



**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, May 3, 2022, 6:00pm**

Agenda

1. Call to Order – Chair Gary Burge
2. Approval of the Agenda
3. Approval of the Minutes from the April 5, 2022 Meeting of the Board
4. Proposed Zoning Text Amendments
 - Discussion Related to the Proposed Zoning Text Amendments Related to the Simplification of Outdoor Lighting Regulations
5. Any Other Business
 - Town Council Land Use Retreat
 - Town Government Organizational Structure for Planning, Code Enforcement and Clerk
6. Adjournment

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, May 3, 2022

Subject: Minutes

Presenter: Planning Director

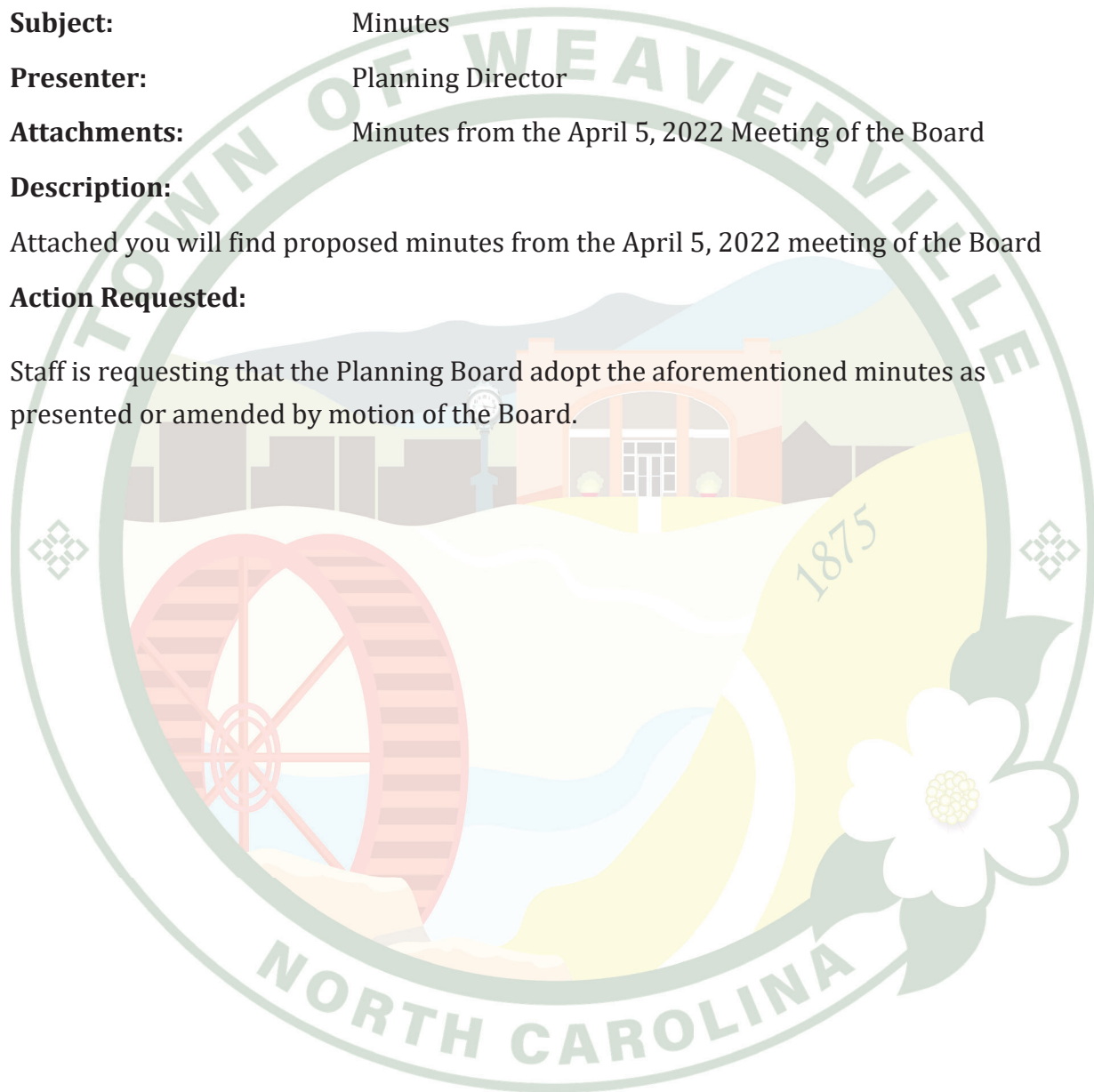
Attachments: Minutes from the April 5, 2022 Meeting of the Board

