



**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, January 3, 2023, 6:00pm**

Remote Access Option for General Public via Zoom:

<https://us02web.zoom.us/j/89273366843>; Meeting ID: 892 7336 6843

See page 2 for additional information on the remote access option.

Agenda

1. Call to Order – Chair Bob Pace
2. Approval of the Agenda
3. Approval of the Minutes
 - December 6, 2022 regular meeting of the Board
4. 171 Monticello Road Conditional District Application and Supporting Documents
 - Discussion related to the reasonableness of the zoning request and consistency with the Comprehensive Land Use Plan
 - Consideration of a motion establishing a recommendation to Town Council on the proposed conditional district
5. 480 Reems Creek Road Zoning Map Amendment Application
 - Discussion related to the reasonableness of the zoning request and consistency with the Comprehensive Land Use Plan
 - Consideration of a motion establishing a recommendation to Town Council on the proposed zoning map amendment
6. Any Other Business
7. Adjournment

**WEAVERVILLE PLANNING BOARD REGULAR MEETING – JANUARY 3, 2023, AT
6PM REMOTE ELECTRONIC MEETING LOGIN CREDENTIALS**

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided to inform the public that the **Weaverville Planning Board regular monthly meeting on Tuesday, January 3, 2023, at 6:00p.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 via Zoom.**

For those members of the public wishing to attend remotely via Zoom the following information is provided:

To join the meeting by computer, go to this link <https://us02web.zoom.us/j/89273366843> . 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: 892 7336 6843. 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: 892 7336 6843. There is no password for this meeting, so if asked for one just press the # button.

The Planning Board is not scheduled to take public comment at this meeting.

For questions or additional assistance in how to participate in this meeting, please contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org .

Bob Pace, Chairman
12/29/2023

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 3, 2023

Subject: Minutes

Presenter: Planning Director

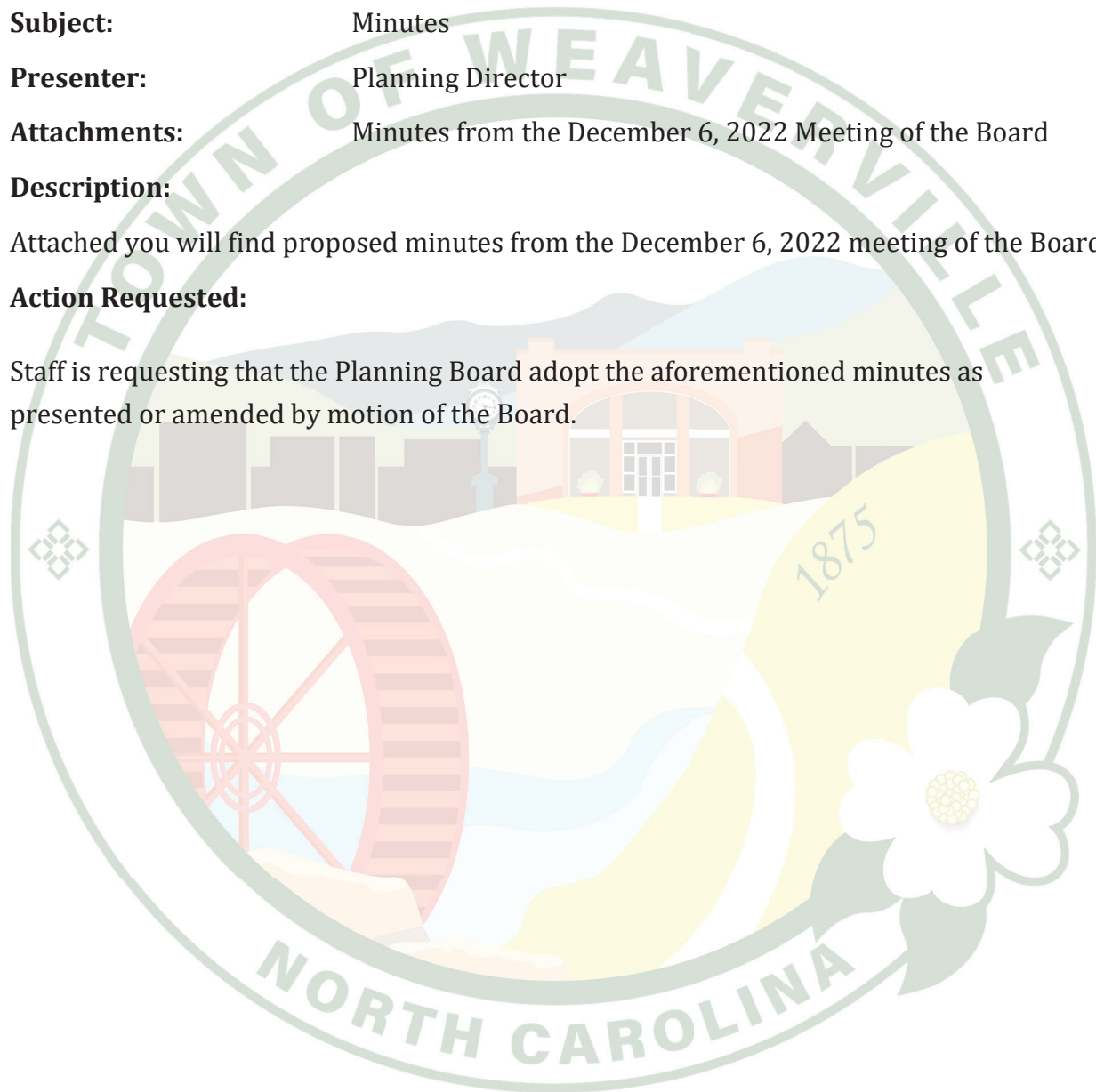
Attachments: Minutes from the December 6, 2022 Meeting of the Board

Description:

Attached you will find proposed minutes from the December 6, 2022 meeting of the Board

Action Requested:

Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



Town of Weaverville
Planning Board
Minutes – Tuesday, December 6, 2022

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, December 6, 2022 within Council Chambers at Town Hall.

Present: Board Members Bob Pace, Mark Endries, Jane Kelley, and Donna Mann Belt and Alternate Members Maggie Schroder and Ryan Gagliardi, Town Council Liaison Michele Wood, Town Attorney Jennifer Jackson and Planning Director James Eller. Board Member Rachael Bronson was absent.

1. Call to Order

Mr. Pace called to order at 6:00 pm.

Mr. Pace recognized Ms. Schroder as a regular member of the Board to fill the absence of a regular member.

