

TOWN OF WEAVERVILLE

AGENDA

**Weaverville Community Room at Town Hall
30 South Main Street, Weaverville, NC 28787**

**January 17, 2023 at 6:00 pm
Town Council Regular Workshop**

Remote Access Option for General Public via Zoom:
<https://us02web.zoom.us/j/85948891960> ;
Meeting ID: 859 4889 1960

	<i>Pg.</i>	<i>Presenter</i>
1. Call to Order		Mayor Fitzsimmons
2. Public Hearing - 171 Monticello Rd – LDG – Conditional District Zoning	5	Planning Director Eller Town Attorney Jackson
Application	7	
Original Site Plan (dtd 10/17/22)	12	
Revised Site Plan (dtd 12/16/22)	13	
Newly Revised Site Plan (dtd 1/9/23)	14	
Planning Board Recommendation with Proposed Conditions	15	
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Survey	25	
Staff Report	27	
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Planning Board Recommendation	41	
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Survey	49	
Staff Report	51	
6. Adjournment		Mayor Fitzsimmons

**WEAVERVILLE TOWN COUNCIL WORKSHOP MEETING – JANUARY 17, 2023, AT 6PM
REMOTE ELECTRONIC MEETING LOGIN CREDENTIALS**

The Weaverville Town Council has elected to continue to provide the general public with remote electronic access to its regular monthly meetings.

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided to inform the public that the **Weaverville Town Council regular monthly workshop meeting on Tuesday, January 17, 2023, at 6:00 p.m. will be held as an in-person meeting (Council Chambers/Community Room at Town Hall, 30 South Main Street) with remote attendance by the general public allowed via Zoom.** For those members of the public wishing to attend remotely via Zoom the following information is provided.

A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting. The instructions to access this meeting are:

To join the meeting by computer, go to this link <https://us02web.zoom.us/j/85948891960>
You may be asked for permission to access your computer’s video and audio. If so, click “allow.”
You will then be asked for the Meeting ID which is: 859 4889 1960. You will first enter a virtual waiting room. The host will admit you into the meeting just prior to the start of the meeting.

To join the meeting by phone, call: (253) 215-8782 or (301)715 8592
You will then be asked for the Meeting ID which is: 859 4889 1960 . There is no password for this meeting, so if asked for one just press the # button.

To view the agenda and related materials, please visit the Town’s website at <https://www.weavervillenc.org>.

Access to the Meeting Recording: A recording of the meeting will be available for one or two months, depending on storage capacity, beginning about 24 hours after the meeting. To access the recording visit the Town’s website at <https://www.weavervillenc.org> or the Town’s YouTube channel at https://www.youtube.com/channel/UckBK1doIGY_O6_vjiqimFUQ, or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor
1/11/2023

RULES OF PROCEDURE FOR THE WEAVERVILLE TOWN COUNCIL

Adopted by Town Council on October 24, 2022

Appendix B – Rules for Public Comment and Public Hearings

A general public comment period is provided at the regular meeting of the Weaverville Town Council which is held on the 4th Monday at 6:00 pm in the Council Chambers and Community Room at Town Hall, 30 South Main Street, Weaverville (subject to adjustments reflected in council’s adopted regular meeting schedule). Public hearings are scheduled by action of Town Council.

It should be noted that all meetings of the Town Council are recorded and available for public viewing and listening and most are streamed live via Zoom.

The following rules of decorum and procedures are expected of all speakers during public comment and public hearings that occur before the Weaverville Town Council in order to ensure meetings are conducted in a civil and orderly manner:

1. Persons who wish to speak must sign up on the appropriate sign-up sheet located at the podium inside the meeting room.
2. The mayor, or other presiding officer, or a majority of the council, may allow comments from citizens joining a meeting remotely.
3. The Council will allocate up to 20 minutes during each of its regular monthly meetings to hear general public comments.
4. Each public hearing that is scheduled is generally limited to 20 minutes, but may be extended.
5. The mayor, or other presiding officer, reserves the right to adjust the time limitation for individual speakers or the overall time period as necessary for the efficient and effective conduct of business, and to allow the presentation of multiple viewpoints.
6. Each speaker is allocated up to three (3) minutes to speak.
7. Speaker substitutions at the meeting are not allowed and citizens may not yield their comments to another speaker present.
8. It is recommended that groups or delegations of three (3) or more select a spokesperson in advance of the meeting. If three (3) or more members of a group are present and identified, the group’s spokesperson shall be allocated up to 10 minutes.
9. A speaker may not share or relinquish any remaining time they have not used to another speaker.
10. Speakers are only allowed to speak once during the public comment period.
11. Speakers must be recognized by the mayor, or other presiding officer, before speaking. The mayor will recognize speakers in the order of which they signed up.
12. Speakers must make their comments from the podium and not from the audience.

RULES OF PROCEDURE FOR THE WEAVERVILLE TOWN COUNCIL

Adopted by Town Council on October 24, 2022

13. Once at the podium and before making their comments, a speaker must state their name and address. If serving as a spokesperson, the speaker must identify the group they are speaking on behalf of and the members present that they represent.
14. Speakers who have prepared remarks or supporting documents are encouraged to leave a copy of such remarks or documents with the town clerk. Written materials will be provided to town council but will not be made part of the minutes of the meeting.
15. Speakers shall refrain from personal attacks and/or threats directed towards town staff, elected officials, or members of the public.
16. Speakers shall be civil and courteous in their language and presentation. Insults, profanity, vulgar language or gestures, or other inappropriate behavior are not allowed.
17. Speakers should limit their comments to matters that are germane to, or within the Town's jurisdiction or apparent jurisdiction. Comments during public hearings are limited to the subject matter of the hearing.
18. Campaigning for political office shall be disallowed by the presiding officer.
19. Comments are to be directed to the entire council and not to individuals or to members of the audience.
20. The audience must maintain order and decorum in their conduct. Comments, applause, questions, jeering, or other interruptions from the audience are not allowed. Speakers shall, likewise, not address or respond to members of the audience.
21. Speakers should not expect the council to comment on or respond to their comments directly during the meeting. The mayor, or other presiding officer, may, however, request that the town manager or other town staff follow up with the speaker after the meeting or provide additional information to the council or speaker at a later time.
22. Speakers may not use the audio-visual equipment located in the meeting room or otherwise make audio-visual presentations. Other visual aids, including but not limited to signs, banners, flags, and other props are not allowed.
23. The mayor, or other presiding officer, has the authority to enforce these rules.
24. The mayor, or other presiding officer, or a majority of the council may suspend the rules at their discretion.
25. Failure to obey these rules may result in forfeiture of the remaining speaking time, removal from the meeting, and possible criminal charges.
26. Speakers and members of the audience should note the following legal provision:

N.C.G.S. § 143-318.17 – Disruptions of official meetings. *A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.*

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: January 17, 2023

SUBJECT: 171 Monticello Road – LDG – Conditional District Zoning

PRESENTER: Town Planner James Eller and Town Attorney Jennifer Jackson

ATTACHMENTS: Public Hearing Notice
Application for Conditional District Zoning, GIS Map,
Original Site Plan, Revised Site Plan, Newly Revised Site Plan
Planning Board Findings and Recommendation

DESCRIPTION/SUMMARY OF REQUEST:

The annexation petition submitted for 171 Monticello Road was accompanied by a conditional district zoning request that now proposes a multifamily apartment complex consisting of 156 units and amenities on approximately 10.68 acres.

Tonight’s public hearing is on that conditional district zoning request and has been advertised in accordance with North Carolina law.

The developer held a community meeting on November 20, 2022, and a report of that meeting was provided to Town Council on December 19, 2022, and is not included in this packet due to length, but available upon request. Based on comments received from Town Council, the Planning Board and the community, a revised plan dated 12/16/2022 was submitted and considered by the Planning Board.

The Planning Board offers a unanimous favorable recommendation on the project, based on the revised site plan dated 12/16/2022, and does include conditions that they found necessary to address noted concerns.

LDG now proposes a newly revised site plan dated 1/9/2023 which has some minor modifications to the site plan that the Planning Board based its recommendation on.

As a part of the public hearing representatives of the developer, LDG, will be present to give a brief presentation concerning the project and answer questions. Staff will formally present the Planning Board’s findings and recommendations, provide any written comments that were timely received regarding the proposed conditional district, offer staff level comments, and will also be available to answer questions.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed conditional district zoning.

**TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled workshop meeting on **Tuesday, January 17, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, for the purpose of holding a public hearing on **proposed conditional district zoning to accommodate a multifamily residential project on property commonly known as 171 Monticello Road and bearing the Buncombe County parcel identification number 9733-60-3503, if annexed into the Town.**

This public hearing will occur as an in-person meeting in **Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC**, with a remote electronic attendance option for the general public via Zoom Meeting.

The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are: To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960. To join the meeting BY PHONE, call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960. A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

Changes to the project may be made as a result of comments received during the hearing.

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearing, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

CONDITIONAL DISTRICT APPLICATION

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



Conditional Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area. Uses which may be considered for a Conditional District shall be established on the Table of Uses found at Sec. 20-3205. Additional information related to Conditional Districts may be found at Sec. 20-3203.

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

OWNER/APPLICANT NAME: LDG Multifamily, LLC APPLICATION DATE: 10/17/2022

BRIEFLY DESCRIBE THE PROJECT: This project proposes 168 affordable housing units consisting of 1, 2, and 3 bedroom units as well as a pool and clubhouse.

PHONE NUMBER: (502) 649-0601 PROPERTY ADDRESS: 171 Monticello Rd
Weaverville, NC 28787

PIN: 973360350300000 DEED BOOK/PAGE: 1245/0551

LOT AREA (acres): 10.68 ZONING DISTRICT: R-3

 
SIGNATURE OF APPLICANT DATE

Application fees are due at the time of submittal. Withdrawal of an application after the public hearing has been advertised will result in the forfeiture of the application fee.

CONDITIONAL DISTRICT APPLICATION

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



A petition for a Conditional District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan shall be substantially compliant with the mapping standards found within Sec. 20-2504. Additional information may be requested by members of staff, the Planning Board or Town Council.

✓	Title block containing:														
	<table border="1"> <tr> <td>✓</td> <td>Name of owner & applicant</td> </tr> <tr> <td>✓</td> <td>Property address</td> </tr> <tr> <td>✓</td> <td>Buncombe County PIN</td> </tr> <tr> <td>✓</td> <td>Date or dates survey was conducted or plan prepared</td> </tr> <tr> <td>✓</td> <td>Scale of the drawing in feet per inch</td> </tr> <tr> <td>✓</td> <td>Deed book and page reference of the deed</td> </tr> <tr> <td>✓</td> <td>Zoning designation of property</td> </tr> </table>	✓	Name of owner & applicant	✓	Property address	✓	Buncombe County PIN	✓	Date or dates survey was conducted or plan prepared	✓	Scale of the drawing in feet per inch	✓	Deed book and page reference of the deed	✓	Zoning designation of property
✓	Name of owner & applicant														
✓	Property address														
✓	Buncombe County PIN														
✓	Date or dates survey was conducted or plan prepared														
✓	Scale of the drawing in feet per inch														
✓	Deed book and page reference of the deed														
✓	Zoning designation of property														
✓	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area														
✓	North Arrow and orientation														
✓	Lot area in acres and square feet														
✓	Existing topography of the site and within 300 feet of the site boundary in five (5) foot contours														
✓	Delineation of areas within the floodplain.														
✓	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation														
✓	Minimum building setback lines applicable to the lot, including drainage or utility easements														
✓	Proposed number and location of signs														
✓	Exact dimensions, location, height, and exterior features of proposed buildings and structures														
NA	Photographs of buildings on properties within 200 ft. of subject property														
✓	Utility easements														
✓	Existing and proposed sanitary sewer system layout and a letter of commitment														
✓	Existing and proposed water distribution system layout and a letter of commitment														
✓	Plans for individual water supply and sewerage/septic disposal system, if any														
✓	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground														
✓	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.														
✓	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public.														
✓	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any														
✓	Proposed phasing, if any, and expected completion date of the project.														

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

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



November 17, 2022

Mr. James Eller, Planning Director
Town of Weaverville, Planning and Zoning Department
30 S. Main Street
Weaverville, NC 28787

RE: Reasonableness Statement for Rezoning

Dear Mr. Eller,

LDG Multifamily, LLC (“LDG”) believes our request for the conditional rezoning of 171 Monticello Road (PIN: 973360350300000) is reasonable based on the Town of Weaverville’s goal to improve housing affordability, the current zoning for this parcel and neighboring parcels, and adjacent property uses.

The use of conditional zoning in this location will further the Town of Weaverville’s stated goal of addressing housing affordability by allowing the creation of 168 affordable housing units. The Town of Weaverville’s 2019 Comprehensive Plan (updated October 2022) identified the lack of affordable housing as “a concern for those living with limited or fixed income to remain or become part of the Weaverville community.” This concern was reflected by data from a February 2022 market study commissioned by LDG, which found the area has zero units of comparable housing available to the area’s 1,280 qualifying households. We believe the approval of LDG’s request for conditional zoning is important first step toward improving housing affordability and, for this reason, we believe our request for conditional zoning is reasonable.

