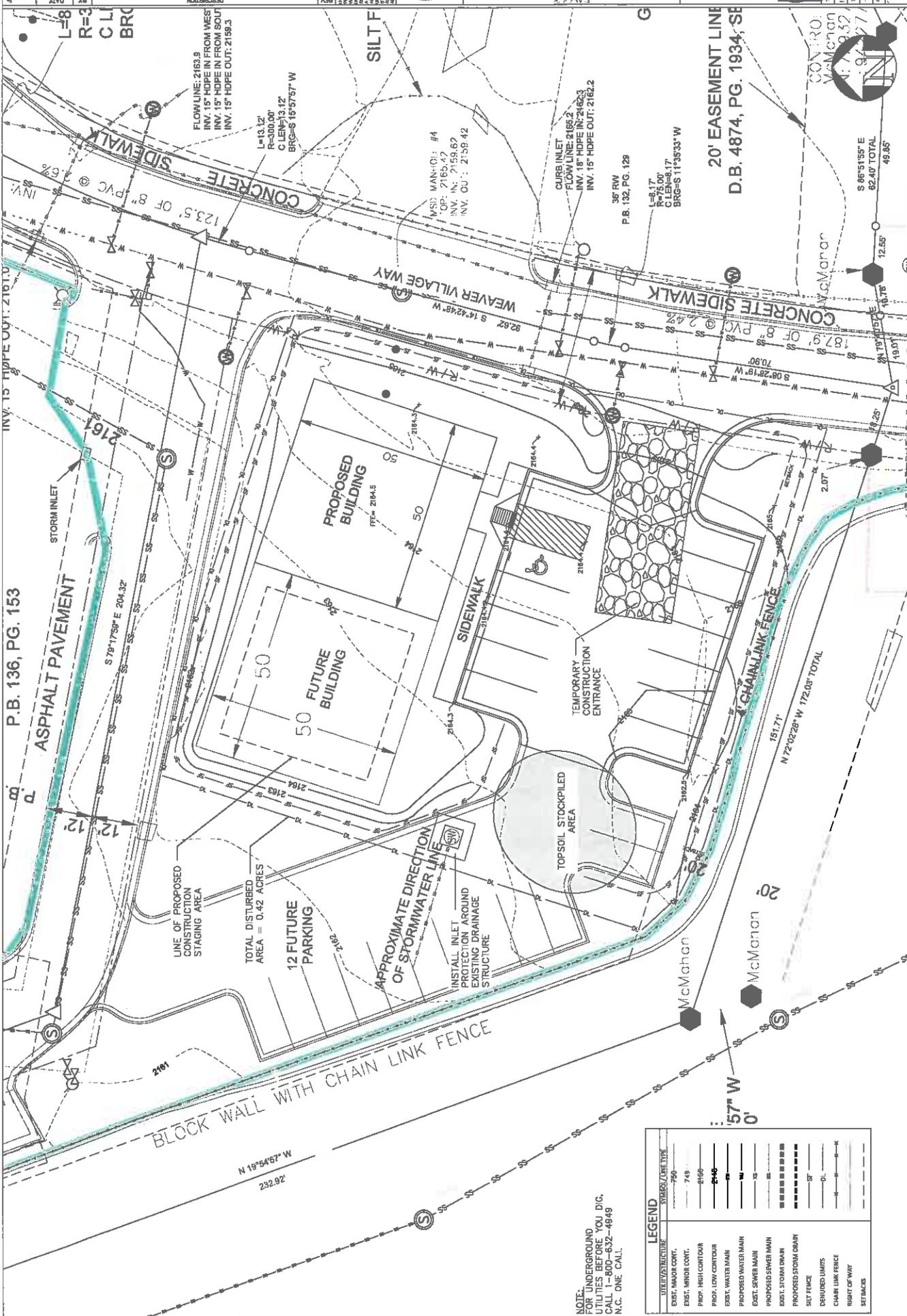


REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



WEAVER VILLAGE WAY
GRADING & EROSION CONTROL PLAN

Odom Engineering, Inc.
17052
4 OF 12



LEGEND

UTILITY STRUCTURE	STRESS/LOOSE TYPE
EXIST. MAJOR CONT.	740
EXIST. MINOR CONT.	745
PROP. HIGH CONTOUR	2400
PROP. LOW CONTOUR	2440
EXIST. WATER MAIN	18"
PROPOSED WATER MAIN	18"
EXIST. SEWER MAIN	18"
PROPOSED SEWER MAIN	18"
EXIST. STORM DRAIN	18"
PROPOSED STORM DRAIN	18"
SILT FENCE	18"
DEBURSED LIMITS	18"
CHAIN LINK FENCE	18"
RIGHT OF WAY	18"
SETBACKS	18"

