



**Town of Weaverville
Planning and Zoning Board
Town Hall Council Chambers
Tuesday, April 2, 2019, 6:00pm**

Agenda

1. Call to Order – Chairman Doug Theroux.
2. Approval of the Agenda.
3. Approval of the Minutes from the February 12 and March 5, 2019 Meetings of the Board.
4. Discussion Related to an Application for a Conditional Zoning District on the Property Commonly Known as 37 Brown Street.
5. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Conditional Zoning District.
6. Discussion Related to an Initial Zoning Request of R-12 for the Property Commonly Known as 135 Monticello Road.
7. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Proposed Zoning Map Amendment.
8. Any Other Business to Come Before the Board.
 - Public Information Sessions Briefing
 - Incorporation of Recent Text Amendments (Update Board’s Ordinance Books)
9. Adjournment.



**Agenda Item 3
Minutes**



**Town of Weaverville
Minutes**

**Joint Meeting of Town Council and Planning and Zoning Board
Tuesday, February 12, 2019 – Town Hall**

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, February 12, 2019, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeff McKenna, and Councilman Patrick Fitzsimmons. Councilman Andrew Nagle was absent.

Planning and Zoning Board members present: Chairman Doug Theroux, Vice Chairman Gary Burge, Board Members: Catherine Cordell, Peter Stanz and Steve Warren, Alternate Board Members: John Chase and Tom Balestrieri

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, and Town Planner James Eller.

1. Call to Order

Mayor Root called the meeting to order on behalf of Town Council at 6:00pm.

Chairman Doug Theroux called the meeting to order on behalf of the Planning and Zoning Board at 6:00pm.

2. Comprehensive Land Use Plan Update

A. Review of Project Status and Timeline

Town Attorney Jackson mentioned that she and the Town Planner Eller have attempted to keep Town Council and the Planning and Zoning Board up to date with where they were with the Comprehensive Land Use Plan. Right now, they are right on track with the timeline and the next step is to start the drafting phase for writing the narrative, which Mr. Eller has completed. Jackson noted that, with the adoption of the FY 2019-2020 Budget Calendar by Town Council at their last meeting, it appears that Town Council has been doubled booked. So it brings up the question as to whether Town Council should push its review out until the budget is adopted. This will allow the Planning and Zoning Board more time to review the plan and will just delay the approval of Town Council until August, instead of in June. Jackson presented an amended timeline (see attached) for Town Council's consideration and by consensus of Town Council the project will proceed based on the amended timeline.

B. Process for Town Council to Review Draft Plan

Mayor Root mentioned that it might be helpful if Council members went to the Planning and Zoning Board meetings when they are reviewing the draft plan to bring themselves up to speed and to hear the board members comments.

Councilman McKenna commented that the draft materials could be passed out earlier, so that Council can have an understanding of the substance of the material and then discuss any further pressing details at the meeting.

C. Process for P&Z Board to Review Draft Plan

Chairman Theroux commented that since we aren't starting from scratch on the land use plan, he believes that the review of the comprehensive land use project can be presented all at once. If it were to be broken down into sections, it would take a lot more meetings. Board Member Steve Warren discussed how many sections each member would be responsible for if it were to be divided among the board members. It was agreed that the Planning and Zoning Board will look at this when the draft plan is presented to them for review.

D. Decisions regarding Public Input Strategy for Public Review of Draft Plan

Town Attorney Jackson mentioned that Public Input strategy is really critical for these projects and when staff was going through this process for the Table of Uses, staff tried to get as much public awareness out to the public, so they could come and comment. Unfortunately, there weren't a lot of comments or involvement received. Town Planner Eller noted that all required public notices were recorded, as well as sending out a press release, and staff even made yellow signs to grab the citizen's attention. Still only one individual came out and commented at the public hearing.

Vice Chairman Burge commented that his biggest concern is making sure that the public is aware about this draft plan, so public input can be gathered.

Board member Cordell discussed possibly adding a survey to the water bills so that more data could be collected. There could be a bar code placed on the survey, so that the outside city limit customers could be separated from the inside city limit customers.

Mayor Root mentioned that staff should reach out to the Homeowners Associations and churches to give them an abbreviated version, so that they are aware of what is going on and can schedule a meeting for any questions.

Board member Peter Stanz commented on the surveys and asked what the end goal of the survey was, is it to gather information or data, inform citizens about the land use plan, or get good participation from the community.

Alternate Board member John Chase also noted that it could be more harmful than helpful to have individuals answer a survey if they aren't educated on the land use plan. It might be more beneficial, if we researched how to inform the citizens about the land use plan.

After lengthy discussion, consensus was made between Town Council and the Planning and Zoning Board to schedule two public input/ information meetings at various times, and to reach out to Homeowners' Associations and churches about the material being presented, so that they can reach out to us to schedule a meeting with a representative for any questions they may have. Consensus was reached to not send out a community survey but instead seek some public input from citizens attending the information meetings.

3. Desired and Required Role of Planning and Zoning Board

A. Review of Statutory Duties and Code-Imposed Duties of P&Z Board

Town Attorney Jennifer Jackson gave a brief overview of the materials that were handed out to the boards on the agenda. The table on page 2, lists in general what the Planning and Zoning Board is charged with statutorily by North Carolina law and the ordinances that Town Council has put into place. The administration capacity of the Planning and Zoning Board is listed on page 3 along with the subdivision ordinances that the board does a lot with by reviewing both minor and major subdivisions. Lastly, the yellow part on the table, shows how the board has more of an advisory role in the zoning process.

B. Experience of P&Z Board During Statutory and Code-Imposed Reviews

Peter Stanz commented that after the last meeting on the subdivision, the Planning and Zoning board had been asked to consider zoning a property to be annexed as R-2, but the project was nowhere near the requirements of the Town's R-2 district. He expressed confusion as to what the value of zoning is for the Town. Mayor Root mentioned that as far as the annexation process went, Council took some steps to allow the developer to be annexed into Town. However, the land had to have an underlining zoning attached to it for annexation. Council had a 3-2 vote in January against the annexation so no further steps were taken.

Chairman Theroux mentioned that this is the same issue that came up on the Maple Trace development where they were given water allocations for annexation, and then Council found out how the plan of the development and denied the annexation. Down the road, these developments can still come back and ask to be annexed if they want too.

Gary Burge noted that he is thinking more about the next year or two into future and would like to get back to doing some planning, instead of just zoning and rezoning, so more mixed use districts and densities can be determined.

Board Member Steve Warren noted that zoning should be subordinate to planning, since it is only one tool, along with subdivisions. It can be frustrating when you're creating these entire non-conforming lots based on area regulations. He believes that we need to have more tools and resources available and would love to see a transitional district, less conditional zoning districts, and more tools to go to for development proposals. Plus, our ordinances have to support future plans.

Board member Cordell commented that they try to be like a black and white board, where they have ordinances and a land use plan, and they are supposed to try to tie together whatever is presented to them. If it doesn't fit, then they have to find a way to make it fit and they never know if it will be approved by Council.

Town Planner Eller noted that the Barkley Terrace development was the last annexation left that was combined with water allocation.

Alternate member Tom Baliesteri commented that he has only been on the board for a short period of time, but looks forward to more meetings in the future on discussing planning issues to make this a more livable Town that we're proud of.

Alternate member John Chase stated that he has been on the board for a few years now and realizing how complex these issues are and the rapid growth occurring in Weaverville, but trying to digest everything and present concise information to Town Council is very intriguing and he enjoys the work.

Chairman Theroux mentioned that establishing a Technical Review Committee for another set of eyes, instead of just Town Planner Eller might be valuable. Eller has already started reaching out to the Public Works department and Fire Department to have them review the document before it goes to the Planning and Zoning Board.

C. What information is Helpful to Town Council for Decision-Making

Councilman McKenna mentioned that it would be beneficial if there was more communication between the two boards when it came to presenting the recommendations to Town Council. Especially since Town Council usually only has a limited amount of time to look over the whole packet. Councilman Fitzsimmons commented to put more information and any concerns in the recommendation letter for Council, since sometimes the packets can be quite large and it can be difficult to cover all the material. Mayor Root mentioned that if the letter is completed before the agenda is done, then it can be circulated to Town Council before to allow more time.

D. Balance Between Planning and Administrative Review

Steve Warren asked Mr. Eller how he feels about the Planning and Zoning Board looking over his shoulder on these issues. Town Planner Eller mentioned that the planning review adds an incredible amount of time to the process, when he, together with the Fire Department and Public Works Department, can sit down and review a project in about 15 minutes. He expressed frustration that the actual process takes about three months when the work can be done in less than a day.

Town Attorney Jackson commented that there are some inefficiencies that have grown within the subdivision ordinance, especially with the way it is written now with having to be approved by Town Council. There are already two layers of review, before it gets to Council on the three different plans: concept plan, preliminary plan and final plan. Mayor Root noted that they are open to other options, but were informed by staffs predecessor's that this was the process needed for approval.

E. New and Existing Zoning Districts for Staff/P&Z to study

Consensus was made that the following districts should be looked at by staff and the Planning and Zoning Board: high-density single family residential district, office/institutional district, mixed use district, transitional district and the C-1 Central Business District.

Board member Steve Warren mentioned that the Board of Adjustments also develops the land use patterns, so it isn't completed just by these two groups. Some of their actions do affect us, especially like the Creekside development in an I-1 zoning district.

