



**Town of Weaverville
Zoning Board of Adjustment
Council Chambers
May 13, 2019, 7pm**

Agenda

1. Call to Order – Chairman Tycer Lewis.
2. Approval of the Minutes from the January 14, 2019 Meeting of the Board.
3. Public Hearing Regarding an Application for an Amendment to an Existing Special Use Permit Applicable to the Property Commonly Known as Ingles at 16 Monticello Village Drive.
4. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for an Amendment to an Existing Special Use Permit.
5. Any Other Business to Come Before the Board.
6. Adjournment.



Agenda Item 2
Minutes from the January 14, 2019 Meeting of the Board

Town of Weaverville

Zoning Board of Adjustment
Minutes – Monday, January 14, 2019

The Zoning Board of Adjustment of the Town of Weaverville met for its regularly scheduled monthly meeting at 7pm on Monday, January 14, 2019, in Council Chambers at Town Hall at 30 South Main Street, Weaverville.

Present: Chairman Tycer Lewis, Vice Chairman Cynthia Wright, Board Members Paul Clauhs, Roger Parkin, and Sylvia Valois, Alternate Member Gene Knoefel, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Alternate Member Bob Pace.

1. Call to Order

Chairman Tycer Lewis called the meeting to order at 7:00pm and welcomed those in attendance to the meeting. The board members and staff introduced themselves.

2. Approval of Minutes

Board Member Clauhs made a motion to approve the minutes from the October 8, 2018, meeting of the Board as presented. Vice Chairman Wright seconded the motion and all voted in favor of approving the minutes.

3. Approval of an Order Establishing a Favor Ruling in the Matter of a Variance Request Related to the Side Yard Setbacks Established by the R-1 Zoning District on the Property Commonly Known as 30 North College Street

Board Member Parkin made a motion to approve the proposed Order as presented. Board Member Clauhs seconded the motion. All voted in favor of the motion and the order was approved.

4. Evidentiary Hearing on an Application for an Amendment to an Existing Special Use Permit Applicable to the Property Commonly Known as Ingles located at 140 Weaver Boulevard

Chairman Lewis asked Attorney Jackson to provide an overview on how quasi-judicial hearings work. The following were Attorney Jackson's statements:

Tonight the Zoning Board of Adjustment will hold a quasi-judicial hearing on a variance application. The purpose of the quasi-judicial hearing is for the Zoning Board of Adjustment to hear and consider pertinent facts related to the request. The Board is required to comply with procedural rules much like those of a trial court and to provide for the constitutional right to due process such as proper notice of the meeting, an impartial decision maker, sworn testimony of witnesses, and an opportunity for parties to be heard by allowing direct examination and cross examination of witnesses.

The Board is asked to make a quasi-judicial decision which is like a court decision in several important ways. It requires the Board to use its judgment in applying general laws to a particular land use situation while ensuring the constitutional due process rights of all parties.

Tonight's hearing is a formalized means of gathering evidence relevant to the issues that are before the Board tonight. This is not an opportunity for citizens to come and just speak their minds like in a public hearing on a legislative matter before Town Council. The Board's decisions can only be made based on competent, material and substantial evidence in the record of the respective hearings. "Competent" evidence is generally understood to mean that evidence which is legally admissible in a court of law. Competent evidence does not include the opinion testimony of lay witnesses as to any of the following:

- Use of property in a particular way affecting the value of other property;
- Increase in vehicular traffic resulting from a proposed development posing a danger to the public safety;
- Matters about which only expert testimony would generally be admissible under rules of evidence applicable to trial courts.

The burden is on the applicant to demonstrate that the application complies with the review and approval standards of the zoning ordinance. Once an application has been submitted and all evidence in support of the application has been presented, then the burden shifts to those who have standing to oppose the application to present evidence to the Board. Where conflicting evidence is presented the Board must determine the weight of the evidence and the credibility of witnesses. The Board can consider reasonable conditions that, if imposed, would bring a project into compliance with the standards set out in the zoning ordinance.

Chairman Lewis introduced the matter by stating that Ingles Markets, Inc., which owns and operates the Ingles located at 140 Weaver Boulevard (Buncombe County Parcel Identification Number of 9742-19-3699), has requested an amendment to its special use permit. They are seeking to convert their existing garden center space into a space to accommodate an additional commercial establishment permitted in the underlying zoning district of C-2. Town Code Sec. 36-328(1) authorizes the BOA to grant amendments to special use permits. The standards for special use permits are as follows:

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

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The special use (as amended) shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by the board of adjustment.

Chairman Lewis declared the hearing open and began by polling the board members to see whether or not any members had conflicts of interest or bias that might disqualify them from serving on the Board during the hearing. None were reported. No board member indicated that they had had any *ex parte* communication with the applicant; however all of the board members indicated that they had been in the Ingles store. No concerns were noted about the board hearing the matter were expressed.

James Eller noted that his father has worked for Ingles warehouse for over 31 years but that such a relationship would not prevent him from impartially presenting the matter to the board. No objection to Mr. Eller's participation was noted from either the applicant or the Board.

Chairman Lewis noted that the applicant/property owner, Ingles Markets, Inc., had standing to participate in the hearing, as did James Eller on behalf of the Town. No one else expressed a desire to be made a party to the proceeding.

The following individuals were sworn in and gave testimony: James Eller, Preston Kendall as the representative for Ingles Markets, Inc., John Cox as an engineer for Ingles, and Erik Young as a representative of ACE Hardware. John Cox and Erik Young were available for questions but did not provide any testimony.

Mr. Eller described the application and asked that the following exhibits be entered into evidence:

Exhibit 1-A – Affidavit of Mailing

Exhibit 1-B – Affidavit of Posting

Exhibit 1-C – Affidavit of Publication

Exhibit 2 – The entire meeting packet, which did include Mr. Eller's staff report, the application and the general plans that were included as part of the application.

Exhibit 3 – A signed copy of the application

All exhibits were accepted into evidence without objection from any party.

Mr. Eller reviewed the application and noted specifically that the property is zoned C-2 commercial but that it is subject to a special use permit that was issued in 1995. Mr. Eller indicated that he is of the opinion that the changes requested by the applicant would be consistent with the special use standards and the previously issued special use permit. In particular, Mr. Eller indicated that the parking requirements would not change and the requirement for a traffic impact analysis would not be triggered.

Testimony from Preston Kendall supported the application materials and provided evidence that Ingles Markets, Inc. is the owner of the real property located at 140 Weaver Blvd, which bears Buncombe County parcel identification number 9742-19-3699. The improvements on the property include an existing Ingles grocery store and related uses, including an outdoor garden center which has a roof over only a portion of the garden center area. Mr. Preston indicated that they would like to completely enclose the area of the garden

center that is roofed in order to allow a use similar to ACE Hardware to locate there. The remaining uncovered garden center area would remain uncovered and used as a garden center. The footprint would not be enlarged. The general plans presented with the application accurately reflect their plan and request except that a dumpster in the back of the space that is to be enclosed is not shown but should be.

Based on the evidence presented the board indicated that it was inclined to find that the requested amendment meets all of the standards applicable to special use permits.

Having heard all the evidence and heard the responses to all questions asked, Chairman Lewis closed the evidentiary hearing.

5. Ruling on the Application to Amend an Existing Special Use Permit - Ingles

Based on the documentary and testimonial evidence presented during the hearing, Board Member Clauhs made the motion to approve the requested amendment. Board Member Valois seconded the motion and all voted in favor of approving the requested amendment.

The Town Attorney had a draft order for the Board to consider and after the provisions were read aloud, Board Member Clauhs made the motion to adopt the written decision. Vice Chairman Wright seconded the motion and all voted in favor of adopting the written decision.

6. Other Business

Staff presented the Board with some recently released demographic information that was compiled during the comprehensive land use plan update project.

The Town Attorney noted that some proposed amendments to the Board's Rules of Procedures will be presented in an upcoming meeting as the current version has not been updated to reflect the Board's regular meeting schedule. This may be combined with some training for the Board.

7. Adjournment

At approximately 7:30 pm, Board Member Clauhs made a motion to adjourn, which was seconded by Vice Chairman Wright. All voted in favor and the meeting was adjourned.

**Tycer Lewis, Chairman
Board of Adjustment**

ATTEST:

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



Agenda Items 3&4
Monticello Village Drive Special Use Permit Amendment

- **Meeting Sheet**
- **Affidavits of Mailing, Posting and Publication**
- **Application and Plans**
- **Staff Report**
- **Previously Established Order and Plan**

**ZONING BOARD OF ADJUSTMENT
MEETING SHEET FOR MAY 13, 2019**

REQUEST TO AMEND A SPECIAL USE PERMIT

INTRODUCTION: Monticello Development, LLC, is the owner of approximately 5.47 acres at 16 Monticello Village Drive (Buncombe County Parcel Identification Numbers of 9743-21-7812 and 9743-31-0653), and, through its Member Manager P. Andrew Walker, has requested an amendment to the special use permit that is in place for this commercial development. They are seeking to amend the site plan in order to reconfigure the size, number and location of office buildings and parking lots.

JURISDICTION: Sec. 36-328(1) authorizes the BOA to review and approve an amendment to an existing special use permit if all the requirements for a special use permit can still be met.

STANDARDS FOR SPECIAL USE PERMITS:

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

QUESTION FOR DELIBERATION: Does the record include competent, relevant and substantial evidence that the amendment to the special use permit requested by the property owner meets the standards and should therefore be granted?

**TOWN OF WEAVERVILLE
REGARDING THE MATTER OF:**

Monticello Development, LLC
Special Use Permit Amendment, Public Hearing
16 Monticello Village Drive, 9743-21-7812

AFFIDAVIT OF MAILING

Being first duly sworn, I, James W. Eller, do hereby swear or affirm that on the 25th day of April, 2019, I mailed the attached Notice (Exhibit A) to all of the persons listed on the attached Exhibit B and that said mailing was accomplished by putting the Notice in envelopes, with postage pre-paid, addressed to all persons shown and at the addresses reflected on the attached Exhibit B, and that said envelopes were deposited in a U.S. Mail Box under the exclusive control of the U.S. Postal Service.

