



**Town of Weaverville
Planning and Zoning Board
Fire Department Training Room
Thursday, December 6, 2018, 6:00pm**

Agenda

1. Call to Order – Chairman Doug Theroux.
2. Approval of the Agenda.
3. Approval of the Minutes from the November 8, 2018 Meeting of the Board.
4. Discussion Related to a Minor Subdivision Application and Preliminary Plat for the Property Commonly Known as 8 Hickory Lane.
5. Consideration of a Motion Establishing a Recommendation to the Planning Director Related to the Aforementioned Minor Subdivision Application and Preliminary Plat.
6. Discussion Related to a Proposed Text Amendment Regarding the Method Via Which Multifamily Residential Uses are Permitted within the R-12 Zoning District.
7. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.
8. Discussion Related to the Proposed Future Land Use Map Which has been crafted for Inclusion in the Update of the Town’s Comprehensive Land Use Plan.
9. Consideration of a Motion Adopting the Board’s Schedule of Meetings for the 2019 Calendar Year.
10. Any Other Business to Come Before the Board.
11. Adjournment.



Agenda Item 3
Minutes from the November 8, 2018 Meeting of the Board

Town of Weaverville
Planning and Zoning Board
Minutes – Thursday, November 8, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Thursday, November 8, 2018 within the Fire Department Training Room.

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

1. Call to Order.

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

Chairman Theroux noted that due to the absence of Vice Chairman Burge, Mr. Chase would be serving as an acting member of the Board.

2. Approval of the Agenda.

Mr. Warren motioned to approve the agenda as presented. Mr. Stanz seconded and all voted unanimously.

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

Mr. Stanz motioned to approve the minutes as presented. Mr. Chase seconded and all voted unanimously.

4. Discussion Related to the Update of the Comprehensive Land Use Plan.

Mr. Eller and Ms. Jackson described an impending update to the Town's comprehensive land use plan and presented a fact sheet which has been prepared for the Board's and Town Council's consideration.

5. Any Other Business to Come Before the Board.

Chairman Theroux noted that he would be asking other members of the Board to chair meetings in the upcoming year in preparation of his term expiration in September of 2019.

Mr. Eller noted that the Board would be presented with a 2019 schedule of meetings for approval during the December meeting.

6. Adjournment.

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

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

ATTEST:

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



Agenda Items 4&5
Minor Subdivision – 8 Hickory Lane

MINOR SUBDIVISION APPLICATION

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

Fee: \$50.00 + \$25.00 per lot
Four lot subdivision -- \$150.00 + \$25.00 per lot

APPLICATION DATE: 11.09.2018
Hensley

OWNER NAME: Harlon and Carolyn

SUBDIVISION NAME: N/A

PROPERTY ADDRESS: 8 HICKORY LANE

PIN: 973272423700000
1980 AND DB 1900, PG 621

DEED BOOK/PAGE: DB 5035, PG.

ORIGINAL TRACT SIZE (acres): 38.75

PROPOSED NUMBER OF LOTS: 2

SUBDIVISION TYPE: RESIDENTIAL COMMERCIAL INDUSTRIAL

OWNER/AGENT NAME: Tim Huie
ADDRESS: 2680 Walter Dr NW Concord, NC 28027

PHONE NUMBER: 704.791.0038

REGISTERED SURVEYOR: John Gibson
ADDRESS: 5275 Parkway Plaza Blvd, Suite 100 Charlotte, NC 28227

PHONE NUMBER: 980.245.3161

REGISTERED ENGINEER: n/a
ADDRESS: n/a

PHONE NUMBER: n/a

Which utilities will serve the proposed development?:

PUBLIC SANITARY SEWER COMMUNITY SEWER SEPTIC TANKS ON EACH LOT
 PUBLIC WATER COMMUNITY WATER WELLS ON EACH LOT

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Subdivision Ordinance and 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. I understand that a copy of the recorded plat must be submitted to the Zoning Department prior to the issuance of any permits associated with this subdivision.

JUSTIN SPILLMAN
SIGNATURE OF APPLICANT

Justin Spillman

11.14.18
DATE

OFFICE USE ONLY

FEE: DATE PAID: CHECK CASH CARD



Agenda Items 6&7
Proposed Text Amendment Related to the R-12 Zoning District

Town of Weaverville, North Carolina

Analysis of Permitting Residential Development at a Density of 12 Units Per Acre

Prepared November 2018

Sources: Town of Weaverville Code of Ordinances

Current Conditions

Residential development of more than 4 units per building became permissible via a conditional zoning district with the implementation of the Table of Uses in August of 2017. It has been the experience of staff that, even if by accident, this transition has made the R-12 zoning district largely empty of meaningful regulation as only duplexes and multifamily dwelling with four or less units are permissible by right and the very use the district was designed and implemented to accommodate may only be approved via a conditional zoning district.

