



**Town of Weaverville  
Planning and Zoning Board  
Town Hall Council Chambers  
Thursday, January 3, 2019, 6:00pm**

**Agenda**

1. Call to Order – Chairman Doug Theroux.
  - Recognition of Acting Chair
  - Recognition of New Board Member – Oath of Office
2. Approval of the Agenda.
3. Approval of the Minutes from the December 6, 2018 Meeting of the Board.
4. Discussion Related to a Proposed Text Amendment Regarding the Method Via Which Multifamily Residential Uses are Permitted within the R-12 Zoning District and Additional Standards Crafted at the Direction of the Board.
5. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.
6. Discussion Related to the Initial Zoning Request of R-2 by Cane Creek Vistas, LLC for a project on Wheeler Road Submitted to the Town in Conjunction with a Voluntary Annexation Petition Made Requisite by a Water Allocation.
7. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Initial Zoning Request.
8. Any Other Business to Come Before the Board.
  - Updated Roster
  - Approved 2019 Schedule of Meetings
  - Joint Meeting of Town Council and the Planning and Zoning Board in February
  - Update on Newstock Interchange
9. Adjournment.



**Agenda Item 3**  
**Approval of Minutes**

Town of Weaverville  
Planning and Zoning Board  
Minutes – Thursday, December 6, 2018

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

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

**1. Call to Order.**

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

**2. Approval of the Agenda.**

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

**3. Approval of the Minutes from the November 8, 2018 Meeting of the Board.**

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

**4. Discussion Related to a Minor Subdivision Application and Preliminary Plat for the Property Commonly Known as 8 Hickory Lane.**

Mr. Eller presented the Board with an application for a minor subdivision and a plat reflective of the creation of two parcels of land from one existing. Said application and plat called for the creation of one 4.8 acre tract which will house the current dwelling unit at 8 Hickory Lane and leave the remaining 33.75 unimproved acres to be sold.

Mr. Theroux noted that the question before the Board was whether the lots created met the dimensional requirements established by the R-3 zoning district and not the future use of the property. Ms. Jackson confirmed that this was an administrative action before the Board who will make a recommendation to the Planning Director.

Mr. Warren noted that the application showed the subdivision type as both industrial and residential. Mr. Eller confirmed that the property was zoned commonly as residential as R-3.

**5. Consideration of a Motion Establishing a Recommendation to the Planning Director Related to the Aforementioned Minor Subdivision Application and Preliminary Plat.**

Mr. Warren motioned to make a favorable recommendation to the Planning Director related to the minor subdivision application and plat with a correction on the application reflecting the zoning as entirely residential in nature. Mr. Burge seconded and all voted unanimously.

## **6. Discussion Related to a Proposed Text Amendment Regarding the Method Via Which Multifamily Residential Uses are Permitted within the R-12 Zoning District.**

Mr. Eller briefed the Board on the creation and implementation of the R-12 Zoning District in 2016 and the transition of the permitting method of multifamily developments within same to conditional zoning districts with the implementation of the Table of Uses in 2017. Mr. Eller further described that this transition to conditional zoning effectively voided the previously established zoning district.

Mr. Eller expressed a concern over the Town using water allocations to influence development review procedures. It was further noted that transitioning multifamily development back to permitted or permitted with standards within R-12 would provide developers and property owners some certainty toward what they would be able to build should the development proceed which is not presented through conditional zoning. Town Council's reservation toward a rapid spread of multifamily housing was also discussed. Ms. Jackson noted that Town Council still could deny the initial zoning or rezoning to R-12 and negate the ability to build at such a density rather than legislating through water allocations.

Chairman Theroux noted his belief and understanding that permitting with standards would be the more acceptable path of permitting for both the Board and Town Council to allow for additional legislative oversight.

Mr. Warren noted that in creating additional standards for multifamily housing, the first variable that should be considered is the impact on surrounding properties and influence on existing infrastructure.

Mr. Eller also presented the argument that very little was accomplished, outside of determining appearance standards of the structures, by the conditional zoning district for Northridge Commons Townhouses (NCT). Given that every other variable, such as parking, lighting, sidewalks, height and density was imported from the general language of the zoning ordinance, Mr. Eller suggested that if ran through the prism of the R-12 zoning district the product would have been substantially similar.

Mr. Burge and Ms. Cordell disagreed with the position noted.

Ms. Jackson expressed an appreciation for the time and effort the Board exerted toward the approval process and noted that a vast majority of the language included in the NCT CZD were general standards imported from the Zoning Ordinance.

Chairman Theroux, Mr. Stanz and Ms. Jackson suggested that with additional standards the review process could be much more efficient.

Mr. Eller and Ms. Jackson described the complexities presented to developers when Town Council requires annexation in conjunction with a water allocation where the desired use of land is approved by a CZD.