This the 25 day of April, 2019.



James W. Eller

Sworn to and subscribed before me
this 28 day of April, 2019



Notary Public

My Commission Expires: 5/29/2021

[Notary Seal]

Exhibit A

NOTICE OF PUBLIC HEARING

Public Notice is hereby given that the Town of Weaverville Zoning Board of Adjustment will hold a Public Hearing on Monday, May 13, 2019 at 7:00p.m. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

An application to amend an existing special use permit for Monticello Development, LLC specific to parcel identification number 9743-21-7812, 16 Monticello Village Drive. The nature of the requested amendment is to amend the site plan established by order of the Zoning Board of Adjustment for the parcel and project on November 15, 2006.

If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

OWNER	ADDRESS	CITYNAME	STATE	ZIPCODE
ALISHA NICOLE REVIS (ETAL) GLEN H REVIS (ETAL)	8 WILDWOOD AVE	WEAVERVILLE	NC	28787
AZTEC LEASING INC	16 WILDWOOD AVE	WEAVERVILLE	NC	28787
BALEY SANDRA KAY	1005 SABAL CT	WILMINGTON	NC	28409
BOYETTE MARTHA NELL	2 WILDWOOD AVE	WEAVERVILLE	NC	28787
BRADFIELD ANN	7 WILDWOOD AVE	WEAVERVILLE	NC	28787
BREWER FRANKLIN R;BREWER CORNELIA S	21 WILDWOOD PARK KNL	WEAVERVILLE	NC	28787
CATHEY RICKY DALE	35 WILDWOOD PARK	WEAVERVILLE	NC	28787
CEDAR BROOK PROPERTIES LLC	15 E RIDGEWAY DR	WEAVERVILLE	NC	28787
CODY CATHY B;CODY ROBERT GERALD	28 WILDWOOD AVE	WEAVERVILLE	NC	28787
COLE TS WEAVERVILLE NC LLC	5401 VIRGINIA WAY	BRENTWOOD	TN	37027
DESERIO MICHAEL;DESERIO EMILY	27 WILDWOOD AVE	WEAVERVILLE	NC	28787
DIPPY THEODORE A;DIPPY PEGGY C	24 WILDWOOD AVE	WEAVERVILLE	NC	28787
DOSS BRITTANY	1225 Highland Ave Apt 4	Hendersonville	NC	28792
ELLIOTT KIMBERLY R;ELLIOTT MARK L	131 LAKEVIEW ACRES DR	ASHEVILLE	NC	28806
ERNEST K MANN JR ET AL	13 WILDWOOD AVE	WEAVERVILLE	NC	28787
ERVIN CHARLES H;ERVIN KAREN E	52 MOODY COVE RD	WEAVERVILLE	NC	28787
GENTRY CYNTHIA NICOLE;GENTRY KEITH GARLAND	21 WILDWOOD AVE	WEAVERVILLE	NC	28787
GUTHRIE JOSHUA B;GUTHRIE CHRISTINA KAYE	65 CHICKWOOD TRL	WEAVERVILLE	NC	28787
HARRIS FRANCES J	8 WILDWOOD PARK	WEAVERVILLE	NC	28787
HENSLEY JACK COLEMAN JR	PO BOX 2166	WEAVERVILLE	NC	28787
HENSLEY MICHAEL DAVID	25 COLEMAN HENSLEY DR	WEAVERVILLE	NC	28787
HENSLEY MICHAEL DAVID	25 COLEMAN HENSLEY DR	WEAVERVILLE	NC	28787
HOLDEN DUANE MARLON	46 SUNFLOWER LN	FLETCHER	NC	28732
JACKSON JESSICA;JACKSON DON V III;JACKSON DON V JR;JACKSON DAVIE H	38 DUNWOOD RD	ASHEVILLE	NC	28804
LENORA ALLEN JOHNSON LE	17 WILDWOOD PARK	WEAVERVILLE	NC	28787

Exhibit B

(24)

LEWIS JOHN STEPHEN;LEWIS KATIE	236 N MAIN ST	WEAVERVILLE	NC	28787
LUO MINQI	6 WILDWOOD AVE	WEAVERVILLE	NC	28787
LYDA WILLIAM E	PO BOX 417	WEAVERVILLE	NC	28787
LYONS JEFFREY M;LYONS JANET L	333 STONEY FORK RD	BARNARDSVILLE	NC	28709
LYONS JEFFREY M;LYONS JANET L	333 STONEY FORK RD	BARNARDSVILLE	NC	28709
MATA MIGUEL;MATA SOCORRO	9 WILDWOOD AVE	WEAVERVILLE	NC	28787
METCALF RICHARD J;METCALF PATRICIA	3 WILDWOOD AVE	WEAVERVILLE	NC	28787
MONTICELLO DEVELOPMENT LLC	ATTN P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
MONTICELLO DEVELOPMENT LLC	ATTN P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
MONTICELLO DEVELOPMENT LLC	ATTN P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
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MONTICELLO DEVELOPMENT LLC	ATTN P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
MONTICELLO DEVELOPMENT LLC	ATTN P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
MORRISSEY RUTH	PO BOX 341	FAIRVIEW	NC	28730

8

MOUNTAIN HOUSING OPPORTUNITIES INC	64 CLINGMAN AVE UNIT 101	ASHEVILLE	NC	28801
MOUNTAIN HOUSING OPPORTUNITIES INC	64 CLINGMAN AVE UNIT 101	ASHEVILLE	NC	28801
PAAR KAREN	18 WILDWOOD AVE	WEAVERVILLE	NC	28787
PAMELA B MCINTYRE (LE)	PO BOX 423	WEAVERVILLE	NC	28787
POTTER STEVEN W	17 WILDWOOD AVE	WEAVERVILLE	NC	28787
RICHARD JUDE LUC	228 N MAIN ST	WEAVERVILLE	NC	28787
RICKER CARL H JR	1300 TUNNEL RD	ASHEVILLE	NC	28805
RICKER CARL H JR	1300 TUNNEL RD	ASHEVILLE	NC	28805
RICKER CARL H JR	1300 TUNNEL RD	ASHEVILLE	NC	28805
RICKER CARL H JR	1300 TUNNEL RD	ASHEVILLE	NC	28805
RICKER CARL H JR	1300 TUNNEL RD	ASHEVILLE	NC	28805
RIDDLE RITA LEA;GRINDSTAFF CYNTHIA D	234 LOCUST GROVE RD	WEAVERVILLE	NC	28787
SCHLEICHER MARIAN ELIZABETH	PO BOX 1005	WEAVERVILLE	NC	28787
SEXTON BARBARA J	14 WILDWOOD AVE	WEAVERVILLE	NC	28787
SMITH TROY T;SMITH BURNETTA L	11 WILDWOOD PARK KNL	WEAVERVILLE	NC	28787
SOULE JOHN G;SOULE AMANDA G	212 N MAIN ST	WEAVERVILLE	NC	28787
STATE EMPLOYEES CREDIT UNION	PO BOX 26807	RALEIGH	NC	27611
TFI GLOBAL LLC	1 MONTICELLO VILLAGE DR	WEAVERVILLE	NC	28787
TREJO ROXANNA M;TREJO HECTOR S	5 WILDWOOD AVE	WEAVERVILLE	NC	28787
TRI CITY PLAZA INC	PO BOX 36	FOUNTAIN INN	SC	29644
UNITED STATES POSTAL SERVICE	US POSTAL SER FAC SER OFFICE	GREENSBORO	NC	27498
VANN ROGER E;VANN KATHY L	237 N MAIN ST	WEAVERVILLE	NC	28787
VARELA ENRIQUE A JR	29 WILDWOOD AVE	WEAVERVILLE	NC	28787
VETAS CHARLES J JR;VETAS MELISSA A	10 WILDWOOD PARK	WEAVERVILLE	NC	28787
VILLAGE AT MONTICELLO CONDO OWNERS	ATTN: P ANDREW WALKER 1300 TUNNEL RD	ASHEVILLE	NC	28805
VIRGINIA M TAYLOR LIVING TRUST	26 WILDWOOD AVE	WEAVERVILLE	NC	28787
WAGNER KAREN LEANN	23 WILDWOOD AVE	WEAVERVILLE	NC	28787
WILLIAMS SYBIL E	12 WILDWOOD AVE	WEAVERVILLE	NC	28787

23

ZICK BRIAN W;GAYNOR STEFANIE LYNN	31 WILDWOOD AVE	WEAVERVILLE	NC	28787
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**TOWN OF WEAVERVILLE
REGARDING THE MATTER OF:**

Monticello Development, LLC
Special Use Permit Amendment, Public Hearing
16 Monticello Village Drive, 9743-21-7812

AFFIDAVIT OF POSTING

Being first duly sworn, I, James W. Eller, do hereby swear or affirm that on the 25th day of April, 2019, I posted the attached Notice of Public Hearing Sign(s), Exhibit A, at the location commonly known as 16 Monticello Village Drive and that a Notice of Public Hearing, Exhibit B, was affixed to the reverse side of same.

This the 25 day of April, 2019.