NOTE:
FOR UNDERGROUND UTILITIES BEFORE YOU DIG, CALL 1-800-632-4849
N.C. ONE CALL



20' EASEMENT LINE
D.B. 4874, PG. 1934; SE

P.B. 136, PG. 153

17052

JOB NUMBER:
17052

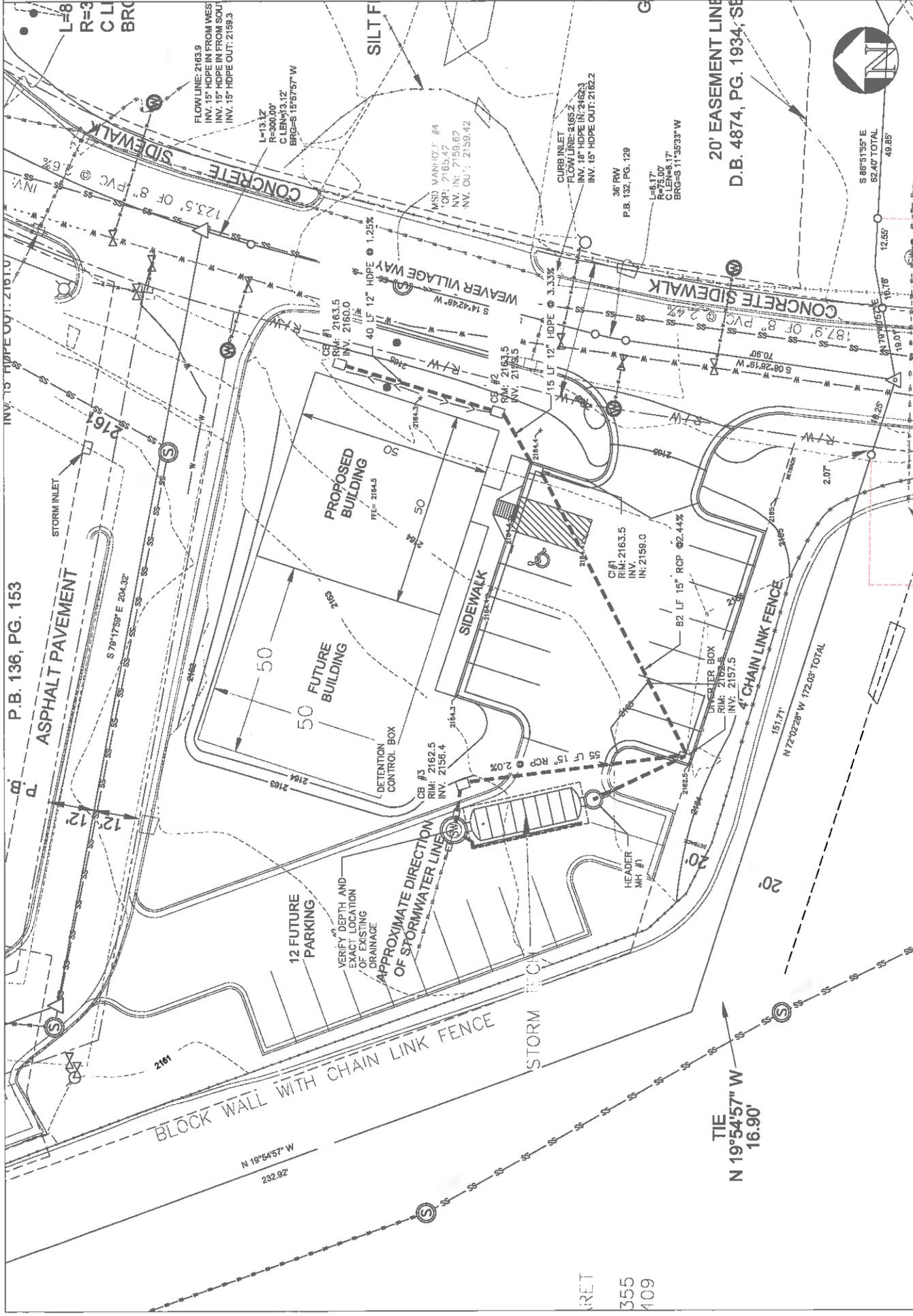
REV	DATE	BY	DESCRIPTION
1			
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3			
4			
5			
6			
7			
8			
9			
10			



WEAVER VILLAGE WAY
STORM WATER



DATE: 11/17/17
SCALE: AS SHOWN
PROJECT: WEAV
SHEET NO: 17052
SHEET TOTAL: 17052



RET
355
109

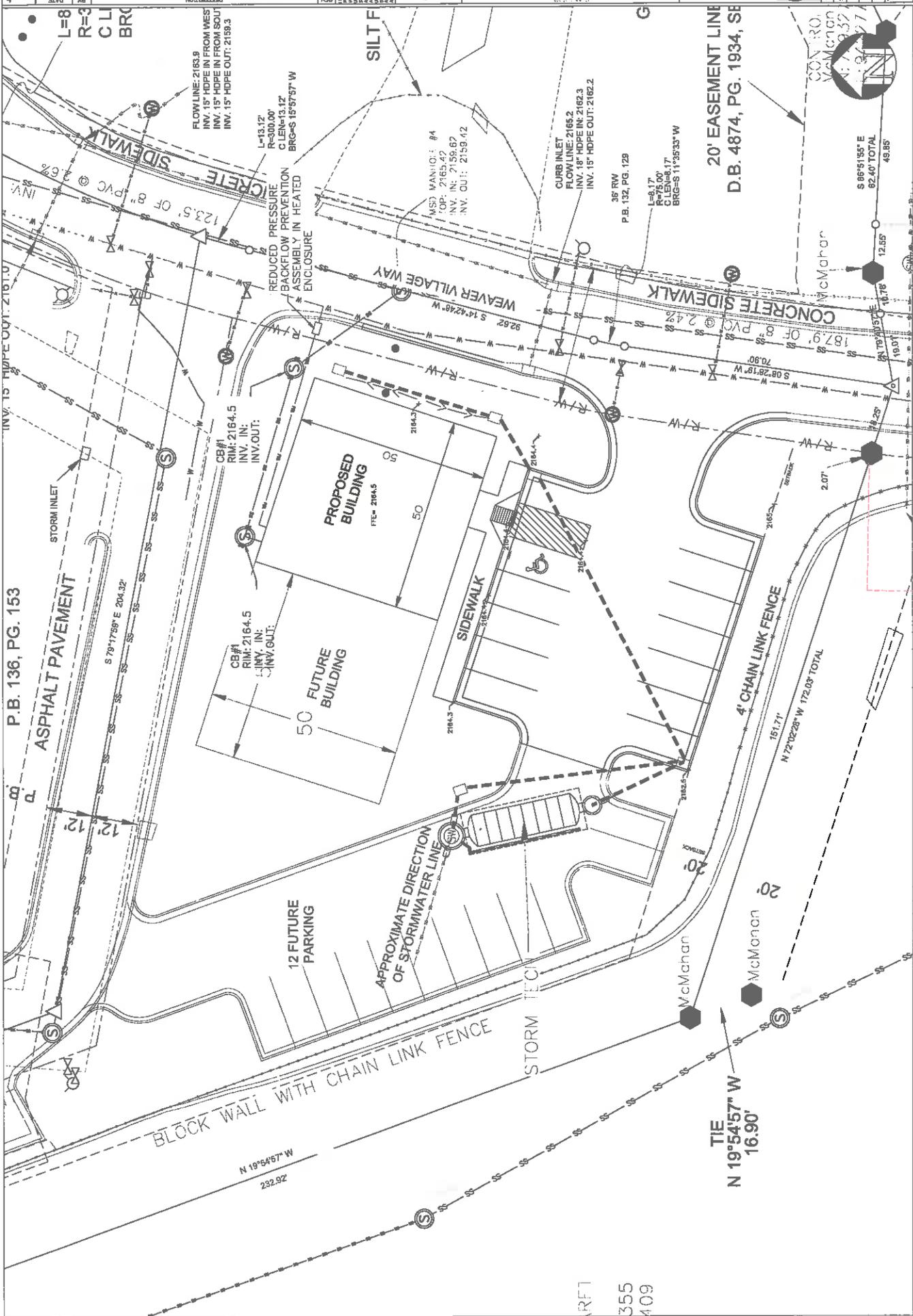
JOB NUMBER: 17052

REV	DATE	BY	DESCRIPTION
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WEAVER VILLAGE WAY
 UTILITY PLAN
 WEAVER VILLAGE WAY, 1934, SE
 D.B. 4874, PG. 1934, SE