LDG also believes that conditional zoning for this location is reasonable because it is consistent with the current zoning classification for both this parcel and adjoining parcels, as well as adjacent uses. The parcel is currently zoned R-3, which allows for the highest residential density available under the Buncombe County’s zoning ordinance. Neighboring parcels to the west, south, and north are also zoned for high density residential use by Buncombe County (R-3 and EMP). High density residential uses also exist on adjacent parcels within Weaverville’s jurisdiction to the north (multifamily communities on land zoned R-12) and east (townhomes on land zoned CZD). We believe our request for conditional zoning is strongly supported by the zoning classification of surrounding parcels and existing high density residential communities on adjacent land.

Thank you for your consideration,

Landon Cox
Development Manager
LDG Development, LLC

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

PROPERTY LEGAL DESCRIPTION:

PARCEL ID: 973360350300000
STREET ADDRESS: 171 Monticello Road, Weaverville NC

PROPERTY OWNER: Betty Hollifield Roberts
(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER: N/A

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: mdroberts.co@gmail.com
PHONE NUMBER: (828) 273-3350
MAILING ADDRESS: 171 Monticello Road, Weaverville NC

PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: Voluntary Annexation Petition and Initial Zoning Request

NAME OF INDIVIDUAL AGENT: Landon Cox
NAME OF CONTRACTOR/CONSULTING FIRM: LDG Multifamily, LLC

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: lcox@ldgdevelopment.com
PHONE NUMBER: 502-649-0601
MAILING ADDRESS: 1469 S 4th Street, Louisville KY 40208

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.

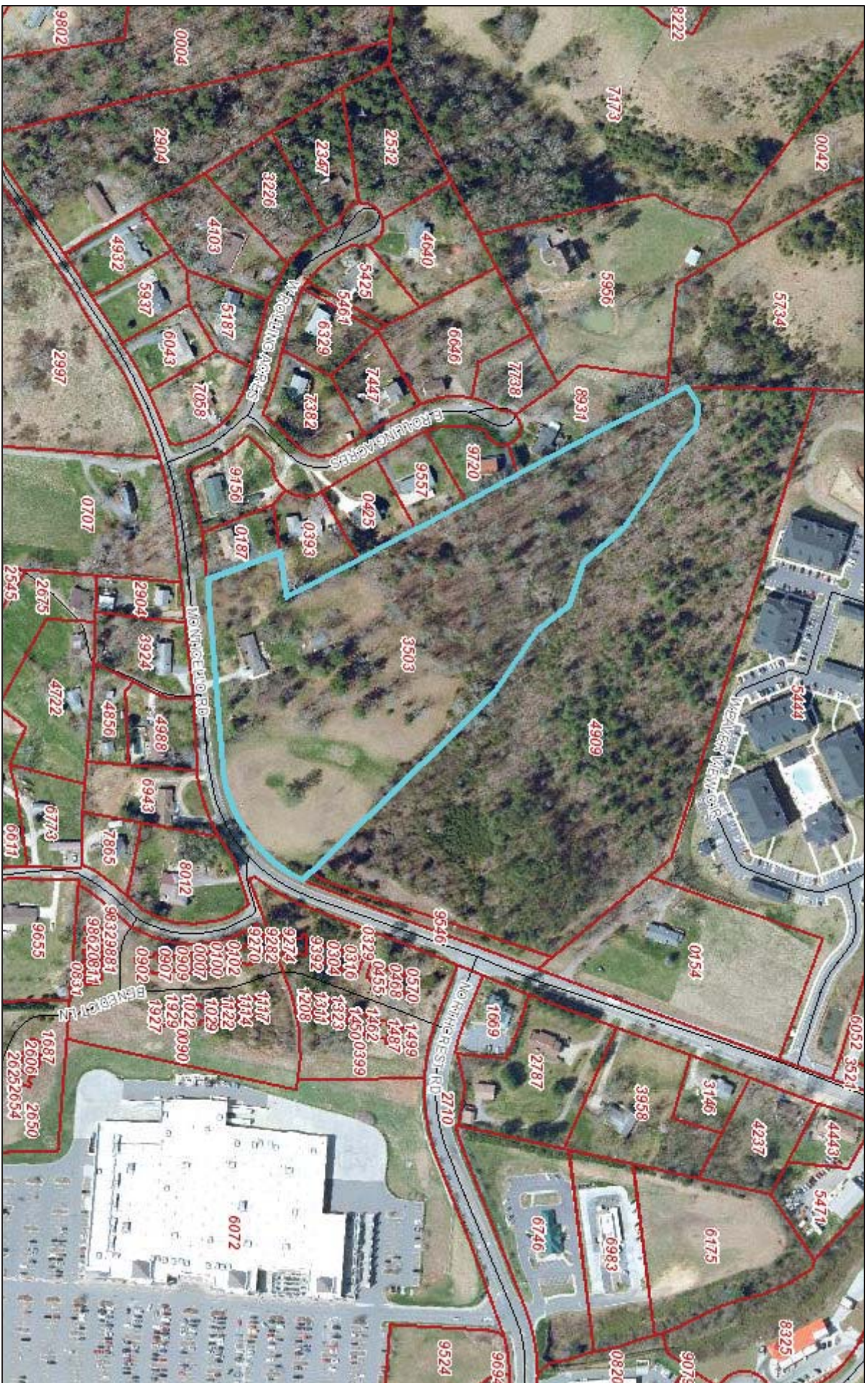
Betty Hollifield Roberts
Property Owner Signature

Property Owner Signature

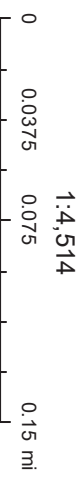
Date: 9-28-22

Date: _____

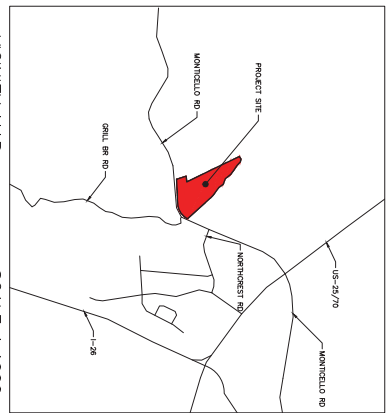
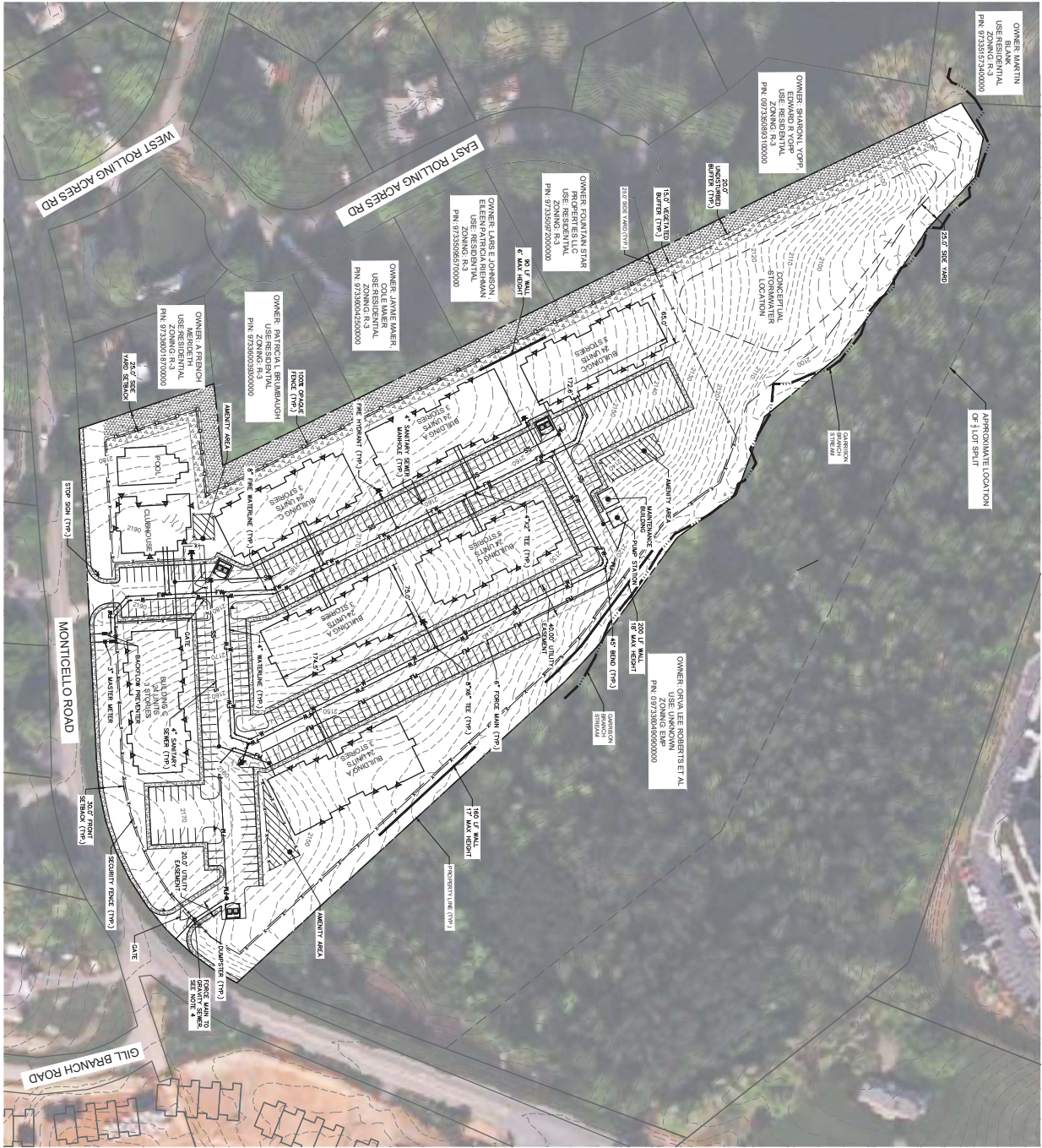
Buncombe County



October 18, 2022



1:4,514



SITE LEGEND

- Property / Road-of-way Line
- SETBACK LINE
- STORMWATER CONTROL, MESSAGE LINE
- PROPOSED WALL
- STREET
- 100% GRADE FINISH
- SECURITY FENCE
- FIRE WATRERINK
- SANITARY SEWER LINE
- FORCE MAIN
- STOP SIGN

NOTES

1. PROJECT DATA FROM THE PLANNING DEPARTMENT OF THE COUNTY OF WAKE COUNTY, NC.
2. THE CONCEPTUAL DESIGN AND SITE PLAN IS SUBJECT TO THE APPROVAL OF THE COUNTY PLANNING DEPARTMENT.
3. THE CONCEPTUAL DESIGN AND SITE PLAN IS SUBJECT TO THE APPROVAL OF THE COUNTY PLANNING DEPARTMENT.
4. THE CONCEPTUAL DESIGN AND SITE PLAN IS SUBJECT TO THE APPROVAL OF THE COUNTY PLANNING DEPARTMENT.

SITE DATA TABLE	
DEVELOPER	LDG MULTIFAMILY, LLC
DESIGNER	LDG MULTIFAMILY, LLC
PROJECT ADDRESS	171 MONTICELLO RD WAKEVILLE, NC 28787
DEED BOOK AND PAGE	156, 0581
CURRENT ZONING	R-3 RESIDENTIAL ZONING
PROPOSED ZONING	R-3 RESIDENTIAL ZONING
EXISTING PERMITS	NONE
PROPOSED USE	198 SINGLE-FAMILY RESIDENTIAL
PROPOSED UNIT COUNT	198 UNITS/1048 SQFTS = 5.32 UNITS PER ACRE
PROJECT BOUNDARY SURVEY	DATE: 01/14/2014
CONTRACTOR	DATE: 01/14/2014
BLINDING HEIGHT	11.50' TO 12.00' (MAX)
EXISTING PARCEL AREA	13.00 ACRES
FLOOD HAZARD	NO FLOOD HAZARD
PROPOSED MULTIFAMILY RESIDING	171 MONTICELLO RD - 28787