James W. Eller

Sworn to and subscribed before me
this 25 day of April, 2019



Notary Public

My Commission Expires: 5/29/2021

[Notary Seal]

Exhibit A



Exhibit B

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If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

AFFIDAVIT OF PUBLICATION

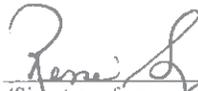
BUNCOMBE COUNTY

SS.
NORTH CAROLINA

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Rene Simpson**, who, being first duly sworn, deposes and says: that she is the **Legal Clerk of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: April 28, May 5, 2019. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

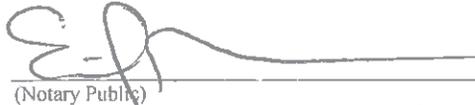
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An application to amend an existing special use permit for Monticello Development, LLC specific to parcel identification number 9743-21-7812. 16 Monticello Village Drive. The nature of the requested amendment is to amend the site plan established by order of the Zoning Board of Adjustment for the parcel and project on November 15, 2006.
If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eiler at 828-484-7002 or jeller@weavervillenc.org.
April 28, 2019 and May 5, 2019
0003529047

Signed this 6th day of May, 2019



(Signature of person making affidavit)

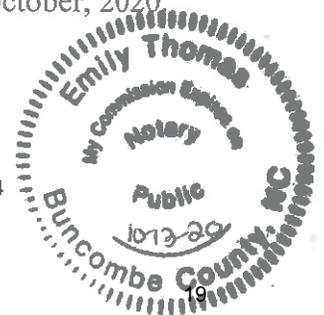
Sworn to and subscribed before me the 6th day of May, 2019.



(Notary Public)

My Commission expires the 13th day of October, 2020

(828) 232-5830 | (828) 253-5092 FAX
14 O. HENRY AVE. | P.O. BOX 2090 | ASHEVILLE, NC 28802 | (800) 800-4204





Transmittal

Date: April 16, 2019
Project Name: Monticello Office
CDC Project: 11918
Permit #:
To: James Eller, Planning Director
Town of Waverille

Via: Mail Overnight Hand Delivered Pick up @ CDC Office Digital

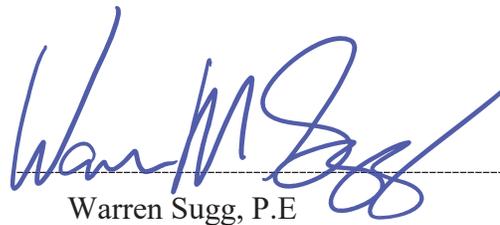
Copies	Date	Description
1	04/16/2019	Special Use Permit Application
1	04/16/2019	Special Use Permit Drawing Set

Remarks:

Mr. Eller,

Attached is the Special Use Permit Application and Drawing Set for Monticello Office. Please let us know if you have any questions or comments.

Thank you,



Warren Sugg, P.E

S:\ACAD\11855\docs\Planning\submittal parts\Transmittal TRC.docx

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455

TOWN OF WEAVERVILLE SPECIAL USE PERMIT APPLICATION

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

Special Use Permit Fee: \$500

OWNER/APPLICANT NAME: Andy Walker

APPLICATION DATE: April 8, 2019

BRIEFLY DESCRIBE THE PROJECT: Special use permit revision to 16 Monticello Village Drive

PHONE NUMBER: 828-298-3406

PROPERTY ADDRESS: 16 Monticello Village Dr.
Weaverville, NC 28787

PIN: 9743-21-7812 and 9743-31-0653

DEED BOOK/PAGE: 4350/0796

TRACT AREA (acres): 5.47 AC

PROPOSED SQ. FOOTAGE: Building: +/- 18,000 SF
Site: 1.5 AC

REGISTERED CONTRACTOR: N/A
ADDRESS: N/A

PHONE NUMBER: N/A

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

PHONE NUMBER: 828-252-5388

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

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

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



4/11/19

SIGNATURE OF APPLICANT

DATE

OFFICE USE ONLY

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

All site plans submitted shall be prepared by, and bear the seal and signature of a registered engineer. Plans shall be drawn to scale containing all elements listed below. Plans shall be submitted in duplicate and accompanied by a statement that an Erosion Control permit from Buncombe County has been applied for.

At least one three-dimensional, color depiction of the proposed project shall be submitted containing elements listed below. Three-dimensional depictions of the proposed project may be submitted electronically or on a disk, if preferred.

<input checked="" type="checkbox"/>	Title block containing:
<input checked="" type="checkbox"/>	Name of owner
<input checked="" type="checkbox"/>	Location/Address
<input checked="" type="checkbox"/>	Buncombe County tax number (PIN)
<input checked="" type="checkbox"/>	Date or dates survey was conducted and plan prepared
<input checked="" type="checkbox"/>	Scale of the drawing, in feet per inch
<input checked="" type="checkbox"/>	Deed book and page reference of deed conveying property to current owner
<input checked="" type="checkbox"/>	Property lines, public rights-of-way
<input checked="" type="checkbox"/>	Exact dimensions by metes and bounds of the lot including interior lines if lot consists of multiple lots of record
<input checked="" type="checkbox"/>	Lot area in acres
<input checked="" type="checkbox"/>	Location, right-of-way width, and name of all streets bordering the property
<input checked="" type="checkbox"/>	Ownership of all properties within 500 feet of site boundaries
<input checked="" type="checkbox"/>	Minimum building setback lines applicable to the lot
<input checked="" type="checkbox"/>	Drainage or utility easements (public and private) located on the lot
<input checked="" type="checkbox"/>	Location of existing underground utilities
N/A	Location of existing natural features including ponds, streams, watersheds, rock outcroppings
N/A	Location of existing wells or septic fields
<input checked="" type="checkbox"/>	Exact dimension and location of all existing & proposed buildings or structures including patios, porches, awnings, etc.
<input checked="" type="checkbox"/>	Exact dimension and location of all off-street parking (refer to 36.176 of zoning ordinance)
<input checked="" type="checkbox"/>	Exact dimension and location of all loading spaces/docks including all turn-around spaces
<input checked="" type="checkbox"/>	Topography of the site in five (5) foot contours and true elevations
<input checked="" type="checkbox"/>	Proposed points of ingress and egress (minimum of two each) with the proposed internal traffic pattern and parking
<input checked="" type="checkbox"/>	Proposed provisions for stormwater collection and disposal, both natural & manmade, and treatment of ground cover
<input checked="" type="checkbox"/>	Proposed connections with Town water
<input checked="" type="checkbox"/>	Proposed connections with the MSD sewer system
<input checked="" type="checkbox"/>	Proposed locations and screening of garbage dumpsters /bulk containers
<input checked="" type="checkbox"/>	Buffering requirements if property abuts residential district (30ft setback, 20ft buffer)
<input checked="" type="checkbox"/>	Proposed sidewalk (refer to 36.24 of zoning ordinance)

Topographic Survey

<input checked="" type="checkbox"/>	Boundary information in metes and bounds including existing and proposed street rights of way
<input checked="" type="checkbox"/>	Location, grade, width, alignment of existing curbing, walks, grass, planting strips, roadway medians
<input checked="" type="checkbox"/>	Location, size, depths, of all underground utilities including gas, electric, water, sewer, stormwater

N/A	Location and height above existing grade of overhead utility lines and poles
✓	Location and description of all recorded public or private utility easements and building setbacks
✓	Location of all natural features on the lot or within 100ft of the graded area
N/A	Location of existing wells or septic fields
✓	Location of existing structures

Grading Plan

✓	Contour lines at no greater than 10ft intervals
✓	Grades at corners of buildings, step landings, and first floor elevations
✓	Finished grades at the edges of surfaced areas and at such interior points as necessary
N/A	Proposed roadway elevations (profiles, cross sections, spot elevations)
✓	Top-of-Curb grades at all connecting sidewalks, curb returns, and all catch basin locations
✓	Spot elevations along swale lines, by using arrows to show direction of flow including slope gradients
✓	Lawn and earth grades
✓	Proposed location of stockpiled topsoil for future land use in landscaped areas
✓	Storage locations of construction materials outside the root zones of significant vegetation
✓	Location of existing significant vegetation
N/A	Elevations of any floodplains location on or directly affecting the tract
✓	Location and size of any landscaping, screening, or buffering requirements as required by the Town

Landscape plan

✓	Existing and proposed landscaping
✓	Buffers required by Article VI – Landscape regulations
N/A	Screens required
✓	Existing and proposed land uses of all adjoining properties and current zoning of those properties
✓	Existing vegetation intended to be saved under Section 36-154
✓	Any barriers proposed to protect vegetation during or after construction
✓	Topographic contours at intervals no greater than five feet
✓	Description of stormwater control and indication of direction of stormwater flow

Also may be required by the Town of Weaverville:

Traffic Impact Analysis (Section 36-25), Lighting Plan (Section 36-26), Street Cut Permit

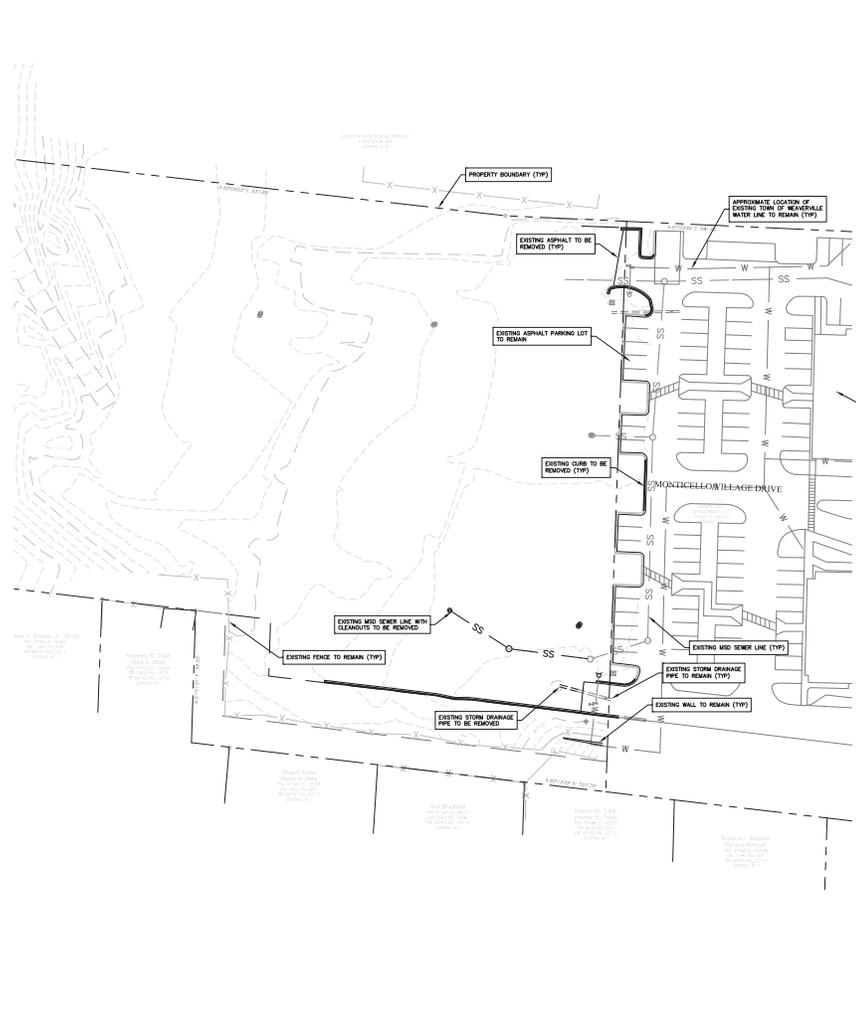
Also may be required by Buncombe County:

Stormwater Plan, Erosion Control Plan, Building Permit, Floodplain Development Permit

Also may be required by NCDOT:

Driveway Permit

- NOTES**
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
 2. CONTRACTOR TO VERIFY WITH OWNER THAT THE REQUIRED GRADING/LAND USE/DEMOLITION AND UTILITIES PERMITS HAVE BEEN OBTAINED PRIOR TO BEGINNING CONSTRUCTION.
 3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
 4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION AND TO NOTIFY OWNER OF ANY COLLISIONS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS MAY BE APPROXIMATE. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES CALLED OUT TO REMAIN DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY GLOCO AT 1-800-832-4268 OR BELT 77 HOURS BEFORE CONSTRUCTION BEGINS.
 7. EROSION CONTROL IS FIELD PERFORMANCE BASED AND CONTRACTOR SHALL INSTALL AND MAINTAIN ANY EROSION CONTROL MEASURES NECESSARY TO ASSURE MAXIMUM PROTECTION OF THE SITE DURING DEMOLITION AND CLEARING.
 8. CONTRACTOR TO COORDINATE TIMING OF DEMOLITION AND CONSTRUCTION WITH OWNER TO ENSURE EXISTING FACILITIES REMAIN ACCESSIBLE.
 9. ALL EXISTING STRUCTURES AND UTILITIES TO BE DEMOLISHED AND REMOVED FROM THE PROJECT SITE ARE NOT SHOWN ON THIS PLAN. ANY ADDITIONAL EXISTING STRUCTURES AND UTILITIES TO BE DEMOLISHED DURING CONSTRUCTION MUST BE IN THE OPINION OF THE ENGINEER. SUCH STRUCTURES AND UTILITIES SHALL BE DESIGNATED BY THE CONTRACTOR AND REMOVED IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY REQUIRED PERMITS.



DEVELOPMENT DATA

OWNER/DEVELOPER: MONTICELLO DEVELOPMENT, LLC
 1300 TOWNES RD
 ASHEVILLE, NC 28905
 (828) 298-3408

CONTACT: DAN JAYSON CONCEPTS, P.A.
 400 W. 10TH ST
 WARRIOR, NC 27579
 (828) 282-5086

ARCHITECT: FOWLER ARCHITECTS, P.A.
 351 W. HARRISON AVENUE
 ASHEVILLE, NC 28901
 (828) 253-8285

PROJECT DATA

PKA: 0743-21-7825, 0743-21-0853
ADDRESS: MONTICELLO COMMERCE DR
DEED BOOK/PAGE: 4300/0706
TOTAL AREA: 2.4 AC
ZONING:

TRACT B PROJECT DATA

SETBACKS: 30'
FRONT: 30' (ABUTTING RESIDENTIAL)
SIDES: 0' (ABUTTING COMMERCIAL)
REAR: 0' (ABUTTING COMMERCIAL)
DISTURBED AREA: 1.60 AC

PARKING CALCULATIONS:

VEHICLE:
 PROFESSIONAL SERVICES: 1/200 SF (TOTAL 15,084 SF)
 MANUFACTURING/STORAGE: 1/200 SF (TOTAL 2,450 SF)

PROFESSIONAL SERVICES SPACES: 75
MANUFACTURING/STORAGE SPACES: 12
TOTAL SPACES PROVIDED: 87

HANDICAPPED SPACES: 4
SPACES REQUIRED: 4

BUILDING DATA

BUILDING	DESCRIPTION	SEA
1	5-STORY	10,534 SF

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

811
 Know what's below.
 Call before you dig.

NORTH

EXISTING CONDITIONS & DEMOLITION PLAN
GRAPHIC SCALE

(1 IN PRINT)
 1 inch = 30 ft

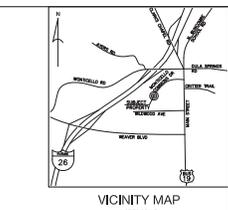
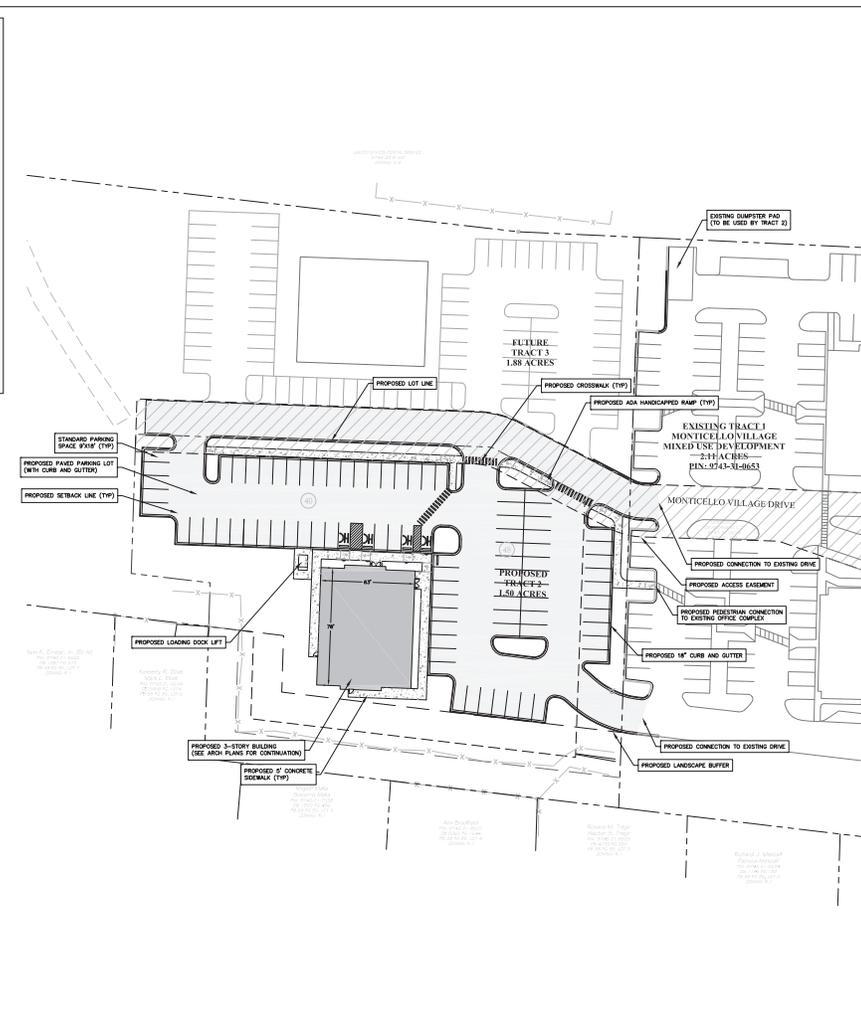
CDC
 CONCEPTS & DESIGN
 CONCEPTS, PA

MONTICELLO OFFICE
 MONTICELLO DEVELOPMENT, LLC - MONTICELLO, NORTH CAROLINA

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 Know what's below.
 Call before you dig.

EXISTING CONDITIONS & DEMOLITION PLAN FOR
 MONTICELLO OFFICE
 DRAWN BY: CDC PROJECT WALL
 TOWN PERMIT NO.: 17198
 SHEET
C101

- NOTES**
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
 2. SINGLE-PHASE CONSTRUCTION.
 3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
 4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXISTING LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION AND TO NOTIFY BUREAU OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATE. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITIES COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY SLOTT AT 14-HRS-30-PM OR BY 72 HOURS BEFORE CONSTRUCTION BEGINS.
 7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 2% SLOPE CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1.5% PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPE SHALL BE REMOVED AND REPLACED AT CONTRACTOR'S EXPENSE.
 8. ALL RAIN LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT TRADE ARE 0% UNLESS OTHERWISE NOTED.
 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.
 11. PROPOSED ROADS TO BE PRIVATE TOWN OF WEAVERVILLE IS NOT RESPONSIBLE FOR ANY ROAD MAINTENANCE.