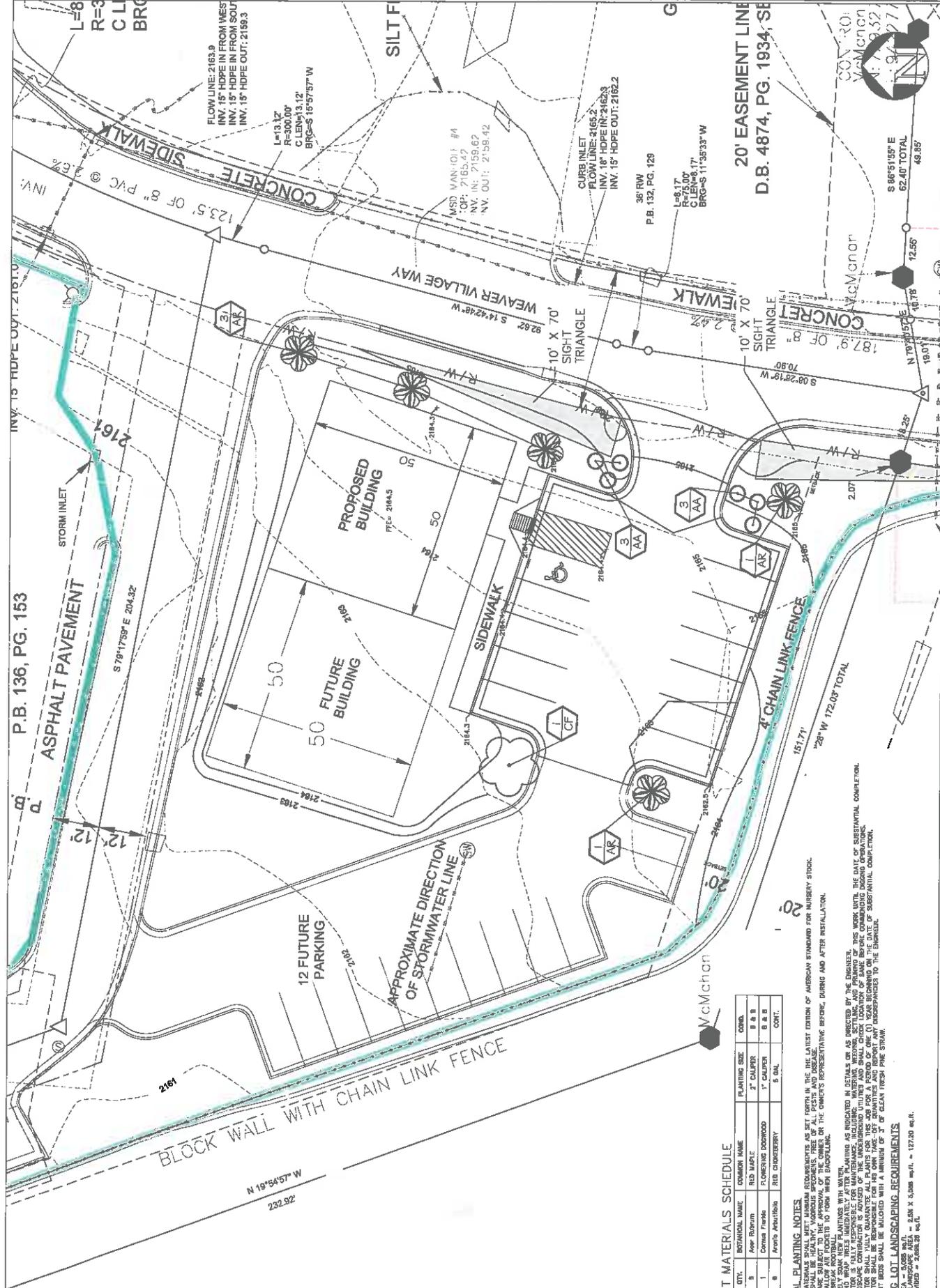
Odum Engineering PLLC
 10000 W. 11th Ave., Suite 100, Grand Rapids, MI 49508
 TEL: 616.221.1100 FAX: 616.221.1101
 www.odumeng.com



P.B. 136, PG. 153

P.B. 132, PG. 129

REF
 355
 409



PLANT MATERIALS SCHEDULE

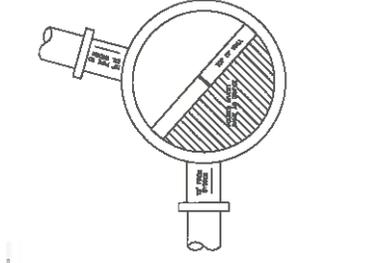
KEY	QTY.	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	COND.
AR	5	Acer Rubrum	RED MAPLE	2" CALIBER	B B B
CF	1	Cornus Florida	FLORIDIAN DOGWOOD	2" CALIBER	B B B
AA	6	Arundo donax	REED GRASS	5 GAL.	CONT.