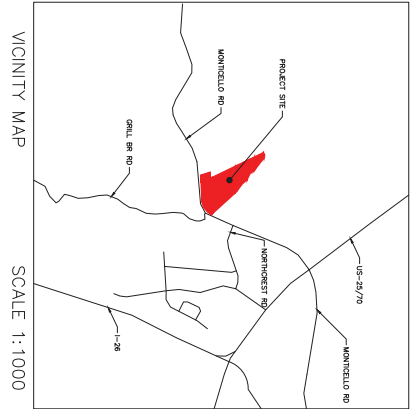
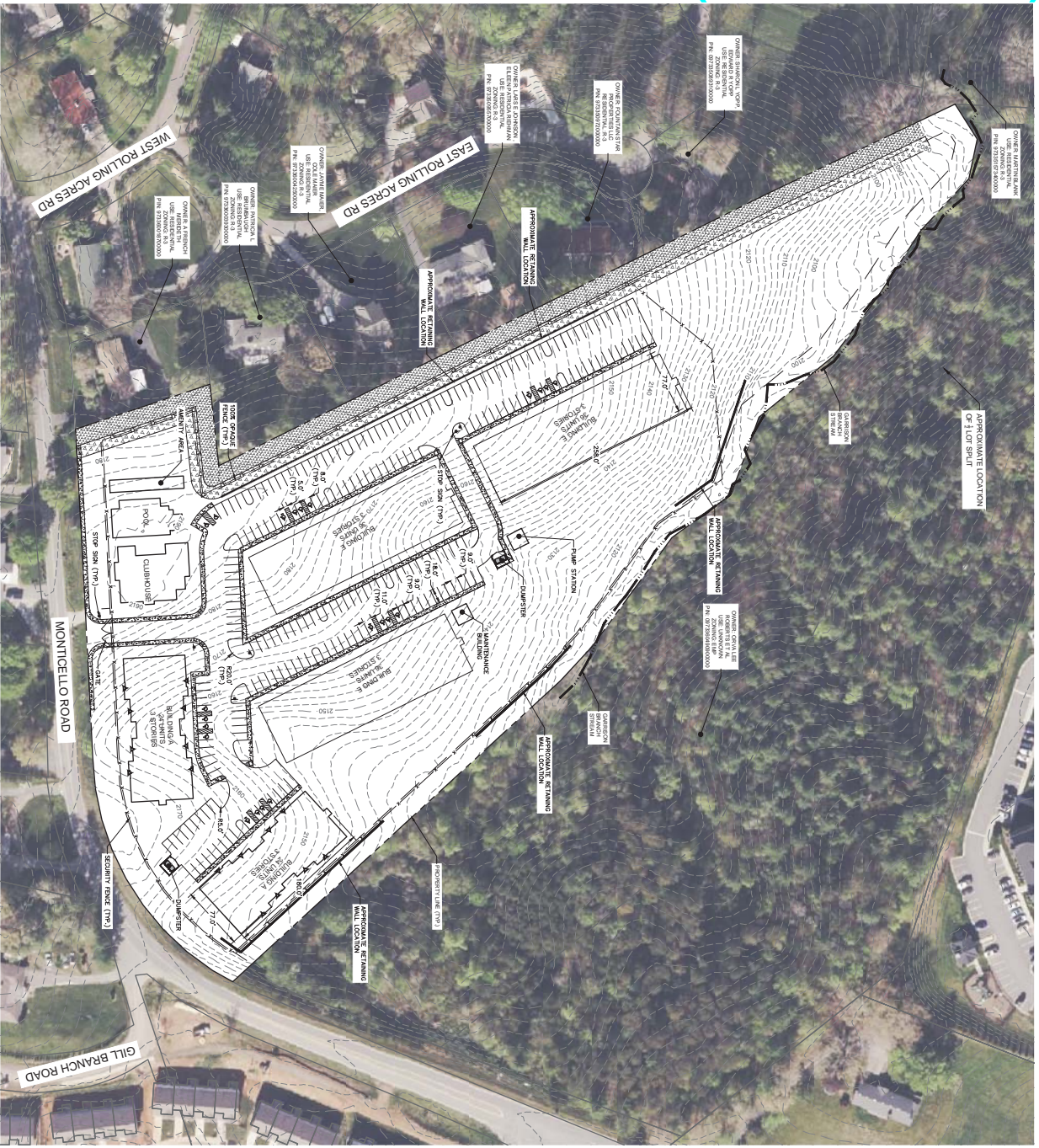
MONTICELLO FAMILY
PREPARED FOR
LDG MULTIFAMILY, LLC
WEAVERVILLE NORTH CAROLINA

SITE PLAN

KHA PROJECT 014280001
DATE 10/17/2022
SCALE AS SHOWN
DESIGNED BY [signature]
DRAWN BY [signature]
CHECKED BY ARS

Kimley & Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: (919) 877-5050 WWW.KIMLEY-HORN.COM
NC FIRM # 0102

No.	REVISIONS	DATE	BY
0	SUBMISSION TO WEAVERVILLE PLANNING	2022-10-17	LDS



VICINITY MAP SCALE 1:1000

SITE LEGEND	
Property / Right-of-Way Line	--- (dashed line)
Setback Line	--- (long dashed line)
Stairway Control, Easement Line	--- (dash-dot line)
Proposed Wall	--- (dash-dot-dot line)
Street	--- (solid line)
100' Grade Line	--- (dotted line)
Security Fence	--- (dotted line with vertical bars)
Warehouse	--- (dotted line with diagonal bars)
Fire Warehouse	--- (dotted line with diagonal bars)
Sanitary Sewer Line	--- (solid line with 'S')
Force Main	--- (solid line with 'F')
Stop Sign	--- (solid line with 'X')

NOTES

1. PROJECT DATA FROM THE COUNTY RECORDS OF THE 171-MONTICELLO ROAD PROJECT, CONCEPTUAL SITE PLAN, 12/16/2022.
2. THE CITY AND COUNTY RECORDS OF THE 171-MONTICELLO ROAD PROJECT, CONCEPTUAL SITE PLAN, 12/16/2022.
3. THE CITY AND COUNTY RECORDS OF THE 171-MONTICELLO ROAD PROJECT, CONCEPTUAL SITE PLAN, 12/16/2022.

SITE DATA TABLE	
DEVELOPER/OWNER	LDG MULTIFAMILY, LLC
PROPERTY ADDRESS	171 MONTICELLO RD WEAVERVILLE, NC 27601
DEED BOOK AND PAGE	1746, 0951
CURRENT ZONING	R-2 (RESIDENTIAL)
PROPOSED ZONING	R-2 (RESIDENTIAL)
PERMITTED USES	RESIDENTIAL
PROPOSED USE	MULTIFAMILY RESIDENTIAL
PROPOSED DENSITY	156 UNITS/10.6 ACRES = 14.6 UNITS PER ACRE
PROPOSED LOT AREA	174,600 SQ FT
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES
EXISTING MAJOR LOTS	10.6 ACRES

KHA PROJECT	014280001
DATE	12/16/2022
SCALE	AS SHOWN
DESIGNED BY	LSK
DRAWN BY	LSK
CHECKED BY	ARS

**PRELIMINARY
NOT FOR CONSTRUCTION**

Kimley-Horn

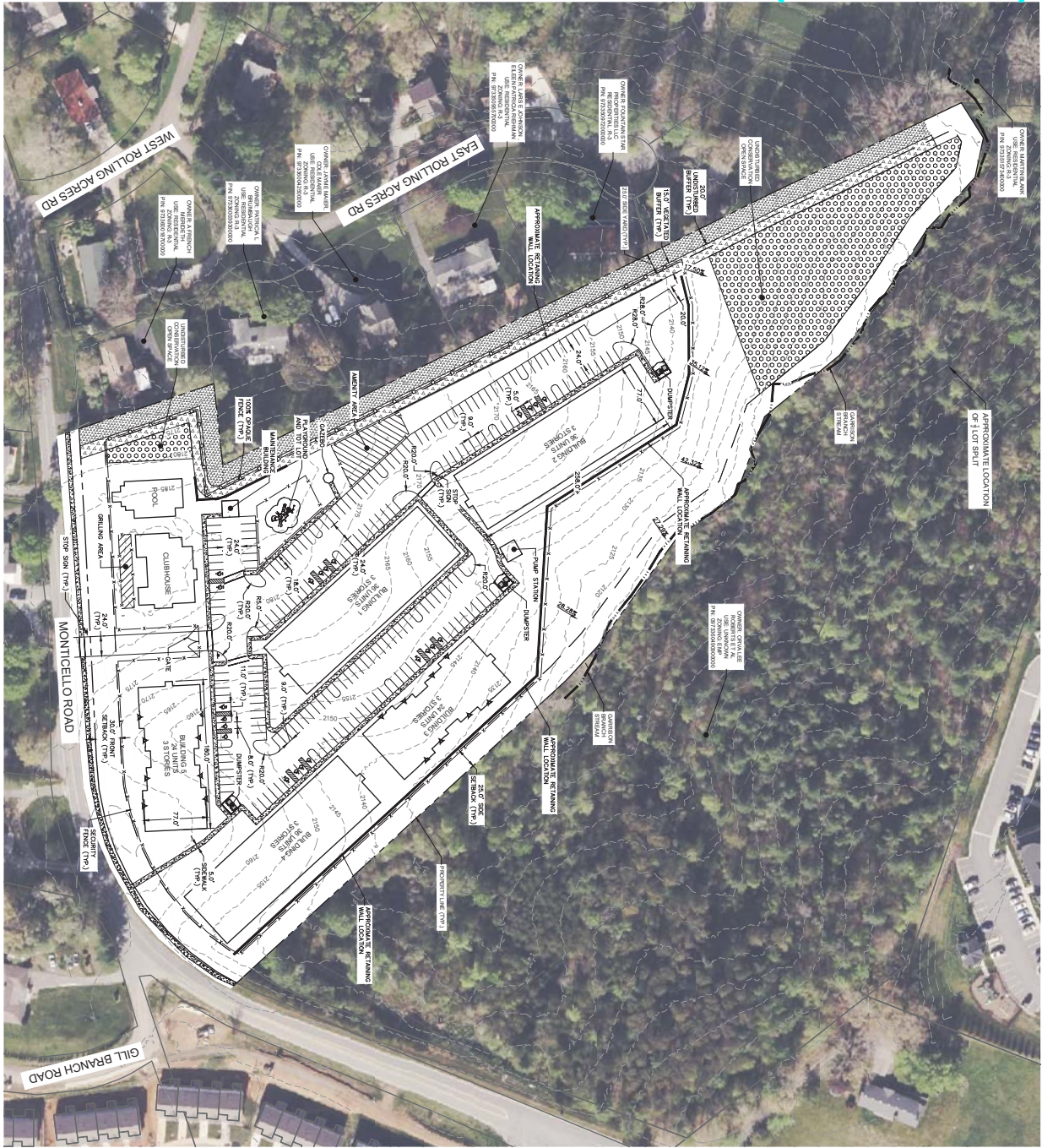
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: (919) 877-2000 WWW.KIMLEY-HORN.COM
NC FIRM # 0102

MONTICELLO FAMILY PREPARED FOR LDG MULTIFAMILY, LLC		SITE PLAN	
WEAVERVILLE	NORTH CAROLINA		
SHEET NUMBER	1		

NO.	REVISIONS	DATE	BY
0	SUBMISSION TO WEAVERVILLE PLANNING	2022-10-17	LSK

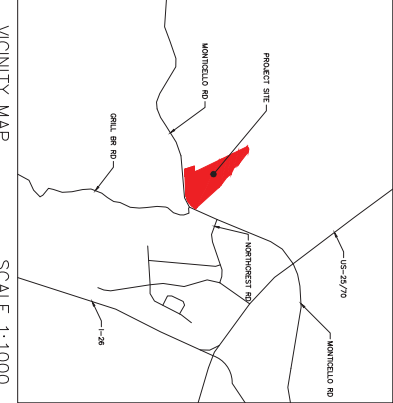
NEWLY REVISED (1/9/23)

Plotted By: sheggy_loke Sheet Set: 171 MON... LO RD... DATE: 01/09/2023... PROJECT: 014280001... SCALE: AS SHOWN... DESIGNED BY: LBS... DRAWN BY: LBS... CHECKED BY: ARS



SITE DATA TABLE	
DEVELOPER	KIMLEY-HORN AND ASSOCIATES, INC.
DESIGNER	LDG MULTIFAMILY, LLC
PROJECT ADDRESS	171 MONTICELLO RD WEAVERVILLE, NC 28787
DEED BOOK AND PAGE	156, 051
CONSENT ZONING	R-2
PROPOSED ZONING	R-2
PROPOSED USE	MULTIFAMILY RESIDENTIAL
PROPOSED DENSITY	156 UNITS/1.68 ACRES = 144 UNITS PER ACRE
PROPOSED BOUNDARY SETBACKS	FRONT: 25 FT, SIDE: 10 FT, REAR: 10 FT
EXISTING ZONING	R-2
EXISTING DENSITY	156 UNITS/1.68 ACRES = 144 UNITS PER ACRE
EXISTING BOUNDARY SETBACKS	FRONT: 25 FT, SIDE: 10 FT, REAR: 10 FT
PROPOSED MULTIFAMILY PARKING	156 UNITS/1.68 ACRES = 144 UNITS PER ACRE
PROPOSED MULTIFAMILY PARKING	156 UNITS/1.68 ACRES = 144 UNITS PER ACRE

SITE LEGEND	
Property / Right-of-Way Line	---
Setback Line	---
Stormwater Control Measure Line	---
Proposed Wall	---
Stream	---
100' Grade Fence	---
Waterline	---
Fire Waterline	---
Sanitary Sewer Line	---
Force Main	---
Stop Sign	---



NOTES

1. PROJECT DATA FROM RECORD DRAWINGS FROM HUNTERDON COUNTY GIS.
2. THIS DRAWING IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
 PHONE: (919) 877-2050 WWW.KIMLEY-HORN.COM
 NC FIRM # 0102

MONTICELLO FAMILY
 PREPARED FOR
LDG MULTIFAMILY, LLC

SITE PLAN

WEAVERVILLE NORTH CAROLINA

KHA PROJECT 014280001
 DATE 01/09/2023
 SCALE AS SHOWN
 DESIGNED BY LBS
 DRAWN BY LBS
 CHECKED BY ARS

4 PRELIMINARY NOT FOR CONSTRUCTION

No.	REVISIONS	DATE	BY

The Town of Weaverville

NORTH CAROLINA

January 4, 2023

Re: *LDG Multifamily, LLC*
Conditional District Zoning Application for 171 Monticello Road
Property Bearing Parcel Identification Number 9733-60-3503
Statement of Consistency/Reasonableness and Recommendation

Dear Mayor Patrick Fitzsimmons and Weaverville Town Council –

On December 6, 2022, and January 3, 2023, pursuant to Section 20-3203 of the Town’s Code of Ordinances, the Planning Board reviewed the application for a Conditional District that was submitted to the Town by LDG Multifamily, LLC, (“LDG”) on October 18, 2022.