F. Geographic Areas for Staff/ P&Z to Study

Town Attorney Jennifer Jackson mentioned some specific geographic areas that should be looked at further, which were mentioned on page 5. These areas include the central business area, the north main street/five points area, Monticello corridor, and the Reems creek road corridor. We need to be more proactive and ensure that the central business district remains thriving, enjoyable area.

Board member Peter Stanz mentioned an idea to have another professional in Economic Development and Planning look over our plans. His reasoning was that it might be beneficial since the Planning and Zoning Board members are amateurs and it might help with the time constraints that Town Planner Eller is under.

4. Adjournment.

Vice Mayor/Councilman Jackson made the motion to adjourn the Town Council meeting; Councilman Fitzsimmons seconded and all of Town Council voted to adjourn the Council's meeting at 8:00 p.m.

Board member Cordell made the motion to adjourn the meeting of the Planning and Zoning Board; Board member Stanz seconded and all Board members voted to adjourn the Board's meeting at 8:00 p.m.

DEREK K. HUNINGHAKE, Town Clerk

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, March 5, 2019

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, March 5, 2019 within the Council Chambers at Town Hall.

Present: Chairman Doug Theroux, Board Members Catherine Cordell, Peter Stanz and Steve Warren, Alternate Board Members John Chase and Tom Balestrieri, Town Manager Selena Coffey, Town Attorney Jennifer Jackson and Planning Director James Eller. Vice-Chairman Gary Burge was absent.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm. Upon calling the meeting to order, Chairman Theroux recognized alternate board member John Chase who would be serving as the acting chair for the meeting.

2. Approval of the Agenda.

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

3. Approval of the Minutes from the January 3, 2019 Meeting of the Board.

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

4. Discussion Related to a Proposed Zoning Map Amendment for Five Parcels of Land Located Adjacent to Red Cole Drive.

Mr. Eller presented the application to the Board and noted that the five parcels in question consist of 4.27 and the proposed rezoning would convert the properties from C-2 to R-3. Mr. Eller also presented a staff report suggesting the properties may be ripe for rezoning based upon the property owner's interest in developing the parcels residentially and complications specific to the site which could prove to be detrimental for commercial development.

Lamar Cole, owner of one of the five parcels in question, spoke to the Board regarding his desire to add a home to his property.

5. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Zoning Map Amendment.

Ms. Cordell motioned to offer a favorable recommendation to Town Council related to the proposed rezoning of five parcels of land on Red Cole Drive from C-2 to R-3 finding the proposed revision consistent with the Town's comprehensive land use plan and in the best interest of the public in that the R-3 zoning district provided parameters for the highest and best use of the properties in question. Mr. Stanz seconded and all voted unanimously.

6. Discussion Related to an Application for a Conditional Zoning District on the Property Commonly Known as 37 Brown Street.

Mr. Eller presented the Board with an application for a conditional zoning district for the property commonly known as 37 Brown Street. Said application calls for the conversion of the old college dormitory from its current use as a single family residence to a 16 unit (14 one bedroom, 2 two bedroom) multifamily residential structure.

Mr. Eller also produced a staff report finding the density requested supported by the underlying R-2 zoning district and a statement supporting the proposal's compliance with the comprehensive land use plan.

Acting Chairman Chase recognized members of the public who wished to speak to the Board regarding the proposal.

James Shaughnessy, Chrissy Morrissey, John Bowen and Kathryn Dimaio each spoke to the Board regarding their opposition to the proposal. Variables such as traffic, parking, lack of sidewalks and an alleged negative impact on their property values were referenced in support of such a position.

Thomas Wolfe, applicant and representative of the property owner, spoke in support of the application and gave the Board background on the facility which was constructed in 1917 as the Weaver College boy's dormitory. Mr. Wolfe noted that the exterior of the structure was to be repaired and preserved and the only expansion of the footprint would be for a fire escape on the north face of the structure. Ownership of the individual units was discussed and Mr. Wolfe offered that the determination over the ownership of individual units had not been determined. Ms. Jackson noted that under North Carolina law a jurisdiction may not determine the ownership of a residential unit. Mr. Wolfe noted that the water allocation for the project had been submitted to public works and that he is actively working with Public Works Director Pennell on the request.

In response to the concerns shared related to parking and traffic Mr. Eller provided the Board with evidence that the property could be developed much more intensely with a subdivision configuration within the R-2 zoning district and relayed portions of ordinance which prohibited parking within any traveled portion of a roadway.

Following an extensive conversation the Board determined that additional information related to the property should be considered at the next regularly scheduled meeting of the Board in April. Such information included an elevation of the structure complete with architectural stylings and established height; a determination on the parking lot and retaining wall, if any; the placement of a dumpster on the parcel for privately contracted garbage collection; landscaping and sidewalk considerations; stormwater and grading considerations; and signs to be placed on the property, if any.

7. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Conditional Zoning District.

No such motion was made as the matter is to be discussed further during the April meeting of the Board.

8. Update on the Comprehensive Land Use Plan.

Ms. Jackson noted that two public information sessions had been scheduled for Thursday, March 21 from 12-3 and Tuesday, March 26 from 5-8.

9. Any Other Business to Come Before the Board.

Mr. Eller informed the Board that a voluntary annexation petition and initial zoning request had been filled with staff for the property at 135 Monticello Road commonly known as the Riverside Stump Dump. Mr. Eller further described that the Board would be asked to offer a recommendation to Town Council on the initial zoning of R-12 requested at their next regularly scheduled meeting in April.

Ms. Jackson recapped with the Board its desire to transition to more of a planning role and the consensus was gained toward same with Town Council. The suggestion was made that once the update of the comprehensive land use plan was further formed the Board would be seeing some recommendations from staff to streamline subdivision review.

10. Adjournment.

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

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

**John Chase, Acting Chairman
Planning and Zoning Board**

ATTEST:

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



Agenda Items 4&5
37 Brown Street – Conditional Zoning District

CONDITIONAL ZONING DISTRICT 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
Application Fee Based Upon Size of Property



Conditional Zoning Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area. Uses which may be considered for a Conditional Zoning District shall be established on a case-by-case basis at the request of the property owner. Conditional Zoning Districts are not intended for securing early or speculative reclassification of a property.

At the discretion of the Town Council, it may be required of the property owner to guarantee performance or completion of conditions included in the Conditional Zoning Plan. Such guarantee may take the form of: (1) a surety performance bond made by a company licensed and authorized in North Carolina, (2) a bond of a developer with an assignment to the Town of a certificate of deposit, (3) a bond of developer secured by an official bank check drawn in favor of the Town and deposited with the Town Clerk, (4) cash or an irrevocable letter of credit, (5) a bank escrow account whereby the developer deposits cash, a note, or a bond with a federally insured financial institution into an account payable to the Town. The amount of the guarantee shall be determined by Town Council.

OWNER/APPLICANT NAME:

SABA HOLDING GROUP LLC

APPLICATION DATE:

1-31-19

BRIEFLY DESCRIBE THE PROJECT:

SINGLE FAMILY CONVERSION TO 16 UNITS

PHONE NUMBER:

828-712-6062

PROPERTY ADDRESS:

37 BROWN ST. WVL

PIN:

9742.16.7113

DEED BOOK/PAGE:

124-711

LOT AREA (acres):

1.918

ZONING DISTRICT:

R-2

SIGNATURE OF APPLICANT

 MM

DATE

1-31-19

CONDITIONAL ZONING DISTRICT 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
 Application Fee Based Upon Size of Property



A petition for a Conditional Zoning District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan will include the following:

<input checked="" type="checkbox"/>	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
	Zoning designation of property
<input checked="" type="checkbox"/>	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area
<input checked="" type="checkbox"/>	North Arrow and orientation
<input checked="" type="checkbox"/>	Lot area in acres and square feet
<input checked="" type="checkbox"/>	Existing topography of the site and within 300 feet of the site boundary in five (5) foot contours
<input checked="" type="checkbox"/>	Delineation of areas within the floodplain.
<input checked="" type="checkbox"/>	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation
<input checked="" type="checkbox"/>	Minimum building setback lines applicable to the lot, including drainage or utility easements
<input checked="" type="checkbox"/>	Proposed number and location of signs
<input checked="" type="checkbox"/>	Exact dimensions, location, height, and exterior features of proposed buildings and structures
<input checked="" type="checkbox"/>	Photographs of buildings on properties within 200 ft. of subject property
<input checked="" type="checkbox"/>	Utility easements
<input checked="" type="checkbox"/>	Existing and proposed sanitary sewer system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed water distribution system layout and a letter of commitment
<input checked="" type="checkbox"/>	Plans for individual water supply and sewerage/septic disposal system, if any
<input checked="" type="checkbox"/>	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground
<input checked="" type="checkbox"/>	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.
<input checked="" type="checkbox"/>	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public.
<input checked="" type="checkbox"/>	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any
<input checked="" type="checkbox"/>	Proposed phasing, if any, and expected completion date of the project.

EXISTING

Upon reviewing the application, site plan, and supporting documents, the Planning and Zoning Board will issue statement of reasonableness of the proposed Conditional Zoning District.

Before a public hearing may be held by the Town Council, the petitioner must file in the Office of the Town Clerk, a written report of at least one community meeting held by the petitioner. The report shall include a list of those persons and organization notified of the meeting detailing the method and date of contact; the date, time, and location of the meeting; a roster of persons in attendance, a summary of issues discussed, and a description of any changes to the petition as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made and the reasons such a meeting was not held.

Sec. 36-84. - Conditional zoning district.