Councilmember Cordell spoke to the Board regarding her time on the Planning Board as both a member and a Town Council Liaison.

2. Approval of the Agenda

Noting no objections Mr. Pace declared the agenda approved by consent.

3. Approval of the Minutes from the October 4, 2022 Meeting of the Board

Ms. Kelley motioned to approve the minutes as presented. Ms. Schroder seconded and all voted unanimously in favor of the motion.

4. 171 Monticello Road Conditional District Application and Supporting Documents

Mr. Eller presented the application and supporting documents, which included a site plan and statement of reasonableness, for the proposed conditional district located at 171 Monticello Road. A staff report providing a zoning analysis and opinion on the compliance with the CLUP was also provided.

Ms. Jackson noted that the initial consideration required of a conditional district was held by Town Council on November 21 and described the six proposed conditions proposed by Town Council at that time. Through conversation the Board ultimately agreed with the proposed conditions arrived at during the initial consideration which included information on the installation of safe pedestrian access to Northridge Commons, maximizing buffering, the location of building in relation to neighboring properties, relocation of the pool away from neighboring properties, overall density, and number of parking spaces to be provided.

Related to the provision of on site amenities, it became the consensus of the Board that the number of units within individual buildings could be increased to free up additional areas on the property.

Chris Byrd, of LDG Development appeared on behalf of the application and answered questions from the Board ranging from conditions on the site plan, pedestrian access, LDG communities in other areas, and various factors related to affordable housing.

Related to compliance with the Comprehensive Land Use Plan, Mr. Endries offered the opinion that the project was compliant plan with considerations given to the goals of the plan and the property's location and designation on the future land use map. This position was also the consensus of the Board.

It was also the consensus of the Board to consider the reasonableness of the proposed zoning and proposed conditions reflective of Town Council's initial consideration and the Board's deliberations at their next meeting.

5. Nonconforming Lots

Having spent nearly two hours on the previous agenda item it became the consensus of the Board to address nonconforming lots at a later date.

6. Adoption of the 2023 Schedule of Regular Meetings for the Planning Board

Mr. Endries motioned to adopt the 2023 schedule of regular meetings as presented. Ms. Schroder seconded and all voted in favor of the motion.

7. Any Other Business

No further business was presented.

8. Adjournment.

Bob Pace, Chair
Planning and Zoning Board

ATTEST:

James W. Eller
Planning Director / Town Clerk

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 3, 2022

Subject: Conditional District Application for 171 Monticello Road

Presenter: Planning Director, Town Attorney

Attachments: Conditional District Application, Updated Site Plan, Staff Report, Statement of Reasonableness, Community Meeting Summary, Buncombe County Ord. 78-650, Proposed Statement of Reasonableness

Description:

Town Council has referred the zoning request to the Planning Board for the full review process as required by N.C.G.S. Chapter 160D. The Planning Board shall now review and offer comment on the proposal as per Sec. 20-1505. During the December meeting it became the consensus position of the Board that the project was compliant with the comprehensive land use plan leaving the reasonableness to be considered.

Action Requested:

The Board is being asked to consider the conditional district application and offer a recommendation to Town Council on the proposal's consistency with the comprehensive land use plan and reasonableness of the proposed zoning amendment.

A proposed recommendation from the Planning Board is being provided to the Board for its consideration.

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

10/18/22

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
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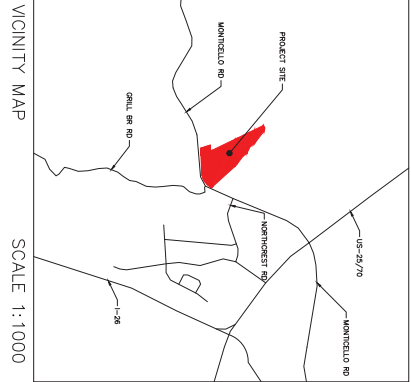
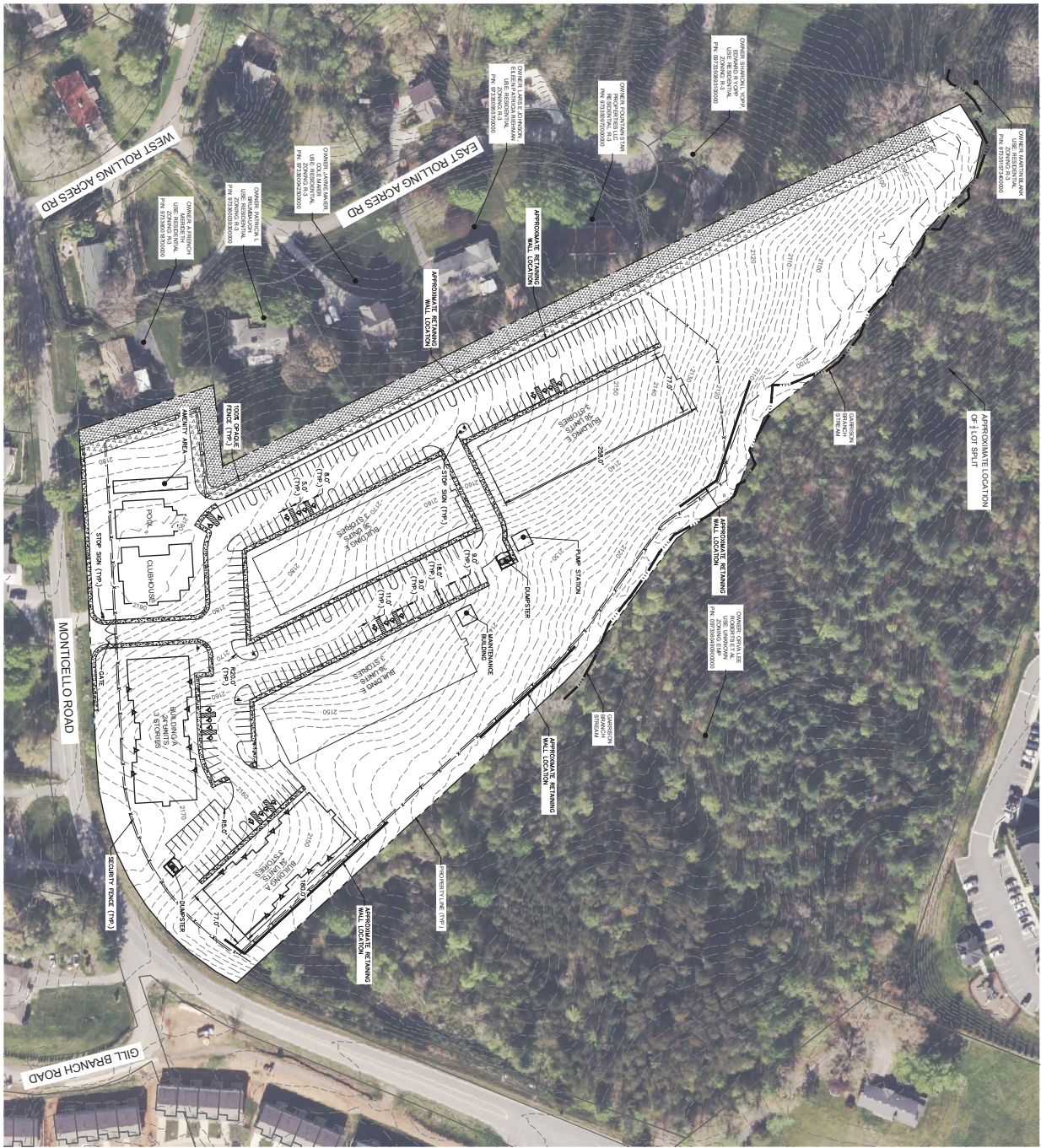