Description:

Attached you will find proposed minutes from the April 5, 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, April 5, 2022

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, April 5, 2022 within Council Chambers at Town Hall.

Present: Chair Gary Burge, Vice Chair Rachael Bronson, Board Members Jane Kelley and Bob Pace Alternate Members Donna Mann Belt and Mark Endries, Town Council Liaison Catherine Cordell, Town Attorney Jennifer Jackson and Planning Director James Eller.

1. Call to Order

Chair Gary Burge called the meeting to order at 6:00 pm.

2. Approval of the Agenda

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

3. Approval of the Minutes from the March 1, 2022 Meeting of the Board

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

4. Conditional District Application – Duke Energy Substation

Mr. Eller presented information related to the property which included acreage and location and briefly described the purpose of the conditional district application which was to establish a location for a Duke Energy substation.

Jason Walls, Lee Butler, James Shepard, Alex Holder and Cory Hamlin appeared on behalf of Duke Energy and the application. Each answered various questions from the Board related to the application, the property, potential impacts on surrounding properties, the distance of the substation from Aiken Road and surrounding properties, height of poles and wires, the absence of retaining walls based on the substations placement on the site, the connection to existing distribution lines on Aiken Road, the start of site preparation and length of construction.

Following these discussions Ms. Jackson presented a set of proposed conditions for the conditional district which included language related to substantial compliance with the furnished plans, no requisite to build a sidewalk along Aiken Road, the private nature of the streets within the project, adequate security of the property and the substation, adequate off street parking, the parking of construction vehicles, outdoor lighting, maintaining of certain trees and other vegetation, compliance with Buncombe County sedimentation, erosion control and stormwater regulations, timeframe for completion of construction, and the continued governance of Sec. 20-3203. Following additional conversation the developer also agreed to an increase in buffer to the neighboring residential properties of 30 feet total.

Mr. Pace motioned to offer a positive recommendation to Town Council on the proposals compliance with the Comprehensive Land Use Plan and reasonableness of the proposal if the agreed upon conditions are imposed on the property. Ms. Bronson seconded and all voted in favor of the motion.

5. Proposed Zoning Text Amendments

Mr. Eller and Ms. Jackson presented information related to three proposed zoning text amendments. The first of which are the proposed regulations related to solar collector systems, called for by the CLUP, and the topic of deliberations at the previous two meetings. Secondly was language related to the broadening of sidewalk waiver criteria the Board of Adjustment can consider for such a waiver. Lastly was a minor technical change related to an old reference to the Planning and Zoning Board.

Ms. Bronson motioned to provide a positive recommendation to Town Council on the proposed zoning text amendments based upon compliance with the Town's Comprehensive Land Use Plan. Ms. Kelley seconded and all voted in favor of the motion.

6. Any Other Business to Come Before the Board

Mr. Eller provided a GIS system update and presented for informational purposes the Mountain Express development guide, the 2021 UNCISOG law Bulletin and an updated Board roster.

7. Adjournment.

Mr. Pace motioned to adjourn the meeting. Ms. Bronson seconded and all voted unanimously in favor of the motion. Meeting adjourned at 7:50pm.