- (a) *Intent.* It is expected that, in most cases, a general district will appropriately regulate site-specific impact of permitted use and structures on surrounding areas, however conditional zoning districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the underlying general district has insufficient standards to mitigate the site-specific impact on surrounding area.
- (b) *Use permitted.* Any use may be considered for a conditional zoning district and shall be established on an individual basis, at the request of the property owner, according to the procedures of this section.
- (c) *Conditions.* In establishing a conditional zoning district town council may place conditions on the property which set individualized standards to the site and a site plan and supporting documents illustrating said conditions and standards may be included in the ordinance establishing the district. These conditions which may be established by town council shall only be those which are necessary for ordinance and plan compliance and shall only address the impacts reasonably expected to be generated by the project. Said conditions may be proposed by town council or the applicant and must be mutually approved by town council and the applicant.
- (d) *Petition of request.* Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners, or agents of the owners of all of the property to be included in the district and shall be accompanied by an petition, a statement analyzing the reasonableness of the proposed rezoning request by the petitioner, the established fee, and documentation as required by the following:
 - (1) A petition for a conditional zoning district must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property;
 - (2) A boundary survey and vicinity map showing the property's total acreage, current zoning classification(s), general location in relation to major streets, date and north arrow;
 - (3) Existing topography on the site and within 300 feet of the boundary of the site, and the general nature of the proposed topography contours shown at a maximum of five feet;
 - (4) All existing easements, reservations, rights-of-way, and any other valid restrictions on the use of the land;
 - (5) The number and general location of all proposed structures;
 - (6) The proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (7) All yards, buffers, screening, and landscaping and sidewalks required within the underlying zoning district;
 - (8) All existing and proposed points of access to public streets and the locations of proposed new streets;
 - (9) Delineation of areas within the floodplain;
 - (10) Proposed number and location of the signs;
 - (11) Proposed phasing, if any, and the approximate completion time for the project;
 - (12) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (13) Photographs of buildings on properties within 200 feet of the subject property establishing the scale of the buildings within the proposed project with those surrounding;
 - (14) Information on the height of all proposed structures;

- (15) Exterior features of all of the proposed development including but not limited to construction and finishing materials;
 - (16) Any supporting text and all documents presented shall constitute part of the petition.
- (e) *Approval procedures for initial CZD.* Except as specifically modified by this section, the procedures to be followed by the town council in reviewing, granting, or denying any petition for a conditional zoning district shall be the same as those established for general use district zoning petitions under N.C.G.S. Ch. 160A, Art. 19. The following procedures shall also apply for the approval of conditional zoning districts:
- (1) Initial consideration by town council. Petitions for conditional zoning district shall be initially reviewed by town council. After its initial consideration of a petition for a conditional zoning district, town council shall refer the request to the planning board for the full review process as required by state statute. Initial consideration of such petitions are intended to provide town council with the opportunity to express their preliminary thoughts related to the petition but shall not serve as a final determination on same.
 - (2) Planning and zoning review. Following an initial review by town council as set forth herein and in section 36-358 all conditional zoning requests shall be submitted to the town planning and zoning board to determine if approvals of such plans are made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents. A statement analyzing the reasonableness of the proposed rezoning shall be prepared by the town planning and zoning board for each petition for a rezoning to a conditional zoning district and submitted to the town council for final action on the request. Due to the scope and complexities which may be presented by a conditional zoning district request, the planning and zoning board shall have up to 180 days from its first consideration to submit its statement of reasonableness and recommendation to town council. If the planning and zoning board fails to submit such statement and/or recommendation within 180 days then the request shall be forwarded to town council with a record of the planning and zoning board's comments and town council is eligible to consider the request and take final action thereon.
 - (3) Public involvement meeting. Before a public hearing may be held by the town council on a petition for a conditional zoning the petitioner must file in the office of the town clerk a written report of at least one community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the town council but shall not be subject to judicial review. Notice of such a public hearing shall be given to all the property owners within 200 feet of the property boundaries and in accordance with the provisions of N.C.G.S. 160A-364.
 - (4) Public hearing. As required by N.C.G.S. Ch. 160A, Art. 19, town council cannot take any action on a conditional zoning district request until such time as it has held a public hearing that has been properly noticed.
- (f) *District approval and ordinance.* If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the ordinance establishing the conditional zoning district, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district. Each conditional zoning district will be given a special number, distinguishing such conditional zoning district from another zoning district. Each ordinance adopted by town council which establishes a conditional zoning district within the Town of Weaverville is hereby incorporated into this chapter as a

separate and unique zoning district and shall be reflected on the town's zoning map. Copies of such ordinances shall be kept on file with the town clerk and may be reviewed upon request.

- (g) *Time limits.* Time limits for the completion of the projects infrastructure and completion of construction shall be established on an individual basis by town council based upon the type and scope of development. Extensions to established time frames shall be subject to the approval of town council.
- (h) *Phasing of projects.* Any project phasing must be reviewed and approved with the conditional zoning district. Phases must be shown on the site plan that is adopted in conjunction with the ordinance approving the conditional zoning district and the time periods related to the phasing must also be addressed in said ordinance.
- (i) *Guarantee of conditions.* At the discretion of the town council, the council may require the property owner to guarantee the performance or completion of conditions included in the approved conditional zoning plan. Such guarantee may be in the form of:
 - (1) A surety performance bond made by a surety bonding company licensed and authorized to do business in the state;
 - (2) A bond of the developer with an assignment to the town of a certificate of deposit as security for the bond;
 - (3) A bond of the developer secured by an official bank check drawn in favor of the town and deposited with the town clerk;
 - (4) Cash or an irrevocable letter of credit; or
 - (5) A bank escrow account whereby the developer deposits cash, a note, a bond or some other instrument readily convertible into cash for a specific face value, with a federally insured financial institution in an account payable to the town.

The amount of the guarantee shall be determined by town council and must be reasonable taking into consideration the type and scope of proposed development.

- (j) *Judicial review.* Conditional zoning district decisions under this section are legislative decisions that are presumed valid if there is a reasonable basis for the decision.
- (k) *Future variance request.* Property zoned CZD will not be able to apply for a variance on the approved project.
- (l) *Maintaining the zoning district.* A CZD is a rezoning which represents both a text and map amendment and as such is maintained after the sale of the property. If the property owner wishes to change the approved CZD plan, all property owners within the original CZD must apply for a rezoning or a modification to the CZD as per section 36-84(n).
- (m) *Modifications.* Minor modifications that can be approved by staff are limited to modifications that do not affect the property lines, do not affect the final plat and which are in substantial compliance with the approved plans. An extension of any time frame stated within an ordinance designating a conditional zoning district must be approved by town council but shall otherwise be considered a minor modification. All other modifications must be approved by town council and are subject to the procedures set out in section 36-84(n).
- (n) *Approval procedures for modifications of a CZD.* Except for minor modifications that can be approved by staff or town council as provided in section 36-84(m), the procedures to be followed in reviewing, granting or denying any requested modification to the approved site plan or the CZD ordinance shall be the same as those established for approval of an initial CZD except that a public involvement meeting is not required. Staff is required to notify the mayor and town council of any modifications that staff has approved or denied.
- (o) *Final plat approval process.* All water, sewer, stormwater infrastructure, and all street, sidewalk, and similar 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 must consider the planning and zoning board's findings and recommendation and, upon finding that the required infrastructure is complete and compliant, shall approve the final plat and authorize the recordation of same.

Final plats must contain the following language:

"This plat has been approved as part of a conditional zoning district and all lots shown are subject to all the conditions, rules and regulations governing that conditional zoning district and not subject to the subdivision ordinance of the Town of Weaverville. Any modification to any lot or improvement shown on this plat may only be accomplished as an amendment to the conditional zoning district and in accordance with the applicable Code provisions of the Town of Weaverville."

- (p) *Issuance of zoning permits.* The zoning administrator shall not issue a zoning permit until a final plat has been approved and recorded.
- (q) *Noncompliance.* In the event of noncompliance by a property owner or any subsequent resale or lease of a property for use other than that stipulated in the original CZD approval, the property owner would be in violation of the town zoning ordinance.
- (r) *Appeal of zoning administrator decisions concerning CZDs.* 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.

([Ord. of 8-21-2017\(1\)](#), § 1(Exh. A); Ord. of [10-15-2018\(1\)](#), § 3)



Metropolitan Sewerage District

of Buncombe County, North Carolina

Allocation Approval

**This approval is not to be used to obtain a building permit
and is for gravity sewer extension only.**

Applicant:	Thomas Wolfe	Date: 1/2/2019
Company:		
Mailing Address:	5 Ravenscroft Dr #103, Asheville, NC 28801	
Phone:	8287126062 (Home)	
Project #:	2018273	
Project Name:	WEAVER COLLEGE BOYS DORM	
Project Location:	BROWN STREET (37)	
PIN:	9742-16-7113-09742167113	

MSD of Buncombe County has approved your request for 2,000 GPD

The connection point (manhole #) will be Existing service

The project will consist of (16) Multi family residential

Your final approval is contingent upon compliance of the items below:

- Utilizing existing sewer connection. Sewer service application required.

