



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

Agenda

1. Call to Order – Vice Chairman Gary Burge.
2. Election of Officers.
3. Approval of the Agenda.
4. Approval of the Minutes from the August 6, 2019 Meeting of the Board.
5. Discussion Related to a Zoning Map Amendment Application for a .3 Acre Unaddressed Parcel of Land on Monticello Road Which Proposes an Initial Zoning of R-12 Upon Annexation.
6. Consideration of a Recommendation to Town Council on the Aforementioned Zoning Map Amendment Application.
7. Discussion Related to a Zoning Map Amendment Application for an 11.21 Acre Unaddressed Parcel of Land on Merrimon Avenue Which Proposes a Rezoning from I-1 to R-12.
8. Consideration of a Recommendation to Town Council on the Aforementioned Zoning Map Amendment Application.
9. Discussion Related to a High Density Single Family Residential Zoning District which was given a High Priority by Town Council within the Recently Adopted Comprehensive Land Use Plan.
10. Consideration of Direction to Staff to Draft Language Regarding the Creation of a New Zoning District for such Development or the Amendment of an Existing Zoning District to Accommodate Same.
11. Any other Business to Come Before the Board.
12. Adjournment.



**Agenda Item 2
Election of Officers**

Sec. 2-153. - Officers; rules of procedure.

The planning and zoning board shall elect a chairman and a vice-chairman from its membership, who shall each serve for one year or until reelected or until their successors are elected. The planning and zoning board shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the planning and zoning board. The planning and zoning board shall adopt appropriate rules of procedure, which rules shall be subject to the approval of the town council. The rules of procedure shall, among other things, provide for regular monthly meetings of the planning and zoning board and may provide that the planning and zoning board may conduct public hearings for the gathering of information to enable the board to more fully assist the town council in an advisory and administrative capacity.

(Ord. of [12-17-2018\(1\)](#), § 1)



**Agenda Item 4
Minutes**

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, August 6, 2019

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, July 2, 2019 within the Council Chambers at Town Hall.

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

1. Call to Order.

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

2. Approval of the Agenda.

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

3. Approval of the Minutes from the June 4 and July 2, 2019 Meetings of the Board.

Mr. Theroux noted two grammatical errors to correct. Mr. Stanz motioned to approve the minutes as amended. Mr. Burge seconded and all voted unanimously.

4. Discussion Related to a Major Subdivision Application and Preliminary Plat for the Property Commonly Known as 108 Church Street.

Mr. Eller presented to the Board the application and preliminary plan for a major subdivision to be located at 108 Church Street. Said application and plat called for the creation of five lots for single family residences from the underlying 2.8 acres. Mr. Eller noted that the lots to be created were each compliant with the underlying R-1 zoning district and that the application and plans had been reviewed and no deficiencies were found by the Fire and Public Works Department. Mr. Eller noted that the setbacks had not been shown on the plat as required but assured the Board that he would secure this correction from the surveyor who prepared the plat.

Mr. Eller also noted that very little would change between the preliminary and final versions of the plat due to all infrastructure (road, sewer, water) being present. It became the consensus of the Board that the final plat could be approved without further review once the existing structures are demolished as per the notes on the plat so as to not create setback issues with said structures.

5. Consideration of a Motion Establishing a Recommendation to Town Council on the Aforementioned Major Subdivision Application and Preliminary Plat.

Mr. Burge motioned to offer a favorable motion to Town Council on the Preliminary plat provided the setbacks be shown within the lots and that the final plat may be approved following the demolition of the present structures as called for on the plat due to all infrastructure being present. Mr. Warren seconded and all voted unanimously.

6. Presentation of the Adopted 2019 Comprehensive Land Use Plan and Priorities set by Town Council.

Mr. Eller noted the goals from the recently adopted comprehensive land use plan which had been given the highest priority by Town Council and suggested that material related to high density residential and mixed use developments would be before the Board for their consideration at during the September meeting.

7. Any Other Business to Come Before the Board.

Mayor Root addressed the Board and Chairman Theroux who’s term was set to expire at the conclusion of this meeting. Mayor Root noted several of Chairman Theroux’s accomplishments and contributions and presented to Chairman Theroux an engraved gavel reflective of his ten years of service to the Town on the Planning and Zoning Board.

Vice Mayor Jackson and Councilmen/women Fitzsimmons, McKenna, Nagle and Sherrill also offered words of appreciation to Chairman Theroux either at this time or just prior to the meeting coming to order.

8. Adjournment.

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

**[Redacted], Chairman
Planning and Zoning Board**

ATTEST:

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



Agenda Item 5&6
Initial Zoning Request:
Unaddressed Monticello

Staff is relying heavily upon a recent unanimous recommendation by the Planning and Zoning Board in April and decision by Town Council in May granting an initial zoning of R-12 to the much larger adjacent 19.5 acre tract. Therefore, no staff report has been made related to this small tract of land which directly abuts a parcel with R-12 zoning and is in the immediate vicinity of two other parcels with common zoning. The staff report for the aforementioned 19.5 acre tract can be made available in real time should the Board find the information, which would have gone largely unchanged for this additional .3 acres useful.