DEVELOPMENT DATA

OWNER/DEVELOPER: MONTICELLO DEVELOPMENT, LLC
 1300 THAMES RD
 ASHEVILLE, NC 28805
 (813) 298-3408

CONTACT: DAN JAYSON, CONCEPTS, P.A.
 4000 W. 2000 S.
 WARRIOR, NC 27702
 (813) 438-1295

ARCHITECT: FOWLER ARCHITECTS, P.A.
 351 W. HERRON AVENUE
 ASHEVILLE, NC 28801
 (813) 253-8585

PROJECT DATA

PARCEL: 0743-21-7825, 0743-21-0853
ADDRESS: MONTICELLO COMMERCE DR
DEED BOOK/PAGE: 4300/0706
TOTAL AREA: 2.42 ACRES
ZONING: C-2

TRACT I PROJECT DATA

SETBACKS: 30'
DECS: 30' (ABUTTING RESIDENTIAL)
 0' (ABUTTING COMMERCIAL)
REAR: 0' (ABUTTING COMMERCIAL)
DISTURBED AREA: 1.60 AC

PARKING CALCULATIONS:

VEHICULAR:
PROFESSIONAL SERVICES: 1/200 SF (TOTAL 15,084 SF)
MANUFACTURING/STORAGE: 1/200 SF (TOTAL 2,450 SF)

PROFESSIONAL SERVICES SPACES: 19
MANUFACTURING/STORAGE SPACES: 12
TOTAL SPACES PROVIDED: 31

HANDICAPPED SPACES: 4
SPACES PROVIDED: 4

BUILDING DATA:
BUILDING 1: DESCRIPTION: 3-STORY
 AREA: 15,034 SF

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

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NORTH

SITE PLAN
GRAPHIC SCALE
 1 inch = 30 ft

MONTICELLO OFFICE

C201

CDC
 CONCEPTS
 DAN JAYSON
 ARCHITECT

DATE: 05/17/2024
BY: [Signature]

SCALE: 1/8" = 1'-0"

PROJECT NO.: 24-001
SHEET NO.: 118

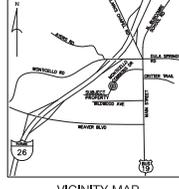
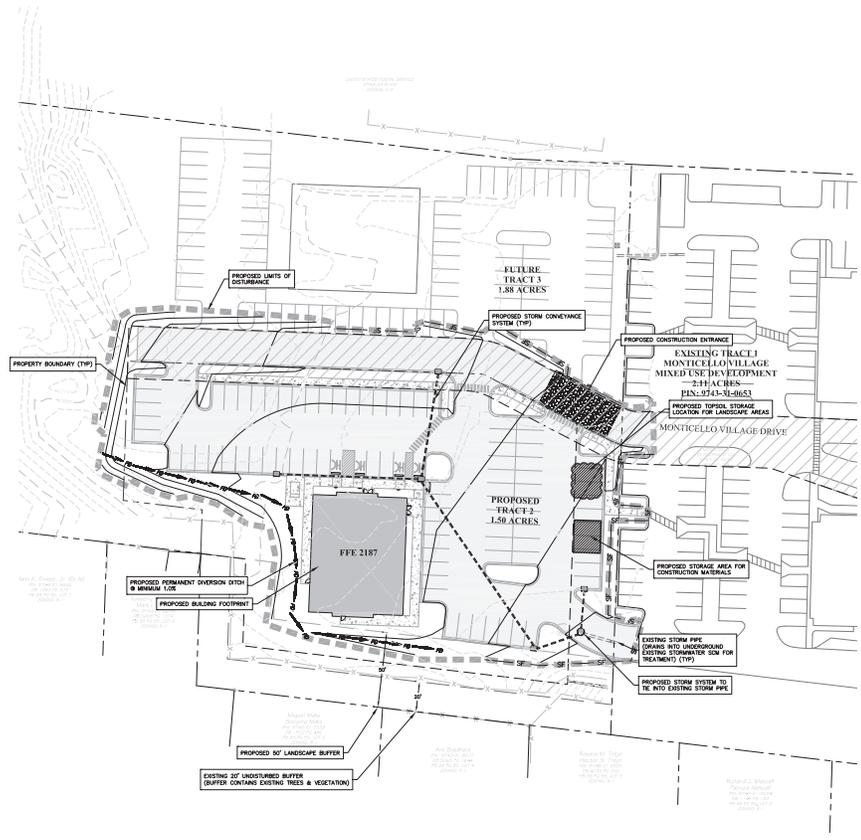
DATE: 05/17/2024

SCALE: 1/8" = 1'-0"

PROJECT NO.: 24-001
SHEET NO.: 118

DATE: 05/17/2024

- NOTES**
1. SEE GRADING, EROSION CONTROL, AND STORM DRAINAGE DETAIL SHEETS FOR ALL GENERAL NOTES. CONTRACTOR RESPONSIBLE FOR INCLUSION OF DETAIL SHEETS WITH ALL PLANS.
 2. NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FEMA FLOODPLAIN.
 3. SOIL TYPE B.



DEVELOPMENT DATA

OWNER/DEVELOPER: MONTICELLO DEVELOPMENT, LLC
 1300 TOWNES RD
 ASHEVILLE, NC 28905
 (813) 298-3408

CONTACT: DAN JAYSON
 (813) 298-3408

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 1000 W. WOODS BLVD
 WAREHOUSING, NC 28689
 (813) 292-5086

CONTACT: DAN JAYSON
 (813) 292-5086

SURVEYOR: WARE AND ASSOCIATES
 2300 W. WOODS BLVD
 WAREHOUSING, NC 28689
 (813) 438-1205

ARCHITECT: POWERS ARCHITECTS, P.A.
 351 W. WOODS BLVD
 WAREHOUSING, NC 28689
 (813) 292-5086

CONTACT: DAN JAYSON
 (813) 292-5086

PROJECT DATA

PARCEL: 0743-21-7825, 0743-21-0853
ADDRESS: MONTICELLO COMMERCE DR
DEED BOOK/PAGE: 4300/0706
TOTAL AREA: 5.49 ACRES
ZONING: C-2

TRACT B PROJECT DATA

SETBACKS: 30'
DEDS: 30' (ABUTTING RESIDENTIAL)
 0' (ABUTTING COMMERCIAL)
REAR: 30' (ABUTTING COMMERCIAL)
DISTURBED AREA: 1.60 AC

PARKING CALCULATIONS:

VEHICLE:
 PROFESSIONAL SERVICES: 1/200 SF (TOTAL 15,084 SF)
 MANUFACTURING/STORAGE: 1/300 SF (TOTAL 3,480 SF)

PROFESSIONAL SERVICES SPACES: 75
TOTAL SPACES PROVIDED: 75

MANUFACTURING/STORAGE SPACES: 4
SPACES REQUIRED: 4
SPACES PROVIDED: 4

BUILDING DATA

BUILDING #	DESCRIPTION	SEA
1	5-STORY	15,534 SF

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

CDC
 CIVIL DESIGN CONCEPTS, P.A.
 1000 W. WOODS BLVD
 WAREHOUSING, NC 28689
 (813) 292-5086
 www.civil-design.com

MONTICELLO OFFICE
 811
 KNOW WHAT'S BELOW.
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GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN

GRAPHIC SCALE
 1 inch = 30 ft

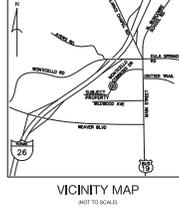
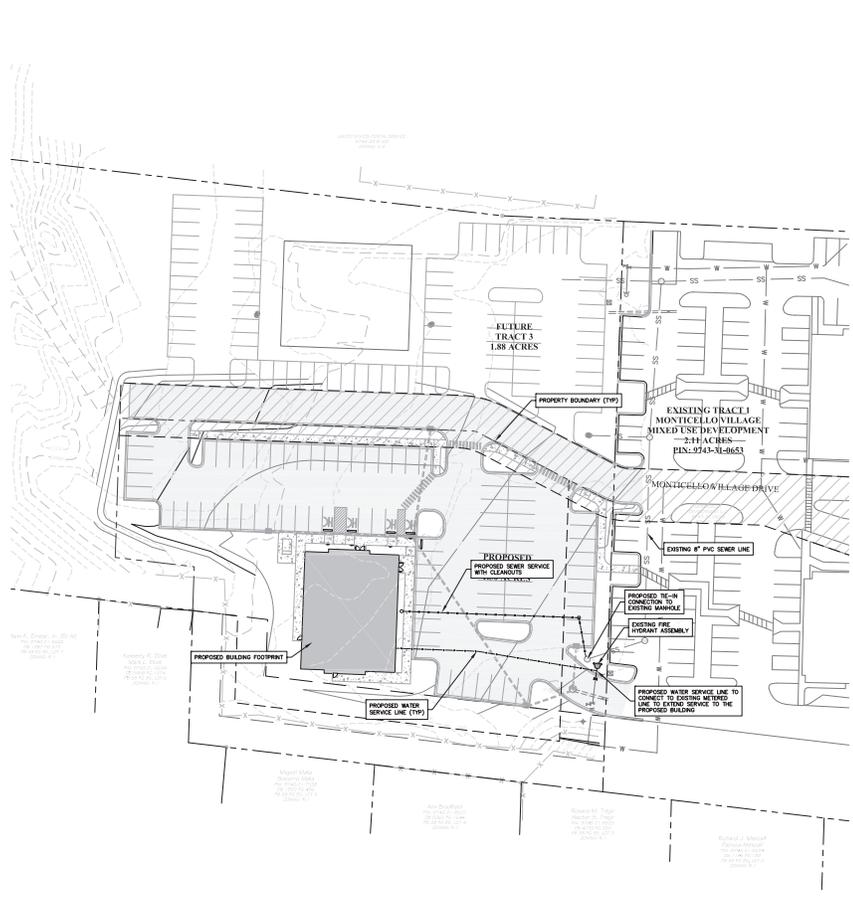
SHEET C301

DATE: 11/01/2018
NO.: 1
DISCIPLINE: CIVIL
DATE: 11/01/2018

PROJECT NO.: 180118-001
TOWN PERMIT NO.: 180118-001

SCALE: 1/8" = 1'-0"