Mr. Eller described a risk on the Town's side were an undesirable property is annex in conjunction with a water allocation, the proposed development disintegrates on the private side and the Town is left with a property which may not generate enough revenue to support the municipal services provided.

Following extensive conversation additional standards related to sidewalks, parking, noise, vegetative buffering, street lighting, traffic impact analysis requirement, dumpster pad location and a limitation on bulk of structures were settled upon. Staff was instructed to craft language reflective of these proposed standards for the Board's consideration.

**7. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.**

Chairman Theroux noted that no such motion would be made as staff will present additional language for the Board's consideration at their next meeting.

**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.**

Mr. Eller presented the Board with the aforementioned future land use map. Chairman Theroux noted a desire to have the municipal limits shown on same.

**9. Consideration of a Motion Adopting the Board's Schedule of Meetings for the 2019 Calendar Year.**

Mr. Burge motioned to adopt the schedule as presented with a change in time from 6pm to 7pm in order to achieve commonality with the meeting times of Town Council and the Zoning Board of Adjustment. Mr. Warren seconded but no vote was held in support of the motion.

Following additional conversation, Mr. Burge motioned to retract his previous motion and to adopt the schedule of meeting as presented with said meetings beginning at 6pm. Ms. Cordell seconded and all voted unanimously.

Chairman Theroux motioned to further adopt the schedule of meeting reflective of a suggested Chair of Mr. Burge in January, Mr. Chase in March, Ms. Cordell in May and Mr. Warren in July due to the expiration of his term in September of 2019. Mr. Stanz seconded and all voted unanimously.

**10. Any Other Business to Come Before the Board.**

Ms. Jackson noted that a proposed ordinance amendment would be before Town Council at their December meeting which would transition members to three year terms and add an additional alternate member.

Ms. Cordell noted a desire for the Board to reclaim some of its diversity from previous iterations.

Mr. Warren requested that additional information be presented to the Board related to the proposed improvements by NCDOT to the Newstock intersection.

**11. Adjournment.**

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

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

**ATTEST:**

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



**Agenda Item 4&5  
R-12 Additional Standards**



**Table of Uses**  
**Proposed**

**Dwelling - Multifamily (more than 4 units/building), permitted with standards in R-3, R-12**

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Residential							
Dwelling - Multifamily (more than 4 units/building)	-	-	€ PS	€ PS	-	-	-

**Definition:**

*Dwelling - Multifamily (more than four units/building).* A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structures may include apartments, townhouses and condos.

**Additional Standards:**

Chapter 36, Article V Additional Use Standards, Section 36-139 Dwelling - Multifamily (more than 4 units/building)

1. Sidewalk requirements made necessary by Sec. 36-24 are fully applicable to the use of dwelling – multifamily (more than 4 units/building) as defined herein.
2. Traffic Impact Analysis made necessary by Sec. 36-25, unless exempt therein, is fully applicable to the use of dwelling – multifamily (more than 4 units/building) as defined herein.
3. Street Lighting requirements made necessary by Sec. 36-26 are fully applicable to the use of dwelling – multifamily (more than 4 units/building) as defined herein. / *“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.” (Taken from Weaver Village CZD Ord.)*

**A height limitation is favored by staff as it has been experienced that referencing specific light types becomes a moving target with the advancement of technology which requires constant ordinance updates to reflect the current lighting being employed by Duke Energy.**

4. Off-street parking and loading regulations made necessary by 36-176 are fully applicable to the use of dwelling – multifamily (more than 4 units/building) as defined herein.
5. Sec. 9-19 Noise (a) “It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the town. Every use, activity and process shall be so operated that regularly reoccurring noises are not disturbing or unreasonably loud and do not cause injury, detriment or nuisance to any person.”
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
  - (a) All containment areas shall be enclosed to contain windblown litter.
  - (b) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
  - (c) Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall, or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
  - (d) Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage. A concrete apron shall also extend from the pad for support and access.
  - (e) Enclosures shall contain gates to allow for access and security.
  - (f) Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
7. Bulk of Structures??? No more than X# of units per building.

**Buffering (see Sec. 36-106) for proposed buffering amendment**

Sec. 36-106. - Table of dimensional requirements.