**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: Crest Residential

APPLICATION DATE: 7.1.19

PHONE NUMBER: 205-567-1467

MAILING ADDRESS: 500 Office
Park Dr. #215 Birmingham, AL 35223

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: Unaddressed Monticello Road

PIN: 9733-71-3521

LOT AREA (acres): .3 acres

CURRENT ZONING DISTRICT: Unincorporated (EMP, Bun. Co.) PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- 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.


SIGNATURE OF APPLICANT

8/27/19
DATE

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

REZONING FEE SCHEDULE:

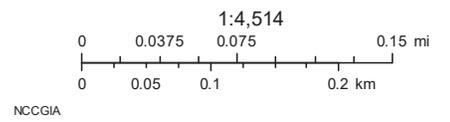
1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

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

Buncombe County



July 3, 2019





**Agenda Item 7&8
Rezoning Request:
Unaddressed Merrimon**



WGLA Engineering, PLLC
724 5th Avenue West
Hendersonville, NC 28739
(828) 687-7177 wgl.com

TRANSMITTAL

TO: James Eller, Planning Director	FROM: G. Thomas Jones III, PE
COMPANY: Town of Weaverville	DATE: 8/15/19
PHONE NUMBER:	WGLA PROJECT NUMBER:
RE: Rezoning Application PIN 9742-03-2555	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed please find the following:

- Application for a Zoning Map or Text Amendment
- Agent Authorization
- Recorded Plat (Boundary Survey)
- C-100 Zoning and Parcel Information Map (includes property addresses and PIN numbers)
- Check for \$750.00 (11.21 acres +/-)

Please let me know if you need any additional information for the Town to consider this rezoning request.

Thank you,
Tom

**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: Dale Lewis White
Louise T. O'Connor Revocable Trust
PHONE NUMBER: 828-687-7177

APPLICATION DATE: 8/19/19
c/o WGLA Engineering
MAILING ADDRESS: 724 5th Ave West
Hendersonville, NC
28739

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: Merrimon Avenue

PIN: 9742-03-2555

LOT AREA (acres): 11.21

CURRENT ZONING DISTRICT: I-1

PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
 Current owner(s) and date of survey
 Property location relative to streets
 North arrow
 Existing easements, rights of way, or other restrictions on the property
 Areas located within the floodplain
 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): Property is residential on
Town of Weaverville Future Land Use Map. Multi-family
is located across Merrimon Ave (Creekside Villas).

**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.


SIGNATURE OF APPLICANT

8/19/19
DATE

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

REZONING FEE SCHEDULE:

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

OFFICE USE ONLY

FEE: \$	DATE PAID:	<input type="checkbox"/>	CHECK	<input type="checkbox"/>	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:			
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:			
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:			

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

PROPERTY LEGAL DESCRIPTION: DB 5151 PG 1730 PB 98 PG 20
11.21 Ac M.O.L.

PARCEL ID: 9742-03-2555
STREET ADDRESS: Merrimon Avenue

PROPERTY OWNER: Dale Lewis White Louise T. O'Connor Revocable Trust
(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER:

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: dalewhite@charter.net / louisetocannon@gmail.com
PHONE NUMBER: 828-712-2057
MAILING ADDRESS: 80 Church St/. Weaverville, NC 28787

PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: Re-zone from I-1 to R-12

NAME OF INDIVIDUAL AGENT: G. Thomas Jones III
NAME OF CONTRACTOR/CONSULTING FIRM: WGLA Engineering PLLC

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: tjones@wglac.com
PHONE NUMBER: (828) 687-7177 x303
MAILING ADDRESS: 724 5th Ave West, Hendersonville NC 28739

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.

Louise O'Connor



Property Owner Signature

08/02/2019
10:55 AM GMT

Date: _____

Dale Lewis White



Property Owner Signature

08/02/2019
04:19 AM
GMT

Date: _____



WG&A
ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(833) 804-1177
WG&A.COM
NC LICENSE P-1342

Dale Lewis White
Louise T. O'Connor
Revocable Trust

Town of Weaverville
Buncombe County
North Carolina



PROJECT NUMBER: 19153
DATE: 8-16-19
DRAWN BY: T.W.
CHECKED BY: G.T.J.

Zoning and Parcel Information Map

C-100

SCALE: 1"=80'

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

Introduction to the Property

The subject parcel consists of 11.21 acres as shown on Buncombe County tax records and a zoning map amendment from I-1 to R-12 is requested. The property may be found along Merrimon Avenue between the intersections of Merrimon / Banks Town / Lakeshore to the north and Merrimon / Aiken to the south. The property also lies in close proximity to Lake Louise Park found less than one tenth of a mile to the north.