Comments:

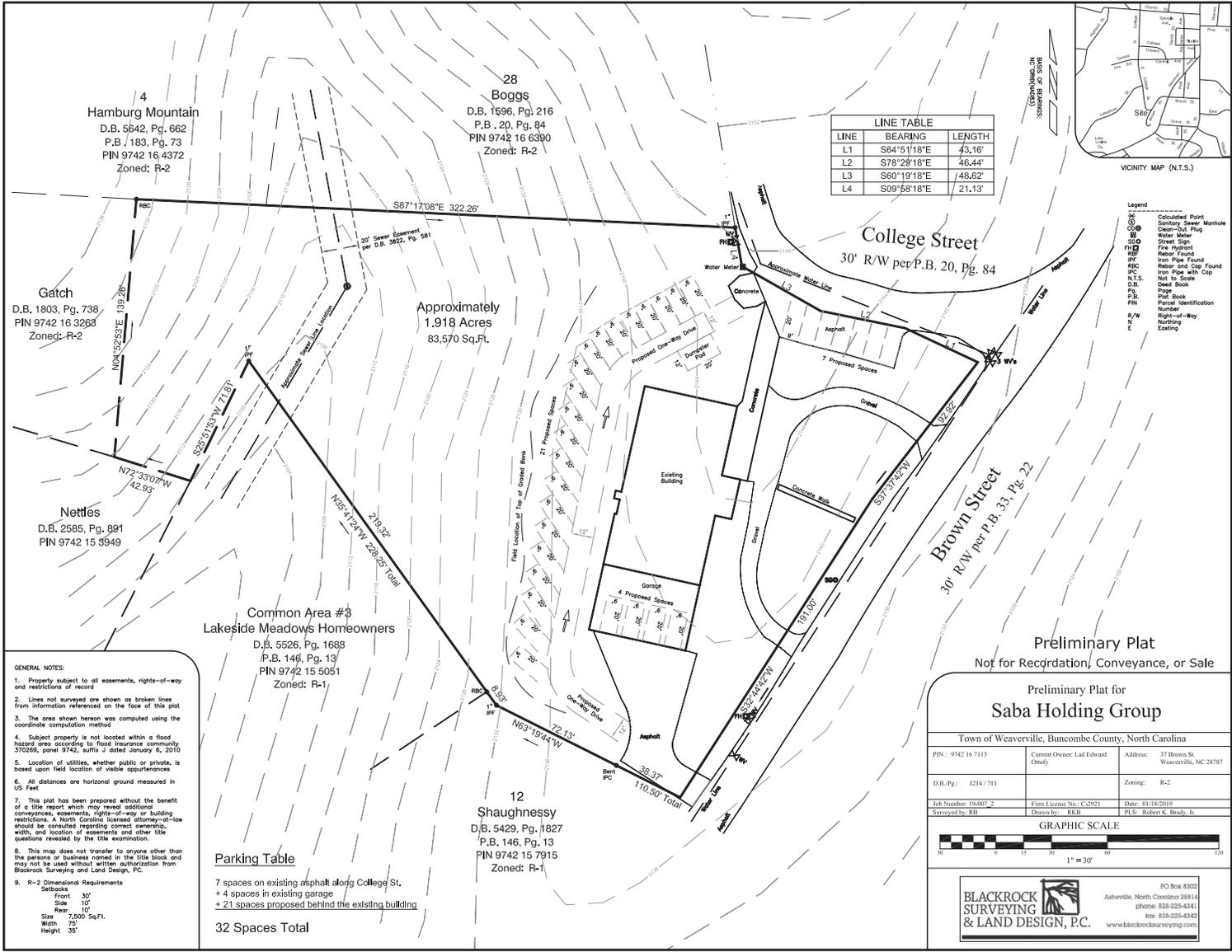
The North Carolina Department of Environmental Quality (NCDEQ) requires MSD to issue this approval based on line condition/capacity of the receiving sewer and remaining plant capacity.

This allocation approval will expire on 01/02/2020 if no construction has started.

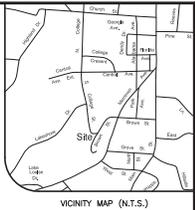
If you have any questions, please contact MSD.



Kevin Johnson
MSD Planning and Development



LINE	BEARING	LENGTH
L1	S64°51'18"E	43.16'
L2	S78°29'18"E	46.44'
L3	S60°19'18"E	48.62'
L4	S09°58'18"E	21.13'



Legend

- Calculated Point
- ⊕ Sanitary Sewer Manhole
- ⊕ Water Meter
- ⊕ Catch Basin
- ⊕ Street Sign
- ⊕ Fire Hydrant
- ⊕ Meter Found
- ⊕ Iron Pipe Found
- ⊕ Meter and Cap Found
- ⊕ Iron Pipe with Cap
- ⊕ Not in Scale
- ⊕ D.B. Deed Book
- ⊕ P.B. Plat Book
- ⊕ PIN Parcel Identification Number
- ⊕ R/W Right-of-Way
- ⊕ E Easting

- GENERAL NOTES:**
- Property subject to all easements, rights-of-way and restrictions of record.
 - Lines not surveyed are shown as broken lines from information referenced on the face of this plat.
 - The area shown hereon was computed using the coordinate computation method.
 - Subject property is not located within a flood hazard area according to flood insurance community 370266, panel 9742, effective dated January 6, 2010.
 - Location of utilities, whether public or private, is based upon field location of visible appurtenances.
 - All distances are horizontal ground measured in US Feet.
 - This plat has been prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by the title examination.
 - This map does not transfer to anyone other than the persons or business named in the title block and may not be used without written authorization from Blackrock Surveying and Land Design, P.C.
 - R-2 Dimensional Requirements
 - Front 30'
 - Side 10'
 - Rear 10'
 - Size 7,500 Sq.Ft.
 - Width 75'
 - Height 35'

Parking Table

7 spaces on existing asphalt along College St.
 + 4 spaces in existing garage
 + 21 spaces proposed behind the existing building

32 Spaces Total

Preliminary Plat
 Not for Recordation, Conveyance, or Sale

Preliminary Plat for
Saba Holding Group

Town of Weaverville, Buncombe County, North Carolina

PIN: 9742 16 7113	Current Owner: Lad Edward Oady	Address: 37 Brown St. Weaverville, NC 28787
D.B./Pg.: 1214 / 711		Zoning: R-2
Job Number: 18-002-2	Form License No.: C-2921	Date: 01/18/2019
Surveyed by: BB	Drawn by: BKB	P.L.S.: Robert K. Brady, Jr.

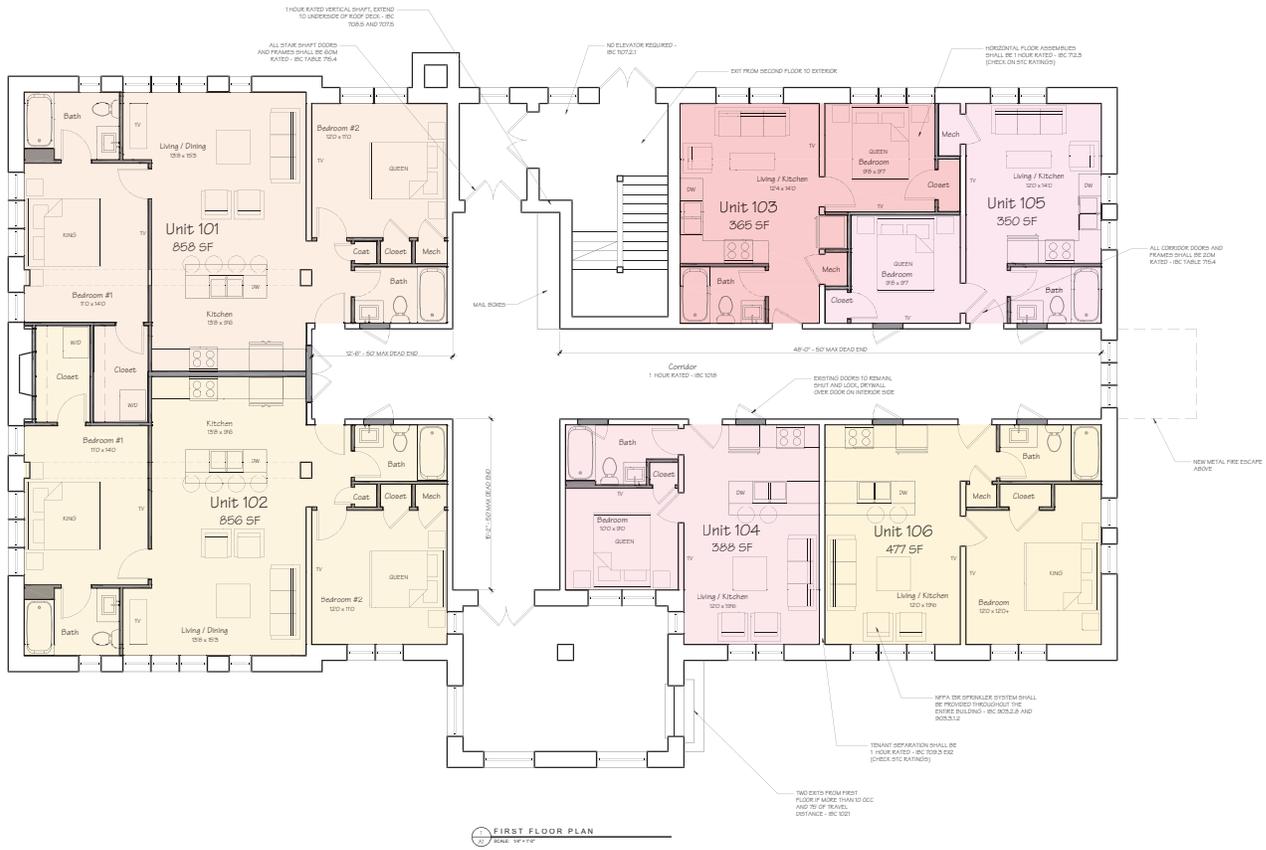
GRAPHIC SCALE

1" = 30'

BLACKROCK SURVEYING & LAND DESIGN, P.C.