A petition for a Conditional District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan shall be substantially compliant with the mapping standards found within Sec. 20-2504. Additional information may be requested by members of staff,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



VICINITY MAP SCALE 1:1000

SITE LEGEND

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

- NOTES**
1. PROJECT DATA FROM TOWN ENGINEERING DIVISION, FAYETTEVILLE COUNTY, NC.
 2. THE CONCEPTUAL SITE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THE CLIENT SHALL VERIFY ALL INFORMATION WITH THE LOCAL JURISDICTION.
 3. THE CLIENT SHALL VERIFY ALL INFORMATION WITH THE LOCAL JURISDICTION.
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SITE DATA TABLE

DEVELOPER	LDG MULTIFAMILY, LLC
PROPERTY ADDRESS	171 MONTICELLO RD WEAVERVILLE, NC 27601
DEED BOOK AND PAGE	1746, 0581
CONSENT ZONING	R-2
OPERATING ZONING	R-2
CONSENT USE	MULTIFAMILY RESIDENTIAL
PROPOSED USE	MULTIFAMILY RESIDENTIAL UNITS AND ASSOCIATED AMENITY SPACE
PROJECT BOUNDARY	156 UNITS/1648 SQFTS = 1442 UNITS PER ACRE
EXISTING ZONING	R-2
EXISTING AREA	110.00 ACRES
PROPOSED AREA	110.00 ACRES
PROPOSED DATE	12/16/2022
PROPOSED DATE	12/16/2022
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Town of Weaverville, North Carolina
Preliminary Staff Report:
171 Monticello Road Annexation,
Initial Zoning, Conditional District

Prepared November 2022
Updated December 2022

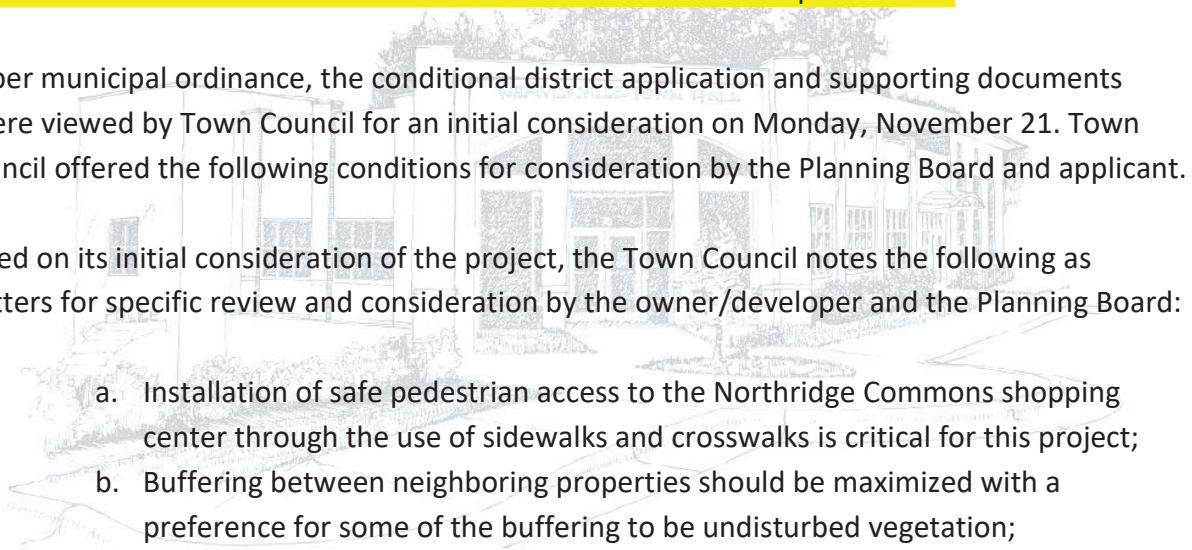
Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

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

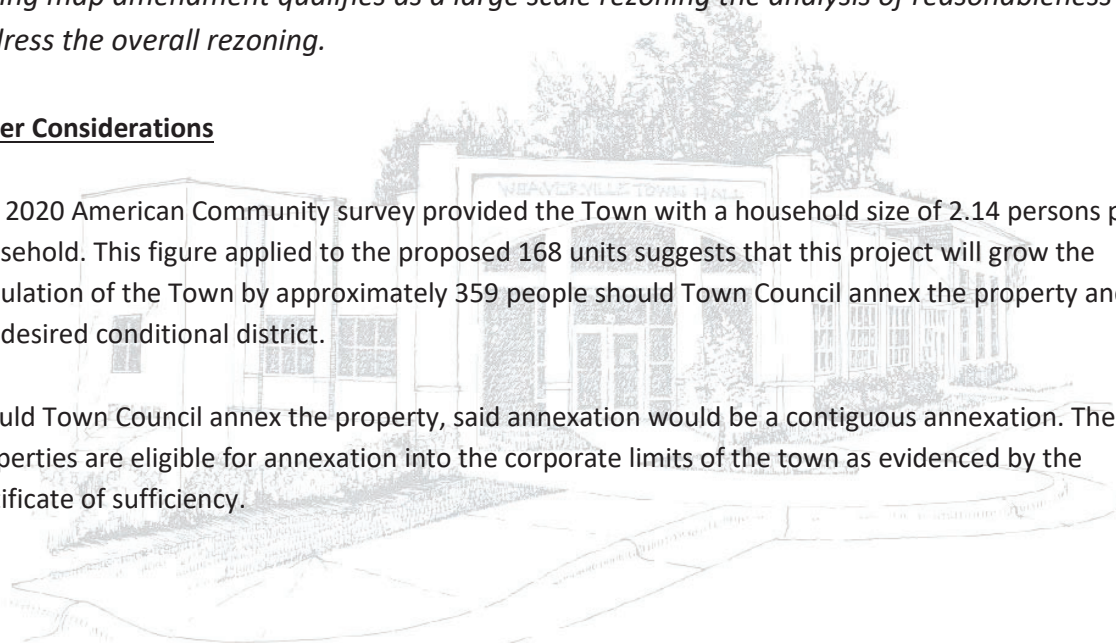
Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet

(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 168 units suggests that this project will grow the population of the Town by approximately 359 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.