Zoning Analysis

The Town may expect up to 135 dwelling units based solely upon the underlying acreage which would be permitted with standards by staff as per the table of uses and section 36-139 should the zoning change be achieved. Said standards are as follows.

Sec. 36-139. - Dwelling—Multifamily (more than 4 units/building).

(a) Street lighting requirements made necessary by section 36-26 are fully applicable to the use of Dwelling - Multifamily (more than 4 units/building) as defined in section 36-5 except that such requirements are hereby modified to provide the following:

- (1) All lighting on the property shall be mounted on posts no more than 16 feet tall.
- (2) Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
- (3) The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.

**Staff Report: Proposed Rezoning of
Unaddressed Merrimon from I-1 to R-12**

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

(b) All containment devices for trash and recyclables (including but not limited to compactors, dumpsters, roll-out bins, and areas for storing cardboard) shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:

- (1) All containment areas shall be enclosed to contain windblown litter.
- (2) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
- (3) Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall, or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
- (4) Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
- (5) Enclosures shall contain gates to allow for access and security.
- (6) Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
- (7) Enclosures shall be landscaped in accordance with article VI of chapter 36.

(c) Maximum Number of Units per Building - No more than 24 units per building are permitted.

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 (pg. 25 and A-2) and future land use map use categories descriptions (pg. A-3). Here it is found that the subject property is within an area designated for future residential development and such areas are defined as follows:

Residential

Surrounding the downtown core are primarily single family residential neighborhoods that contain historic bungalows and arts and craft style homes. Scattered within these areas are several historic churches and new residential construction. Other residential areas include the Reems Creek Golf Course, Reems Creek Villages, Hamburg Mountain, Woodland Hills and more dense residential developments such as Creekside Village, Hamburg Crossing and Kyfields. Future residential areas are defined on the Future Land Use Map as areas that support further residential construction and the character of these areas can be respected by observing the dimensional standards of the zoning district in which they are located.

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

Here it is important to consider the “character” of the area as made requisite from the previously mentioned description. It should be noted that multi-family housing is currently established on an adjacent property at Creekside Village and an additional nearby property commonly known as Waters Edge found less than one tenth of a mile north near the intersection of Merrimon Avenue and Banks Town Road. Other properties in the immediate vicinity are currently being used for industrial purposes.



Previous recommendations by the Planning and Zoning Board and decisions made by Town Council has given staff the impression that density is seen as a large contributing factor in determining the compatibility of character with a proposed project and it’s immediate surroundings. Please see the following information on the two aforementioned multi-family projects for your consideration

	Creekside Village (Phase 1)	Water’s Edge
Acres:	+/- 7.5	+/- 2
Units:	55	18
Units per Acre:	7.33	9

When solely considering the adopted future land use map and future land use map use category descriptions, it is the opinion of staff that a proposed rezoning to any residential district would be supported by the CLUP. Whether the density desired by this particular proposal is at odds with the “character” of the area is a determination to be made by the appointed and elected officials of the Town.

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

Found on page 17 of the CLUP is the stated goal of “consider ways to address housing affordability.” Said goal was established upon finding the current median housing cost of \$335,000 for housing stock within the jurisdiction which represented a 39% increase in just two years following a reevaluation of property values by the County in 2017. Both the community and Town Council have expressed a concern that this figure may prove to be problematic for those operating with a limited income to remain or become a member of our community. Should it be found that these units are to be sold or leased at a value under the current median housing value, this stated goal would be addressed.

Found on pages 6 and 22 of the CLUP is the stated goal of “define and consider ways to achieve balanced residential development.” On the fact sheet, found on page A-13 within the CLUP, you will find numbers illustrating the percentage of both single family and multifamily housing units of the total housing stock within the jurisdiction. These values were found to be substantially similar between the years of 2010 and 2016. However, between 2016 and a 2018 estimated figure we find the percentage of single family residential units fall by 5% and multifamily residential units rise by the same 5% to the current estimate of 80% single family and 19% multifamily with the remainder represented by mobile homes. This change is reflective of two apartment complexes, one constructed and occupied and one with plans approved, which were annexed into town during that time. If we take into account the total units permitted on this parcel under R-12 zoning and 135 Monticello Road which was recently annexed into town with R-12 zoning, we may expect to see as many as 369 multifamily residential units should the desired zoning for this subject property be achieved. Adding this figure to our housing stock would bring a future iteration of our ratio of single family residential housing stock to that of multifamily to 69% to 31% respectively with mobile homes remaining at less than 1%. Finding this balance is largely a policy question but staff has prepared these figures should they assist in this determination.

Found on page 26 of the CLUP is the stated goal of “consult additional approved plans for plan consistency review.” Statements and/or additional information related to those plans are as follows.

Strategic Plan Compliance

Within the Town’s Strategic Plan (SP), a summary of which is found on page A-7 within the CLUP, 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 is found within 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

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

Madison Counties. One could reason that additional leased or purchased housing stock, at likely below the stated median value, could invite a younger population to become invested in the Town hence forwarding the stated visions adopted by Town Council.