- NOTES**
- SEE UTILITY DETAIL SHEETS FOR ALL GENERAL WATER & SEWER NOTES. CONTRACTOR RESPONSIBLE FOR INCLUSION OF DETAILS SHEETS WITH ALL UTILITY PLANS.
 - WATER METERS ARE TO BE PLACED MAXIMUM OF 6" OFF EDGE OF PAVEMENT (OVERLAP) UNDER A 15" TO 18" SINGLE INCH METERS SHALL BE INSTALLED WITH STRIP WHEN THERE IS NO CONSTRUCTION AND NO STRIP IS AVAILABLE. SERVICE LINES CROSSING SIDEWALK SHALL BE CONSTRUCTED WITH PVC SLICED EXTENDING 6" ON EITHER SIDE OF SIDEWALK PER TOWN OF MONTICELLO STANDARDS AND SPECIFICATIONS.
 - TYPICAL EASEMENTS FOR WATER LINES LOCATED OUTSIDE ESTABLISHED UTILITY EASEMENTS OR ROAD RIGHT-OF-WAYS SHALL BE A 20 FEET. THE ENTIRE WATER EASEMENT MUST BE CLEAR AND REMAINED CLEAR OF TREE PLANTINGS, EXISTING TREES, AND ANY PERMANENT STRUCTURES.
 - ORIGINATOR TO MAINTAIN AND REQUIRED VERTICAL SEPARATION CONTRACTOR TO CONTACT ENGINEER ON ANY CROSSING THAT DOES NOT MEET THIS SEPARATION OR SEPARATION IS CLOSER THAN 1" REFER TO GENERAL NOTES ON SEWER DETAIL SHEET FOR SEPARATION REQUIREMENTS BETWEEN UTILITIES.
 - TYPICAL EASEMENTS FOR SEWER LINES LOCATED OUTSIDE ESTABLISHED UTILITY EASEMENTS OR ROAD RIGHT-OF-WAYS SHALL BE AS SHOWN. THE ENTIRE SEWER EASEMENT MUST BE CLEAR AND REMAINED CLEAR OF TREE PLANTINGS, EXISTING TREES, AND ANY PERMANENT STRUCTURES.
 - NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FEMA FLOODPLAIN.



DEVELOPMENT DATA

OWNER/DEVELOPER: MONTICELLO DEVELOPMENT, LLC
 1300 TURNER RD
 ARDENVILLE NJ 08805
 (812) 298-3408

CONTACT: DAN JAYSON CONCEPTS, P.A.
 400 W. 10TH ST
 WAREHOUSING, PA 15388
 (412) 252-5086

ARCHITECT: POWERS ARCHITECTS, P.A.
 35 MEMPHIS AVENUE
 ARDENVILLE, NJ 08805
 (812) 252-5086

PROJECT DATA

PKA: 8743-21-7825, 8743-21-0853
ADDRESS: MONTICELLO COMMONS DR
DEED BOOK/PAGE: 4300/0706
TOTAL AREA: 2.9 ACRES
ZONING: C-2

TRACT I PROJECT DATA

SETBACKS: 30'
SEDS: 30' (ABUTTING RESIDENTIAL)
 0' (ABUTTING COMMERCIAL)
REAR: 0' (ABUTTING COMMERCIAL)
DISTURBED AREA: 1.60 AC

PAVING CALCULATIONS:

VEHICLE:
 PROFESSIONAL SERVICES: 1/200 SF (TOTAL 15,084 SF)
 HANDICAPPING STORAGE: 1/200 SF (TOTAL 2,450 SF)

PROFESSIONAL SERVICES SPACES: 19
HANDICAPPING STORAGE SPACES: 12
TOTAL SPACES PROVIDED: 31

HANDICAPPED SPACES: 4
SPACES PROVIDED: 4

BUILDING DATA

BUILDING	DESCRIPTION	SEA
BUILDING 1	5-STORY	15,034 SF

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

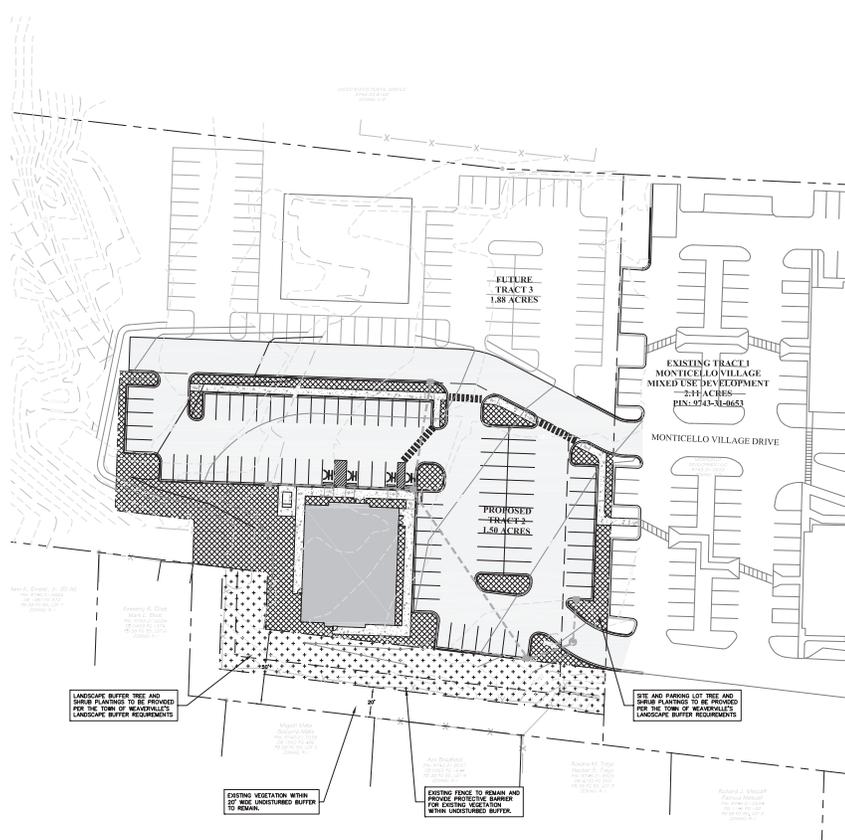
CDC CONCEPTS

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UTILITY PLAN FOR
MONTICELLO OFFICE

GRAPHIC SCALE
 (1 IN PRINT)
 1 inch = 30 ft

SHEET
C601



LEGEND

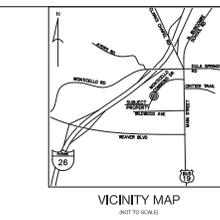
	LANDSCAPE BUFFER TREE AND SHRUB PLANTING
	SITE AND PARKING LOT TREE AND SHRUB PLANTING

LANDSCAPE BUFFER TREE AND SHRUB PLANTING TO BE PROVIDED FOR THE TOWN OF HEAVENHILLS LANDSCAPE BUFFER REQUIREMENTS

SITE AND PARKING LOT TREE AND SHRUB PLANTING TO BE PROVIDED FOR THE TOWN OF HEAVENHILLS LANDSCAPE BUFFER REQUIREMENTS

EXISTING VEGETATION WITHIN 50' WIDE UNDISTURBED BUFFER TO REMAIN

EXISTING FENCE TO REMAIN AND PROVIDE VISUAL BARRIER FOR EXISTING VEGETATION WITHIN UNDISTURBED BUFFER



DEVELOPMENT DATA

OWNER/DEVELOPER: MONTICELLO DEVELOPMENT, LLC
 1300 THAMES RD
 ASHEVILLE, NC 28905
 (813) 298-3408

CONTACT: [Redacted]

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 4001 W. WOODS
 WARRIOR SUITE, P.O. BOX 1000
 (813) 252-5086

SURVEYOR: WARE AND ASSOCIATES
 3 N. W. 10TH ST.
 FARMER, NC 27720
 (813) 428-1205

ARCHITECT: FISHER ARCHITECTS, P.A.
 35 MEMPHIS AVENUE
 ASHEVILLE, NC 28901
 (813) 253-8285

CONTACT: [Redacted]

PROJECT DATA

PKA: 8743-21-7823, 8743-21-0853
 ADDRESS: MONTICELLO COMMERCE DR
 DEED BOOK/PAGE: 4390/7076
 TOTAL AREA: 5.4 ACRES
 ZONE: C-2

TRACT B PROJECT DATA

SETBACKS: 35'
 SIDE: 35' (ABUTTING RESIDENTIAL)
 REAR: 0' (ABUTTING COMMERCIAL)
 DISTURBED AREA: 1.60 AC

PARKING CALCULATIONS:

VEHICLE: PROFESSIONAL SERVICES: 1/200 SF (TOTAL 15,084 SF)
 MANUFACTURING STORAGE: 1/200 SF (TOTAL 3,450 SF)

PROFESSIONAL SERVICES SPACES: 75
 MANUFACTURING STORAGE SPACES: 12
 TOTAL SPACES PROVIDED: 87

HANDICAPPED SPACES: 4
 SPACES REQUIRED: 4
 SPACES PROVIDED: 4

BUILDING DATA

BUILDING	DESCRIPTION	GFA
BUILDING 1	3-STORY	10,534 SF

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

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 Know what's below.
 Call before you dig.

NORTH

LANDSCAPE COMPLIANCE PLAN

GRAPHIC SCALE

(1 IN PRINT)
 1 inch = 30 ft

CDC
 CIVIL DESIGN CONCEPTS, P.A.

