

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, June 5, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, June 5, 2018 within Council Chambers at Town Hall.

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

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm.

Chairman Theroux noted that Alternate Members Chase and Warren would serve as acting members in the absence of Board Members Osborne and Stanz.

2. Approval of the Minutes from the April 3, 2018 Meeting of the Board.

Mr. Burge motioned to approve the minutes as presented. Mr. Warren seconded and all voted unanimously.

3. Discussion Related to a Major Subdivision of Land Located at 6 Garrison Road.

Mr. Eller described the subdivision before the Board for their consideration. The property in question, 6 Garrison Road, consists of 2.39 acres and is proposed to be split into two lots.

4. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Subdivision.

Mr. Burge motioned to favorably recommend to Town Council the aforementioned major subdivision. Ms. Cordell seconded and all voted unanimously.

5. Discussion Related to a Proposed Conditional Zoning District Application for the Project Commonly Known as Northridge Commons Townhouses (Formally Weaverville Townhomes).

Ms. Jackson provided the Board with the following statement of reasonableness and recommendation to be forwarded to Town Council from the Planning and Zoning Board.

June 5, 2018

Mayor Al Root and
Weaverville Town Council

Re: *Northridge Commons Investors, LLC*
Conditional Zoning District Application dated April 2, 2018

Statement of Reasonableness and Recommendation

Dear Mayor and Council –

On 1 May 2018, 22 May 2018 and 5 June 2018, pursuant to Section 36-84 of the Town's Code of Ordinances, the Planning and Zoning Board reviewed the application for a Conditional Zoning District that was submitted by Northridge Commons Investors, LLC, on April 2, 2018, for a project that is to be known as Northridge Commons Townhouses (previously known as Weaverville Townhomes).

This project is a residential project consisting of 53 single-family dwellings in multi-unit buildings on three (3) contiguous parcels of land under common ownership, currently owned by HFW Endeavors, LLC, and zoned R-12. The property is bounded by Walmart to the East, the private road known as Northcrest Road to the North, Monticello Road (SR 1727) and Gill Branch Road (SR 1724) to the West, and private properties outside Town municipal borders to the South. Said property is shown on the attached survey prepared by Ed Holmes & Associates with a last revised date of 11 May 2018. The number of units in this project is 53, which is well below the maximum of 101 units based on the underlying R-12 zoning. All setbacks and height restrictions noted for R-12 have been observed in the plans submitted.

At these meetings the Planning and Zoning Board reviewed the project for compliance with all of the items enumerated in Section 36-84(d). The Planning and Zoning Board also analyzed the project's reasonableness in light of the Town's comprehensive land use plan and other land use policies and found that the Northridge Commons Townhouses project is reasonable in light of the Town's land use regulations including specifically the Town's Comprehensive Land Use Plan and the stated goals and objectives in that Plan including those provisions which encourage a variety of housing opportunities, conceptual development in the Town's West Weaverville area, and consistency with the Town's underlying R-12 zoning district which was designed and implemented specifically to accommodate high density residential uses such as this project.

After careful review of this application and the plans submitted, the Planning and Zoning Board unanimously recommends the approval of Northridge Commons Investors, LLC's application for a Conditional Zoning District for the project known as the Northridge Commons Townhouses, subject to the following conditions:

1. The project is to be constructed consistent with the plans and specifications prepared by Civil Design Concepts, PA, and submitted by the applicant, a copy of which is attached hereto and incorporated herein by reference, and itemized as follows:
 - a. Sheet C101 – Existing Conditions and Demolition Plan
 - b. Sheet C201 – Site Plan
 - c. Sheet C300 – Overall Grading Plan
 - d. Sheet C301 – Rough Grading and Erosion Control Plan