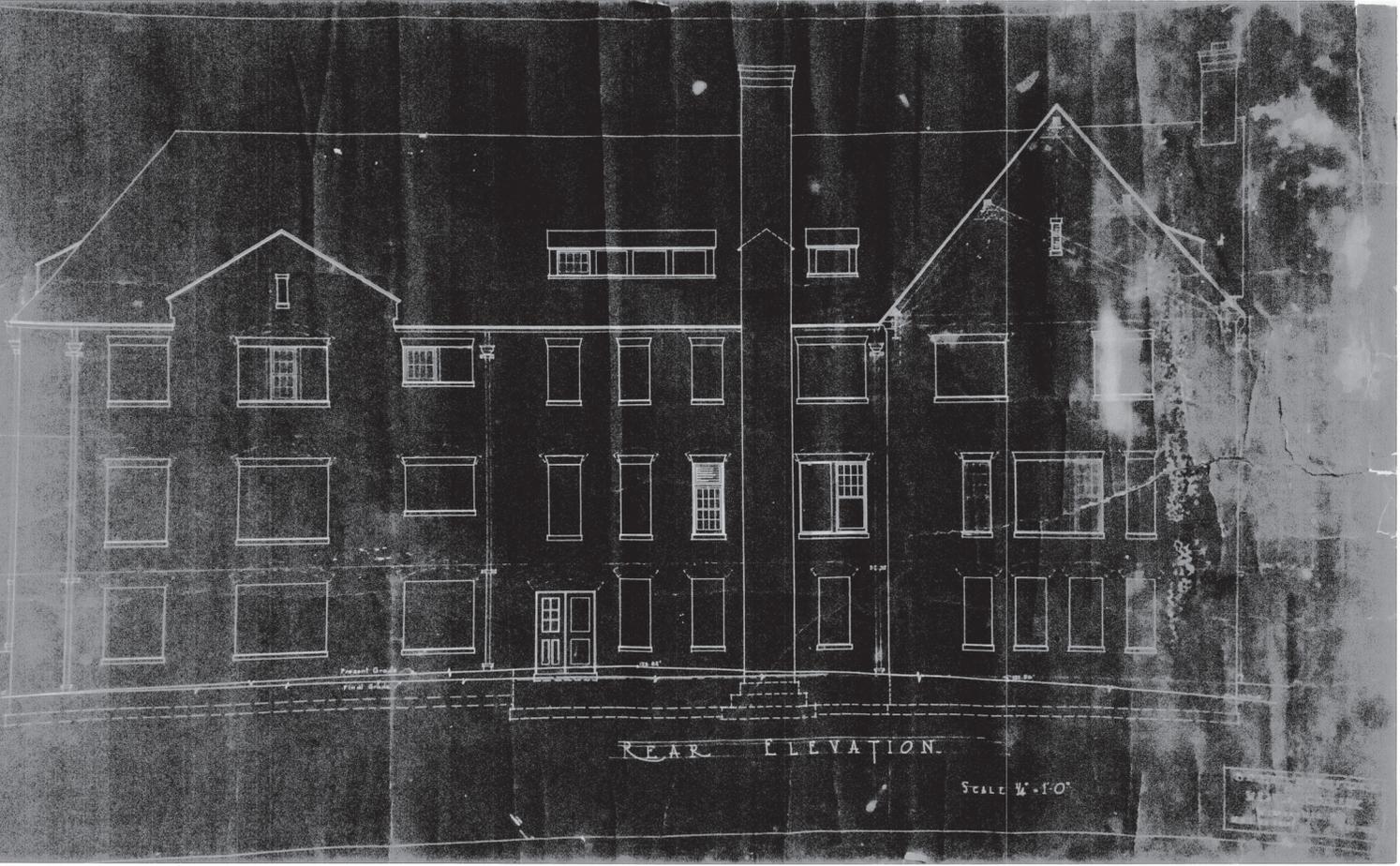
Ashville, North Carolina 28814
 phone: 828-225-4341
 fax: 828-225-4342
 www.blackrocksurveying.com

PO Box 8302
 phone: 828-225-4341
 fax: 828-225-4342
 www.blackrocksurveying.com





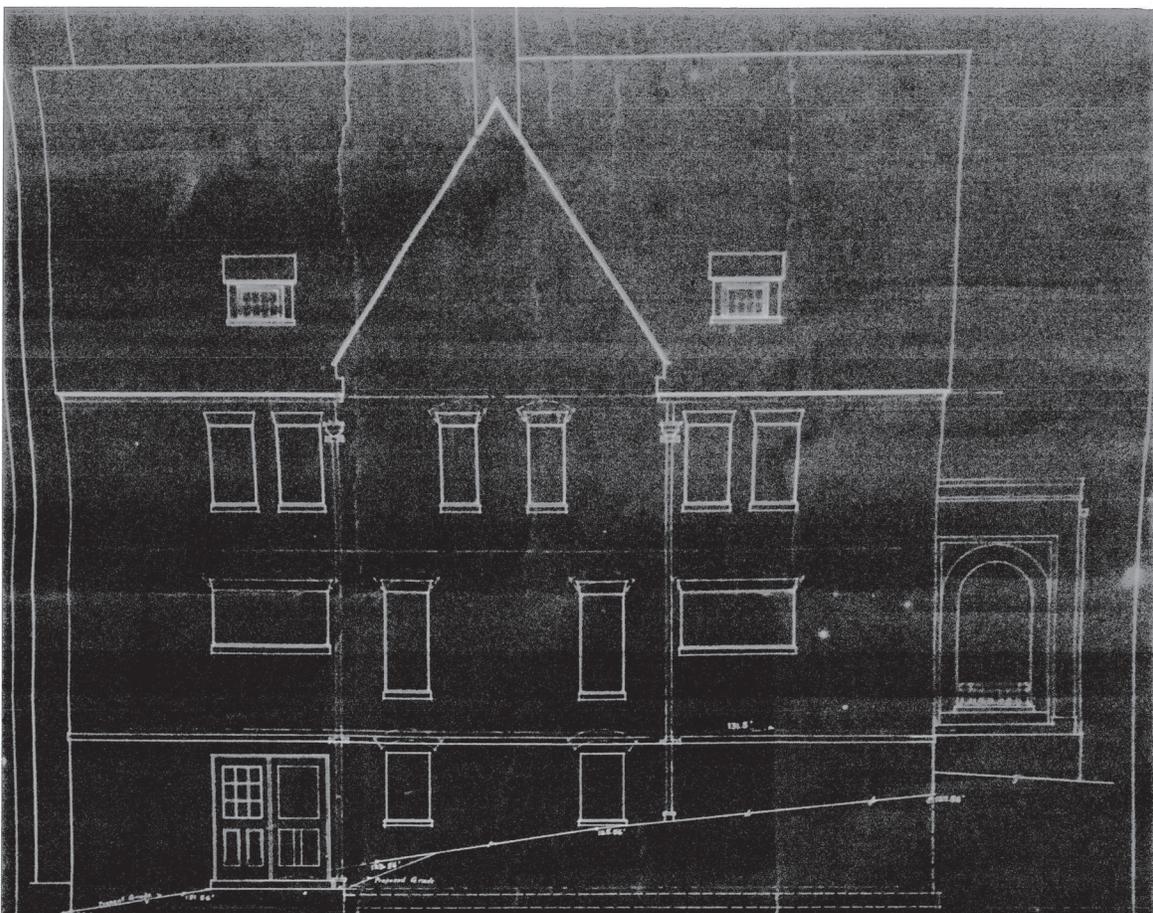
SECOND FLOOR PLAN



REAR ELEVATION.

SCALE 1/4" = 1'-0"

Small rectangular stamp or seal in the bottom right corner, containing illegible text.



SOUTH ELEVATION.

SCALE 1/4" = 1'-0"

PORT DENVER
HARVEY COLLIER
& ARCHITECTS
DENVER, COLO.



NORTH ELEVATION.



FRONT ELEVATION

SCALE 1/4" = 1'-0"

BOYS' HOME
FOR
YENICK COLLEGE
WATERBURY, Vt.
W. L. L. ARCHT.

Staff has prepared the following numbers for the Planning and Zoning Board’s consideration. It may be useful to examine the number of bedrooms within a development rather than unit number when considering the impact of a particular development may have on existing infrastructure.

	37 Brown	Lakeside Meadows	Lakeshore Minor Sub
Acres	1.918	7.9	.88
Units Per Sq. Ft.	1 Unit per 5,222 sq. ft.	1 Unit per 13,765 sq. ft.	1 Unit per 9,583 sq. ft.
Bedrooms Per Sq. Ft.	1 BR per 4,641 sq. ft.	1 BR per 4,588 sq. ft.	1 BR per 2,395 sq. ft.



Here it should be noted that the new development located on Lakeshore was permitted by right as a minor subdivision and presents the highest density when considering bedrooms rather than units. It is easy to imagine a scenario where, should the existing facility be razed and the dimensional standards applicable to the R-2 Zoning District are applied to the property, many more bedrooms can be achieved on the property.