DATE: 11/17/2018
 SHEET: L101

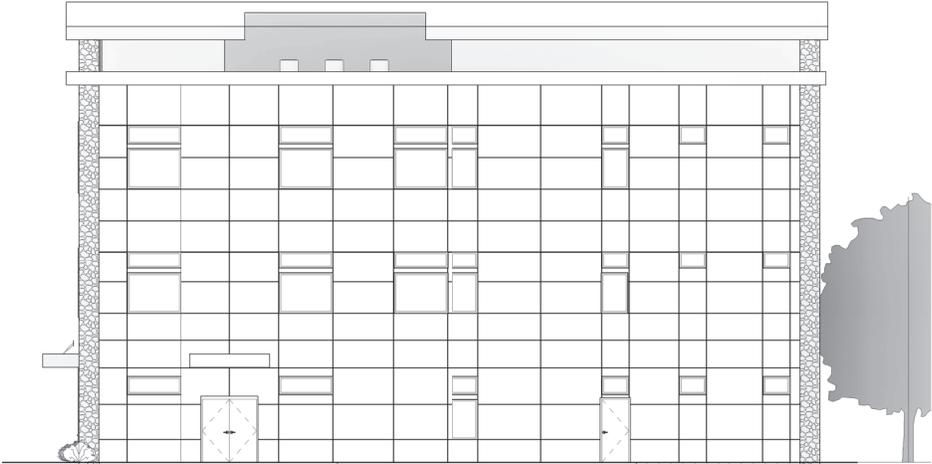
LANDSCAPE COMPLIANCE PLAN FOR: MONTICELLO OFFICE

DRAWN BY: CDC PROJECT MGMT
 TOWN PERMIT NO.: 17184

MONTICELLO DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DD-4.4

West Elev

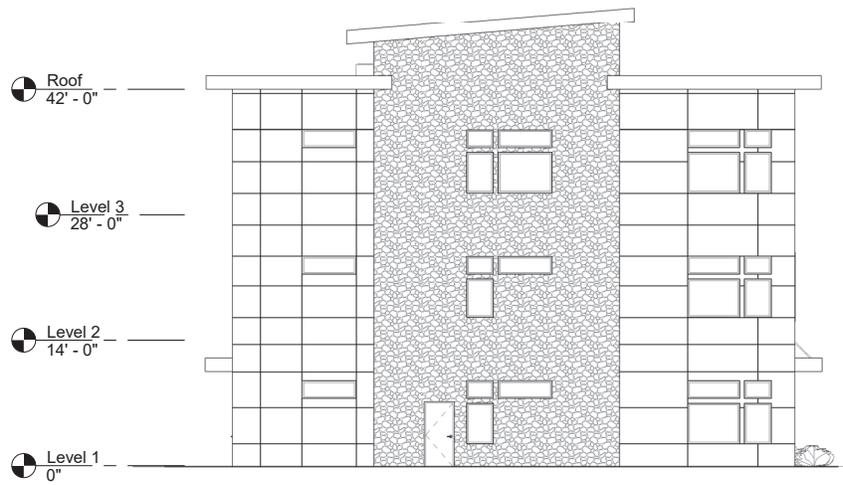


1 West Elevation

$\frac{3}{32}'' = 1'-0''$

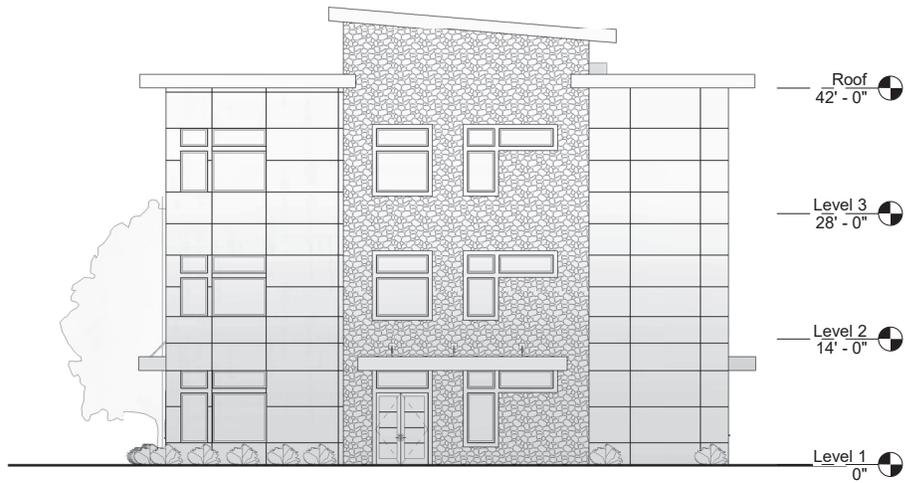
DD-4.3

South Elev.



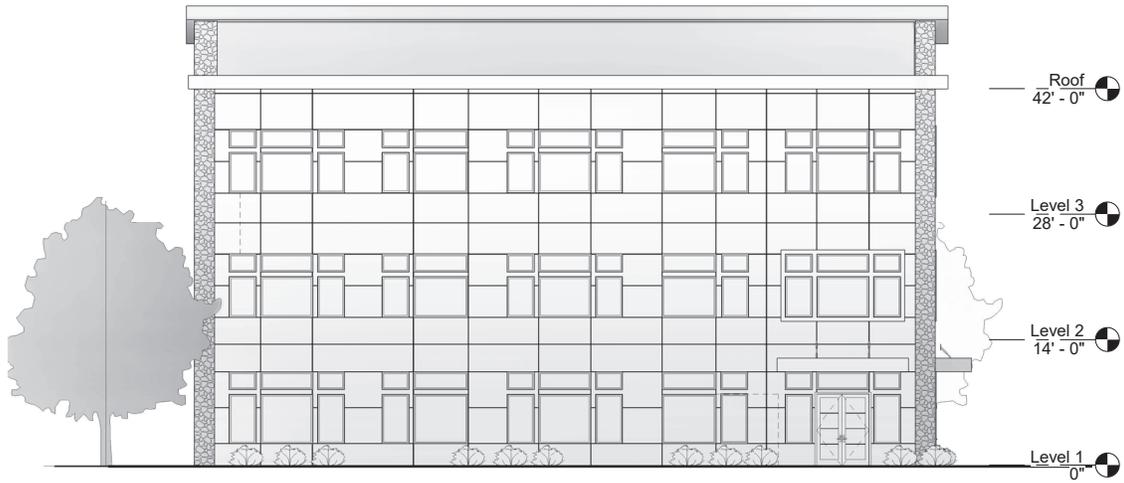
1 South Elevation
3/32" = 1'-0"

DD-4.2
North Elev



1 North Elevation
 $\frac{3}{32}'' = 1'-0''$

DD-4.1
East Elev



1 East Elevation
3/32" = 1'-0"

DD-Elev1

Front Elev



1 North East Corner View

Town of Weaverville, North Carolina
**Staff Report: Proposed Special Use
Permit Amendment for Monticello Village
Drive**

Prepared May 2019

Sources: Town of Weaverville Code of Ordinances; Orders of the Town of Weaverville Board of Adjustment in the Matter of Monticello Village Drive (Monticello Commons)

Applicability and Jurisdiction

The ability for a property owner to apply for a new special use permit in the form of a unified housing development or a unified business development was repealed by ordinance in September 2016 and August 2017 respectively. However, many and several special use permits created by order of the Zoning Board of Adjustment remained and any amendment thereto must be heard through the quasi-judicial process as per Chapter 36, Article IX – Special Use Permits.

Compliance with Underlying Zoning District

Standard 3 found within Sec. 36-238 – Standards requires the Zoning Board of Adjustment to find that the establishment of the special use (or amendment thereto in this case) will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The subject property, 16 Monticello Village Drive, is currently zoned C-2 and the uses of *“Professional Services”* and *“Warehousing and Distribution with Interior Storage”* as shown on the plans are permitted within the district. Therefore, it is the belief and understanding of staff that an amendment to the existing special use permit to allow for additional uses permitted within the zoning district would not be injurious to the further development and improvement of surrounding properties within the zoning district described.

Previously Established Orders

Having reviewed the previously established order related to the special use permit which governs the property, it is the belief and understanding of staff that amending the special use permit in the fashion requested would not conflict with the original findings from 2006.

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY
WEAVERVILLE, NORTH CAROLINA

DECISION OF THE TOWN OF WEAVERVILLE
ZONING BOARD OF ADJUSTMENT BASED
UPON HEARING OF THE PETITION OF
MONTICELLO COMMONS LLC FOR A
UNIFIED BUSINESS DEVELOPMENT AS A
SPECIAL EXCEPTION AT MONTICELLO
COMMONS, LOT 1, PLAT BOOK 98, PAGE
90, PIN 9743.17-21-3908.

This matter came to be heard before the Town of Weaverville Zoning Board of Adjustment on Monday, October 30, 2006 at 7:00 p.m. in the Council Chambers at 30 South Main Street, Weaverville, North Carolina. The meeting was a public meeting held pursuant to public notice properly published in the Asheville Citizen-Times on October 16 and 23, 2007. The public hearing was held after notice of a meeting was mailed to all persons owning property within a two hundred-foot area surrounding the property mentioned in the Petition.

Members of the Town of Weaverville Zoning Board of Adjustment present and hearing the matter were Vice-Chairman Susan Ballard, Warren Alcorn, Chris Crawford, Carol Cumbie, and Ernie Hewitt.

An application has been submitted by Monticello Commons, LLC and hand delivered to all members of the Zoning Board of Adjustment prior to the hearing. The application consisted of the following:

1. A copy of an Application for Unified Business as a Special Exception by Monticello Commons, LLC which identified the subject property as being PIN 9743.17-21-3908, Lot 1, Monticello Commons, Plat Book 98, Page 90.
2. A copy of the General Concept Plan for a development to be known as The Courtyard at Monticello Commons prepared by Land Design, Inc which included Conceptual site plan, utility plan, grading & drainage plan, and planting plan.
3. A copy of the architectural plans prepared by Samnat Architecture, Inc which consisted of the floor plan, entry elevation, main and second floor plans and elevations.
4. A copy of the Notice of Public Hearing.

Vice-Chairman Ballard announced that Monticello Commons, LLC has filed a

application of a Unified Business as a Special Exception on Lot 1, Monticello Commons, North Main Street, Weaverville, North Carolina.

The Zoning Board of Adjustment introduced into evidence and used the Town of Weaverville Zoning Ordinance, as amended November 2005, as well as current zoning map showing that the property in question is zoned C-2. A full set of plans showing all aspects of the proposed project as present by Land Design was also introduced into evidence.

After being duly sworn, Marty Kocot of Land Design, stated that he represented Monticello Commons, LLC, composed of Jack Kasey, Coldwell Bankers Real Estate and Andy Walker, Azalea Management and Development Company. Kocot presented the Board members with an 11 x 17 colored concept plan for easier viewing.