GENERAL PLANTING NOTES

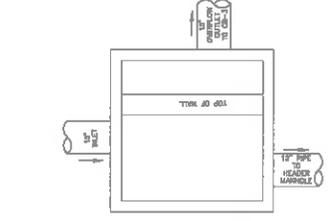
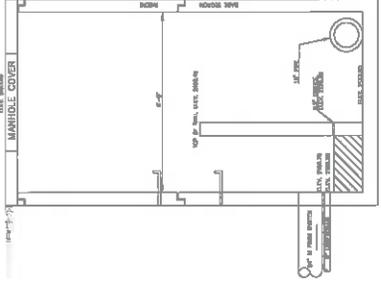
- PLANT MATERIALS SHALL MEET MINIMUM REQUIREMENTS AS SET FORTH IN THE LATEST EDITION OF AMERICAN STANDARD FOR NURSERY STOCK.
- PLANTS SHALL BE HEALTHY, VIGOROUS SPECIMENS, FREE OF ALL PESTS AND DISEASE.
- DO NOT ALLOW AIR FOLIAGE TO TOUCH WHEN BACKDROPPING.
- SHOULDN'T BE PLANTED WITH ANTIHIVES WITH WATER.
- STAKE AND WRAP TREES IMMEDIATELY AFTER PLANTING AS INDICATED IN DETAIL OR AS DIRECTED BY THE ENGINEER.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE UNDERGROUND UTILITIES AND SHALL CHECK LOCATION OF SAME BEFORE SUBSTANTIAL COMPLETION.
- CONTRACTOR SHALL GUARANTEE ALL PLANTS FOR THE LIFE OF THE PROJECT AND SHALL CHECK LOCATION OF SAME BEFORE SUBSTANTIAL COMPLETION.
- ALL PLANT BERRS SHALL BE ALLOWED WITH A MINIMUM OF 3" OF CLEAN FRESH PINE STRAW.

PAVED AREA = 5000 sq. ft.
 TOTAL AREA = 24800 sq. ft.
 AREA PROVIDED = 24800 sq. ft.

355
409

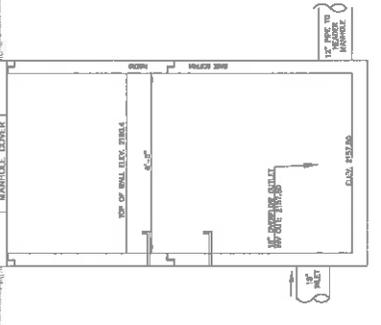


DETECTION CONTROL BOX
N.T.S.

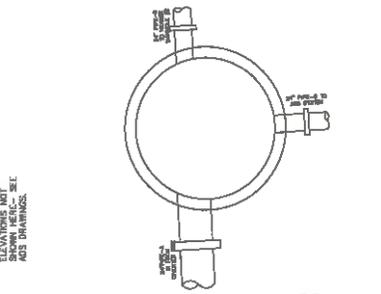


PLAN VIEW

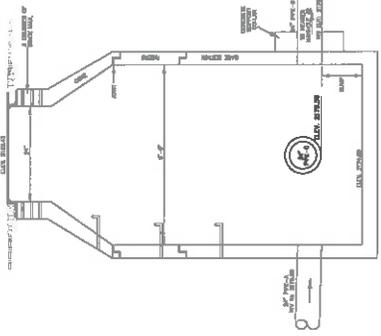
DIVERTER BOX
N.T.S.



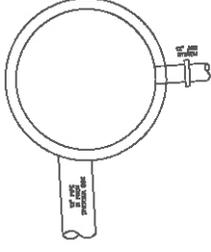
SECTION VIEW



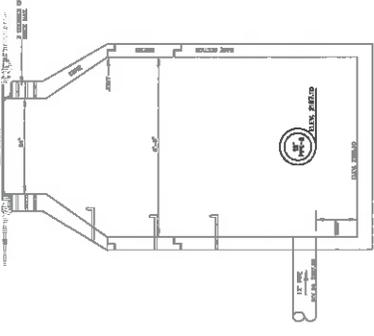
NOTE: ELEVATIONS NOT SHOWN HERE - SEE ASS. DRAWINGS.