Reems Creek Greenway Feasibility Study Compliance

Within the Town's Reems Creek Greenway Feasibility Study (RCGFS) is a map illustrating a conceptual plan with corridor options. Said map may be found on page A-8 of the CLUP. Here it is found that a portion of both options 2B and 2C of the proposed greenway route spanning from the Merrimon Avenue / Reems Creek bridge to the intersection of Banks Town and Reems Creek Roads are shown on the subject property. Option 2B follows the banks of Reems Creek while option 2C appears to follow the 100 year floodplain in which is contained the floodway. Within the floodway, no development is allowed (any man made change) while limited development may occur within areas within the floodplain but outside the floodway provided a floodplain development permit is acquired which would establish that certain conditions are met. Even infrastructure, whether above or below ground, would require an engineer's No Rise study or a Conditional Letter of Map Revision through FEMA. All of this is a rather long winded way of suggesting that it is incredibly unlikely for any development to occur on the subject property which would hinder either route of the proposed greenway through the property.

Also within the RCGFS, the subject parcel is identified as "future potential connection to greenway for higher density residential."

Given these two variables, it is the opinion of staff that the proposed rezoning would not conflict with the Town's adopted RCGFS.

Parks and Recreation Master Plan

The use of the subject property will largely not affect five of the six recommendations established by the Town's Parks and Recreation Master Plan (PRMP). These recommendations may be found on page A-10 of the CLUP with further exploration of these recommendations on the following pages A-11 and 12. Here it is found that the PRMP requires the continued support of greenways. The PRMP also make the finding that the Reems Creek Greenway "will provide enhanced bike and pedestrian access to Lake Louise Park and provide added recreational amenities for residents."

Given staff's opinion that the proposed rezoning would not conflict with the Town's adopted RCGFS, it is also found the proposed rezoning would not conflict with the Town's adopted PRMP.

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

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Uses Permitted Within the Current Zoning District: I-1

When the possibility of municipally initiated rezonings was explored in research conducted during the update of the CLUP, this was one of the parcel(s) contemplated. Staff's reasoning for this was largely based upon the parcel's proximity to Lake Louise and the uses afforded to the property by the I-1 zoning district. As we explore the possibility of a zoning change we should also familiarize ourselves with the type and scope of development which can occur under current conditions within the aforementioned I-1 zoning district.

The I-1 zoning district is the most permissive when considering the number and intensity of uses allowed. A wide array of uses found within the *office/service; retail/restaurant; entertainment/recreation; manufacturing/wholesale/storage; civic/institutional; utilities; and miscellaneous uses* within the table of uses are permitted through various means while uses permitted within the proposed R-12 district are mostly narrowed to multi-family residential and limited uses within the *entertainment/recreation and civic institutional* portions.

In short, a manufacturing or warehousing facility is likely to be permitted by right under current zoning regulation applicable to the property. It is fair to contemplate whether a multifamily residential complex represents a higher and better use or a less obtrusive use given the proximity to Lake Louise and the future Reems Creek Greenway.

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 135 units suggests that this project will grow the population of the Town by approximately 286 people should Town Council grant the desired R-12 Zoning District.

Staff has analyzed state law and court decisions related to spot zoning and have made a determination that this proposed rezoning would not qualify as such based upon the size of the tract, compatibility with the CLUP, balancing the benefits and detriments to anyone who may be effected by the zoning change and the relationship of uses to adjacent parcels of land. Staff is prepared to speak to this issue further should it be desired.

This being the first time in many years the Town is approached with a land use decision regarding a property with portions of same within the floodplain or floodway, it is important to establish that

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Unaddressed Merrimon from I-1 to R-12

Prepared August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Reems Creek Greenway Feasibility Study; Parks and Recreation Master Plan

through an local governmental agreement Buncombe County administers the Flood Damage Prevention Ordinance as per the following section of code.

Sec. 13-75. - Designation of floodplain administrator.

Pursuant to G.S. 143-215.57(b), the town council of the town has, by resolution, agreed that the county, through its floodplain administrator, shall regulate the floodplain within the town's corporate limits and extraterritorial jurisdiction by the administration, implementation and enforcement of this chapter.

- Plan Consistency Review Checklist may be found on the following page.
- Staff has also gathered reports from the Fire, Police and Public Works Departments to ensure that the “town provide quality services to the proposed land use to the same extent and under existing policies” made requisite by the newly adopted CLUP.



From: [Ted Williams](#)
To: [James Eller](#); [Dale Pennell](#); [Ron Davis](#)
Cc: [Selena Coffey](#); [Jennifer Jackson](#)
Subject: RE: Unaddressed Merrimon Rezoning Application
Date: Wednesday, August 21, 2019 1:15:29 PM

James

As previous we are already providing service to this parcel. This parcel is currently a pasture with no needed responses in the past 5 years and a 135 unit complex would definitely increase our call volume but not to a degree that we would not be able to provide service at the same level we always do. I again just add that the North Buncombe fire tax would be eliminated for the parcel once annexed and those monies are part of our total budget.