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

Community Meeting Summary
Conditional Zoning Request (171 Monticello Rd.)
Weaverville Community Center
November 20, 2022

1. Is there a bus stop nearby?
 - a. Yes, there is a North Buncombe Trailblazer stop in front of the Walmart across the street (the “Super Wal-Mart/Lowe's” bus stop). This stop brings travelers to the ART bus system.
2. Where will the water come from?
 - a. Weaverville water system.
3. Is LDG a non-profit?
 - a. No, LDG is a for-profit company.
4. Who will pay for services from the Town of Weaverville?
 - a. Residents will pay for services through Weaverville sales tax.¹
5. When and by whom will our comments and concerns about the development be heard?
 - a. The Weaverville Town Council, Mayor, Buncombe County Commissioners, and town staff members are listening to comments and complaints by the public. They have received comments sent via email, standard mail, and by phone. They have also received feedback during the public comment component of the Town Council’s monthly meeting. LDG assures the public that comments are received and taken seriously, as each have been promptly passed along to LDG for response.
6. What is your plan for storm water run-off
 - a. Stormwater is an important component of the site design process. LDG is required to meet the local storm water ordinance, which is a set of design standards intended to mitigate stormwater. In essence, stormwater will be redirected to a stormwater retention pond using a combination of site and building design strategies, including grading, downspouts, gutters, and underground pipes. Water in the retention pond will be filtered and safely redistributed into the environment. It is also important to note that the site’s existing topography slopes away from the western parcel owners, which means storm water runs from west to east (i.e., from the western parcel owners onto our site), which will only be bolstered by the eventual reduction in site elevation that will take place during the construction phase (i.e., our site will sit even lower than it already does from the western neighbors).
7. How do we know the stormwater systems won’t break down like they have on other developments around town?
 - a. We are unfamiliar with these developments, but LDG, our civil engineers, and the local planning department spend a great deal of time scrutinizing the site’s stormwater design to make sure it dependably and effectively protects against excessive stormwater runoff and soil erosion. LDG has also requested its engineers give particular attention to this matter during when designing the site due to the unusually high-level of concern from neighboring landowners.
8. Will the site’s elevation change? If yes, by how much?

¹Landon Cox incorrectly stated residents would pay income taxes to the Town of Weaverville during the meeting.

- a. Yes, the site's elevation will decrease. LDG does not know how much the site's elevation will decrease at this time.
9. Where will the kids go to school?
 - a. Not sure which schools are the home school; will investigate [Elementary: Weaverville Prim/Elem; Intermediate: North Windy Ridge Intermediate; Middle: North Buncombe Middle; High: North Buncombe High]
10. Will the schools have enough capacity to hold the children from your community?
 - a. Not sure how to determine this without knowing how many children will move into our community; however, our projected market area is concentrated in north Buncombe Co. which, if true, suggests many of the children that move to our community will already be residents of the area and will continue to attend the same school.
11. Will this community pay property taxes? Please clarify the tax status of this community.
 - a. LDG is a for-profit affordable housing developer. Communities developed by LDG are typically subject to property tax calculated using the "income method". Occasionally, LDG will co-develop communities with a non-profit affordable housing developer. Communities that result from co-developments between LDG and a non-profit developer are treated as a non-profit entity for property tax purposes. LDG intends to partner with a non-profit developer on the proposed community and does not anticipate the community will be subject to property tax.
12. Can you define the word "buffer"?
 - a. Buffer is an area that will remain free buildings, parking, roadways, and hardscapes. Undisturbed buffer will likewise remain free of these elements but will also be protected from the destruction of trees and plants that exist within the area.
13. Will you commit to 35 ft of undisturbed buffer?²
 - a. LDG has committed to a total buffer of 35 ft. along its western boundary but cannot commit to leaving the entire 35 ft. buffer undisturbed. The buffer LDG has proposed is comprised of (a) 20 ft. of undisturbed buffer nearest to the neighboring parcels, and (b) 15 ft. of buffer nearest to the multifamily community that may be disturbed to facilitate construction activities (e.g., the transportation of materials and equipment needed for construction activities adjacent to the 35 ft. buffer).
14. Can you leave the trees that exist on the property?
 - a. LDG will leave all the trees within the 20 ft. undisturbed buffer and as many other trees as possible on the rest of the land. LDG wishes to minimize tree removal because it will reduce cost, improve the aesthetic beauty of our community, protect against erosion, mitigate stormwater run-off, and keep our neighbors happy.
 - b. An arborist can be used to help with the tree roots and preserving the trees that we can and let us know which trees need to come out.
15. Will there be a berm?
 - a. No.
16. Will this project decrease our property value?
 - a. No.

² Property owners along the site's western boundary have requested 35 ft. of undisturbed buffer because their homes are located near the parcel boundary and because they believe it is important to prevent their homes from flooding (i.e., trees are a natural mitigant for stormwater runoff and soil erosion). Please refer to questions 7 and 13 for LDG's response to these concerns.