It is noted that the site plan that this recommendation is based on was revised to lessen the impact of the project on the neighboring community in order and to accommodate the comments received from Town Council, the Planning Board, and from the community during a community meeting held pursuant to Code Sec. 20-3203(e)(2) on November 20, 2022.

This project currently proposes the construction of an affordable housing multifamily project consisting of 156 apartment units (reduced from 168 units) within 5 residential buildings (reduced from 7 residential buildings) and amenities as described herein, on approximately 10.68 acres.

The Planning Board of the Town of Weaverville reviewed the project and submits a favorable recommendation along with its statement finding the reasonableness of the project and consistency with the Comprehensive Land Use Plan in that the multifamily development is consistent with the future land use map and addresses the need for affordable housing in the area, both as contemplated by the Comprehensive Land Use Plan. With the conditions recommended below, it is the opinion of the Planning Board that the project can co-exist with the existing single-family homes in the area and is, therefore, reasonable in light of the Town’s Comprehensive Land Use Plan and other land use policies.

After careful review of this application and the materials submitted, and in a unanimous vote, the Planning Board recommends the approval of the application for a Conditional District Zoning for the project as reflected on the attached plans and elevations, subject to the following proposed conditions:

- a. The project shall be constructed in substantial compliance with the Conditional District Site Plan dated 16 December 2022, and the data shown thereon, and attached hereto.

- b. At least 50% of the total units in the Project (78 units) shall be affordable housing units (as defined in the Buncombe County Code for Community Oriented Development, Buncombe Code sec. 78-650). Said units shall be maintained as affordable for a period of 30 years. In order to monitor compliance with this condition, LDG (or the owner) shall, upon request of the Town, provide the Town with such documentation regarding affordability of units in the Project as has been provided to the federal or State government in order to maintain LDG's eligibility for assistance and/or tax credits, provided that such information shall not reveal any information regarding the income of particular residents or other personal or private information.
- c. The maximum allowed density on the property is 14.61 units per acre, which reflects a "density bonus" for the Affordable Housing aspect of this project. If the Project fails to achieve or fails to maintain the required Affordable Housing within the 30-year period, then the maximum density on the property will revert to 12 units per acre, as allowed by R-12 zoning.
- d. The number of units allowed in each building shall be as shown on the approved Site Plan, and may exceed 24 units per building.
- e. Related to pedestrian safety, LDG will construct and maintain an ADA accessible internal sidewalk network. In addition, LDG will participate financially in any or all of the following improvements, as planned or authorized by NCDOT and/or the Town of Weaverville, provided that construction is started within 5 years from the date of approval of this Ordinance:
 - i. up to ____ [TBD] lineal feet of ADA accessible sidewalk on LDG property, within the NCDOT right-of-way for Monticello Road, or along Northcrest Road leading to the existing sidewalk network of the Northridge Commons Shopping Center, with specific locations determined by NCDOT and the Town of Weaverville in order to best provide for pedestrian access from the project to the Northridge Commons shopping center; and
 - ii. a pedestrian crossing to allow pedestrians to cross Monticello Road to access either the intersection of Monticello Road and Northcrest Road or a sidewalk leading to such intersection.

In satisfaction of sub-paragraphs i and ii of this condition, LDG will place \$ ____ [TBD] in escrow with the Town of Weaverville and execute an escrow agreement which shall provide that such funds be applied to the cost of the design, construction, and installation of these pedestrian-related improvements if constructed within 5 years from the date of the approval of this Ordinance. Further, LDG will negotiate in good faith with the owners of Northcrest Commons and others for the easements or right of way for the sidewalks and other pedestrian facilities on that property. Nothing herein will prohibit LDG from agreeing to further participation in these improvements when said improvements have been designed and cost estimates have been provided.

- f. A traffic impact study/analysis is required by Sec. 20-3208(n). All traffic improvements required or recommended by NCDOT in the traffic impact study/analysis must be constructed and/or installed, to the extent that said improvements can be installed and/or constructed on property owned or controlled by LDG or NCDOT.
- g. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed to standards set forth in the North Carolina Department of Transportation subdivision road minimum construction standards, as required by Weaverville Code Sec. 24-83.
- h. The number of off-street parking spaces provided shall be determined by the developer, but shall be adequate to accommodate the multifamily residential use of the property, with the understanding that parking on or along Monticello Road is expressly prohibited.
- i. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.
- j. All outdoor lighting on the property shall comply with the outdoor lighting provisions of Code Section 20-3324. A plan shall be submitted and approved as required by Sec. 20-3603.
- k. A minimum 35-foot landscape buffer must be maintained or installed along the western boundary of the property as shown on the approved Site Plan. Twenty feet of the 35-foot landscaped buffer must be undisturbed with existing trees and shrubbery maintained. Maintenance of the undisturbed area can include the removal of trees that are deemed dangerous, but must be replaced. Landscaping that is installed must comply with the list of recommended species that is maintained by the Town's Planning Department. A landscaping plan meeting the requirements of Town Code Sec 20-3403 must be submitted and approved in conjunction with a zoning permit application. If any revisions to the landscaping are required in order to comply with environmental ordinances administered by Buncombe County, approval of such revisions shall not be unreasonably withheld by the Town. Any landscaping required by the plan shall be maintained in accordance with Sec. 20-3404(e).
- l. Compliance with Buncombe County sedimentation and erosion control standards and with Buncombe County's stormwater regulations is required. All permitting and inspections on these issues will be conducted through Buncombe County.
- m. Onsite amenities shall be provided for the residents of the project as shown on the approved Site Plan. At a minimum, such amenities shall include or be substantially similar to the following: swimming pool, community building with multipurpose room and resident computer center, onsite leasing office, bicycle storage, covered picnic area with tables and grilling area, furnished fitness center/exercise room, commercial grade playground equipment, and toddler play lot.

- n. A zoning permit required by Sec. 20-3110 shall be applied for within one year from the effective date of the Conditional District Ordinance. Upon request of the owner/developer, Town Council may, in its sole discretion, grant such extension as Town Council deems appropriate under the circumstances. Progress on the construction of the Project and the establishment of vested rights shall thereafter be governed by NCGS 160D-108.
- o. Code Section 20-3203 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications (in accordance with Code Section 20-1303), appeals, and final plat approval.
- p. The Conditional Zoning Ordinance shall be recorded in the Buncombe County Register of Deeds, and shall be binding on the successors and assigns of LDG.

Representatives of LDG Multifamily, LLC, were present at the Planning Board meeting on December 6, 2022, and January 3, 2023, to answer the Board's questions and have indicated their agreement to the conditions contained in this recommendation.

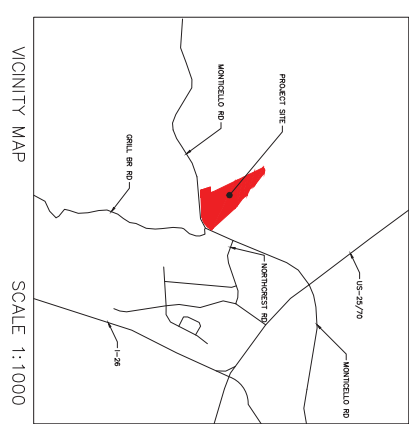
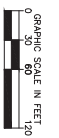
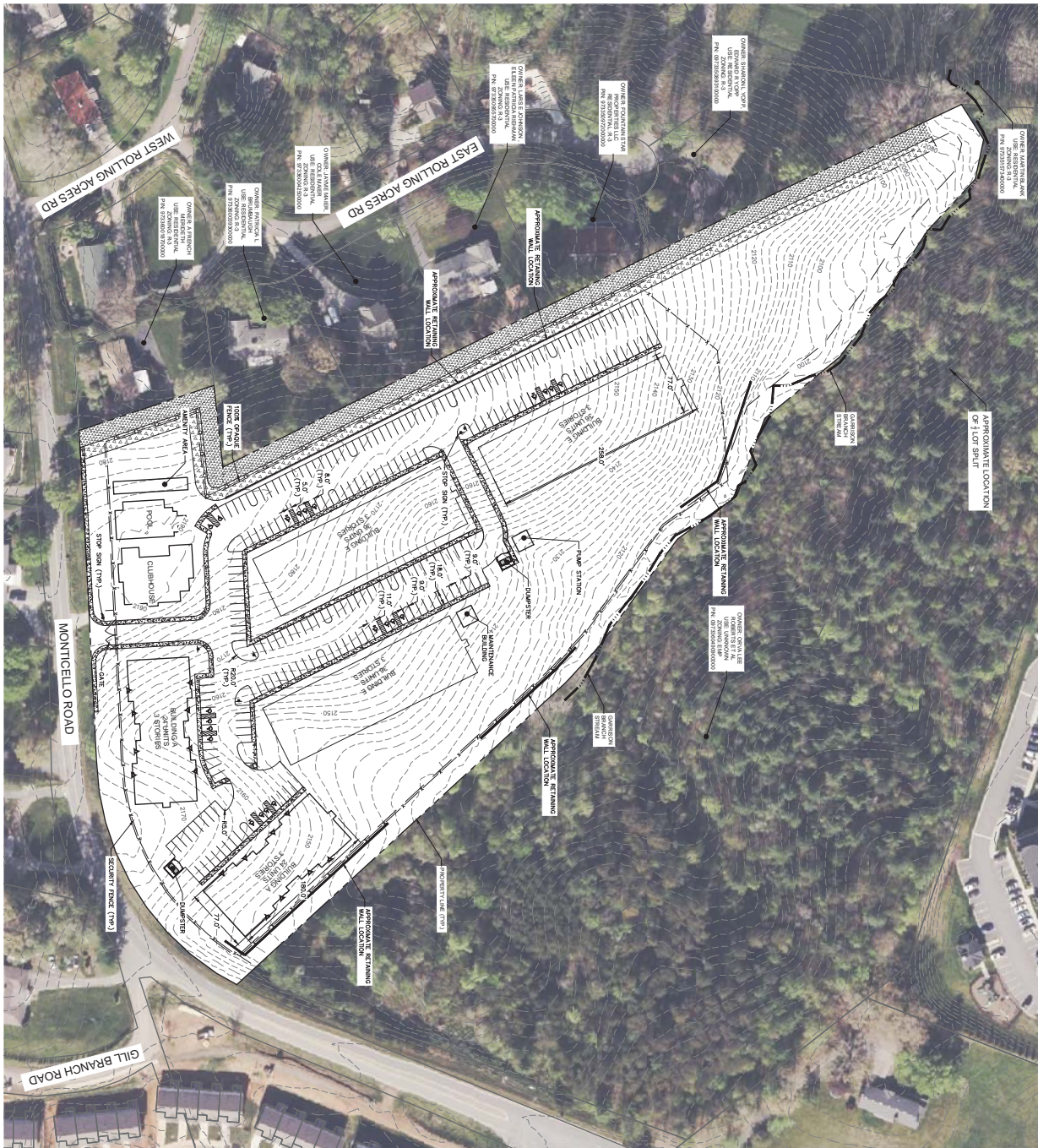
Please let me know if you need anything further from the Board on this matter.

Sincerely,



Bob Pace
Planning Board Chairman

- cc: James Eller, Town Planning Director
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney
Bob Oast, Attorney for LDG
Landon Cox, LDG



SITE DATA TABLE

DEVELOPER: KIMLEY-HORN & ASSOCIATES, INC.	
CLIENT: LDG MULTIFAMILY, LLC	
PROPERTY ADDRESS: 171 MONTICELLO RD WEAVERVILLE, NC 27601	
DEED BOOK AND PAGE: 1265, 0581	
PROJECT ZONE: RESIDENTIAL	
PROPOSED ZONE: RESIDENTIAL	
CURRENT ZONE: RESIDENTIAL	
OVERLAY ZONES: NONE	
DEVELOPER: KIMLEY-HORN & ASSOCIATES, INC.	
PROJECT USE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
CURRENT ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
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PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	
PROPOSED ZONE: SINGLE-FAMILY RESIDENTIAL	

- NOTES**
1. PROJECT DATA FROM THE NORTH CAROLINA PLANNING AND DEVELOPMENT COUNTY GIS.
 2. THE COORDINATE SYSTEM IS UTM (WGS 84) AND THE ELEVATION IS IN FEET ABOVE SEA LEVEL.
 3. THE COORDINATE SYSTEM IS UTM (WGS 84) AND THE ELEVATION IS IN FEET ABOVE SEA LEVEL.
 4. THE COORDINATE SYSTEM IS UTM (WGS 84) AND THE ELEVATION IS IN FEET ABOVE SEA LEVEL.
- SITE LEGEND**
- PROPERTY / RIGHT-OF-WAY LINE
 - SETBACK LINE
 - STORMWATER CONTROL MEASURE LINE
 - PROPOSED WALL
 - STREET
 - 100% GRADE FENCE
 - SECURITY FENCE
 - FIRE MANDRILL
 - SANITARY SEWER LINE
 - FORCE MAIN
 - STOP SIGN

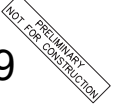
MONTICELLO FAMILY
PREPARED FOR
LDG MULTIFAMILY, LLC
WEAVERVILLE NORTH CAROLINA

SITE PLAN

KHA PROJECT 014280001
DATE 12/16/2022
SCALE AS SHOWN
DESIGNED BY [Signature]
DRAWN BY [Signature]
CHECKED BY ARS

Kimley-Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: (919) 677-2050 WWW.KIMLEY-HORN.COM
NC FIRM # 0102

NO.	REVISIONS	DATE	BY
0	SUBMISSION TO WEAVERVILLE PLANNING	2022-10-17	LDS



SHEET NUMBER 1

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: January 17, 2023
SUBJECT: 171 Monticello Road – LDG – Annexation
PRESENTER: Town Attorney Jennifer Jackson and Planning Director Eller
ATTACHMENTS: Public Hearing Notice
Annexation Petition and Related Materials
Staff Report

DESCRIPTION/SUMMARY OF REQUEST:

Betty Hollifield Roberts is the owner of the property located at 171 Monticello Road and has submitted a voluntary annexation petition encompassing approximately 10.68 acres. This property is contiguous to the primary municipal limits of the Town. The Town Clerk has previously certified the sufficiency of the annexation petition and this annexation request is now eligible for public hearing.