- e. Sheet C302 – Road Profiles
 - f. Sheet C501 – Storm Drainage Plan
 - g. Sheet C601 – Water Plan
 - h. Sheet C602 – Water Profiles
 - i. Sheet C701 – Sewer Plan
 - j. Sheet C702 – Sewer Profiles
 - k. Sheet C921 – Site Details (Curb and Gutter)
 - l. Sheets C951, C952, C953 – Storm Drainage Details
 - m. Sheet C961 – Water Details
 - n. Sheets C971, C972 – Sewer Details
 - o. Sheet L101 – Landscape Plan
2. The project is to be constructed consistent with the plans and specifications, including but not limited to construction and finishing materials, prepared by Fisher Architects, PA, and submitted by the applicant, a copy of which is attached hereto and incorporated herein by reference, and itemized as follows:
 - a. Sheet T1.1 – Fire Wall Plan
 - b. Sheets A101, A102, A103 – Floor Plans
 - c. Sheets A201, A202, A203, A204 – Elevations
 - d. Sheets A301, Wall Sections
 3. Sidewalks, natural walking trails, and crosswalks shall be constructed and/or installed as shown on Sheet C201 and properly maintained. Natural walking trails shall be surfaced with natural materials such as mulch or gravel, at the developer’s discretion, and maintained in a good walkable condition. All crosswalks, including the crosswalk on Northcrest Road, shall be routinely maintained to keep the paint visible for pedestrian safety.
 4. All streets within the project shall be private, unless and until said streets are accepted into the public street system by the Town of Weaverville. Said private streets shall be constructed to NC minimum construction standards for subdivision roads or Weaverville’s street standards, whichever is more stringent. The covenants, conditions and restrictions applicable to this project must include language stating that the streets are private and part of the common area of the project, and as such will be maintained through the assessments for common expenses.
 5. For vehicular safety a guardrail must be installed and maintained along the top of the retaining wall to be constructed between Units 17 and 44.

6. Fencing must be installed at the top level of any retaining wall or retaining wall system in order to protect against unsafe conditions at the edge of the wall. Such fencing shall be at least 4 feet in height and shall be constructed of a chain-link material or a solid barrier fence.
7. Any and all outdoor lighting that is to be installed must comply with Town Code Section 36-26.
8. All water, sewer, and stormwater infrastructure, and all street, sidewalk, natural walking trail, and crosswalk improvements must be installed and verified as complete by the appropriate authority prior to final plat review. Once the required infrastructure is complete, the final plat will be reviewed by Staff and the Planning and Zoning Board for compliance with the relevant portions of the ordinance approving the conditional zoning district for the project. After its review the Planning and Zoning Board shall submit a recommendation to Town Council. Town Council shall consider the Planning and Zoning Board's recommendation and shall approve the final plat and authorize the recordation of same, upon finding that the required infrastructure is complete and compliant.
9. Minor modifications that can be approved by Staff are limited to matters such as the following: minor adjustments to the location of the natural walking trail, modifications that do not affect the property lines, modifications to subsurface infrastructure which do not affect the final plat and which are in substantial compliance with the approved plans. Any modification that affects the site plan as shown on sheet C201 is not to be considered a minor modification. All other modifications must be accomplished as an amendment to the conditional zoning district which can only be approved by Town Council after review and recommendation of the Planning and Zoning Board and a public hearing held by Town Council, but in such circumstance a public involvement meeting is not required.
10. Any determination made by the zoning administrator regarding the project and/or this conditional zoning district is appealable to the Zoning Board of Adjustment. Such appeal shall be made in accordance with the procedure set forth in Town Code Section 36-328(3). In addition, Staff is required to notify the Mayor and Town Council of any appeals related to this project and/or this conditional zoning district proceeding before the Zoning Board of Adjustment so that Town Council has the opportunity to participate as a party to the appeal should it wish to do so.

Alternative language – Town Council could consider another option for appeals:

Any determination made by the zoning administrator regarding the project and/or this conditional zoning district is appealable to Town Council, which shall sit as a board of adjustment and comply with quasi-judicial procedures in deciding the appeal. Such appeal shall be made in accordance with the procedure set forth in Town Code Section 36-328(3) except that Town Council is the appeal authority.

11. All construction must be completed within 42 months of the issuance of the first permit allowing work to begin on the property. Upon request of the owner/developer, Town Council may, in its sole discretion, grant a 6-month extension or any other extension that it deems appropriate under the circumstances.

Under Town Code Section 36-84(i) Town Council has the discretion to require a performance guarantee to guarantee the completion of the conditions approved with the conditional zoning district and to determine the amount of such guarantee should Town Council wish to require one.

It is also noted that a public involvement meeting required by Sec. 36-84(l) was held on May 29, 2018 after being properly noticed.

A traffic analysis was not conducted as the applicant's engineers, determined that the peak hour trips would not trigger the requirement stated in Town Code Section 36-25.

Please let me know if you need anything further from us on this matter.

Sincerely,

Doug Theroux
Planning and Zoning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney
Warren Sugg, Civil Design Concepts, PA
Ken Jackson, Northridge Commons Investors, LLC

6. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Conditional Zoning District Application.

Following a conversation and confirmation of each aforementioned condition within the statement of reasonableness and recommendation, Ms. Cordell motioned to forward said statement to Town Council. Mr. Burge seconded and all voted unanimously.

7. Adjournment.

Ms. Cordell motioned to adjourn. Mr. Burge seconded and all voted unanimously.



Doug Theroux, Chairman
Planning and Zoning Board

ATTEST:



James W. Eller
Planning Director / Deputy Town Clerk