Intent of Staff

Staff has heard from numerous property owners and developers that allowing a use only via a conditional zoning district is problematic for several reasons. Chief among them is the uncertainty of the negotiations between the applicant and Council leaving each variable fluid. This is particularly problematic for properties seeking annexation into the Town either independently or as a requirement of a water allocation.

It is the belief of staff that the Table of uses should be amended to permit by right or with standards more than 4 units per building within the R-12 Zoning District based upon the aforementioned statement. Staff also wishes to present a procedure which provides for land use review or project approval independent of water allocation decisions and visa versa.

The Board has heard from staff previously that when a rezoning is to be considered, the Board and ultimately Town Council must consider two variables which are as follows:

1. Consistency with the Town's Comprehensive Land Use Plan (CLUP). Included in the Board's statement of reasonableness and recommendation is a finding based upon this consistency, or lack thereof. Given the advisory nature of the plan, it should be noted that Town Council may approve a use which is inconsistent or deny a use which is consistent along with an amendment of the CLUP and an explanation of the conditions which were considered.
2. The entirety of the uses permitted within the desired zoning district. Specific to the R-12 Zoning District, this analysis is clear in that only multifamily residential is permitted should the Table of Uses reflect a change of more than 4 units per building as permissible by right or with standards. The only question is the intensity of duplexes, 4 or less units per building or more than four units per building.

Town of Weaverville, North Carolina

Analysis of Permitting Residential Development at a Density of 12 Units Per Acre

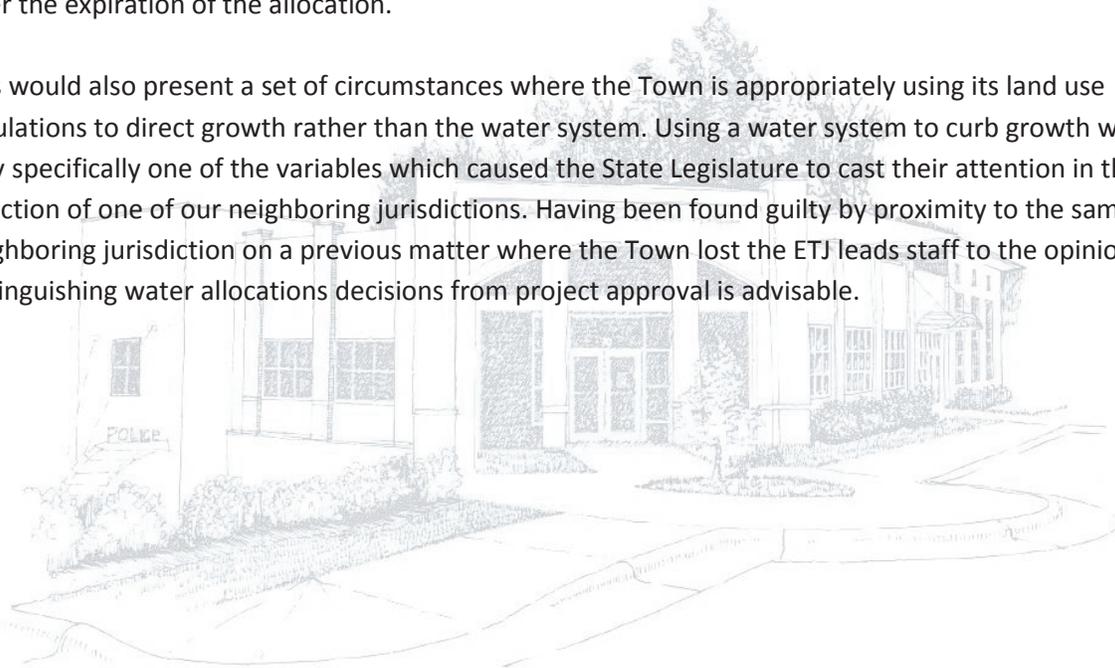
Prepared November 2018

Sources: Town of Weaverville Code of Ordinances

Implications

Given that Council has expressed a specified concern over the proliferation of large apartment complexes it should be noted that if this opinion persists, and if Council so wishes to deny a project based upon an initial zoning of or rezoning to R-12, the mechanism to do so still exists. Rather than present a set of circumstances attached to a water allocation in advance of any project review, this amendment would remove project review from the water allocation process and place it back within the realm of project review or zoning/rezoning. Should Council wish to deny the rezoning to R-12 then the development of a parcel at such a density would also be negated and the water allocation presented to the project based upon the number of units supplied for would lapse and be recounted into the system after the expiration of the allocation.