Tonight’s public hearing on the annexation petition was advertised in accordance with North Carolina law.

As a part of the public hearing staff will provide any written comments that were timely received regarding the proposed annexation, offer staff level comments, and be available to answer questions of Town Council. Representatives of the owner or the proposed developer will also be available to answer questions concerning the annexation request.

An accompanying conditional district zoning request is the subject of a separate public hearing scheduled for tonight. Questions and comments concerning the zoning of this property, should it be annexed, should be made during the public hearing on the proposed conditional district zoning.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed annexation.

**TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled workshop meeting on **Tuesday, January 17, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, for the purpose of holding a public hearing on a **voluntary annexation petition for property commonly known as 171 Monticello Road and bearing the Buncombe County parcel identification number 9733-60-3503.**

This public hearing will occur as an in-person meeting in **Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC**, with a remote electronic attendance option for the general public via Zoom Meeting.

The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are: To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960. To join the meeting BY PHONE, call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960. A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearing, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

**CERTIFICATE OF SUFFICIENCY OF
ANNEXATION PETITION 2022-2
+/- 10.68 ACRES ON MONTICELLO ROAD**

TO THE WEAVERVILLE TOWN COUNCIL:

I, James Eller, Weaverville Town Clerk, do hereby certify that I have investigated Voluntary Annexation Petition No. 2022-2 submitted by Betty Hollifield Roberts and have found as a fact that the Petition is signed by all the owners of the real property lying in the area described therein and that the area to be annexed is contiguous to the Town's primary boundary.

Therefore, in accordance with North Carolina General Statutes § 160A-31, *et seq.*, I certify that the Petition is valid and sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 *et seq.*, of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 6th day of December, 2022.



JAMES ELLER, Town Clerk



**PETITION FOR VOLUNTARY ANNEXATION
 PETITION/APPLICATION
 Town of Weaverville, North Carolina**

Submittal Date: 10/13/2022
 Date Fee Paid: 10/18/2022
 Petition No: 2022-2

**STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE**

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
Betty Hollifield Roberts 171 Monticello Rd Weaverville, NC 28787	(828) 273-3350 mdroberts.co@gmail.com	DB: 1245 PG: 0551 PIN: 973360350300000	<i>Betty Hollifield Roberts</i>

5. Zoning vested rights are not claimed, have been established under G.S. § 153A-344.1 or § 160A-385.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 10.68 Acres
 Population in annexed area: 1 Dwelling
 Proposed Zoning District: Conditional Zoning
 Reason for annexation: Receive Town Services Other (please specify)

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

**PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET**

Town of Weaverville, North Carolina

Submittal Date: 10/13/2022
Petition No. 2022-2
Annexation Area Name: Monticello Family

Petitioner: LDG Multifamily, LLC
Subject Area Acreage: NA
Current Land Use: Single Family Residential

Proposed Land Use or Development (describe): Multifamily affordable housing including a parking lot, pool and clubhouse. The buildings will have a combination of 1, 2, and 3 bedrooms residences.

Residential (single family): Number of Units: N/A Anticipated build out in N/A years
Average Sales Price: \$ N/A /dwelling unit

Residential (multi-family): Number of Units: 168 Anticipated build out in 2 years
Owned: Average Sales Price: \$ N/A /building unit
Rental: Average Rental Amt:\$ 1350 /month

Retail: Square footage: N/A Anticipated build out in N/A years
Type of tenancy: N/A

Commercial - Non-Retail: Square footage: N/A Anticipated build out in N/A years
Type of tenancy: N/A

Other: Square footage: N/A Anticipated build out in N/A years
Type of tenancy: N/A

Development Scale: Max building height of 44' 5 in.; max number of stories of 3

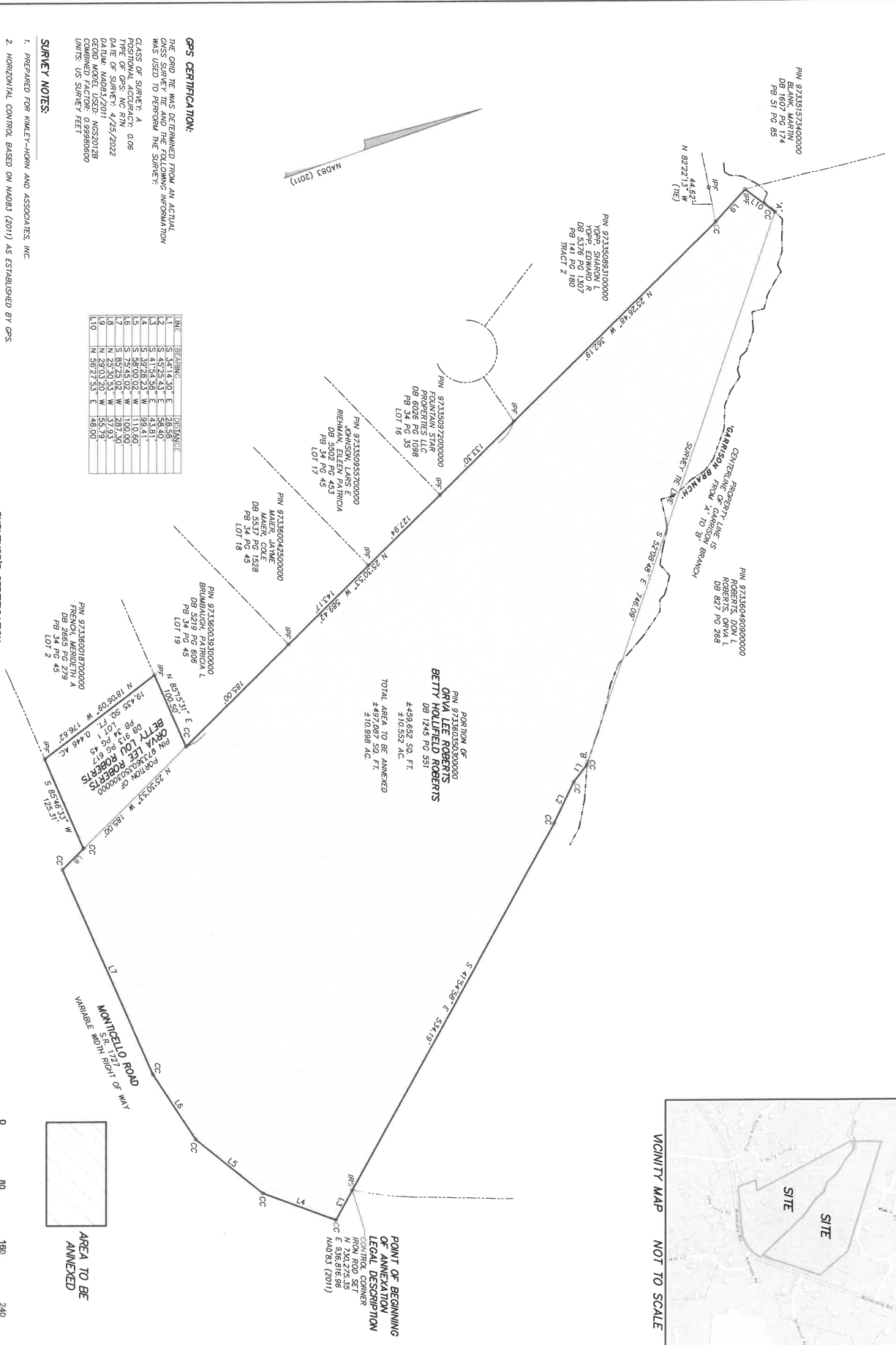
Infrastructure: Linear feet of publicly dedicated roadways proposed: NA feet
Public water proposed (describe): To be connected to the town of Weaverville.

Other Public Services Requested (describe): Sewer to be through Metropolitan Sewer District

Zoning Vested Rights Claimed (describe and attach documentation): NA

Beth Hollifield Roberts
Signature of Owner(s)

[Signature]
Perspective Owner(s)



GPS CERTIFICATION:

THE GRID WAS DETERMINED FROM AN ACTUAL CROSS SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

LINE	BEARING	DISTANCE
1	S 54.14 1/2° E	28.58
2	S 45.23 1/2° E	58.40
3	S 41.31 1/2° E	43.81
4	S 41.31 1/2° E	43.81
5	S 58.00 02° W	110.60
6	S 72.45 02° W	100.00
7	S 23.50 53° W	57.93
8	N 28.03 20° W	55.79
9	N 58.27 53° E	148.00
10	N 58.27 53° E	148.00

- SURVEY NOTES:**
1. PREPARED FOR HINLEY-HORN AND ASSOCIATES, INC.
 2. HORIZONTAL CONTROL BASED ON MAB83 (2011) AS ESTABLISHED BY GPS.
 3. MONUMENTS WERE FIELD WHERE FOUND, EXCEPT AS NOTED.
 4. AREA COMPUTED BY COORDINATE METHOD.

LEGEND OF SYMBOLS:

--- IRON PIPE FOUND
--- IRON ROD SET
--- COMPUTED POINT (NO MONUMENT SET)
--- LINES NOT SURVEYED OR RUN (PROPERTY LINES)
--- CENTERLINE OF BRANCH OR RUN (PROPERTY LINES)



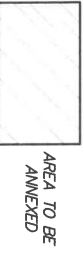
SURVEYOR'S CERTIFICATION

I, CHARLES H. SMITH, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEEDS AND MAP REFERENCES AS SHOWN HEREOF, THAT THE RATIO OF PRECISION OR POSITIVE ACCURACY EXCEEDS 1:10000, THAT THE PROPERTY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET, THAT THIS PLAT WAS ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL.

CHARLES H. SMITH, NC PLS No. L-4198 DATE SEP. 30, 2022

PORTION OF
PIN 9723509893500000
ORVA LEE ROBERTS
UNANNEXED
BETTY LOU ROBERTS
DB 1245 PG 50
1,498,692 SQ. FT.
1,103,532 AC.
TOTAL AREA TO BE ANNEXED
549,169 SQ. FT.
1,010,899 AC.

POINT OF BEGINNING OF ANNEXATION LEGAL DESCRIPTION
IRON ROD CORNER
N 73.02 72 3/4 S
E 93.6 91 6 96
MAB83 (2011)