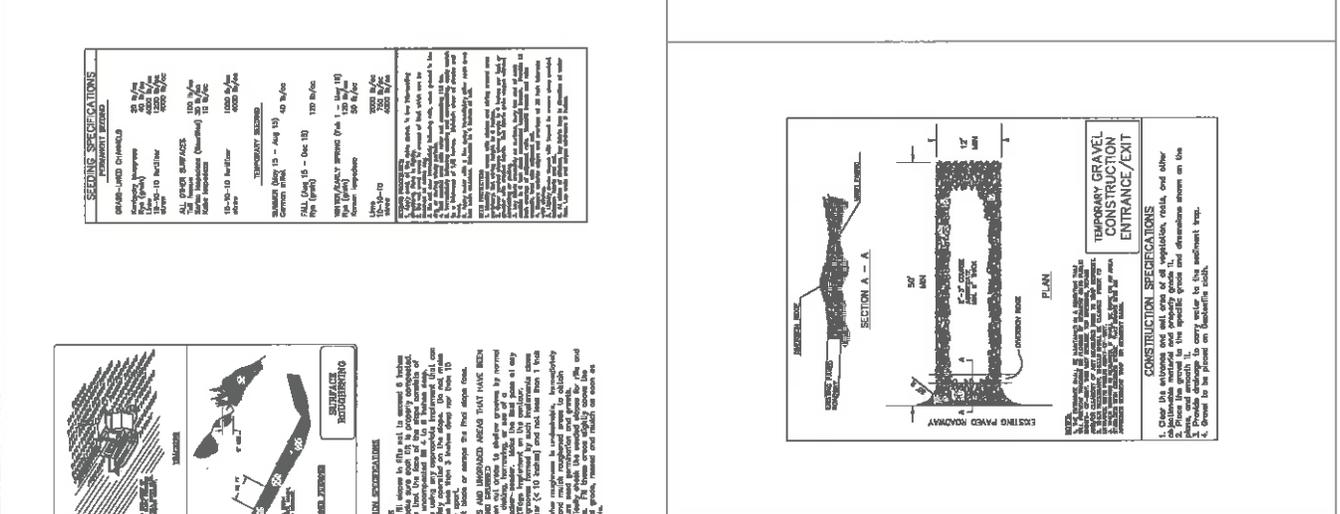
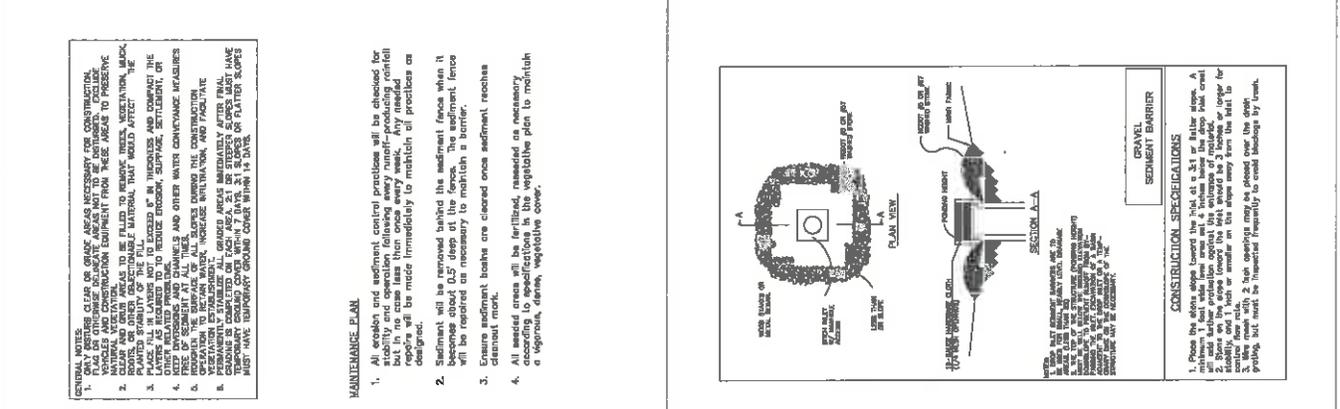
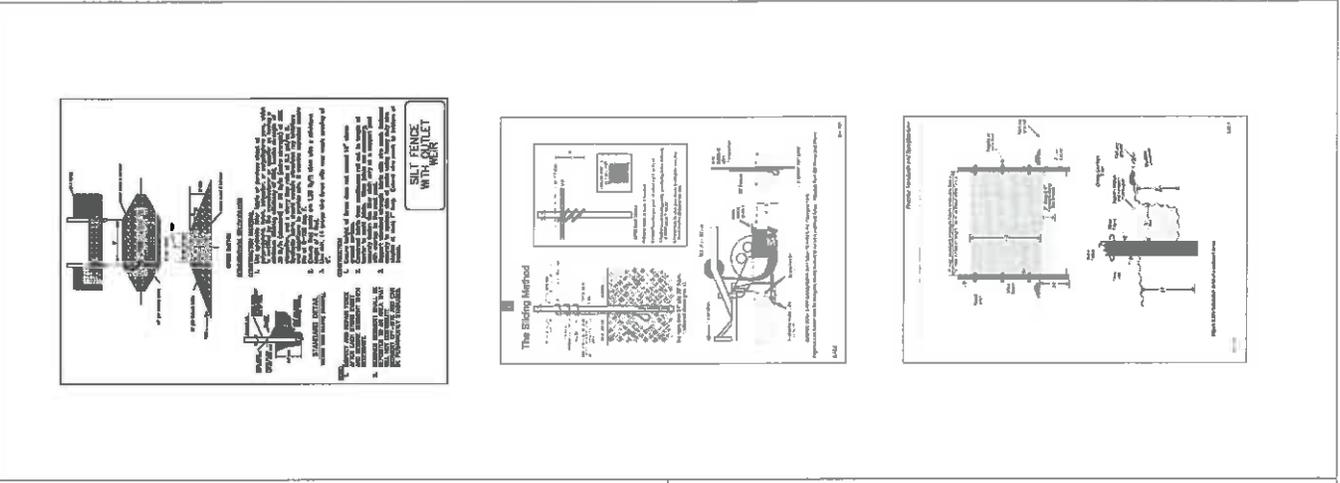
HEADER MANHOLE #1
N.T.S.



NOTE: ELEVATIONS NOT SHOWN HERE - SEE ASS. DRAWINGS.



HEADER MANHOLE #1
N.T.S.



GENERAL NOTES

1. ALL AREAS CLEAR OR GRASS AREAS NECESSARY FOR CONSTRUCTION, STABILITY AND OPERATION, INCLUDING ANY NEARBY PROTECTIVE VEGETATION, SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS.
2. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS.
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4. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS.

SEEDING SPECIFICATIONS

PERMANENT SEEDING

Grass - 100% Ryegrass
 2000 lbs/acre
 1000 lbs/acre
 500 lbs/acre

TEMPORARY SEEDING

Grass - 100% Ryegrass
 1000 lbs/acre
 500 lbs/acre

CONSTRUCTION SPECIFICATIONS

1. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS. ALL AREAS TO BE MAINTAINED SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS TO PREVENT EROSION AND CONSTRUCTION EQUIPMENT FROM THESE AREAS TO PROTECT ROOTS, OR OTHER RESTORABLE MATERIAL THAT WOULD AFFECT THE STABILITY OF THESE AREAS.
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APPENDIX B - COMMERCIAL CODE SUMMARY

PROJECT: BRANT POINT INVESTMENTS, LLC
 REAVER VILLAGE WAY - REAVERSVILLE, NORTH CAROLINA
 PROPOSED USE: COMMERCIAL, OFFICE BUILDING
 CONTACT PERSON: DARREN GADY
 BUILDING OWNER: DARREN GADY
 CODE ENFORCEMENT JURISDICTION: BRANCOHE COUNTY

DESIGNERS OF RECORD:
 ARCHITECT: WILLIAM HUNTER OGAN, AIA NC-2819 828.642.4841
 STRUCTURAL: WILLIAM HUNTER OGAN, AIA NC-2819 828.642.4841
 PLUMBING: WILLIAM HUNTER OGAN, AIA NC-2819 828.642.4841
 MECHANICAL: WILLIAM HUNTER OGAN, AIA NC-2819 828.642.4841
 ELECTRICAL: WILLIAM HUNTER OGAN, AIA NC-2819 828.642.4841

SITE DATA:
 REAVERSVILLE ZONING - REAVERS VILLAGE C2D
 PARKING REQUIREMENTS: 15 SPACES
 PROVIDED: 15 INCLUDING 1 VAN ACCESSIBLE