Town of Weaverville, North Carolina

Staff Report: Proposed CZD – 37 Brown Old College Dormitory

Prepared February, 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

Zoning Analysis

Density:

Currently the parcel in question falls within the R-2 zoning district. The R-2 Zoning district does permit multifamily housing if certain variables can be found as established by the table of dimensional requirements. In short, a base land area of 7,500 square feet must be found with an additional 5,000 square feet of minimum lot area (where public water and sewer is available) for each additional dwelling unit. The preliminary plat submitted in conjunction with the conditional zoning district application reports that the property consists of 1.918 acres which translates to 83,548 square feet. The amount of land present supports 16.2 units within the table of dimensional requirements with 16 units being applied for.

However, when consulting the table of uses we find that multifamily dwellings with more than four units are not permissible within the R-2 zoning district, hence the conditional zoning district application.

* This conflict of competing regulations is not lost on staff and has long been flagged for addressing *

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 Downtown Core and Residential. 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."

Given the aforementioned statement, it is the opinion of staff that the proposed rezoning would not conflict with the Town's CLUP.

**TOWN OF WEAVERVILLE
AGENT AUTHORIZATION FOR LAND USE DEVELOPMENT
PETITION/APPLICATION AND APPROVAL**

PROPERTY LEGAL DESCRIPTION:

PARCEL ID: 9742-16-7113
STREET ADDRESS: 37 Brown St.
Weaverville NC 28787

PROPERTY OWNER:

(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER: Margaret S. Ottoly

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: Marge@iaa.com Rep by: Sjustus@beverly-hanks.com
PHONE NUMBER: 828-505-1160 828-230-5568
MAILING ADDRESS: 21 Prairie Path 820 Merrimon Av
Asheville NC 28805 Asheville NC 28804

PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: Conditional Zoning District

NAME OF INDIVIDUAL AGENT: Thomas Wolfe

NAME OF CONTRACTOR/CONSULTING FIRM: Saba Holding Group LLC

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: twolfe3@gmail.com
PHONE NUMBER: 828-712-6062
MAILING ADDRESS: 5 Ravenscroft Dr #103
Asheville NC 28801

We, the undersigned property owner(s) of the above noted property, do hereby authorize the individual or company listed above as the property owner's agent to act on his/her/their behalf and to take all actions necessary for the processing, issuance, and acceptance of the above-referenced permit or application. We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

Margaret S. Ottoly
Property Owner Signature

Property Owner Signature

Date: 2-20-19

Date: _____



Agenda Items 6&7
Zoning Map Amendment – 135 Monticello Road

**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

OWNER/APPLICANT NAME: Riverside Stump Dump, Inc. APPLICATION DATE: 2-26-2019

PHONE NUMBER: 828-258-7339

MAILING ADDRESS: 620 Riverside
Drive, Asheville, NC 28801

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)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 135 Monticello Road

PIN: 9733-62-6052

LOT AREA (acres): 19.5+/-

CURRENT ZONING DISTRICT: EMP, Bunc. Co. PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Total acreage |
| <input checked="" type="checkbox"/> | Current owner(s) and date of survey |
| <input checked="" type="checkbox"/> | Property location relative to streets |
| <input checked="" type="checkbox"/> | North arrow |
| <input checked="" type="checkbox"/> | Existing easements, rights of way, or other restrictions on the property |
| <input checked="" type="checkbox"/> | Areas located within the floodplain |
| <input checked="" type="checkbox"/> | Adjoining property owners, addresses, and Buncombe County PINs |

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

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

Clara Ray _____ February 27, 2019 _____
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: \$ 750	DATE PAID: 2.27.19	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING: N/A	ACTION TAKEN: N/A		
DATE OF PLANNING BOARD MEETING: 4.2.19	ACTION TAKEN:		

**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

DATE OF PUBLIC HEARING & COUNCIL DECISION:

FINAL ACTION:

Town of Weaverville, North Carolina

Staff Report: 135 Monticello Road

Initial Zoning – R-12

Prepared March 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

Zoning Analysis

As the Board is aware Town Council is set to consider a voluntary annexation of 135 Monticello Road commonly known as the Riverside Stump Dump. The parcel consists of 19.5 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-12 is desired. With the acreage present and the density permitted within the desired zoning district the Town may expect approximately 234 dwelling units under these conditions.

Such an initial zoning of R-12 provide zoning would provide contiguity of district and use with the neighboring developments on Weaver View Circle (constructed) and Gill Branch Road (approved for construction).

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 Commercial 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."*

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.

Town of Weaverville, North Carolina

Staff Report: 135 Monticello Road

Initial Zoning – R-12

Prepared March 2019

Sources: Town of Weaverville Code of Ordinances; 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 leased housing stock could invite a younger population to become invested in the Town hence forwarding the stated visions adopted by Town Council.

Other Considerations

The 2016 American Community survey provided the Town with a household size of 2.12 persons per household. This figure applied to the theoretical 234 units suggests that this project will grow the population of the Town by approximately 496 people should Town Council annex the property and grant the desired R-12 Zoning District.

Should Town Council annex the property, said annexation would be a contiguous annexation. This property is also contiguous to an existing satellite annexation meaning said satellite (Hawthorne at Weaverville Apartments) would become contiguous as well. Therefore the total number of acres of satellite annexed areas would decrease to 23.38 acres down from 37.54. This would also decrease the percentage of total incorporated area outside of the contiguous municipal borders to from 1.8% to 1.1% with a statutory limitation of 10% on satellite annexations.



Agenda Items 8
Public Information Meetings Briefing

**INFORMATION SESSIONS
AND PUBLIC INPUT ON
LAND USE**



**Town of Weaverville
Planning Department**

James Eller, Planning Director

jeller@weavervillenc.org

828-484-7002

WHAT ARE LAND USE AND LAND USE PLANNING?

WHAT IS A COMPREHENSIVE LAND USE PLAN?

WHAT ARE OUR CURRENT DEMOGRAPHICS AND GROWTH TRENDS?

WHAT ARE THE FACTORS IMPACTING GROWTH?

HOW DOES THE TOWN REGULATE LAND USE?

WHAT IS “LAND USE”?

Land use is when an area is used for a specific purpose. Land use types typically include: residential, commercial (including industrial uses), agricultural, recreational, and transportation-related.

Land use planning is the process of regulating the use of land in an effort to promote more desirable social and environmental outcomes as well as a more efficient use of resources.

NCGS 160A-383(a) specifically states that “[z]oning regulations shall be made in accordance of a **comprehensive plan**.” Much of the legislative responsibilities that town council has concerning land use regulations are based upon the town’s **“comprehensive plan.”**



WHAT IS A COMPREHENSIVE LAND USE PLAN?

A comprehensive land use plan is a **guidance document** that assists the Planning and Zoning Board and Town Council in evaluating land use decisions within the Town.

- A comprehensive land use plan examines the social, economic and physical aspect of a community's growth, and is based on technically sound background studies of social, economic and physical conditions. A land use plan should be comprehensive in time, scope, and geography. A comprehensive land use plan should include written findings and policies governing community growth and development. Findings and policies should be based on a reasonable technical foundation and the technical studies themselves should be reasonably scientific and accurate.
 - NCGS § 160A-383(e) indicates that a "comprehensive plan" includes development ordinances (such as **zoning regulations**, **zoning map**, and **subdivision regulations**) and any other officially adopted plan that is applicable. Other plans that have been adopted by Town Council that would be included in a comprehensive plan are the Town's **Strategic Plan**, the **Reems Creek Greenways Feasibility Study**, and the **Parks and Recreation Master Plan**.
 - *The Town's current comprehensive land use plan was adopted in 2012 and is in the process of being updated.*
- 

PHASE	DESCRIPTION	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
	Launch – Authorization to Proceed	✓											
Phase I	Info/Data Gathering and Analysis		✓	✓									
	Governing Body Policy Discussions			✓		✓	✓						
Phase II	Staff Preliminary Draft of Plan					✓	✓						
Ph III	Community Review and Input							*					
Ph IV	Planning Board Review and Input												
	Governing Board Review and Input												
	Joint Meetings with Planning Board												
Phase V	Final Draft of Plan												
	Governing Body Review												
	Adoption												*

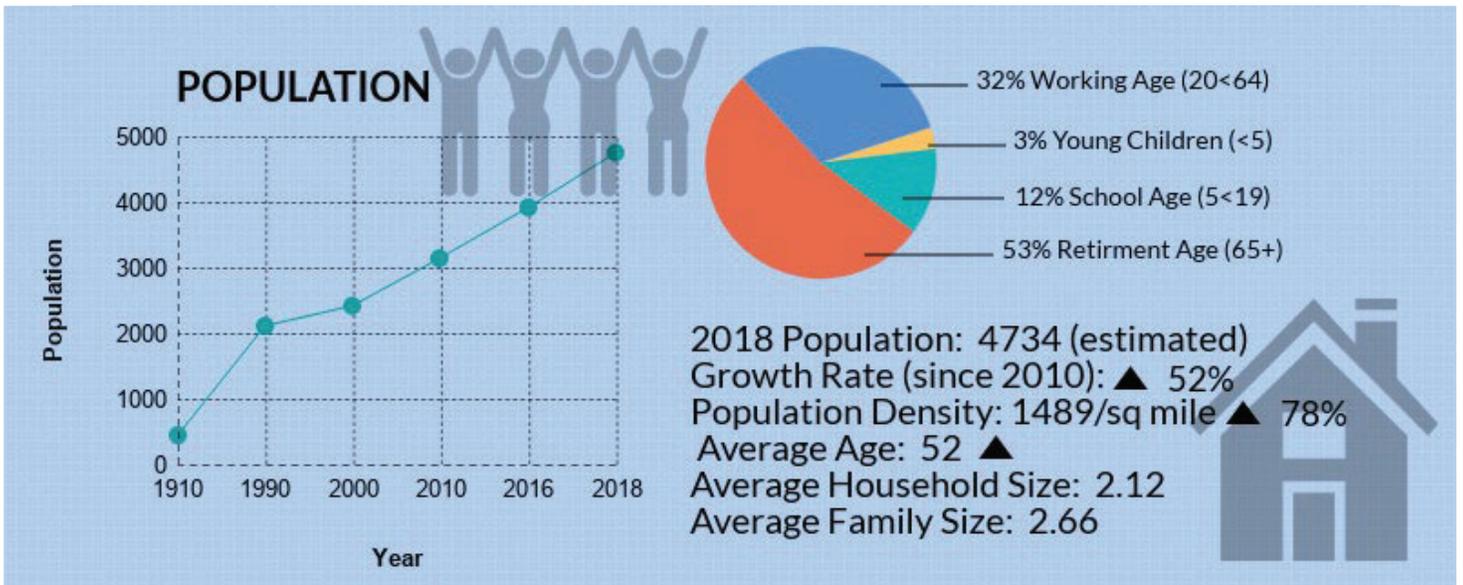
PROJECT STAFF: James Eller, Planning Director
Jennifer Jackson, Town Attorney