AREA TO BE ANNEXED

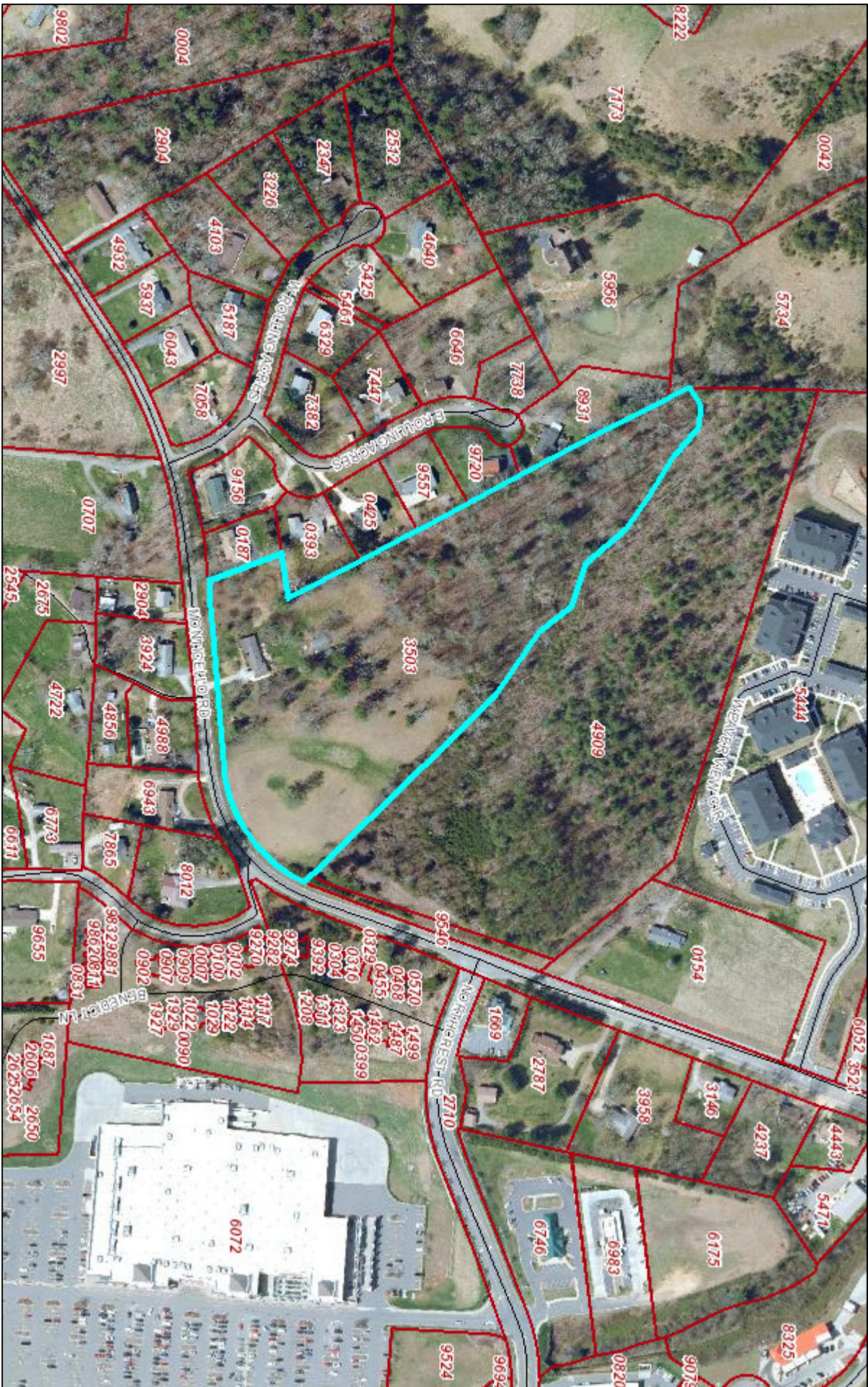
GSC SURVEYING

4032 BARBETT DRIVE
RALEIGH, NC 27609
PHONE (919) 787-4905
NC CONTRACT LICENSE NO. C-2335

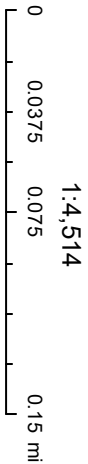
ANNEXATION PLAT
OF PROPERTY OF
ORVA LEE & BETTY LOU (HOLLIFIELD) ROBERTS
RENSSELAER COUNTY, NORTH CAROLINA
DATE: SEP. 30, 2022 SCALE: 1" = 80'
SHEET: 1 OF 1

GSC PROJECT: 22017

Buncombe County



October 18, 2022



1:4,514

Staff Report:
171 Monticello Road Annexation,
Initial Zoning, Conditional District

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

Zoning Analysis

Town Council is set to consider a voluntary annexation of contiguous parcels adjacent to Monticello Road. The parcel consists of 10.68 acres and conditional zoning is being applied for in order to house the desired development. 156 units is being proposed at a density of 14.6 units per acre. The proposed density is north of what any standard district will accommodate creating the need for the conditional zoning request. Parking is also shown at less than two spaces per unit which would be noncompliant with existing code. Also, a buffer of 20 feet would normally be required for multifamily residential development where abutting a residential district. An increased buffer of 35 feet is shown on the plan. Three of the building are now shown as containing 36 units which would need to be incorporated into the conditional district as no more than 24 units would otherwise be permissible.

As per municipal ordinance, the conditional district application and supporting documents were viewed by Town Council for an initial consideration on Monday, November 21. Town Council offered the following conditions for consideration by the Planning Board and applicant.

Based on its initial consideration of the project, the Town Council notes the following as matters for specific review and consideration by the owner/developer and the Planning Board:

- a. Installation of safe pedestrian access to the Northridge Commons shopping center through the use of sidewalks and crosswalks is critical for this project;
- b. Buffering between neighboring properties should be maximized with a preference for some of the buffering to be undisturbed vegetation;
- c. Redesign of the project to push development to the middle of the property or to the side of the property that is currently undeveloped should be considered;
- d. Location of the pool appears to be too close to the neighboring property;
- e. Density was raised as a concern by at least one Councilmember;
- f. Parking spaces being below what Town Code would require is not a concern.

Town of Weaverville, North Carolina
Preliminary Staff Report:
171 Monticello Road Annexation,
Initial Zoning, Conditional District

Prepared November 2022
Updated December 2022

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

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. Here it is found that the future land use map has identified the area in question for mixed use development. Mixed use as identified on the future land use map is defined as follows:

“Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”

The conditional zoning being applied for is specifically to accommodate multifamily residential development.

Additionally, the stated goal within the CLUP of *“consider ways to increase housing affordability”* should be taken into account. The conditional district being applied for is also specifically for an affordable housing development.

Given the aforementioned variables, it is the opinion of staff that the voluntary annexation and desired conditional zoning is not inconsistent with the Town’s CLUP.

Reasonableness of the Proposed Zoning

When considering the reasonableness of the proposed zoning, Town Council and the Planning Board are provided with the following statutorily prescribed guidance.

Sec. 20-1505. Planning board review and comment.

Town of Weaverville, North Carolina
Preliminary Staff Report:
171 Monticello Road Annexation,
Initial Zoning, Conditional District

Prepared November 2022
Updated December 2022

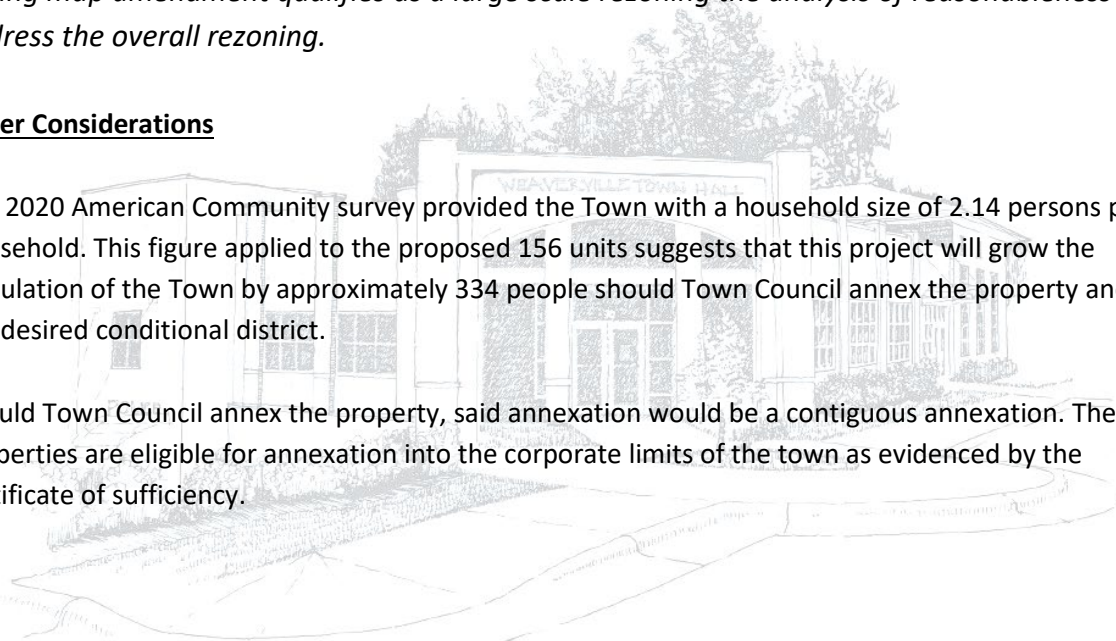
Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

(d) *Reasonableness statement for rezonings. When conducting its review of proposed zoning map amendments, the planning board shall, as part of its plan consistency statement or separately, provide a statement analyzing the reasonableness of the proposed rezoning. Such analysis should consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the zoning map amendment qualifies as a large scale rezoning the analysis of reasonableness may address the overall rezoning.*

Other Considerations

The 2020 American Community survey provided the Town with a household size of 2.14 persons per household. This figure applied to the proposed 156 units suggests that this project will grow the population of the Town by approximately 334 people should Town Council annex the property and grant the desired conditional district.

Should Town Council annex the property, said annexation would be a contiguous annexation. The properties are eligible for annexation into the corporate limits of the town as evidenced by the certificate of sufficiency.





Weaverville Police Department

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

James,

In response to your request regarding the possible voluntary annexation at 171 Monticello Road, we conducted an impact study. This study includes cost and staffing estimates, as well as completing a site survey.

Based on other developments such as Hawthorn/Holston Apartments, calls for service, and required extra patrols, I do anticipate various calls for service to increase. As with complexes similar in scope, we will need to patrol this new subdivision at least 1,100-1,400 times per year to have an adequate presence. Of course, this does not consider any other calls for service which might arise outside the scope of "routine patrol." I also expect more nuisance-type issues such as parking, noise complaints, etc., that are a product of living in an apartment type of setting.

Naturally, there will be more car traffic on Monticello Road at the point of ingress/egress for this development. We would also expect pedestrian traffic to access businesses in the Northridge Commons area. As such, I would suggest proper lighting, signage, and clear pathway be established to lessen conflicts between motorists and pedestrians.

I have estimated fuel, maintenance, and additional staffing hours to be the following per year:

Fuel: \$ 1200.00

Maintenance: \$ 800.00

Additional staffing hours: 220 per year

Please let me know if you have any questions.

Respectfully,

Ron Davis
Chief

From: [Scottie Harris](#)
To: [James Eller](#)
Cc: [Michael Hunter](#); [David Privette](#); [Ray Blackwell](#)
Subject: RE: Annexation Staff Reports
Date: Monday, January 2, 2023 12:54:07 PM
Attachments: [image001.png](#)

James,

Regardless of annexation status into the cooperate town limits the residential developments listed for 171 Monticello Rd and 480 Reems Creek Rd are going to require a response from Weaverville Fire Department. The property at 171 Monticello Rd is currently in our North Buncombe Response/Fire Tax district while the 480 Reems Creek address is in Reems Creek Fire departments first due area, however we respond automatic aid there. With annexation by the town prior to construction it would give the town more input with height of the multifamily construction as well as road width for the project. Both allow for consideration of our aerial device response for rescue and fire suppression along with turn arounds.

We had our largest call volume year in 2022 with 2148 calls for service. This will continue to increase and with the increase of call volume our chances for simultaneous calls increase which in turn will result in the need for more staffing to stay ahead of the influx. The biggest difference in the property remaining in our North Buncombe (county) district or being annexed into the cooperate town limits isn't the impact of calls for service, it is the loss of revenue directly to the fire department. With the property being in the North Buncombe Fire Tax district the property tax monies generated would be collected for the North Buncombe Tax district. Annexation brings money to the town for service delivery and gives the town more input from the planning/zoning perspective which I'm in favor of it being a team effort for all services provided. The Fire department is a little unique in our role as a town department as our resources will be required to respond regardless of annexation status thus putting an increase on service delivery demand automatically.

Respectfully

Scottie

David "Scottie" Harris, MA, CFO, MIFireE
Fire Chief
Town of Weaverville
3 Monticello Rd.
Weaverville, NC 28787
828-645-3500- Station
919-215-0774 – Cell
828-658-9868 -Fax
www.townofweaverville.org

From: James Eller <jeller@weavervillenc.org>
Sent: Thursday, December 29, 2022 10:05 AM
To: Ron Davis <rdavis@weavervillenc.org>; Scottie Harris <sharris@weavervillenc.org>; Dale Pennell <dale.pennell@weavervillenc.org>
Cc: Selena Coffey <scoffey@weavervillenc.org>; Jennifer Jackson <jjackson@weavervillenc.org>
Subject: Annexation Staff Reports

All,

As you are aware, Town Council is set to consider two voluntary annexations in January. As before, I am writing to request information from your respective departments which may be useful for Council’s consideration in the coming deliberations. Included in the 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.” Attached you will find the most recent version of an annexation staff report should you wish to repurpose for these instances.

The two annexations will support the following residential development as described below.

171 Monticello Road

-
156 dwelling units in a multifamily configuration

480 Reems Creek Road

-
139 dwelling units in a single family or multifamily configuration

If you will send your response to me I will gather all into a consolidated staff report. Thank you for your time and consideration to this matter and please feel free to contact me if I may offer any additional information.

James Eller
Planning Director
Town of Weaverville
Email: jeller@weavervillenc.org
Phone: (828) 484-7002, (828) 645-7116



From: [Dale Pennell](#)
To: [James Eller](#)
Cc: [Dale Pennell](#)
Subject: Annexation concerns from Public Works for 171 Monticello Family Apartments
Date: Friday, January 6, 2023 4:02:45 PM

James,

As requested, I have prepared the following information regarding the impact to the Public Works Department (PW) from a potential annexation of PIN 9733-60-3503 for the proposed Monticello Family Apartments.

WATER

The current water allocation for the project, dated October 5, 2022, committed the town to supply water to this development of 168 apartment units plus a pool and clubhouse, totaling 56,600 GPD using the state required average daily demand of 400 GPD per unit. The most recent plan, dated December 16, 2022, shows 156 apartments, pool, and clubhouse along with an amenity area, maintenance building, and pump station, all of which will need access to water. If the sum of the required water supply based on the latest schematic plan exceeds the town's current commitment, then a submittal of a revised "Application for a Commitment Letter" will be required. Based on previous similar projects, the actual usage upon completion and occupancy should be closer to 100 GPD which will reduce anticipated demand to an estimated 14, 150 GPD. The town's water system is capable of providing this water with little if any impact on existing customers. Our current water rates reflect the cost of providing water, reading the meter, preparing and collecting the monthly bill, and maintaining the meter vault and the line serving the development.