BUILDING DATA:
 2012 INTERNATIONAL BUILDING CODE COMPLIANCE
 OCCUPANCY: GROUP B - BUSINESS
 CONSTRUCTION TYPE: IIB - UNREINFORCED
 PERMITTED AREA: 25,000 SF/1,000
 PROPOSED BUILDING AREA: 25,000 SF/1,000
 NUMBER OF OCCUPANTS: 25 PERSONS (100 SF/PERSON)
 BUILDING HEIGHT: 3 FT STORIES, 1 HIGH RISE
 MEZZANINE: NO

APPENDIX B - page 2

FIRE RESISTANCE	REAR WALL DETAIL	9 OTHER	ASSEMBLY
PARTY/WIRE WALLS	NONE		
EXT BEARING WALLS	NONE		
EXT NON-BEARING WALL	1-HOUR		
INT BEARING WALLS	NONE		
CEILING/FLOOR	NONE		
INTERIOR BEAMS	1-HOUR		
INTERIOR CEILING	1-HOUR		
INTERIOR FLOORING	1-HOUR		
CEILING/ROOF	1-HOUR		
STAIR ENCLOSURE	NONE		
PAVE CHANGES	NONE		

EXIT REQUIREMENTS
 DEAD END LIGHT - 30 LF MAXIMUM CONDITION - 10 LF
 DISTANCE TO EXIT - 200 LF MAXIMUM CONDITION - 40 LF
 THE OCCUPANTS X 0.2' EXIT OCCUPANT = 50.6 INCHES
 EXITS PROVIDED: 2 - 56' DOORS
 EXITS PROVIDED: 1 - 56' DOOR + 1 7' DOOR PAIR

LIFE SAFETY SYSTEMS
 EMERGENCY LIGHTING AND EXIT SIGNS: YES
 FIRE ALARMS AND SMOKE DETECTION SYSTEMS: NO
 PANIC HARDWARE: NO

APPENDIX B - page 3

STRUCTURAL DESIGN
 DESIGN LOADS
 IMPORTANCE FACTORS: WIND (W): 1.00
 SNOW (S): 1.00
 SEISMIC (S): 1.00
 LIVE LOADS:
 ROOM: 20 psf
 FLOOR: 10 psf
 ROOF: 5 psf
 WIND LOADS:
 BASIC WIND SPEED: 40 mph (ASCE-7-02)
 EXPOSURE CATEGORY: B
 WIND BRG SPEEDS (FOR 1000 HRS): Vx = 52.56 mph
 V = 47.50 mph
 SEISMIC DESIGN CATEGORY: C
 SEISMIC USE GROUP: I
 BUILDING HEIGHT = 55.00 ft
 SPECTRAL RESPONSE ACCELERATION Sa = 0.080 g
 SITE CLASSIFICATION: D S1 = 15.0%
 FIELD TESTS:
 PRESERVATIVE
 HISTORICAL DATA

SEISMIC STRUCTURAL SYSTEMS:
 BRACING WALL
 DUAL W/SEISMIC MOMENT FRAME
 BUILDING FRAME
 DUAL W/REINFORCED RC OR SPECIAL STEEL
 MOMENT FRAME
 INVERTED PENDULUM
 SEISMIC BASIC SHEAR: V = 11.96 kips
 SIMPLIFIED
 EQUIVALENT LATERAL FORCE
 MODAL

ACQUISITIONAL, MECHANICAL, COMPONENTS ADDED: YES
LATERAL DESIGN CONTROL: ENTHRAQUE WIND
SOIL BEARING CAPACITIES:
 PRESERVATIVE BEARING CAPACITY: 2,200 psf

APPENDIX B - page 4

THERMAL ENVELOPE
 METHOD OF COMPLIANCE: PRESERVATIVE
 ENERGY COST:

ROOF ASSEMBLY: metal insulated roof panels
 U-VALUE OF TOTAL ASSEMBLY: 0.028 Btu/h-ft²
 R-VALUE OF INSULATION: R=0.7 (3" insulated panel)

EXTERIOR WALLS: metal insulated wall panels
 U-VALUE OF TOTAL ASSEMBLY: 0.041 Btu/h-ft²
 R-VALUE OF INSULATION: R=1.4 (2.5" insulated panel)

FRAMED EXTERIOR WALLS: 4" stud plus metal insulated wall panels
 U-VALUE OF TOTAL ASSEMBLY: 0.046 Btu/h-ft²
 R-VALUE OF INSULATION: R=1.4 (2.5" insulated panel)

FLOOR SLAB-ON-GRADE: 4" concrete slab
 U-VALUE OF TOTAL ASSEMBLY: 0.055 Btu/h-ft²
 R-VALUE OF INSULATION: R=1.8 (3" polyisocyanurate insulation)

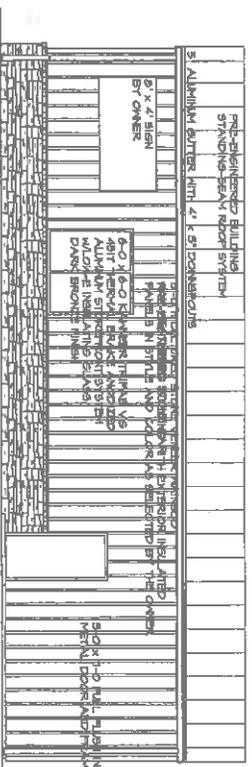
INSTALL R-9 THERMAL BLOCKS AS REQUIRED TO MINIMIZE THERMAL TRANSMISSION THROUGH STEEL FRAMING
 EXTERIOR DOORS: 0.049 Btu/h-ft²
 OVERHEAD DOORS: 0.149 Btu/h-ft²

FLUORIDE FIXTURE REQUIREMENTS
 TOTAL OCCUPANTS: 25 EMPLOYEES (13 MALE + 12 FEMALE)
 FIXTURES REQUIRED: 21 + 2L + 1DF
 FIXTURES PROVIDED: 21 + 2L + 1DF

DESIGNER STATEMENT: To the best of my knowledge and belief, the design and construction of this building complies with the requirements of the INTERNATIONAL BUILDING CODE.