17. Can you share the research that supports your claim that this community will not reduce our property values?
 - a. Yes.³
18. Would you live next to a development like you have proposed?
 - a. I [Landon Cox] would not be deterred from living at a location based on its proximity to an LDG development like the one proposed.
19. Where is the nearest:
 - a. Restaurant (Subway, 0.5 miles)
 - b. Healthcare (Mission Family Medicine, 1.2 miles)
 - c. Playground (on-site, 0.0 miles)
20. Can you supply the contact information for neighbors that live next to your properties?
 - a. No.
21. What happens if stormwater run-off impacts my home?
 - a. We do not expect this will happen for all the reasons discussed above.
22. How will this project be financed?
 - a. Combination of three sources: federal Low Income Housing Tax Credits (approx. 35%); municipal bonds (approx. 45%); and local government loans (approx. 20%)
23. How do we know you are not going to build the property and let it decay?
 - a. LDG is obligated to own the community for at least 15 years as a condition of our tax credit award; however, our company will likely own this community for many years after the 15-year obligatory ownership period has ended.
24. What will you do for security of/from your residents?
 - a. Our communities employ several strategies to ensure resident and public safety. Before moving into our community, residents must pass a thorough screening process that includes an assessment of the applicant's criminal history. LDG holds each resident accountable for behavior inconsistent with the community's conduct policies, including eviction for serious acts of misconduct. The community will also incorporate security features to deter misconduct among residents, including perimeter fencing and security cameras throughout the community. Finally, each entrance will have secured vehicular access.
25. Can you adjust the site's layout to move these away from the western parcel boundary?
 - a. Pool (LDG has asked its civil engineer to determine whether the pool can be moved away from the western boundary.)
 - b. Resident building (LDG has asked its civil engineer to determine whether the residential buildings can be moved farther from the western boundary.)
26. What are you going to do about the impact on traffic?
 - a. LDG will commission a traffic study to assess existing traffic conditions and make projections about the impact our community is likely to have on the surrounding roadways. The traffic study will also make recommendations on site design changes and infrastructure improvements needed to mitigate the impact our community will have on the traffic patters. LDG will implement the recommended changes that come from the traffic study. The study will be conducted in accordance with

³ Obrinsky, Mark, and Debra Stein. "Overcoming Opposition to Multifamily Rental Housing." Joint Center for Housing Studies, Harvard University, Mar. 2007, https://www.jchs.harvard.edu/sites/default/files/rr07-14_obrinsky_stein.pdf.

NCDOT standards and submitted to the state for review and approval as part of the permitting process.

27. Will there be on-site security personnel?
 - a. No.
28. Will there be a “courtesy officer” (i.e., a police officer that resides at the community)?
 - a. Unlikely. This is something that LDG has considered implementing at certain communities but has not decided to adopt as of this meeting.
29. When is the planning board meeting and when will they vote?
 - a. We believe this project will be taken up by the Planning Board on Dec. 6, at which time the board will review LDG’s conditional zoning package and hear a presentation by LDG on the proposed community. We do not know if they will vote on Dec. 6 because the board may elect to vote or postpone the vote at their own discretion.
30. Will the plan displayed at the city council meeting on Nov. 21 show the relative position of each neighbor’s house to the development?
 - a. The site plan displayed will be the same plan LDG submitted with its conditional zoning application to Weaverville. Some houses are visible on-site plan but others are covered by property ownership information displayed within the parcel for reference by the site plan reviewer, which is standard practice.
31. Will the site have sewer access?
 - a. Yes, we expect sewer service to be extended to our site from existing sewer lines to the east or north. The community will utilize a pump station.
32. Can the retention pond be relocated?
 - a. LDG has asked our civil engineer to determine whether the retention pond can be reduced in size or moved underground below the community.
33. When does the summary of the neighborhood meeting need to be supplied to the town?
 - a. Sometime prior to the planning board meeting.
34. How much of the plan will be changed before the entire development process is completed?
 - a. Ideally, very little. In practice, it is impossible to say until LDG has completed its site investigation and received feedback from the planning staff/town council.
35. Will engineer be in town for thanksgiving?
 - a. No.
36. Please provide a revised site plan with an aerial image that clearly shows each neighboring home and its location relative to the site’s parcel boundary.
 - a. We will make this change on the next site plan iteration.

Sec. 78-650. - Community oriented development.

- (a) *Purpose.* The purpose of this section is to facilitate the creation of affordable and workforce housing and to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building siting and mixtures of housing types. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features.
- (b) *Applicability.* Developments considered under this section must:
- (1) Successfully demonstrate that a minimum of ten percent of the proposed units will be made available at affordable rates or that a minimum of 20 percent of the proposed units will be made available at workforce rates. No variance(s) from this requirement may be requested or obtained under section 78-621(4) or section 78-623
 - (2) Be served by public water and sewerage systems;
 - (3) Contain a development entrance which intersects a paved road, and the site of said intersection is located no more than 2,640 drivable feet, as measured along the road centerline, from an intersection with a transportation corridor. A transportation corridor, for the purposes of this section, is a publicly-maintained road which is designated as an interstate, arterial, or collector by NCDOT. The length of interstate on-ramps does not count towards the maximum drivable distance. The Blue Ridge Parkway shall not be considered a transportation corridor.
- (c) *Development standards.*
- (1) *Density requirements.* There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. Density may exceed that permitted in the district in which the development is located (as shown in section 78-642) by the provision of sustainable development elements and/or the provision of community amenities. If the community oriented development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the community oriented development that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire community oriented development. Density may be increased up to 250 percent of that allowed insection 78-642, according to the following table insection 78-650(c)(1)a. No variance(s) may be requested or obtained under section 78-621(4) or section 78-623 in order to increase density within a community oriented development other than through strict adherence to the requirements set forth in this subsection and the community oriented development density table.
 - a. *Community oriented development density table* Density may be increased up to 250 percent of that allowed insection 78-642, according to the following table. In order to obtain any bonus in density, points must be obtained from at least two of the three

principal categories within the table (Community, Environment/Transit, Economy); additional points may be obtained through providing added amenities. Project density will be calculated as follows: the number of points earned will be converted to a percentage which will be the density bonus multiplier. For example, an application that earns 159 points will result in a density bonus multiplier of 159 percent and the density earned will be 159 percent of that allowed in section 78-642. In the case of a fractional unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one-half will be disregarded.

Community Oriented Development Density Table			
	Points	Performance Metric	Maximum Possible Points
Community			
Affordable housing (15 years minimum)	2 points for each % affordable (10% minimum)	Under guidelines of the Affordable Housing Services Program (AHSP) (sold/rented to family up to 80% of Area Median Income (AMI) adjusted for family size, cost/rent of the home meets criteria, sold/rented as primary residence, minimum of 15 years affordability, conditions recorded in document accompanying the Deed of Trust)	140

The Town of Weaverville

NORTH CAROLINA

January __, 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 majority/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 received 16 December 2022, and attached hereto.

- b. At least 50% of the total units in the Project (78 units) shall be Affordable Housing (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 15 years. In order to monitor compliance with this condition, LDG 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 15-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, the following shall be installed:
 - i. an internal sidewalk network; and
 - ii. a sidewalk along the entire length of the property which abuts Monticello Road.