STREETS

None of the streets within this proposed development will be town-maintained so there will be little if any additional impact or cost to the town's Street Division. While there will be additional traffic on town streets from the 156 apartments, any impact would be difficult to estimate. Also, these additional vehicles will add to the already congested areas at the Monticello Road/US 25-70 intersection and along Weaver Boulevard, which may increase response times of PW staff due to traffic backups.

I understand that a sidewalk may be required as part of the project's approval. The route of this sidewalk may be along Monticello Road from the project to the rear entrance to Northridge Commons with a crosswalk for Monticello Road. It is unknown at this time whether this sidewalk will be required and/or who will be responsible for maintenance. Other sidewalks along public roadways within the town limits are currently maintained by the Street Division. If this sidewalk is constructed, we would anticipate minimal maintenance for at least 10 years.

STORM WATER

None of the storm drainage system or storm water management system within the development will be maintained by the town so there should be no additional impact or cost to the Storm Water Management Division.

SANITATION

The proposed project will have private service for garbage pickup, brush chipping, and leaf collection so the town will not be responsible for any of these services, so there should be no additional impact or cost to the Sanitation Division.

RECREATION

The town’s recreational facilities (Main Street Nature Park, Lake Louise Park, and Community Center) are used by both town residents and visitors throughout the year. Additional usage by new residents from this development may increase congestion within these facilities during busy times of the year, but no one can predict the impact or extent of such usage. The town’s efforts to maintain these facilities will continue at current levels with or without this development.

If you need additional information or have any questions, please let me know.

***Dale Pennell, PE, PLS
Public Works Director
Town of Weaverville
15 Quarry Road
Weaverville, NC 28787
828-645-0606 Office
828-231-7050 Cell***

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: January 17, 2023

SUBJECT: 480 Reems Creek Road – Ponder - Initial R-3 Zoning

PRESENTER: Town Planner James Eller

ATTACHMENTS: Public Hearing Notice
Application of Initial Zoning
Planning Board Findings and Recommendation

DESCRIPTION/SUMMARY OF REQUEST:

The annexation petition submitted for 480 Reems Creek Road was accompanied by an initial zoning request for R-3 zoning.

Tonight’s public hearing is on that R-3 zoning request and has been advertised in accordance with North Carolina law.

The Planning Board offers a favorable recommendation on R-3 zoning for these properties and has found R-3 zoning to be consistent with the Comprehensive Land Use Plan and Town Council’s recently adopted resolution addressing Growth Area 5, and reasonable.

As a part of the public hearing, staff will formally present the Planning Board’s findings and recommendations, provide any written comments that were timely received regarding the proposed conditional district, offer staff level comments, and will also be available to answer questions. Representatives for the owner/developer will also be at the public hearing to answer questions.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed R-3 zoning.

**TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled workshop meeting on **Tuesday, January 17, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, for the purpose of holding a public hearing on a **zoning map amendment to designate the properties commonly known as 480 Reems Creek Road, 488 Reems Creek Road, and an unaddressed parcel on Ponder Road (bearing the following Buncombe County parcel identification numbers: 9752-25-2483, 9752-25-5201 and 9752-24-3887), as R-3 zoning if such properties are annexed into the Town.**

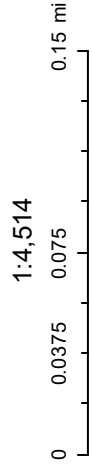
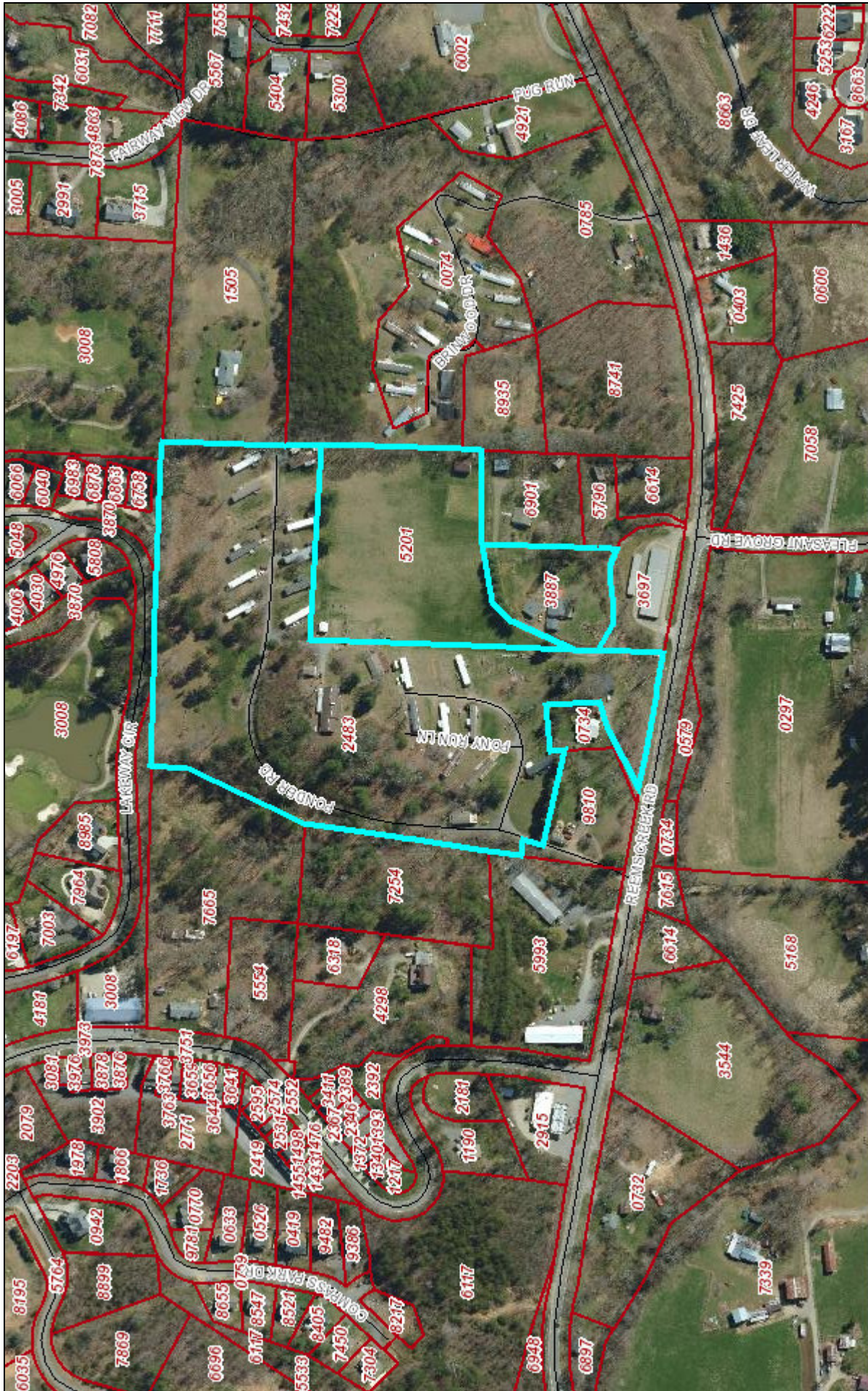
This public hearing will occur as an in-person meeting in **Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC**, with a remote electronic attendance option for the general public via Zoom Meeting.

The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are: To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960. To join the meeting BY PHONE, call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960. A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearing, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

Buncombe County



1:4,514

December 6, 2022

**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
Application Fee Based Upon Size of Property

OWNER/APPLICANT NAME: WARREN SOLLY (ENIL DESIGN CONCEPTS) APPLICATION DATE: 12/2/2022
PHONE NUMBER: 828-252-5388 MAILING ADDRESS: 168 PATTON AVE
ASHEVILLE NC 28801

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

- The Zoning Map
- The text of the Zoning Ordinance (Chapter 20 Planning and Development)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 480 PEEMS CREEK
9752-25-2483 9999 PONDER ROAD
PIN: 9752-25-5201 LOT AREA (acres): 17.4 AC
9752-25-3887
CURRENT ZONING DISTRICT: COUNTY R-2 PROPOSED ZONING DISTRICT: WEAVERVILLE R-3

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 20 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
Application Fee Based Upon Size of Property

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

[Handwritten Signature] (OF CIVIL DESIGN CONCEPTS) *12/2/2022*
SIGNATURE OF APPLICANT DATE

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

Application fees are due at the time of submittal. Withdrawal of an application after the public hearing has been advertised will result in the forfeiture of the application fee.

REZONING FEE SCHEDULE:

< 1 acre	\$250.00
1-3 acres	\$500.00
4-9 acres	\$750.00
10 + acres	\$1,000.00

Text Amendment

Fees..... \$500.00

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:	

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

PROPERTY LEGAL DESCRIPTION:

PARCEL ID: 9752-25-2483, 9752-25-5201, 9752-25-3887
STREET ADDRESS: 480 Reems Creek Road and 149 Ponder Rd

PROPERTY OWNER: Dennis Ponder and Ricky Ponder
(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER:

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: dponder@medlockengr.com, ricky-ponder@charter.net
PHONE NUMBER: 828-337-8309 *Ricky 828-712-4213 DENNIS*
MAILING ADDRESS: ~~480 Reems Creek Rd~~ *149 PONDER ROAD, WEAVERVILLE, NC 28787*

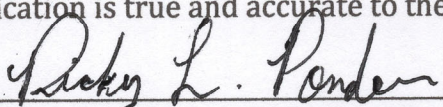
PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: Voluntary annexation, water allocation and zoning map amendment

NAME OF INDIVIDUAL AGENT: Warren Sugg
NAME OF CONTRACTOR/CONSULTING FIRM: Civil Design Concepts

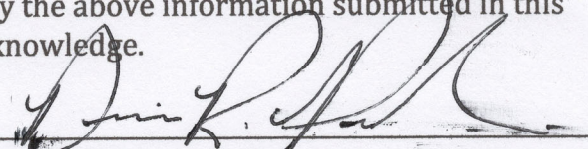
AGENT CONTACT INFORMATION:

EMAIL ADDRESS: wsugg@cdcgo.com
PHONE NUMBER: (828) 252-5388
MAILING ADDRESS: 168 Patton Avenue Asheville, NC 28801

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



Property Owner Signature



Property Owner Signature

Date: 12-6-2022

Date: 12-6-2022

The Town of Weaverville

NORTH CAROLINA

January 4, 2023

Mayor Patrick Fitzsimmons and
Weaverville Town Council

Re: *Ponder – 480 Reems Creek Road - +/- 17.4 acres*
Proposed Zoning Map Amendment - R-3 Zoning
Statement of Consistency/Reasonableness and Recommendation

Dear Mayor and Council –

At the direction of Town Council, the Planning Board reviewed the application for a zoning map amendment that was submitted in conjunction with the pending annexation petition on the above-referenced properties on December 2, 2022, and submits this letter as its statement on plan consistency and reasonableness.

The property involved consists of three separate parcels, encompassing approximately 17.4 acres, located on Reems Creek Road near the intersection of Reems Creek Road and Pleasant Grove Road, and is currently in the unincorporated portion of Buncombe County with a zoning designation of R-2.

Town development regulations concerning zoning map amendments require the Planning Board to review the application for plan consistency and reasonableness. **At the meeting on January 3, 2023, the Planning Board reviewed the project for compliance with the Comprehensive Land Use Plan and the reasonableness factors contained in Town Code Section 20-1505(d) and submits a favorable recommendation on the requested R-3 zoning.**

In a majority vote (4 to 1), the Planning Board found that R-3 zoning for these properties is consistent with the Town’s Comprehensive Land Use Plan (CLUP). In making this finding the Board considered that the future land use map identifies the properties as being within a gap area between a residential area and a mixed use area. As stated in the CLUP, “Gaps have been intentionally provided between areas on the future land use map as there is a need for flexibility to allow for the uncertainty of the future. ... The boundaries and gaps should be viewed as flexible rather than fixed lines and the final decision on land use types in these transitional areas should be left to the discretion and good judgment of the appointed and elected officials that are charged with establishing development policy and regulations in the Town.” Mixed use areas, as specifically defined in the CLUP, are “where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants.” The Board found that the requested R-3 zoning offers a moderate level of residential development, which was viewed as transitional between the single family zoning that is prevalent in

the residential area on the northern side of Reems Creek Road, including the Reems Creek Golf Course community, some limited existing commercial development, and the mixed use area shown on the southern side of Reems Creek Road, which can include high density residential development.

This proposed zoning district represents a consistent and compatible use when considering the zoning and current uses in the area, including properties within the Town and just outside its municipal limits, and could serve to diversify the housing stock within the Town's municipal limits.

In that same vote, the Planning Board also found that the proposed R-3 zoning is reasonable. To support this finding the Board found that the R-3 zoning is compatible with the current residential uses of the properties within the area, including existing single family residences and some limited multifamily development and a proposed townhouse development in the area.

Under current Buncombe County regulations, a wide array of residential uses can be accomplished on this property under County R-2 zoning, up to and including moderate density multifamily development. There is also a fair amount of County R-3 zoning in the immediate area which can support a residential density of up to 12 units per acre.

It is noted that this recommendation was largely based on these properties being within the Town's identified Growth Area 5 and Town Council resolution adopted on December 13, 2022, which indicated that R-3 zoning is consistent with Town Council's desired zoning for these properties. While it hasn't been formally adopted as part of the CLUP, the Planning Board is taking into consideration this resolution in its review process and appreciates Town Council's action in this regard.

Please let me know if you need anything further from the Board on this matter.