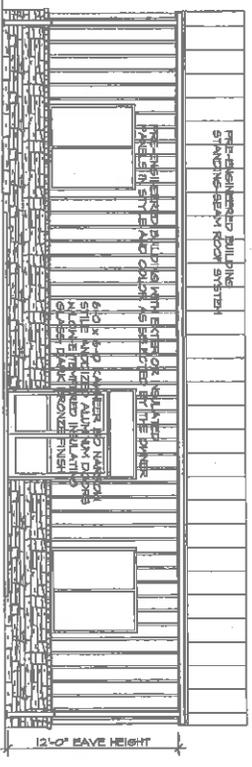
WILLIAM HUNTER OGAN, AIA

NORTH ELEVATION



SCALE 1/4"=1'-0"

SOUTH ELEVATION



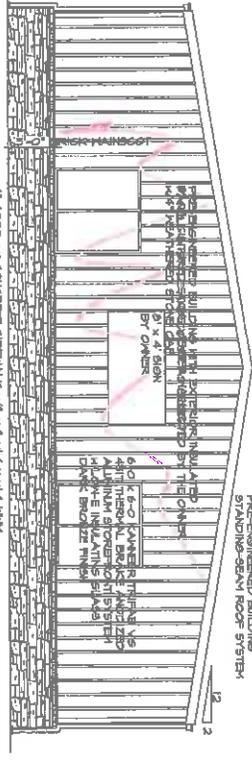
SCALE 1/4"=1'-0"

WEST ELEVATION



SCALE 1/4"=1'-0"

EAST ELEVATION



SCALE 1/4"=1'-0"



brant point investments, llc.
 COMMERCIAL BUILDING FOR DARREN GADY
 REAVER VILLAGE WAY - REAVERSVILLE - NORTH CAROLINA
 CAROLINA SPECIALTIES CONSTRUCTION, LLC

ogan Design Group
 ARCHITECTURE & INTERIOR DESIGN
 Member American Institute of Architects
 118 Fifth Avenue West
 Hendersonville, NC 28782
 828-892-4991





CF LIGHT MESA

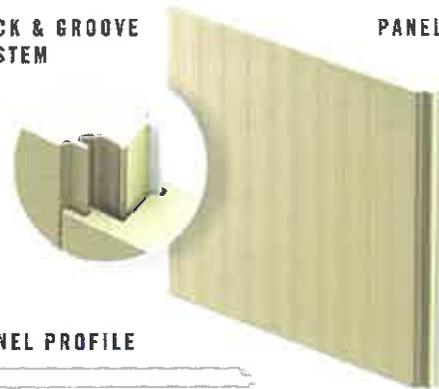
INSULATED METAL WALL PANEL



The Metl-Span CF Light Mesa insulated metal panel is well suited for exterior and interior walls and ceiling applications. The shallower version of the Mesa profile creates symmetry on the outside of the building and room to room within. The minor rib provides a flattened appearance. Light Mesa panels are ideal for commercial, institutional and industrial applications.

LOCK & GROOVE SYSTEM

PANEL



PANEL PROFILE

PRODUCT SPECIFICATIONS

WIDTH • 30", 36", 42"

THICKNESS • 2", 2½", 3", 4"

LENGTH • 8'-0" to 53'-0"

EXTERIOR FACE • Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

INTERIOR FACE • Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

JOINT • Offset double tongue-and-groove with extended metal shelf for positive face fastening

U-FACTORS AND R-VALUES*

U-FACTOR (BTU/h-ft²·°F)

PANEL WIDTH: 42"

Thickness	U-Factor
75"	
2"	0.0706
2½"	0.0516
3"	0.0424
4"	0.0324

R-VALUE (h-ft²·°F/BTU)

PANEL WIDTH: 42"

Thickness	R-Value
75"	
2"	14.16
2½"	19.38
3"	23.58
4"	30.86

PANEL WIDTH: 42"

Thickness	U-Factor
40"	
2"	0.0669
2½"	0.0491
3"	0.0401
4"	0.0305

PANEL WIDTH: 42"

Thickness	R-Value
40"	
2"	14.95
2½"	20.37
3"	24.94
4"	32.79

*Based on ASTM C518, ASTM C1363 and thermal modeling, 75° F and 40° F core mean temp.

DESIGN FEATURES & BENEFITS

- Consistent high quality with foamed-in-place panel manufacturing
- Flat surface, easily washable
- Utilizes concealed clips and eliminates thermal short circuits
- Easy and fast installation, with reduced construction labor costs
- Interior and exterior applications

Metl-Span: Performance Redefined

1720 Lakepointe Drive, Suite 101, Lewisville, Texas 75057 (p) 877.585.9969 (f) 972.420.9382 metlspan.com

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PART# LMD50616



PROFILED

CF STRIATED

The Metl-Span CF Striated Insulated metal panel is an attractive alternative to typical flat wall panels. The exterior face is lightly profiled with narrow longitudinal striations, which create a subtle shadow effect but exhibit a virtually flat appearance from a short distance away. The Striated wall panel is an exceptional value, combining the aesthetics of a flat wall panel with the high insulation ratings of a polyurethane core.

PANEL SPECIFICATIONS

Width: 24", 30", 36", 42"

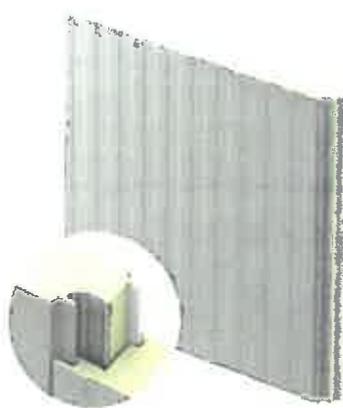
Thickness: 2", 2½", 2¾", 3", 4"

Length: 8'-0" to 40'-0" for the 30" & 36" widths, 8'-0" to 32'-0" for the 42" width

Exterior Face: Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 24 and 22 Ga. Optional smooth-unembossed finish.

Interior Face: Light Mesa profile, stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

Joint: Offset double tongue-and-groove with extended metal shelf for positive face fastening



CF MESA

The Metl-Span CF Mesa Insulated metal panel is well suited for exterior and interior walls and ceiling applications. The lightly corrugated profile on both faces creates symmetry on the outside of the building and room to room within. The minor rib provides a flattened appearance. Mesa panels are ideal for commercial, institutional and industrial applications.