In addition, LDG will participate financially in any or all of the following improvements, as planned or authorized by NCDOT, provided that construction is started within 5 years from the date of approval of this Ordinance:

- iii. a sidewalk along Monticello Road from the easternmost corner of the property to at least the intersection of Monticello Road and Northcrest Road;
- iv. pedestrian crossing to allow pedestrians to cross Monticello Road to access either the intersection of Monticello Road and Northcrest Road or the sidewalk leading to such intersection;
- v. a sidewalk along Northcrest Road to connect into the existing sidewalk network of the Northridge Commons Shopping Center found near the intersection of Northcrest Road and Northridge Commons Parkway.

In satisfaction of sub-paragraphs iii, iv, and v 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. All traffic improvements required or recommended by NCDOT in the traffic study 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 Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney
Bob Oast, Attorney for LDG
Landon Cox, LDG

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 3, 2022

Subject: Zoning Map Amendment Application for 480 Reems Creek Road and Adjacent Parcels

Presenter: Planning Director, Town Attorney

Attachments: Zoning Map Amendment Application, Staff Report

Description:

Staff is in possession of a zoning map amendment application for 480 Reems Creek Road and two other adjacent tracts totaling 17.4 acres. An initial zoning of R-3 is desired upon annexation into the corporate limits of the town.

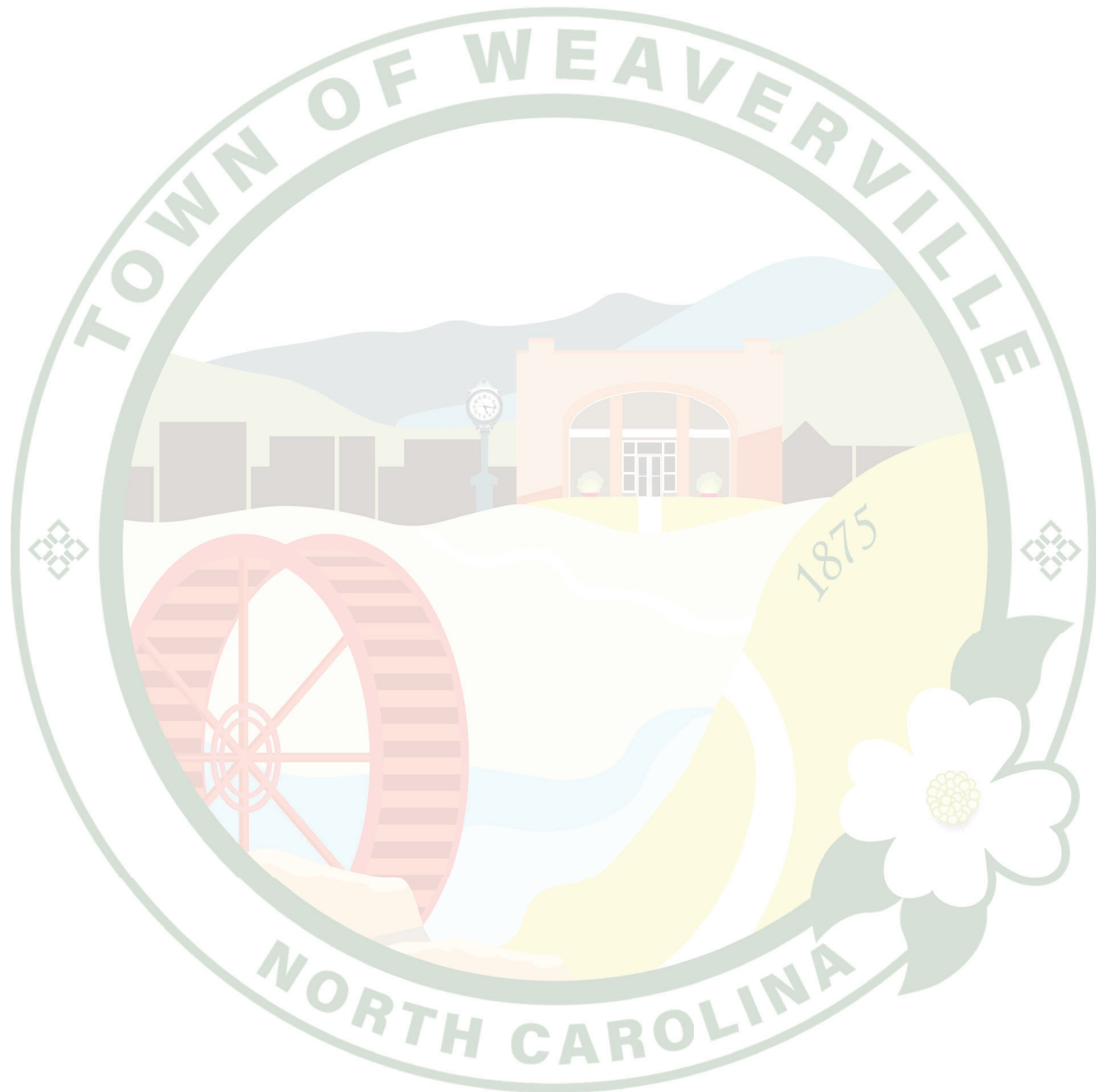
Town Council has referred the zoning request to the Planning Board for the full review process as required by N.C.G.S. Chapter 160D. The Planning Board shall now review and offer comment on the proposal as per Sec. 20-1505.

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

- (c) *Plan consistency.* When conducting a review of proposed zoning text or map amendments pursuant to G.S. 160D-604 and this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (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.

Action Requested:

The Board is being asked to consider the conditional district application and offer a recommendation to Town Council on the proposal's consistency with the comprehensive land use plan and reasonableness of the proposed zoning amendment.