Let me know if you need additional.

Ted Williams

Fire Chief

Weaverville Fire Department

(828)645-3500 ext. 1801

(828)484-7031 Direct

(828)658-9868 Fax

(828)545-2823 Cell

From: James Eller <jeller@weavervillenc.org>
Sent: Wednesday, August 21, 2019 12:41 PM
To: Dale Pennell <dale.pennell@weavervillenc.org>; Ron Davis <rdavis@weavervillenc.org>; Ted Williams <twilliams@weavervillefd.org>
Cc: Selena Coffey <scoffey@weavervillenc.org>; Jennifer Jackson <jjackson@weavervillenc.org>
Subject: Unaddressed Merrimon Rezoning Application

All,

Yesterday afternoon I received an application to rezone an unaddressed parcel on Merrimon Avenue (9742-03-2555) near the intersection with Banks Town Road. The application proposes a change to R-12 which supports multifamily residential at a density of up to 12 units per acre.

Included with the recently adopted comprehensive land use plan is a requisite finding that the “town provide quality services to the proposed land use to the same extent and under existing policies.”

We’ve preformed this exercise before when considering voluntary annexations and attached you will find reports previously submitted for a similar project on Monticello Road should that be able to be repurposed for this instance.



Weaverville Police Department

30 South Main Street
Post Office Box 338
Weaverville, NC 28787

James,

In response to your request regarding the possible rezoning of parcel 9742-03-2555 on Merrimon Avenue near Banks Town Road. A cost impact study was completed as well as a site survey.

It's a little problematic to forecast impact(s) this site might have since there's not a set road design or structure layout etc. But just based on the information provided in a maximum density scenario, I feel adequate policing of this area could be achieved at a minimal cost to the police department as it relates to law enforcement.

We're already providing police services in and around this area. If the number of permitted units were to be as stated I would of course anticipate nuisance-type issues such as noise complaints, etc. and therefore an increased number of calls for service much like what has been encountered at Weaver View Circle. But based on the Weaver View Circle model, I do not anticipate calls for service that would be of a volume to significantly impact the police department's daily operations.

I have estimated fuel, maintenance and additional man hours however this does not consider other calls for service which might arise outside the scope of "routine patrol" while providing an adequate police presence.

Fuel: \$ 300.00

Maintenance: \$ 150.00

Additional man hours: 90 per year

Please let me know if you have any questions.

Respectfully,

Ron Davis
Chief

From: [Dale Pennell](#)
To: [James Eller](#)
Cc: [Selena Coffey](#); [Jennifer Jackson](#); [Dale Pennell](#); [Ron Davis](#); [Ted Williams](#)
Subject: RE: Unaddressed Merrimon Rezoning Application
Date: Monday, August 26, 2019 5:09:37 PM

James,

Based on our experience with the Hawthorne Apartments on Monticello Road, we assume the following effects for the various Divisions of the Public Works Department for the proposed 135 unit apartment project on the southeast corner of the intersection of Merrimon Avenue and Reems Creek:

Streets: No additional costs to PW are expected since the streets will be privately owned and maintained; the town will have no responsibility for future repairs or snow plowing. Residents from these apartments might use our streets and sidewalks to visit downtown businesses, churches, or the homes of other citizens, but we cannot evaluate how this usage could be quantified or measured or estimated.

Sanitation: We will not be collecting garbage or recycling within the development, nor will we be picking up brush, leaves, or yard debris; therefore, no additional costs for PW.

Recreation: I hope any residents of the 135 units will choose to use our parks, especially their children. We would anticipate no additional costs to the town for mowing or maintenance outside of the normal wear and tear on our facilities.

Water: 135 units x 400 gallons per day (GPD) = 54,000 gallons of required daily water allocation for the development; however the actual usage will probably be closer to 13,500 GPD based on recent historical trends. Based on our most recent figures, we now produce an average of 566,000 GPD with additional future commitments of approximately 439,000 GPD, totaling 1,005,000 GPD with a total availability capacity of 1,500,000 GPD; therefore the proposed project can be easily added to our current water production. There will be an additional cost to produce this water and distribute it to the customer; however, our water rates generally cover this cost, especially when it involves only 1 domestic meter for monthly reading and occasional maintenance. The maintenance for the fire meter and piping is minimal, with other similar installations having little or no maintenance issues in the past.

In summary, the addition of the proposed Stump Dump project will have minimal effect on the operations of the PW Department and I would anticipate little additional costs to the department.

If you need additional information or have any questions, please do not hesitate to call.

Dale Pennell, PE, PLS
Public Works Director

Town of Weaverville
15 Quarry Road
Weaverville, NC 28787
828-645-0606 Office
828-231-7050 Cell

From: James Eller
Sent: Wednesday, August 21, 2019 12:41 PM
To: Dale Pennell; Ron Davis; Ted Williams
Cc: Selena Coffey; Jennifer Jackson
Subject: Unaddressed Merrimon Rezoning Application

All,

Yesterday afternoon I received an application to rezone an unaddressed parcel on Merrimon Avenue (9742-03-2555) near the intersection with Banks Town Road. The application proposes a change to R-12 which supports multifamily residential at a density of up to 12 units per acre.