Sincerely,



Bob Pace
Planning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney
Jesse Swords, Attorney for Developer

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: January 17, 2023

SUBJECT: 480 Reems Creek Road – Ponder – Annexation

PRESENTER: Town Attorney Jennifer Jackson and Planning Director Eller

ATTACHMENTS: Public Hearing Notice
Annexation Petition and Related Materials
Staff Report

DESCRIPTION/SUMMARY OF REQUEST:

Ricky Lee Ponder and Dennis Russell Ponder are the owners of three properties encompassing approximately 17.4 acres located at 480 Reems Creek Road, near the intersection of Reems Creek Road and Pleasant Grove Road. They have submitted a voluntary annexation petition for these properties, which are contiguous to the primary municipal limits of the Town. The Town Clerk has previously certified the sufficiency of the annexation petition and this annexation request is now eligible for public hearing.

Tonight’s public hearing on the annexation petition was advertised in accordance with North Carolina law.

As a part of the public hearing staff will provide any written comments that were timely received regarding the proposed annexation, offer staff level comments, and be available to answer questions of Town Council. Representatives of the owner or the proposed developer will also be available to answer questions concerning the annexation request.

An accompanying zoning request for R-3 zoning is the subject of a separate public hearing scheduled for tonight. Questions and comments concerning the zoning of this property, should it be annexed, should be made during the public hearing on the proposed R-3 zoning.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed annexation.

**TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled workshop meeting on **Tuesday, January 17, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, for the purpose of holding a public hearing on a **voluntary annexation petition for properties commonly known as 480 Reems Creek Road, 488 Reems Creek Road, and an unaddressed parcel on Ponder Road, bearing the following Buncombe County parcel identification numbers: 9752-25-2483, 9752-25-5201 and 9752-24-3887.**

This public hearing will occur as an in-person meeting in **Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC**, with a remote electronic attendance option for the general public via Zoom Meeting.

The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are: To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960. To join the meeting BY PHONE, call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960. A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearing, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

**CERTIFICATE OF SUFFICIENCY OF
ANNEXATION PETITION 2022-3
+/- 17.4 ACRES ON REEMS CREEK ROAD**

TO THE WEAVERVILLE TOWN COUNCIL:

I, James Eller, Weaverville Town Clerk, do hereby certify that I have investigated Voluntary Annexation Petition No. 2022-3 submitted by Ricky Lee Ponder and Dennis Russell Ponder and have found as a fact that the Petition is signed by all the owners of the real property lying in the area described therein and that the area to be annexed is contiguous to the Town's primary boundary.

Therefore, in accordance with North Carolina General Statutes § 160A-31, *et seq.*, I certify that the Petition is valid and sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 *et seq.*, of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 12th day of December, 2022.



JAMES ELLER, Town Clerk



**PETITION FOR VOLUNTARY ANNEXATION
 PETITION/APPLICATION
 Town of Weaverville, North Carolina**

Submittal Date: 12/2/2022
 Date Fee Paid: 12/12/2022
 Petition No: 2022-3

**STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE**

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

(RICKY-PONDER @ CHARTER.NET

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
RICKY LEE PONDER DENNIS RUSSEL PONDER 480 PEENS CREEK ROAD	828-337-8309 828-712-4213	011E/0795 0022/0019 9752-25-2483	Ricky L. Ponder Dennis Russell Ponder
RICKY LEE PONDER DENNIS RUSSEL PONDER 93999 PONDER ROAD	828-337-8309 828-712-4213	011E/0185 0022/0019 9752-25-5201	Ricky L. Ponder Dennis Russell Ponder
RICKY LEE PONDER DENNIS RUSSEL PONDER	828-337-8309 828-712-4213	011E/0785 3820/0754 9752-25-3807	Ricky L. Ponder Dennis Russell Ponder

SOUTHERNHIGHLAND @ CHARTER.NET

5. Zoning vested rights _____ are not claimed, _____ have been established under G.S. § 153A-344.1 or § 160A-385.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 4-17.4 ac
 Population in annexed area: 4-20
 Proposed Zoning District: R-12 R-3 wms
 Reason for annexation: Receive Town Services _____ Other (please specify)

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

**PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET**

Town of Weaverville, North Carolina

Submittal Date: 12/2/2022
Petition No. 2022-3
Annexation Area Name: 480 Rooms Creek Rd

Petitioner: RICKY LEE & DENNIS RUSSEL PONDER

Subject Area Acreage: +/- 17.4 AC

Current Land Use: RESIDENTIAL

Proposed Land Use or Development (describe): TOWNHOME RESIDENTIAL

Residential (single family): Number of Units: ~~7-1100~~ ^{139 units} Anticipated build out in ~~20/20~~ ^{24/25} years
Average Sales Price: \$ _____ /dwelling unit

Residential (multi-family): Number of Units: _____ Anticipated build out in _____ years
Owned: Average Sales Price: \$ _____ /building unit
Rental: Average Rental Amt: \$ _____ /month

Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Commercial - Non-Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Other: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Development Scale: Max building height of _____; max number of stories of _____

Infrastructure: Linear feet of publicly dedicated roadways proposed: _____ feet
Public water proposed (describe): _____

Other Public Services Requested (describe): _____

Zoning Vested Rights Claimed (describe and attach documentation): _____

Dennis R. Ponder Ricky L. Ponder
Signature of Owner(s)

**Staff Report: Reems Creek
Annexation Initial Zoning
Request of R-3**

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

Zoning Analysis

Town Council is set to consider a voluntary annexation of contiguous parcels adjacent to Reems Creek Road. The parcels consist of 17.4 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-3 is desired. With the acreage present and the density permitted within the desired zoning district the Town may expect approximately 139 dwelling units in a single family or multifamily configuration under these conditions.

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. This future land use map is adopted as a part of the CLUP to provide primary guidance for the categories of uses expected within the geographic areas of the Town and along Town borders. Here it is found that the properties in question fall in a transition area between the land use categories of mixed use and residential. These transition areas are addressed within the CLUP as follows.

“Gaps have been intentionally provided between areas on the future land use map as there is a need for flexibility to allow for the uncertainty of the future. Defined areas do not necessarily follow property boundaries. The boundaries and gaps should be viewed as flexible rather than fixed lines and the final decisions on land use types in these transitional areas should be left to the discretion and good judgement of the appointed and elected officials that are charged with establishing development policy and regulations in the Town.”

Mixed use as identified on the future land use map is defined as follows:

“Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”

**Preliminary Staff Report:
Reems Creek Annexation
Initial Zoning Request of R-3**

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

Residential use as defined on the future land use map is defined as follows:

“Surrounding the downtown core are primarily residential neighborhoods that contain historic bungalows and arts and crafts 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.”

The R-3 zoning district which is being requested will accommodate both high density single family residential development and multifamily residential development at a density of eight units per acre.

Given the aforementioned variables, it is the opinion of staff that the initial zoning of R-3 upon annexation is not inconsistent with the Town’s CLUP.

Other Considerations

The 2020 American Community survey provided the Town with a household size of 2.14 persons per household. This figure applied to the theoretical 139 units suggests that this project will grow the population of the Town by approximately 297 people should Town Council annex the property and grant the desired R-3 Zoning District.

Should Town Council annex the property, said annexation would be a contiguous annexation. The properties are eligible for annexation into the corporate limits of the town as evidenced by the certificate of sufficiency.



Weaverville Police Department

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

James,

In response to your request regarding the possible voluntary annexation at 480 Reems Creek Road, we conducted an impact study. This study includes cost and staffing estimates as well as completing a site survey.

Based on other neighborhoods of similar populations, calls for service, and required extra patrols, I do anticipate an increased number of calls for service associated with a subdivision of its size and density. I also anticipate we will need to patrol this new subdivision at least 1,100-1,400 times per year to have an adequate presence. This does not account for any other calls for service that might arise outside the scope of "routine patrol" such as nuisance and quality of life issues like parking, noise complaints, etc., that are a product of living in a multi-family type setting.

Lastly, I would fully expect the proposed development to impact the daily traffic volume on Reems Creek Road at the point of ingress/egress. As such, any DOT traffic study conducted in this area would be helpful.

I have estimated fuel, maintenance, and additional staffing hours to be the following per year:

Fuel: \$ 1200.00

Maintenance: \$ 800.00

Additional staffing hours: 200 per year

Please let me know if you have any questions.

Respectfully,

Ron Davis
Chief

From: [Scottie Harris](#)
To: [James Eller](#)
Cc: [Michael Hunter](#); [David Privette](#); [Ray Blackwell](#)
Subject: RE: Annexation Staff Reports
Date: Monday, January 2, 2023 12:54:07 PM
Attachments: [image001.png](#)

James,

Regardless of annexation status into the cooperate town limits the residential developments listed for 171 Monticello Rd and 480 Reems Creek Rd are going to require a response from Weaverville Fire Department. The property at 171 Monticello Rd is currently in our North Buncombe Response/Fire Tax district while the 480 Reems Creek address is in Reems Creek Fire departments first due area, however we respond automatic aid there. With annexation by the town prior to construction it would give the town more input with height of the multifamily construction as well as road width for the project. Both allow for consideration of our aerial device response for rescue and fire suppression along with turn arounds.

We had our largest call volume year in 2022 with 2148 calls for service. This will continue to increase and with the increase of call volume our chances for simultaneous calls increase which in turn will result in the need for more staffing to stay ahead of the influx. The biggest difference in the property remaining in our North Buncombe (county) district or being annexed into the cooperate town limits isn't the impact of calls for service, it is the loss of revenue directly to the fire department. With the property being in the North Buncombe Fire Tax district the property tax monies generated would be collected for the North Buncombe Tax district. Annexation brings money to the town for service delivery and gives the town more input from the planning/zoning perspective which I'm in favor of it being a team effort for all services provided. The Fire department is a little unique in our role as a town department as our resources will be required to respond regardless of annexation status thus putting an increase on service delivery demand automatically.

Respectfully

Scottie

David "Scottie" Harris, MA, CFO, MIFireE
Fire Chief
Town of Weaverville
3 Monticello Rd.
Weaverville, NC 28787
828-645-3500- Station
919-215-0774 – Cell
828-658-9868 -Fax
www.townofweaverville.org

From: James Eller <jeller@weavervillenc.org>
Sent: Thursday, December 29, 2022 10:05 AM
To: Ron Davis <rdavis@weavervillenc.org>; Scottie Harris <sharris@weavervillenc.org>; Dale Pennell <dale.pennell@weavervillenc.org>
Cc: Selena Coffey <scoffey@weavervillenc.org>; Jennifer Jackson <jjackson@weavervillenc.org>
Subject: Annexation Staff Reports

All,

As you are aware, Town Council is set to consider two voluntary annexations in January. As before, I am writing to request information from your respective departments which may be useful for Council's consideration in the coming deliberations. Included in the 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." Attached you will find the most recent version of an annexation staff report should you wish to repurpose for these instances.

The two annexations will support the following residential development as described below.

171 Monticello Road

-
156 dwelling units in a multifamily configuration

480 Reems Creek Road

-
139 dwelling units in a single family or multifamily configuration

If you will send your response to me I will gather all into a consolidated staff report. Thank you for your time and consideration to this matter and please feel free to contact me if I may offer any additional information.

James Eller
Planning Director
Town of Weaverville
Email: jeller@weavervillenc.org
Phone: (828) 484-7002, (828) 645-7116



From: [Dale Pennell](#)
To: [James Eller](#)
Cc: [Dale Pennell](#)
Subject: RE: Annexation concerns from Public Works for 480 Reems Creek Townhouses
Date: Friday, January 6, 2023 4:15:15 PM

James,

As requested, I have prepared the following information regarding the impact to the Public Works Department (PW) from a potential annexation of PIN 9752-25-2483 et al for the proposed 480 Reems Creek Townhouses.

WATER

The current water allocation request for the project, dated December 5, 2022, describes the development of 139 apartment units and a pool, totaling 58,380 GPD using the state required average daily demand of 400 GPD per unit. Based on previous similar projects, the actual usage upon completion and occupancy should be closer to 100 GPD which will reduce anticipated demand to an estimated 14, 595 GPD. The town’s water system is capable of providing this water with little if any impact on existing customers. Our current water rates reflect the cost of providing water, reading the meter, preparing and collecting the monthly bill, and maintaining the meter vault and the line serving the development.

STREETS

None of the streets within this proposed development will be town-maintained so there will be little if any additional impact or cost to the town’s Street Division. There will be additional traffic on town streets from the 139 apartments, any impact would be difficult to estimate. I have heard no discussion of requiring a sidewalk along Reems Creek Road as part of the project.

STORM WATER

None of the storm drainage system or storm water management system within the development will be maintained by the town so there should be no additional impact or cost to the Storm Water Management Division.

SANITATION

The proposed project will have private service for garbage pickup, brush chipping, and leaf collection so the town will not be responsible for any of these services, so there should be no additional impact or cost to the Sanitation Division.

RECREATION

The town’s recreational facilities (Main Street Nature Park, Lake Louise Park, and Community Center) are used by both town residents and visitors throughout the year. Additional usage by new residents from this development may increase congestion within these facilities during busy times of the year, but no one can predict the impact or extent of such usage. The town’s efforts to maintain these facilities will continue at current levels with or without this development.

If you need additional information or have any questions, please let me know.

***Dale Pennell, PE, PLS
Public Works Director
Town of Weaverville
15 Quarry Road
Weaverville, NC 28787
828-645-0606 Office
828-231-7050 Cell***