Mr. Kocot testified that Monticello Commons LLC propose to build a mixed-used development consisting of seven buildings on 5.68 acres on Lot 1 on Monticello Commons. Building # 1 is 5,000 square feet and will be occupied by Coldwell Banker Real Estate Company. Building # 2 will be commercial on the main floor with residential on the two upper floors. Buildings # 3 and # 4 are identical to building # 2 with 5,200 square feet of commercial space each and eight dwelling units on the upper floors. Buildings # 5, 6 & 7 toward the back of the property are all residential. There is a total of 20,600 square feet of commercial/ retail/office space and a total of 45 dwelling units with a mix of two and three bedrooms.

Kocot testified that the parking provided meets the standards of the Zoning Ordinance, two parking spaces per dwelling unit and one parking space for every 200 square feet of commercial/retail. In addition, the loading/unloading zones also meet the requirements of the Zoning Ordinance.

Kocot further testified that the Plan called for the main entrance to be located off Main Street between buildings # 1 and #2, with a secondary entrance/exit located to the south of building # 1 (Coldwell Bankers). He testified that he has talked to NC DOT but haas not filed an official permit application for driveway connections to North Main Street. However, he has tried to separate the entrances far enough apart from the Post Office entrance so as not to cause problems. The secondary entrance is proposed for a right in/right out only. Pedestrian traffic will have access from North Main Street via a sidewalk in front of the property. A sidewalk will be provided from the southern to northern property lines along North Main Street and extend internally to all buildings to give access to all areas of the project.

Mr. Kocot testified that the existing cemetery will remain undisturbed within the green space in front of the Coldwell Banker's building. The plan has been tailored to work around the cemetery. Plans are to clean up the area but the graves will not be disturbed.

Kocot described the storm water drainage and collection proposed for the area. It will be detention and retention on the site

Kocot testified that the 50' buffer will consist of the required 20' undisturbed area next to

the residential property on Wildwood Avenue and an additional 30' buffer area required by the Town Council. The 50' buffer will contain no impervious area, with plans to provide the buffer while work is in the first phase. The landscape plan is a part of the master plan and describes the plantings to be used.

Manager Morgan stated that on the final plans, light details will have to show the maximum height, low light, etc. per the Lighting Ordinance.

Member Chris Crawford inquired as to the plans for construction.

Kocot testified that the developers are committed to building the first two buildings (# 1 & # 2) back to and including the parking area behind those buildings. The plans for the next buildings (# 3 & # 4) are identical to building # 2 and would probably be phase 2. At this point in time, they are not sure as to further construction.

After being duly sworn, R. L. Stanley, Architect with Samnat Architecture Inc., testified that it is their intention to try to build this project out in two years, sooner if possible.

Member Carol Cumbie questioned the time frame from approval to construction. Manager Morgan read Section 36-240(h)(1)(2) and explained the requirements. Morgan stated that there is not anything in the Ordinance to prohibit a project from being built in phases.

Mr. Kocot testified that he has spoken to Larry Sprinkle regarding the water as well as MSD regarding the sewer. Here too, final plans will have to be submitted and approved before any construction. The plans contain a complete listing of all plants and trees proposed. The cemetery will be kept by the association and maintained as a part of the landscaping.

Attorney Loftin inquired if the developers would be opposed, if the Board approved this plan (the 11 x 17 color plan showing extra landscaping) to putting in the excessive plantings.

Kocot testified that “no,” but I would like the Board to approve the required landscaping that is shown in the design package that was submitted to the Board without requiring the additional landscaping that is planned but not required.”

Board member Alcorn felt it was incumbent upon all that the plantings should be done as soon as possible to allow it to mature, if it doesn't affect any building material.

Kocot responded “the only thing I would ask is that we are allowed to actually....there are a lot of existing trees and vegetation here that we tried to represent with that shading that you see in the green, the only stipulation I have is that we are allowed to distribute the required buffering/planing in this area somewhere within the 50' buffer and we will work with Shelby and Mike.”

Member Alcorn asked if there was required fencing or optional consideration. Manager

Morgan responded that there was not.

Member Cumbie questioned the proposed exterior design of the buildings. Mr. Stanely explained the design: stone bottoms, stucco and hardy plank siding and hardy type shingles. They are trying to keep it in more of a residential feel than a commercial.

After being duly sworn, Jack Kasey, of Coldwell Bankers, and a partner in Monticello Commons, LLC, gave a brief overview of their real estate facilities in Waynesville, Hendersonville and the three in Asheville, testifying that “all facilities have more landscaping than is required because of their customer/clientele, we want to make that more appealing. Plus it just adds more to the complex and makes it much nicer. This will be done the same way.”

Kasey clarified that the residential units are to be sold and are not rental property. However, there is nothing to keep an owner from renting to someone else.

Vice-Chairman Ballard opened the floor for public comment.

After being duly sworn, Robin Caldwell, owner of property at 5 Wildwood Avenue questioned the storm water drainage. Stating “there is a small retention pond at the back yard level and where it comes through, there is another stream from around the front of the property that joins in. It doesn’t flow real strong, so a lot of the time it is like a mosquito pond. What will be done to this area?”

Mr. Kocot responded by explaining the drainage as it is now and the site work that will be done as a part of the development of the land. Once the site work is complete, all the storm water, retention/detention system will be underground. All storm water is “captured and treated” underground then discharged at a rate prior to development.

There being no further comment or questions from the floor, Vice-Chairman Ballard closed the public hearing.

Member Alcorn read Section 36-238 of Article IX. Standards. Ballard pointed out that these are the seven (7) findings of fact that the Board must make and consider before a Special Exception permit is granted.

After a discussion, a motion was then made by Warren Alcorn to approve the request from Monticello Commons, LLC for a Special Exception to build a Unified Business Development on Lot 1, Monticello Commons, Plat Book 98, Page 90 PIN 9743.17-21-3908 contingent upon the following condition being met:

1. The required buffering/landscaping on the southern property line of Monticello Commons, LLC (along the back of Wildwood Avenue lots abutting Lot 1) be completed during the first phase of the construction of the two front building all the way from the front line to the back line of the project.

The motion was seconded by Carol Cumbie.

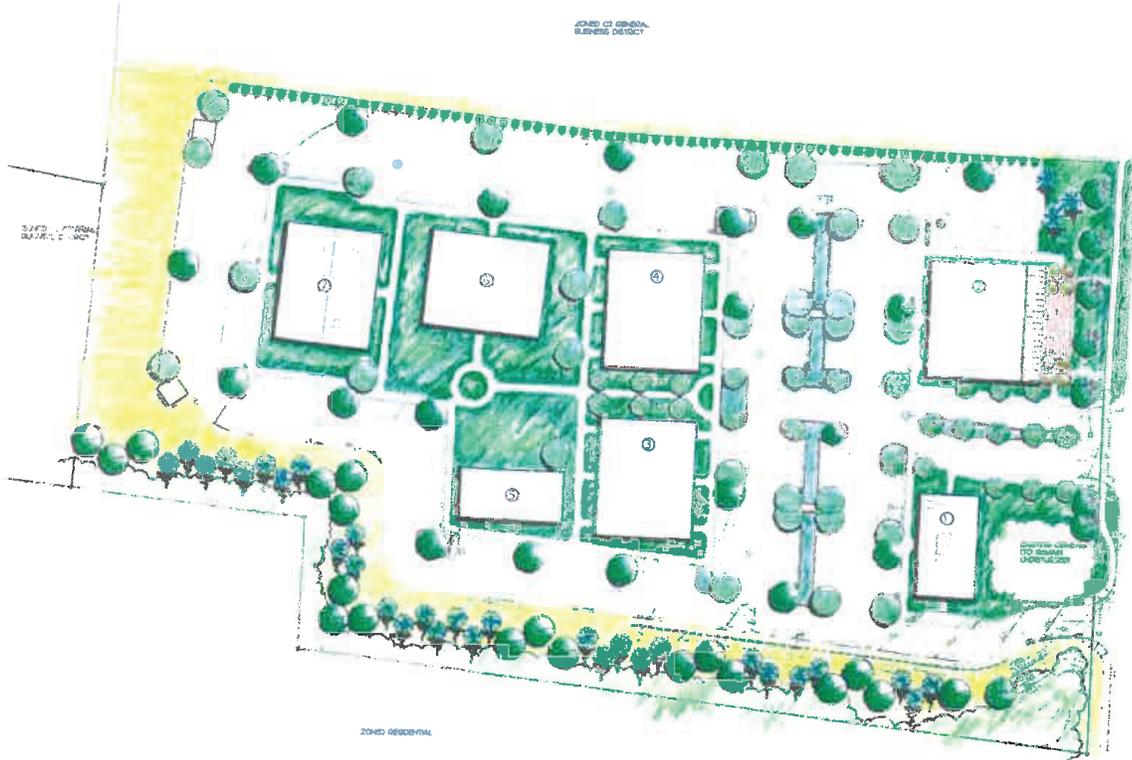
Finding that the seven standards set forth in Section 36-238 of Article IX, Special Exception, of the Town Code has been met, the request for a Special Exception was granted upon the condition stated, the vote being 5 - 0. All voting members, Warren Alcorn, Susan Ballard, Chris Crawford, Carol Cumbie and Ernie Hewitt voted for the granting of the Petition.

This the 15th day of November, 2006.

ZONING BOARD OF ADJUSTMENT
TOWN OF WEAVERVILLE

By: Susan Ballard
Susan Ballard, Vice-Chairman

Shelby Shields
Shelby Shields, Board Clerk



5.68 ac.



MAIN STREET
HWY 920 BUSINESS

**THE COURTYARDS AT
MONTICELLO COMMONS**
CONCEPTUAL PLAN

LAND DESIGN

1000 W. 10TH ST. SUITE 100
DENVER, CO 80202
TEL: 303.733.1100
WWW.LANDDESIGN.COM

ARCHITECT: [Logo]

ENGINEER: [Logo]

PLANNING: [Logo]

LANDSCAPE ARCHITECT: [Logo]

DATE: [Blank]