Included with the recently adopted comprehensive land use plan is a requisite finding that the “town provide quality services to the proposed land use to the same extent and under existing policies.”

We’ve preformed this exercise before when considering voluntary annexations and attached you will find reports previously submitted for a similar project on Monticello Road should that be able to be repurposed for this instance.

If you could please provide an updated assessment based upon the following information (by next Wednesday in order to be included in the P&Z packet) it would be greatly appreciated.

Unaddressed Merrimon Avenue
9742-03-2555
Acres: 11.21
Permitted units under desired zoning district: 135

Please feel free to contact me if I may provide any additional information or be of any assistance in your assessments. Thank you for your time and attention to this matter.

James W. Eller, NCAZO
Planning Director
Town of Weaverville



Agenda Item 9&10
Zoning Amendment:
High Density Single Family Residential

Town of Weaverville, North Carolina

Staff Report: How to Better Accommodate High Density Single Family Residential Development

Prepared: August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

Town Council Priority

Within the recently adopted Comprehensive Land Use Plan (CLUP) Town Council prioritized each individual goal stated within said plan. “Consider land use regulation that provides for high density single family residential development” (pg.29) was given priority 1 (highest) and staff has chosen here to begin the work toward achieving the goals set forth in the CLUP.

Analysis of Existing Conditions

In order to begin analyzing the best way for the town to accomplish the stated goal of providing land use regulation that accommodates high density single family residential development, staff believes it prudent to observe the existing conditions within similar developments which were approved via a conditional zoning district or special use permit, which, to date, were the only ways for such a project to come to fruition.

Analysis of Existing Conditions Related to High Density Single Family Residential Projects
 All Projects Shown Have Public Water and Sewer

Lillie Farm Cove:		North Main / Critter Trail			
Mean Lot Area:	.1113 acres	4,848.23 sq.ft.			
Largeest Lot:	.2 acres	8,698 sq.ft.			
Smallest Lot:	.08 acres	3,672 sq.ft.			
Approximate Mean Lot Width:	45 ft.				
Setbacks:	25 front	6 sides	10 rear		

Lakeside Meadows:		Merrimon / Brown			
Mean Lot Area:	.1847 acres	8,045 sq.ft.			
Largest Lot:	.289 acres	12,589 sq.ft.			
Smallest Lot:	.134 acres	5,837 sq.ft.			
Approximate Mean Lot Width:	50 ft.				
Setbacks:	15 front	5 sides	10 rear		

Town of Weaverville, North Carolina
**Staff Report: How to Better
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Family Residential Development**

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Creekside Village (Phase 3):		Merrimon / Aiken			
Mean Lot Area:	.1535 acres	6,688 sq.ft.			
Largest Lot:	.203 acres	8,843 sq.ft.			
Smallest Lot:	.13 acres	5,663 sq.ft.			
Approximate Mean Lot Width:	60 ft.				
Setbacks:	10 front	5 sides	10 rear		

Weaver Village:		Weaver / Weaver Village			
Mean Lot Area:	.1222 acres	5,323 sq.ft.			
Largest Lot:	.145 acres	6,316 sq. ft.			
Smallest Lot:	.108 acres	4,704 sq. ft.			
Approximate Mean Lot Width:	60 ft.				
Setbacks:	None: Site Specific Plan				

Partridge Berry:		Reems Creek / Dogwood			
Mean Lot Area:	.1669 acres	7,270 sq.ft.			
Largest Lot:	.207 acres	9,017 sq.ft.			
Smallest Lot:	.127 acres	5,532 sq. ft.			
Approximate Mean Lot Width:	50 ft.				
Setbacks:	15 front	5 sides	10 rear		

What these numbers indicate are lots which would not be permissible within any of the Town’s standard zoning districts, the approval of which would be an administrative decision, and processed through the Town’s subdivision review and approval procedures. Deficiencies include calculations related to lot area, lot width, setbacks and in some cases all three variables based upon the dimensional requirements of our residential districts.

It is the belief and understanding of staff that it is the desire of Town Council for such conditions to exist where these developments could be treated as traditional subdivisions within a standard zoning district and subject to the aforementioned review process. Here is where work begins on accomplishing one of the first prioritized stated goals of the CLUP.