Chicago Title Insurance Company
Effective Date: August 31, 2022 at 5:00 PM
Commitment No: 22-170830H
Schedule B: Exceptions From Coverage

- SYMBOL LEGEND
1. NON-MONUMENT FOUND
2. TEMPORARY FENCE/ENCLOSURE
3. CHIMNEY FOUND
4. MONUMENT FOUND (AS DESCRIBED)
5. SPK (BEAR WITH "ED" HOLES AND ASSOC. CAP SET)
6. CONCRETE (NON-MONUMENT FOUND)
7. MASONRY FOUND
8. METEOROLOGICAL SET
9. STORMWATER MANHOLE
10. SANITARY SEWER MANHOLE
11. SANITARY SEWER CLEANOUT
12. TELEPHONE MANHOLE
13. SIGN
14. WATER METER
15. WATER VALVE
16. FIRE HYDRANT
17. FIRE DEPARTMENT CONNECTION
18. WATER MAIN/SEWER
19. TELEPHONE POLE/STAKE
20. UTILITY POLE WITH ONLY WIRE
21. LIGHT POLE (SINGLE HEAD)
22. LIGHT POLE (DOUBLE HEAD)
23. LIGHT POLE (TRIPLE HEAD)
24. LIGHT POLE (QUADRUPLE HEAD)
25. ARCH ELEVATION
26. HANGING BOMB/BOMBARDER
27. HANGING/FACTORY BRACE
28. BOLLARD
29. PAINTED TRAFFIC ARROWS
30. PVC PIPE POSSIBLE SEPTIC TANK / WELL
31. AREA LIGHT
32. WETLAND FLAGGING

- LINE TYPE LEGEND
1. 100% SURVEYED (SEE PLAN)
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- ABBREVIATION LEGEND
CMP CORRUGATED METAL PIPE
RCA REINFORCED CONCRETE PIPE
DF DUCTILE IRON PIPE
NORTHING
E EASTING
EL ELEVATION
GDA GLOBAL NAVIGATION SATELLITE SYSTEM
AT AIR
FACILITY IDENTIFIER NUMBER
S STATE ROAD
E ELECTRICAL BOX
EM ELECTRICAL METER
TR TRAFFIC SIGNAL BOX
A.A. ALSO KNOWN AS
E ELECTRICAL BOX
AB ABOVE GRADE
BL BELOW GRADE
R ROAD
TTL TOTAL
P PLAT BOOK
D DEED BOOK
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- 1. Philip B. White, also certify the following information was used to perform this:
(1) Chain of survey
(2) Horizontal/Vertical Accuracy: 3.0 meters
(3) Vertical/Horizontal Accuracy: 0.01 meters
(4) Total Error (MAD) Standard: 50000:1
(5) Chain of Control Survey: 50000:1
(6) Horizontal/Vertical Accuracy: 2.0 (95%)/1.0 (90%)
(7) Vertical Datum: NAVD 83
(8) Publication/Reference: 50000:1
(9) Survey Method: Double Line
(10) Combined Horizontal Accuracy: 1:30000:1
(11) Unit: U.S. Survey Feet

- ZONING INFORMATION
PROPERTY IS ZONED R-3 (RESIDENTIAL) ACCORDING TO THE BARRONETTE COUNTY ZONING ORDINANCES.
LOCAL ORDINANCES APPLICABLE TO THIS ZONING:
ARTICLE 19
SECTION 19-1
SECTION 19-2
MAXIMUM BUILDING HEIGHT: 35'
SEE THE BARRONETTE COUNTY MUNICIPAL CODE OF ORDINANCES FOR OTHER ZONING RESTRICTIONS
NOTE: NO ZONING REPORT HAS PROVIDED AND ALL ZONING INFORMATION SHOWN HEREBY SHOULD BE VERIFIED WITH THE BARRONETTE COUNTY PLANNING DEPARTMENT

North Carolina Seal
Philip B. White
10-21-2022



- 1. Any utility, line, easement, driveway, etc., or other matter that appears but does not show on the Public Records or in other, abstracts, or as described in the Commitment Data and the data on which the Schedule B, Part 1-Requirements are based. Not surveyed related
2. Taxes for the year 2022 and all subsequent years, not yet due and payable. Not surveyed related
3. Easements and any other facts as shown in Plat Book 22, Page 18. Barronette County Registry. None observed
4. The Land does not include any houses, trailers, mobile dwelling or manufactured home which may be located on the property described in Schedule A. Not surveyed related
5. Right of parties in possession as tenants only, under unrecorded leases or rental agreements. Not surveyed related
6. Encroachments, overhanging, boundary line disputes, deficiencies in amount of area, rights, easements, ditches, ditches, etc., including, rights of parties in possession, interests or claims which would be revealed by a normal and accurate survey and inspection of the Land. Any observed are shown hereon. See separate envelope areas along the aforementioned boundary of Tract 1.
7. Right of way of Rears Creek Road (SR 1003) to its full legal width. Appears to be 87' in width based upon bound monumentation and Map Book 1, Page 58. No determination was found concerning right-of-way across the subject property. Advise the relevant authority.
8. Boundary Line Agreement recorded in Book 1324, Page 438, Barronette County Registry. L&I and the fee divided by the south bearing being of S 95deg 27' 48" W 174.90' appear to reflect the boundary line agreement.
9. Easement(s) to Carolina Power and Light Company recorded in Book 1356, Page 407, and Book 1087, Page 56, Barronette County Registry. Bound to nature, suitable to collections location.
10. Right of others in and to the right of way as set forth in instrument recorded in Book 1367, Page 489 as reflecting that right of way recorded in Book 1117, Page 464, Barronette County Registry. Right-of-way benefits the subject property, shown hereon. Right of others in and to survey related.
11. Terms and provisions of that Real Estate Mortgage Agreement recorded in Book 1346, Page 503, Barronette County Registry. Instrument agreement between Tract 1 and P.M. 07232027 regarding the conveyance agreement. Bound to nature, effects the subject property.

- 12. The Land has no independent means of access and is dependent upon other lands owned by the Proposed Trust. The subject property does not appear to have access to a public road.

- 13. Right of way and easement recorded in Book 1643, Page 752, Barronette County Registry. 30' right-of-way, shown hereon, and a limited easement appearing to benefit the subject property with use of an existing well located east of the subject property, see other sheets hereon.
14. Easement(s) to Carolina Power & Light recorded in Book 784, Page 84, Barronette County Registry. Bound to nature, suitable to delimitation location.
15. Right(s) of way to the State Highway Corridor recorded in Book 872, Page 383, Barronette County Registry. This deed reflects a former portion of Tract 5, now being P.M. 07232087, does not affect Tract 3.
16. Right of way recorded in Book 736, Page 811, and Book 1497, Page 176, Barronette County Registry. Benefits Tract 3, shown hereon.
17. Water Easement recorded in Book 1412, Page 427, Barronette County Registry. Bound agreement for use and maintenance of well located on P.M. 07232087, benefits the subject property.
18. Right of others in and to the right of way affecting the Land, if any. Rights are not surveyed related. No references given to show 30' right-of-way.

Table with columns: LINE, BEARING, DISTANCE. Contains 18 numbered entries detailing survey lines and bearings.

Table with columns: CHURN, BEARING, ACC. LENGTH, CHORD LENGTH, CHORD BEARING. Contains 4 numbered entries detailing curve data.