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 <sup>1,</sup> 2,3,4,7	5,445 1,2,3,4,7	7,500 <sup>4,7,8</sup>	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 <sup>5</sup>	0	60	35 <sub>5</sub>
Minor Thoroughfare	30	30	30	30 <sup>5</sup>	0	25 <sub>5</sub>	35 <sub>5</sub>
With Parking in Front	-	-	-	-	-	60	-
Without Parking in Front	-	-	-	-	-	40	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	0	30	40
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	0	0	40
Minimum Rear Yard (ft.) Abutting Residential District	10	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	0	30	40
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	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 20	Note 9	20	20



**Agenda Item 6&7**  
**Wheeler Road Initial Zoning**

**TOWN OF WEAVERVILLE APPLICATION FOR  
A ZONING MAP OR TEXT AMENDMENT**

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](mailto:jeller@weavervillenc.org)

**OWNER/APPLICANT NAME:** Cane Creek Vistas, LLC    **APPLICATION DATE:** 12/14/2018  
**PHONE NUMBER:** 828-252-5388    **MAILING ADDRESS:** 54 Blue Heron Dr  
Fletcher NC, 28732

Application is made to the Town Council of Weaverville to amend:

- The Zoning Map  
 The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

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**APPLICATION TO AMEND ZONING MAP**

**PROPERTY ADDRESS:** 218 Reems Creek Road, Weaverville, NC 28787

**PIN:** 974-54-9380; 9742-53-6911

**LOT AREA (acres):** 5.73

**CURRENT ZONING DISTRICT:**

**PROPOSED ZONING DISTRICT:** R-2

**APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICTING:**

- Total acreage  
 Current owner(s) and date of survey  
 Property location relative to streets  
 North arrow  
 Existing easements, rights of way, or other restrictions on the property  
 Areas located within the floodplain  
 Natural terrain of 15% or greater grade  
 Adjoining property owners, addresses, and Buncombe County PINs

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**APPLICATION TO AMEND TEXT**

**SECTION(S) OF CHAPTER 36 TO AMEND:**

**PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):**

**JUSTIFICATION OF PROPOSED AMENDMENT(S):**

**TOWN OF WEAVERVILLE APPLICATION FOR  
A ZONING MAP OR TEXT AMENDMENT**

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](mailto:jeller@weavervillenc.org)

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

*Christopher J. E...*

*12-14-18*

SIGNATURE OF APPLICANT

DATE

**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.**

**REZONING FEE SCHEDULE:**

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

**OFFICE USE ONLY**

FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	



Sources: Town of Weaverville Code of Ordinances; Barkley Terrace Plat Bk 193, Pg 190; Order of Buncombe County Board of Adjustment in the Matter of Wheeler Road; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

### Zoning Analysis

In short, the Town does not currently possess a residential zoning district in which the lots created for the Wheeler Road project would be conforming to the dimensional requirements established therein. Most of the lots are shown to be approximately 3,000 square feet and with a lot width of 29 feet. The R-3 zoning district provides a minimum lot area of 5,445 and lot width of 75 feet and would provide the least degree of lot nonconformity. However, given that the lots are nonconforming regardless of the zoning district prescribed, staff recommended R-2 with a minimum lot area of 7,500 and lot width of 75 feet in order to avoid the property being used for the purpose of housing manufactured homes and to provide zoning district contiguity with the neighboring Partridge Berry Lane development.

An examination of the Order by the Buncombe County Board of Adjustment establishing the Wheeler Road project provides conformities related to height at 35 feet or below and parking with two spaces provided for each dwelling unit.

It should be noted that each Special Use Permit or Special Exception the Town has issued for a proposed residential development is by definition noncompliant with the dimensional requirements found within the underlying zoning district. These developments include but are not limited to the following:

- Brown Street, single family home project with reduced lot sizes
- Creekside Village, single and multifamily home project with reduced lot sizes
- Hamburg Crossing, multifamily home project with reduced lot sizes
- Kyfields, multifamily home project with reduced lot sizes
- Partridge Berry Lane, single family home project with reduced lot sizes
- Reems Creek Town Homes, multifamily home project with reduced lot sizes
- Water Point Way, single family home project with reduced lot sizes

Here the difference is the project was approved by the Buncombe County Board of Adjustment rather than the Town's Zoning Board of Adjustment. However, the same quasi-judicial process was followed in order to collect and examine evidence to be considered against a substantially

Sources: Town of Weaverville Code of Ordinances; Barkley Terrace Plat Bk 193, Pg 190; Order of Buncombe County Board of Adjustment in the Matter of Wheeler Road; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

similar set of standards the Town had previously applied to each of the aforementioned developments.

### **Comprehensive Land Use Plan Compliance**

When considering compliance with the Town's Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map (Figure 3-6 on page 3-5). Here it is found that this property exists in a gap between the defined areas shown for the future uses of Industrial, Residential and Rural. These gaps are intentional and are addressed within the CLUP on page 3-2 as follows:

*"When reviewing the map, you will see that there are gaps between defined areas, and that the defined areas do not necessarily follow property boundaries. This is purposeful given the uncertainties that exist on the ground that cannot be accounted for, and in recognition of the need for flexibility. And so, the boundaries and gaps should be viewed as flexible rather than lines in the sand, and the final decisions on transitional land use types in these areas should be left to the good judgement of the appointed and elected officials that are charged with establishing development policy and regulations in the Town."*

Additionally, found on page 2-2, it is the stated goal of the Town to *"promote the stability of existing residential neighborhoods while fostering a diversity of housing opportunities."* It was found when compiling information for the update of the CLUP that the median housing value for dwelling units within the jurisdiction was \$335,000 up 39% from the previous median value found in 2010. Information contained on the voluntary annexation petition submitted to the Town suggests that the average sale price of the 61 units would be \$225,000. This represents a price point 32.8% below the average home value and provides some diversity in the Town's housing stock. Furthermore, an implementation strategy toward this end found on page 3-36 suggests the Town *"study the adoption of an incentive based approach (such as density bonuses) to promote mix of housing options in new residential developments."*

Given each of the listed variables, it is the opinion of staff that the development proposed for annexation is consistent with the Town's CLUP.