Town of Weaverville, North Carolina
**Staff Report: How to Better
 Accommodate High Density Single
 Family Residential Development**

Prepared: August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

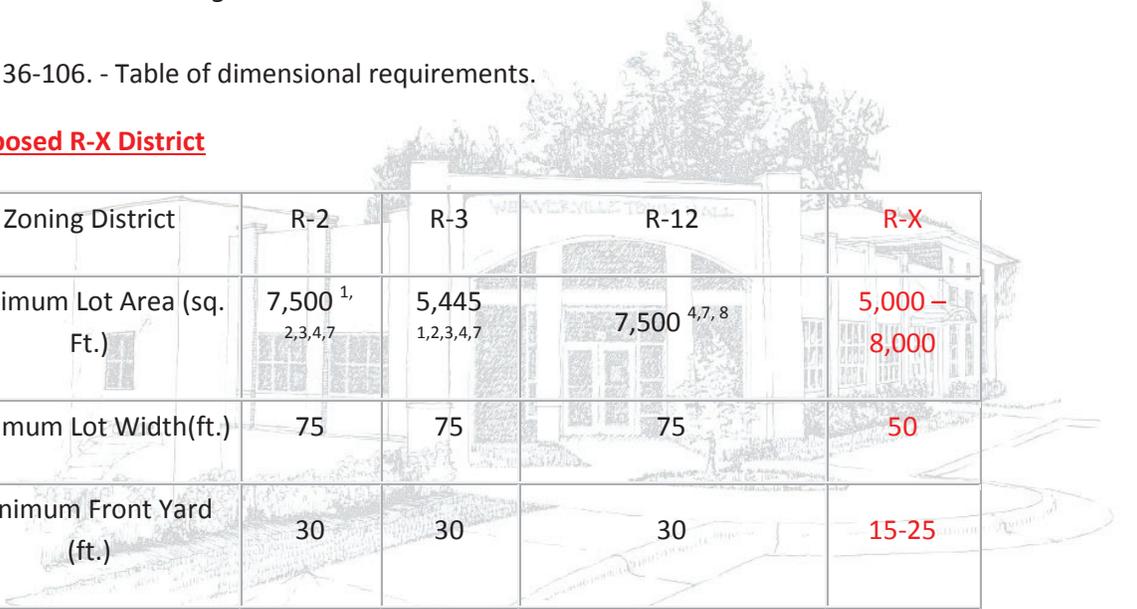
How to Better Accommodate High Density Single Family Residential Development?

Staff believes there are two options to accomplish the task at hand. Option 1: Create a new zoning district with deminsional requirements similar to the studied projects. Option 2: Amend the deminsional requirements of an existing zoning district with deminsional requirements similar to the studied projects. Each of these options comes with variables which may make it more or less likely for our stated goal to materialize.

Option 1: New Zoning District

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

Proposed R-X District



Zoning District	R-2	R-3	R-12	R-X
Minimum Lot Area (sq. Ft.)	7,500 ^{1, 2,3,4,7}	5,445 ^{1,2,3,4,7}	7,500 ^{4,7,8}	5,000 – 8,000
Minimum Lot Width(ft.)	75	75	75	50
Minimum Front Yard (ft.)	30	30	30	15-25
Minimum Side Yard (ft.) Abutting Residential District	10 ⁶	10 ⁶	10 ⁶	5-10
Minimum Rear Yard (ft.) Abutting Residential District	10 ⁶	10 ⁶	10 ⁶	10

Town of Weaverville, North Carolina
**Staff Report: How to Better
 Accommodate High Density Single
 Family Residential Development**

Prepared: August 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

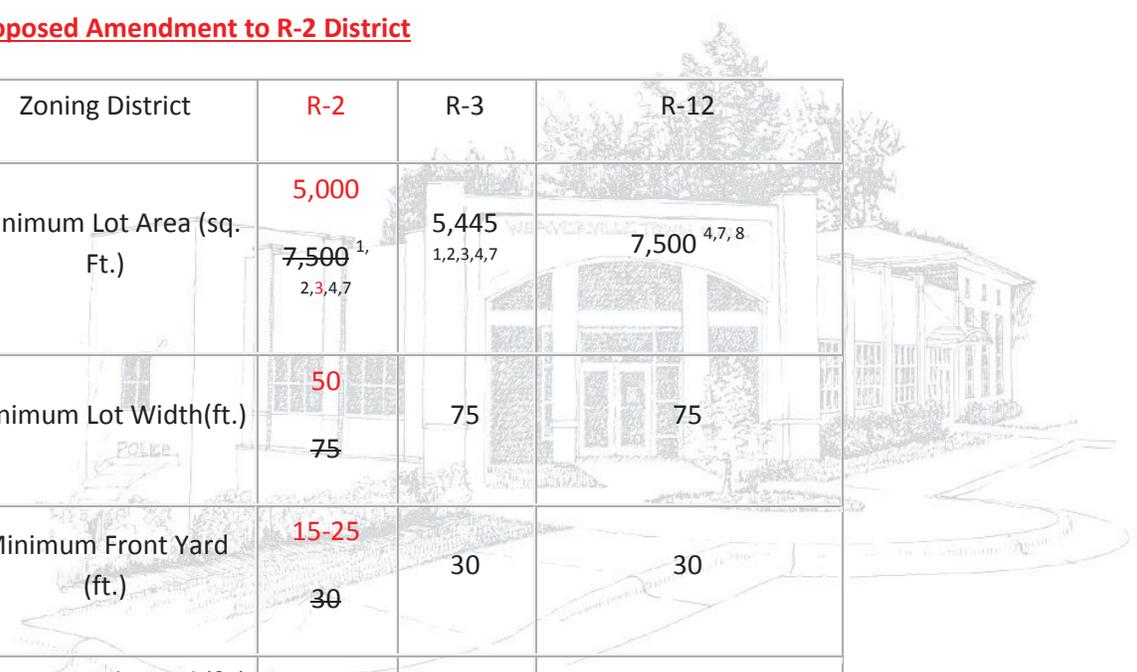
Height Limit (ft.)	35	35	45 and no more than 3 stories	35
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Option 2: Amend Existing Zoning District