This would also present a set of circumstances where the Town is appropriately using its land use regulations to direct growth rather than the water system. Using a water system to curb growth was very specifically one of the variables which caused the State Legislature to cast their attention in the direction of one of our neighboring jurisdictions. Having been found guilty by proximity to the same neighboring jurisdiction on a previous matter where the Town lost the ETJ leads staff to the opinion that distinguishing water allocations decisions from project approval is advisable.



Annexation as a Condition of Water Allocation

Over the course of conversations related to the proposed water allocation for Hawthorne, it became clear that the Town would like for development to occur within the Town's jurisdiction so that its land use regulations fully apply to the development. This leads to a scenario where the developer is asked to annex into the Town before a Town water allocation is approved or as a condition of such approval. Many times, however, the developer is not the owner of the property but has an offer on the site conditioned upon securing the approvals to develop the project. Additionally, only the property owner is eligible to file a petition for annexation. Since most big projects fall under the CZD, the rules are unknown until the Town reviews and approves the project. The developer, therefore, is taking a huge financial risk by purchasing the property with unknown rules, but is forced to do so to get their water allocation.

Staff submits the following for Town Council's consideration:

- 3 large potential developments on parcels adjacent to Monticello Road have assessed their risk as too high to proceed with a development approval process under such conditions.
- Different land uses require substantially different services to be provided by the Town. For instance, some services for an apartment complex or retail establishment (road maintenance, garbage collection) are fully privatized while a traditional subdivision will require the full attention of services provided by the Town. There may exist a situation where it would be cost prohibitive to annex a parcel and provide the full roster of services instead of supplying water at double the rate of those in Town water customers.
- Currently state statute caps the percentage of surface area within satellite annexations at 10% of the total surface area of the Town. At some point, especially if new water lines are installed along Ollie Weaver and Clarks Chapel as presently proposed, the Town will reach a point where a perhaps desired annexation cannot legally occur.

Additionally staff has prepared the attached zoning analysis for municipal and county jurisdictions along Monticello Road for Town Council's consideration.

Monticello Dimensional Requirement Analysis of Weaverville and Buncombe Standards

	Height	Setback*	Density**
Weaverville			
R-12	45 and not to exceed three stories	30, 10, 10	12
C-2	75	25-60, 0-30, 0-30	0 (dwelling units not permitted)
I-1	75	35, 40, 40	0 (dwelling units not permitted)
Buncombe			
EMP	90	20, 10, 20	12
C-S	50	10, 10, 10	12
R-1	35	10, 7, 15	10
R-3	35	10, 7, 15	12

* Set back shown in order of front, side, rear and with public water & sewer availability

** Density shown in units per acre and with public water & sewer availability

Related to the dimensional requirement standard consistencies or lack thereof, you will have seen that densities are comparable while heights and setbacks vary widely. As we continue to experience development proposals in a specific area of neighboring jurisdictions along Monticello Road, I believe it prudent to narrow the focus and examine The Town of Weaverville’s R-12 District with that of Buncombe County’s EMP.

	Height	Setback*	Density**
Weaverville			
R-12	45 and not to exceed three stories	30, 10, 10	12
Buncombe			
EMP	90	20, 10, 20	12

As illustrated, the glaring discrepancy is height while other variable are substantially similar. When the R-12 zoning district was created approximately 2 years ago, the intent was to somewhat align the two aforementioned districts as it was forecasted that development in this area would occur based upon proximity to the Town’s water system. At that time there was no appetite from the Town’s perspective to reach the heights permissible by Buncombe County, though it should be noted and drawing attention back to the first table, should the desirable zoning be C-2 rather than R-12 a height of 75 feet would be permissible by right.