Sources: Town of Weaverville Code of Ordinances; Barkley Terrace Plat Bk 193, Pg 190; Order of Buncombe County Board of Adjustment in the Matter of Wheeler Road; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

**Strategic Plan Compliance**

Within the Town’s Strategic Plan (SP) a parallel sentiment toward fostering a diversity of housing opportunities is found. Town Council identified *“affordable housing – mixed income housing, additional housing opportunities”* within a list of 3-5 year visioning found on page 3 of the SP. Additionally, a similar statement is made within the list of 15-20 year visioning found on page 4 of the SP and reads as follows, *“self-sustaining, vibrant community with a mix of young, old, long-term and new residents with a common bond of living in a safe space that meets their needs.”* It was found when compiling information for the update of the CLUP that the Town’s median age was the eldest at 52.6 years of age and home values the highest at \$335,000 of all jurisdictions studied in both Buncombe and Madison Counties. One could reason that additional housing stock being brought to market at 32.8% below the average home value could invite a younger population to become invested in the Town hence forwarding the stated visions adopted by Town Council.





**Agenda Item 8**  
**Any Other Business**

<b>WEAVERVILLE PLANNING AND ZONING BOARD</b>			
Regularly meets 1 <sup>st</sup> Tuesday of the month at 6 pm in Council Chambers at Town Hall			
<b>NAME AND POSITION</b>	<b>CONTACT INFORMATION</b>	<b>DATE OF APPOINTMENT</b>	<b>TERM (3 YEARS)</b>
Doug Theroux Chairman	73 Hillcrest Drive Weaverville, NC 28787 658-9477; (cell) 231-3568 <a href="mailto:dbtheroux93@gmail.com">dbtheroux93@gmail.com</a>	August 2017	September 2017 - 2019
Peter Stanz Regular Member	49 Brown Street Weaverville, NC 28787 (cell) 828-768-4202 <a href="mailto:stanzbus@gmail.com">stanzbus@gmail.com</a>	August 2017	September 2017 - 2019
Gary Burge Vice Chairman	3 High Bluff Drive Weaverville, NC 28787 (cell) 423-0150 <a href="mailto:garyburge@garyburge.com">garyburge@garyburge.com</a>	August 2018	September 2018 - 2020
Catherine Cordell Regular Member	13 Hamburg Drive Weaverville, NC 28787 (cell) 776-7380 <a href="mailto:cat.cordell@live.com">cat.cordell@live.com</a>	August 2018	September 2018 - 2020
Steve Warren Regular Member	3 Duncannon Street Weaverville, NC 287887 704-682-5801/704-807-9899 <a href="mailto:warren.smw.steve@gmail.com">warren.smw.steve@gmail.com</a>	August 2018	September 2018 - 2021
John Chase Alternate Member	151 South Main Street Weaverville, NC 28787 (cell) 828-337-3366 <a href="mailto:jchase@medlockengr.com">jchase@medlockengr.com</a>	August 2018	September 2018 - 2020
Tom Balestrieri Alternate Member	26 Whitetail Drive Weaverville, NC 28787 (cell) 904-347-3312 <a href="mailto:tmbalestrieri@gmail.com">tmbalestrieri@gmail.com</a>	December 2018	December 2018 - 2021
James Eller Town Planner	484-7002 <a href="mailto:jeller@weavervillenc.org">jeller@weavervillenc.org</a>		
Jennifer Jackson Town Attorney	828-442-1858 <a href="mailto:jjackson@weavervillenc.org">jjackson@weavervillenc.org</a>		

TOWN OF WEAVERVILLE PLANNING AND ZONING BOARD 2019 SCHEDULE OF MEETINGS

Date	Time	Location	Suggested Chair
Thursday, January 3	6:00	Council Chambers	Burge
Tuesday, February 12	6:00	Council Chambers	
Tuesday, March 5	6:00	Council Chambers	Chase
Tuesday, April 2	6:00	Council Chambers	
Tuesday, May 7	6:00	Council Chambers	Cordell
Tuesday, June 4	6:00	Council Chambers	
Tuesday, July 2	6:00	Council Chambers	Warren
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	