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

Proposed Amendment to R-2 District

Zoning District	R-2	R-3	R-12
Minimum Lot Area (sq. Ft.)	5,000 7,500 ^{1, 2,3,4,7}	5,445 ^{1,2,3,4,7}	7,500 ^{4,7,8}
Minimum Lot Width(ft.)	50 75	75	75
Minimum Front Yard (ft.)	15-25 30	30	30
Minimum Side Yard (ft.) Abutting Residential District	5 10 ⁶	10 ⁶	10 ⁶
Minimum Rear Yard (ft.) Abutting Residential District	10 ⁶	10 ⁶	10 ⁶



Staff Report: How to Better Accommodate High Density Single Family Residential Development

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

Height Limit (ft.)	35	35	45 and no more than 3 stories
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3. ~~5,000~~ **5,500** additional square feet for each additional dwelling unit when public water and/or sewer is available.

Other Considerations

- Due to statutory limitations, a municipality cannot totally prohibit manufactured housing (factory built using national HUD building code) from the jurisdiction. The R-3 zoning district within the Town exists for this purpose. Therefore, the possible amendment of the R-3 zoning district to accommodate high density single family residential will have to take this into consideration. For instance, a subdivision is approved for a high density single family development under the parameters of the R-3 Zoning District but later uses the lots for the placement of manufactured homes. This would be a rite of use and therefore permissible. It is the recommendation of staff to retain the R-3 Zoning District as is and amend a different zoning district should the path of amending an existing district be desired.
- Many ordinances distinguish between manufactured housing and modular housing (factory built using North Carolina Building Code). Modular units are often treated as site built homes for zoning purposes. This is the case within the Town of Weaverville as well.
- R-1 is presently the only zoning district in which the primary use of properties is for single family homes. Meaning, amendments to R-2, R-3 and R-12 for the purpose of accommodating high density single family homes, special consideration should be given to the additional square footage required for subsequent dwelling units given that each of these district accommodate multifamily housing.
- Statutory limitations also dictate that a family care home, defined as an assisted living residence in which the housing management provides 24-hour scheduled and

Staff Report: How to Better Accommodate High Density Single Family Residential Development

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unscheduled personal care services for not more than six unrelated residents, must be treated the same as a single family home. A new district created to accommodate high density single family residential uses must also permit as a right of use family care homes under state law, “if 6 or fewer disabled persons, must treat same as single family residence” and federal law, “reasonable accommodation.”





Agenda Item 11
Any Other Business

WEAVERVILLE PLANNING AND ZONING BOARD			
Regularly meets 1 st Tuesday of the month at 6 pm in Council Chambers at Town Hall			
NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (3 YEARS)
Gary Burge Regular Member	3 High Bluff Drive Weaverville, NC 28787 (cell) 423-0150 garyburge@garyburge.com	August 2018	September 2018 - 2020
Catherine Cordell Regular Member	13 Hamburg Drive Weaverville, NC 28787 (cell) 776-7380 cat.cordell7@gmail.com	August 2018	September 2018 - 2020
Peter Stanz Regular Member	49 Brown Street Weaverville, NC 28787 (cell) 828-768-4202 stanzbus@gmail.com	August 2019	September 2019 - 2022
Steve Warren Regular Member	3 Duncannon Street Weaverville, NC 28787 704-682-5801/704-807-9899 warren.smw.steve@gmail.com	August 2018	September 2018 - 2021
John Chase Regular Member	151 South Main Street Weaverville, NC 28787 (cell) 828-337-3366 jchase@medlockengr.com	August 2018	September 2018 - 2020
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Tom Balestrieri Alternate Member	26 Whitetail Drive Weaverville, NC 28787 (cell) 904-347-3312 tmbalestrieri@gmail.com	December 2018	December 2018 - 2021
Rachael Bronson Alternate Member	31 Reynolds Lane Weaverville, NC 28787 843-327-6709/832-229-1838 rachael.bronson@gmail.com	August 2019	September 2019 - 2022
<hr/>			
James Eller Town Planner	828-484-7002 jeller@weavervillenc.org		
Jennifer Jackson Town Attorney	828-442-1858 jjackson@weavervillenc.org		