PLAN DOCUMENTS CONSULTED: Weaverville Strategic Plan (2014-2017), Weaverville Strategic Plan (2018-2021), Weaverville Comprehensive Land Use Plan (2008, 2012), Weaverville Parks and Recreation Master Plan (2018), Reems Creek Greenway Feasibility Study (2014), Weaverville Water System Plans, Metropolitan Sewerage District Plans, NC Statewide Transportation Improvement Plan (2018-2027)

COMPREHENSIVE LAND USE PLAN PROJECT OVERVIEW AND TIMELINE:



WHAT ARE OUR CURRENT DEMOGRAPHICS?



ECONOMY



Number of Companies	1052
Number of Establishments	224
Employed Population (16+)	40.5%
Median Household Income	\$53,072
Poverty Level	5.3%



EDUCATION

98% High School Diploma or higher
49% Bachelor's Degree or higher
25% Graduate/Professional Degree



HOUSING

Housing Stock: 2233
Median Housing Value: \$335,000



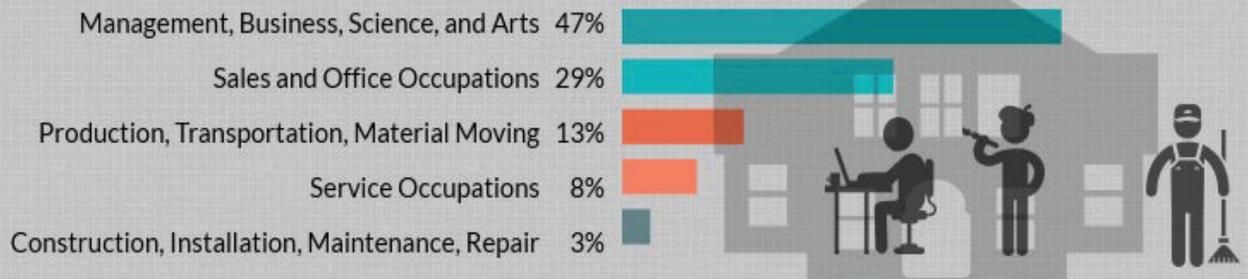
PHYSICAL FEATURES

Land Area: 2035 acres = 3.18 sq miles
Real Property Value: \$750 million

INFRASTRUCTURE

4 Public Buildings with Town Services
19.36 miles of Town streets
5.9 miles of Town sidewalks
20.14 acres of Town parks
1.39 miles of Town trails
66 miles of Town waterlines
2769 Town water meters
370 Town fire hydrants

OCCUPATIONAL BREAKDOWN BY PERCENTAGE



INDUSTRY BREAKDOWN BY PERCENTAGE



WHAT ARE OUR GROWTH TRENDS?

ZONING PERMITS ISSUED BY THE TOWN:

TYPES OF ZONING PERMITS	2014	2015	2016	2017	2018
Residential – Combined	49	27			
Residential – New Construction			50	61	227
Residential – Renovation			29	41	48
Commercial – Combined	4	4			
Commercial – New Construction			2	5	1
Commercial – Renovation			6	13	22
Total Zoning Permits Issued	53	31	87	120	299



WHAT ARE OUR GROWTH TRENDS?

RESIDENTIAL:

- The majority of new economic development within the Town over the last decade has been residential in nature. This has resulted in an estimated current housing stock of approximately 2233 houses, an increase of 68% since 2010. The current median housing value is \$335,000.
- It is expected that economic development will continue to skew towards residential development and the commercial development needed to support those residences.
- Both the current Comprehensive Land Use Plan the Town's adopted Strategic Plan recognize this trend and encourage the diversification of housing options within the Town.

COMMERCIAL AND INDUSTRIAL:



- The Town has a thriving **Historic Main Street** which contains a nice variety of retail establishments, art galleries, restaurants, and offices.
- Other commercial areas are found on **Weaver Boulevard, Merrimon Avenue** and the five points area of **North Main Street**. Some of the commercial developments continue to have property available for sale or lease and have not been able to secure such development.
- The Town has struggled to maintain the industrial enterprises operating within the Town.

WHAT ARE
FACTORS
IMPACTING
GROWTH?

ANNEXATION

PUBLIC INFRASTRUCTURE

PUBLIC UTILITIES

DEMAND

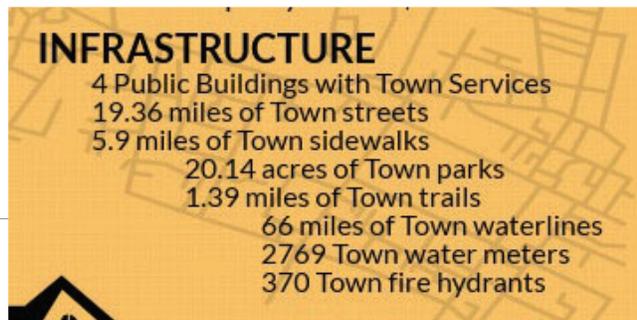
WHAT ARE THE FACTORS IMPACTING GROWTH?

PHYSICAL FEATURES

Land Area: 2035 acres = 3.18 sq miles

ANNEXATION:

- There are 3 ways in which the Town can expand its borders: Voluntary Annexation, Involuntary Annexation, and by NC Legislative Action.
- In 2012 the NC Legislature amended its laws making involuntary annexation much harder to accomplish in that it requires a majority vote of the properties affected. ***The vast majority of growth of the Town's borders now occurs with voluntary annexation of properties wishing for access to the Town's public water system.***
- The Town is currently comprised of 2035 acres which is approximately 3.18 square miles. Approximately 38 acres within the Town is "satellite" annexation, or not contiguous to the Town's primary municipal limits. This is less than the 10% cap that North Carolina has set for satellites.



PUBLIC INFRASTRUCTURE:

- There are 3 types of **roads** in North Carolina and in the Town: private roads, Town/City roads, and State roads. The Town's main thoroughfares (Merrimon, Main Street, Weaver Boulevard, Reems Creek Road, Monticello Road) are all State roads that are maintained by NCDOT. The Town maintains approximately 19 miles of streets within its borders. Many subdivisions located within the Town maintain private roads.
- The Town upgrades its streets based upon a Street Improvement Program which evaluates the conditions of streets based on stated criteria in order to objectively determine which streets are improved and when. The average life of a paved street is 15 – 20 years and is affected by weather and traffic. To adequately maintain the Town's street system the Town must repave approximately 1 mile per year. The Town's current budget includes \$400,000 for street improvements in 2019.

WHAT ARE THE FACTORS IMPACTING GROWTH?

WHAT ARE THE FACTORS IMPACTING GROWTH?

PUBLIC UTILITIES:

- *Water and sewer availability directly influences where development is likely to occur.*
 - The Town provides **public water** through its operations of a Water Treatment Plant located along the Ivy River. The Water Treatment Plant has a current operating capacity of 1.5 million gallons of water per day. The plant began operations in 1998 and was designed and permitted for expansion up to a total of 4 million gallons per day. Through approximately 66 miles of water lines and 2769 water meters the Town, on average, produces approximately 565,000 gallons of water per day. The Town provides public water to properties inside the Town's municipal limits and to properties adjacent to the Town's limits in the Reems Creek Valley and in areas along US Highway 19/23 North towards Madison County. Outside water customers pay double water rates.
 - In all of Buncombe County **public sewer** is provided by the Metropolitan Sewerage District (MSD) of Buncombe County. The Town of Weaverville has a representative on the MSD Board in order to ensure good communication between MSD and the Town. Certain development can be supported by private septic systems but large scale residential development and commercial/industrial development requires access to public sewer.
- 

WHAT ARE THE FACTORS IMPACTING GROWTH?

DEMAND:

Over the previous decade the Town has experienced very limited interest in further industrial development.

New commercial development has also been limited with the vast majority of commercial development utilizing existing buildings rather than new construction.

On the other hand, a large amount of residential development has occurred in the form of single family residential and multifamily residential development. Some of the single family residential development has been permitted at a higher density than standard zoning districts would allow (by issuance of special use permits), pointing to an area that should be studied from a policy standpoint.



HOW DOES THE TOWN REGULATE LAND USE?