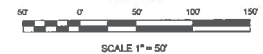
Tract 1:
P.M. 07232087
BARRONETTE COUNTY REGISTRY
Lots and acreage that 30 acres conveyed to Carolina Power & Light in Book 1324, Page 438, and further land in Book 1356, Page 407.

DEED:
W. 1/2 Sec. 29, T. 10 S., R. 14 E.,
BARRONETTE COUNTY REGISTRY
BARRONETTE COUNTY REGISTRY, being the eastern portion of Lot 14 of the Rears Creek property, plat of which is located in Plat Book 22 of Page 18 of the Barronette County Registry, and being a portion of the northern corner of Lot 14 of the Rears Creek property, as shown and being described in the plat of which is located in Plat Book 22 of Page 18 of the Barronette County Registry, and being a portion of the northern corner of Lot 14 of the Rears Creek property, as shown and being described in the plat of which is located in Plat Book 22 of Page 18 of the Barronette County Registry...

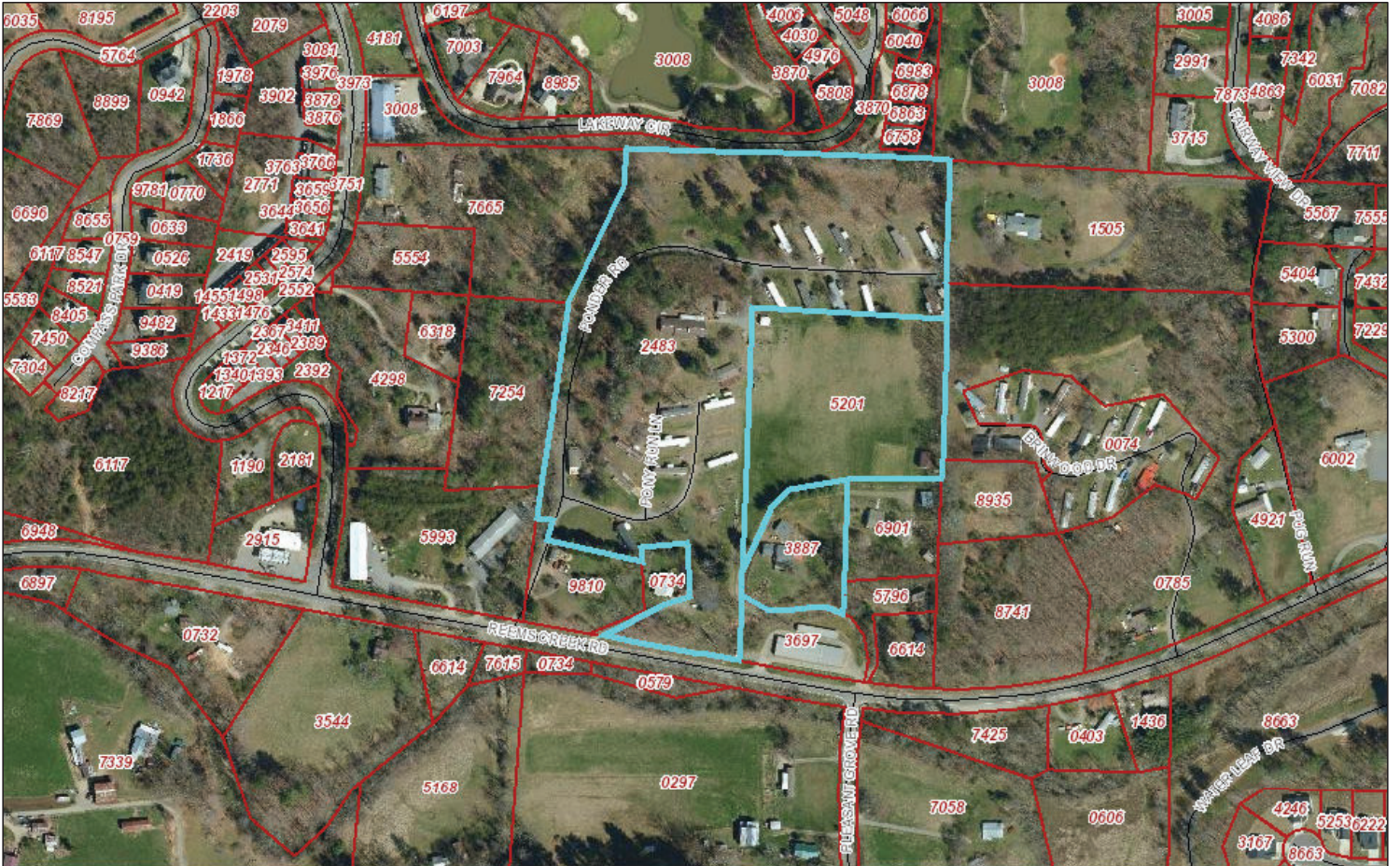
Tract 2:
Lots and acreage that 12 acres, more or less, as conveyed to P.M. 07232087, by the Barronette County Registry, and being a portion of the northern corner of Lot 14 of the Rears Creek property, as shown and being described in the plat of which is located in Plat Book 22 of Page 18 of the Barronette County Registry...

Tract 3:
Lots and acreage that 12 acres, more or less, as conveyed to P.M. 07232087, by the Barronette County Registry, and being a portion of the northern corner of Lot 14 of the Rears Creek property, as shown and being described in the plat of which is located in Plat Book 22 of Page 18 of the Barronette County Registry...

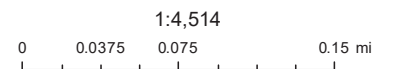
ALTAIR'S Land Title Survey of Property Owned by Ricky & Dennis Ponder
REFERENCES:
Address: 400 Rears Creek Rd, 400 Rears Creek Rd
P.M. 07232087, P.M. 07232087, P.M. 07232087
Book 111, Page 790
Page of Plat Book 22, Page 19
Rears Creek Township, Barronette County, N.C.
Field Work Completed: 10-16-2022
Drawn By: Philip B. White, D. D.
C.O.B.# 22166/2220
SHEET 2 OF 2
Philip B. White, P.L.S.
Ed Holmes & Associates Land Surveyors, PA
200 Ridgeland Court, Ste. 208 Asheville, NC 28806
Company License # C-2806
C.O.B. 225-5522



Buncombe County



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 SULLY (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.

 (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:	

**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

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.”*

Town of Weaverville, North Carolina
Preliminary Staff Report:
Reems Creek Annexation
Initial Zoning Request of R-3

Prepared December, 2022

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.