PANEL SPECIFICATIONS

Width: 30", 36", 42"

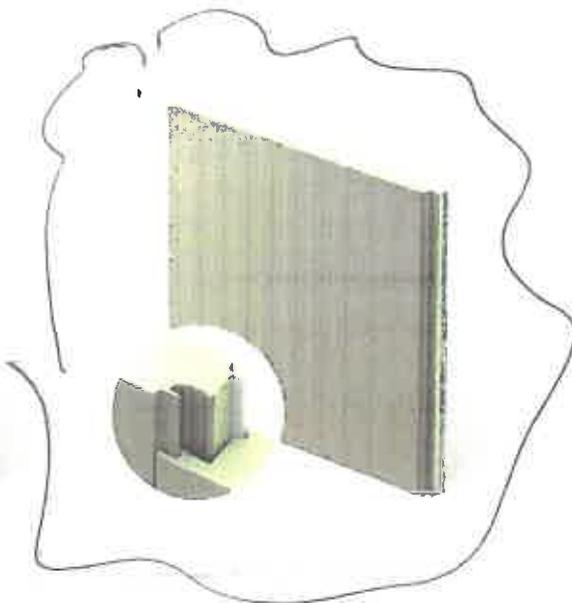
Thickness: 2", 2½", 3", 4", 5", 6"

Length: 8'-0" to 53'-0"

Exterior Face: Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

Interior Face: Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

Joint: Offset double tongue-and-groove with extended metal shelf for positive face fastening



CF LIGHT MESA

The Metl-Span CF Light Mesa Insulated metal panel is well suited for exterior and interior walls and ceiling applications. The shallower version of the Mesa profile creates symmetry on the outside of the building and room to room within. The minor rib provides a flattened appearance. Light Mesa panels are ideal for commercial, institutional and industrial applications.

PANEL SPECIFICATIONS

Width: 30", 36", 42"

Thickness: 2", 2½", 3", 4"

Length: 8'-0" to 53'-0"

Exterior Face: Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

Interior Face: Stucco-embossed, G-90 galvanized and/or AZ-50 aluminum-zinc coated steel in 26, 24 and 22 Ga.

Joint: Offset double tongue-and-groove with extended metal shelf for positive face fastening

*Available only from Nevada plant

AURORA™ COLORS

Kameleon® Full-Strength 70% PVDF Fluoropolymer Coating

Aurora colors are a pearlescent coating that provides a distinctive prismatic appearance when viewed from different orientations and in varying lighting conditions. This innovative and multicolored system incorporates mica flakes to create a vibrant iridescent look.



TUFF COTE® EXTERIOR COLORS

Tuff Cote® Fiber-Reinforced Polymer Coating – for Tuff Wall® or Tuff-Cast® Panels only



POLYESTER EXTERIOR COLOR

igloo White is the standard interior color for all panels

IGLOO WHITE

STANDARD WEATHERXL® EXTERIOR COLORS

Silicized Polyester



Light Stone SP does not match the Light Stone Tuff Cote® color swatch

PREMIUM WEATHERXL® EXTERIOR COLORS

Silicized Polyester



COLOR SYSTEMS



Fluorapan®, WeatherXL® and 2-Coat Color Systems:

1. 0.75 mil nominal Top Color Coat
2. 0.25 mil nominal Primer
3. Metal Substrate



3-Coat Color System:

1. 0.50 mil nominal PVDF Clear Coat
2. 0.75 mil nominal PVDF Top Color Coat
3. 0.25 mil nominal Primer
4. Metal Substrate

Polyester Color Systems:

1. 0.75 mil nominal Top Color Coat
2. 0.25 mil nominal Primer
3. Metal Substrate

Kameleon® Color Systems:

1. 0.80 mil nominal PVDF Top Color Coat
2. 0.50 mil nominal PVDF Base Color Coat
3. 0.25 mil nominal Primer
4. Metal Substrate

* Only available on an AZ-50 substrate

For color suitability, testing codes data and pricing, contact your local representative or visit metspan.com for more information. Pricing varies depending on colors, quantity and gauge. All colors shown are approximate to actual finish colors.

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SINCE 1828 MENU

stucco

noun | stuc·co | \ˈstə-(.)kō\

Popularity: Bottom 30% of words

Definition of STUCCO

plural stuccos or stuccoes

- 1
 - a : a fine plaster used in decoration and ornamentation (as of interior walls)
 - b : a material usually made of portland cement, sand, and a small percentage of lime and applied in a plastic state to form a hard covering for exterior walls
- 2  **STUCCOWORK**

—stuccoed \-(.)kōd\ *adjective*

NEW! Time Traveler

First Known Use: 1598

SEE WORDS FROM THE SAME YEAR

See *stucco* defined for English-language learners

See *stucco* defined for kids

LEARN MORE FROM M-W



8 Nicer Ways to Say 'Stupid'



SINCE 1828

MENU

1 plaster

noun | plas·ter | \ˈplɑ-stər\

Popularity: Bottom 40% of words

Examples: PLASTER in a Sentence ▾

Definition of PLASTER

- 1 : a medicated or protective dressing that consists of a film (as of cloth or **plastic**) spread with a usually medicated substance • adhesive *plaster*; *broadly*
: something applied to heal and soothe
- 2 : a pasty composition (as of lime, water, and sand) that hardens on drying and is used for coating walls, ceilings, and partitions

—*plastery* \ˈplɑ-st(ə-)rē\ *adjective*

NEW! Time Traveler

First Known Use: before 12th century

SEE WORDS FROM THE SAME YEAR

See *plaster* defined for English-language learners

See *plaster* defined for kids

Origin and Etymology of EMOSS

Merriam-Webster

In English *embosen* to become exhausted from being hunted, ultimately from Old-French *bois* woods

NEW! Time Traveler

First Known Use: 14th century

SEE WORDS FROM THE SAME YEAR

emboss
verb

Definition of EMOSS

transitive verb

- 1 : to raise the surface of into bosses; *especially* : to ornament with raised work
- 2 : to raise in relief from a surface
- 3  **ADORN, EMBELLISH**

—embossable \im-'bä-sə-bəl, -'bò-\ *adjective*

—embosser \im-'bä-sər, -'bò-\ *noun*

embossment \im-'bäs-mənt, -'bò-\ *noun*