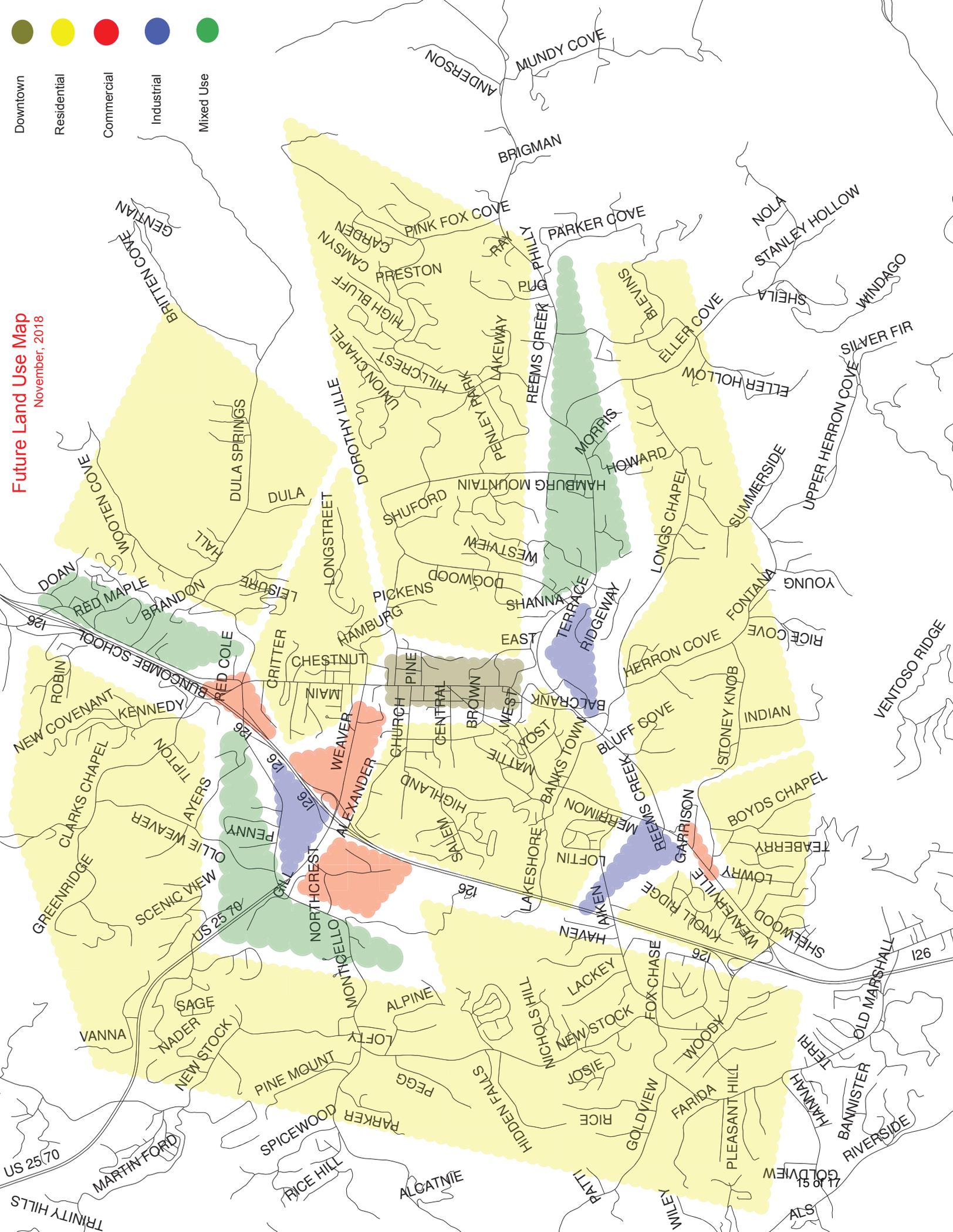
Also of note; both the Town of Weaverville and Buncombe County require two parking spaces per dwelling unit.



**Agenda Item 8
Future Land Use Map**

- Downtown
- Residential
- Commercial
- Industrial
- Mixed Use

Future Land Use Map
November, 2018





Agenda Item 9
2019 Schedule of Meetings

TOWN OF WEAVERVILLE PLANNING AND ZONING BOARD 2019 SCHEDULE OF MEETINGS		
Date	Time	Location
Thursday, January 3	6:00	Council Chambers
Tuesday, February 12	6:00	Council Chambers
Tuesday, March 5	6:00	Council Chambers
Tuesday, April 2	6:00	Council Chambers
Tuesday, May 7	6:00	Council Chambers
Tuesday, June 4	6:00	Council Chambers
Tuesday, July 2	6:00	Council Chambers
Tuesday, August 6	6:00	Council Chambers
Tuesday, September 3	6:00	Council Chambers
Tuesday, October 1	6:00	Council Chambers
Thursday, November 7	6:00	Council Chambers
Tuesday, December 3	6:00	Council Chambers

PROPOSED