ZONING MAP AND DISTRICTS

ZONING REGULATIONS

SUBDIVISION REGULATIONS

LAND USE REVIEW PROCESS

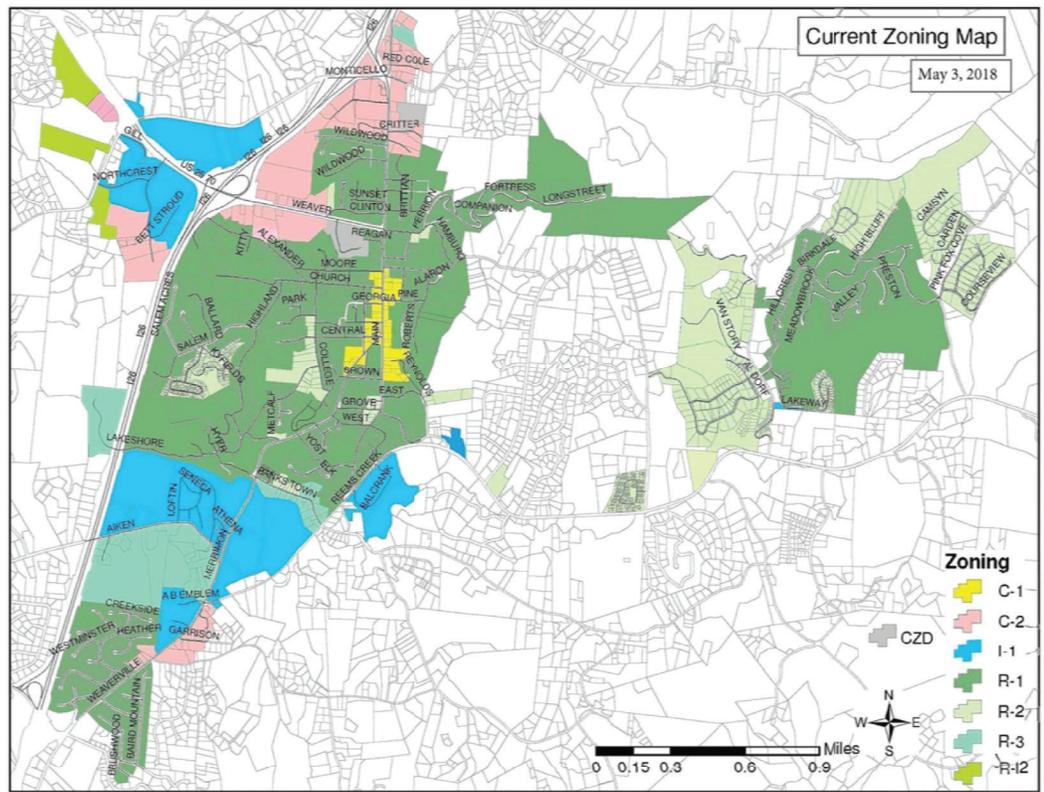
HOW DOES THE TOWN REGULATE LAND USE?

ZONING MAP AND DISTRICTS:

DISTRICT	DESCRIPTION
R-1	Primary Residential District (single family)
R-2	Transitional Residential District (single family and low density multifamily)
R-3	General Residential District (single family, low density multifamily, and manufactured housing)
R-12	Multi-Unit Residential District (low density and high density multifamily)
C-1	Central Business District (highly regulated and restricted commercial use)
C-2	General Business District (general commercial use)
I-1	Industrial District (general industrial use, outdoor storage/sales)

- Conditional zoning districts are also available if a particular use is either not allowed in a district or does not easily fit within the underlying standard zoning district.

ZONING MAP



HOW DOES THE TOWN REGULATE LAND USE?

ZONING REGULATIONS:

- The *Table of Uses* within the zoning ordinance (Chapter 36 of the Town's Code of Ordinances) establishes uses that are **permitted**, **permitted with standards**, or permitted with issuance of a **conditional zoning district**.
- General regulations also include the following:
 - **LANDSCAPING REQUIREMENTS**
 - **EXTERIOR LIGHTING REQUIREMENTS**
 - **PARKING REQUIREMENTS**
 - **SIDEWALK REQUIREMENTS**
 - **SIGN REGULATIONS**

HOW DOES THE TOWN REGULATE LAND USE?

SUBDIVISION REGULATIONS:

- Subdivision approvals are administrative in nature, meaning that a subdivision that complies with the stated requirements must be approved whether there is objection to the project or not. Subdivision regulations (Chapter 25 of the Town's Code of Ordinances) provide for review and approval of preliminary plats and final plats for **minor subdivisions** and **major subdivisions** and set out specific requirements.
 - Standards require compliance with zoning regulations including: **MINIMUM LOT AREA**
MINIMUM LOT WIDTH
PROPERTY LINE SETBACKS
UTILITY AVAILABILITY
ROAD ACCESS
- 

LAND USE REVIEW PROCESS:

	STAFF	PLANNING & ZONING BOARD (P&Z)	BOARD OF ADJUSTMENT (BOA)	TOWN COUNCIL (TC)
ZONING ORDINANCE TEXT AMENDMENTS	Assists with Drafting	Review and Recommendation		Review; Public Hearing; Legislative Decision
SUBDIVISION ORDINANCE TEXT AMENDMENTS	Assists with Drafting	Review and Recommendation		Review; Public Hearing; Legislative Decision
SUBDIVISION APPROVAL – MINOR	Review and Decision	Review and Recommendation		
SUBDIVISION APPROVAL – MAJOR	Review	Review and Recommendation		Review; Public Hearing; Decision
ZONING PERMITS – NON-DISCRETIONARY	Review and Decision			
APPEALS FROM ZONING ADMINISTRATOR DECISIONS	Forward to BOA		Quasi-Judicial Hearing; Decision	
SPECIAL USE PERMITS – APPLICATION OR AMENDMENT	Review and Forward to BOA		Quasi-Judicial Hearing; Decision	
VARIANCE APPLICATIONS	Review and Forward to BOA		Quasi-Judicial Hearing; Decision	
REZONING REQUESTS	Review and Forward to P&Z	Review and Recommendation		Review; Public Hearing; Decision
CONDITIONAL ZONING DISTRICT APPLICATIONS	Review and Forward to P&Z and TC	Review and Recommendation		Review; Public Hearing; Legislative Decision

QUESTIONS AND PUBLIC INPUT?

WHAT SHOULD WE PROTECT, PRESERVE OR ENHANCE?

WHAT SHOULD WE AVOID OR PROHIBIT?

WHAT ARE DEVELOPMENT ISSUES WE WILL FACE WITHIN THE NEXT FEW YEARS?

WHAT HAS AND HAS NOT WORKED WITHIN THE LAST FEW YEARS?

GOVERNMENT

www.weaverville.org

30 South Main Street, PO Box 338
Weaverville, NC 28787
828-645-7116

Mayor - Al Root

Vice Mayor - Doug Jackson

Council Members - Dottie Sherrill

Andrew Nagle

Jeff McKenna

Patrick Fitzsimmons

Town Council regular meetings
3rd Mondays at 7pm

FY 2018/2019 Combined Budget: \$9.685 million
Municipal Tax Rate: \$0.38/\$100 valuation
Number of Employees: 70+/-

Town Manager - Selena Coffey

Town Departments -

Administration (6 employees)

Planning/Zoning (1 employee)

Police (16 employees)

Fire (24 employees)

Public Works - Water (10 employees)

Public Works - Parks, Streets, Sanitation (12 employees)

Town of Weaverville Planning Department

James Eller, Planning Director

jeller@weaverville.org

828-484-7002

From: [Jennifer Jackson](#)
To: [Al Root](#); [Doug Jackson](#); [Dottie Sherrill \(dsherrill452@gmail.com\)](#); [Dottie Sherrill](#); [Andrew Nagle](#); [Patrick Fitzsimmons](#); [Jeff McKenna](#)
Cc: [Selena Coffey](#); [James Eller](#)
Subject: RE: Land Use Information and Input Session
Date: Tuesday, March 26, 2019 7:38:51 PM

Our scheduled land use information/input sessions are just about completed. We thought you would be pleased to know that we had a total of over 60 people in attendance (over the 2 sessions), not including the several members of Town Council, Planning and Zoning Board, Board of Adjustment and staff. These sessions were active discussions and provided a good opportunity to not only inform our citizens about land use and other related matters but to also receive valuable input from our community members.

Thanks to all that put the word out and to those that were able to attend.

Jennifer

From: Jennifer Jackson
Sent: Thursday, March 21, 2019 3:01 PM
To: Al Root <aroot@weavervillenc.org>; djackson@weavervillenc.org; Dottie Sherrill (dsherrill452@gmail.com) <dsherrill452@gmail.com>; dsherrill@weavervillenc.org; anagle@weavervillenc.org; pfitzsimmons@weavervillenc.org; Jeff McKenna <jmckenna@weavervillenc.org>
Cc: Selena Coffey <SCoffey@weavervillenc.org>; James Eller <JEller@weavervillenc.org>
Subject: Land Use Information and Input Session

James and I are finishing up our first land use information/input session. We had 18 members of the public plus some staff, Planning and Zoning Board members, the Mayor and Councilman Fitzsimmons also in attendance. James fielded lots of good questions and there was good conversation with many of those in attendance. So far we have been requested to present to the Lake Louise Preservation Association and the Reems Creek Golf Community.

Thank you to all that attended. We look forward to another session on Tuesday, March 26 from 5pm to 8pm.

Jennifer O. Jackson
Weaverville Town Attorney

30 South Main Street
Weaverville, NC 28787
(828) 442-1858