Gary Burge, Chair
Planning and Zoning Board

ATTEST:

James W. Eller
Planning Director / Town Clerk

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

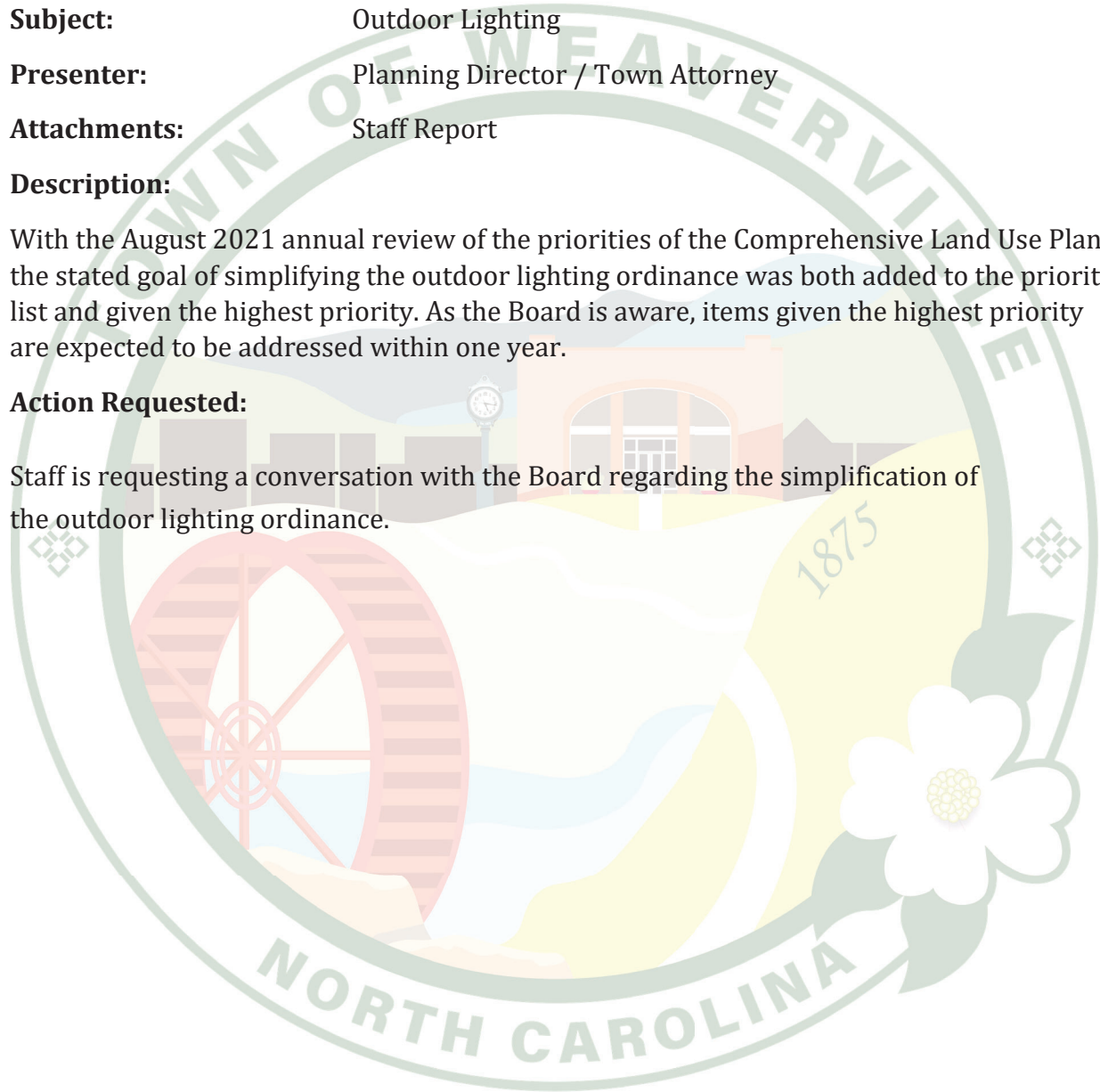
Date of Meeting: Tuesday, May 3, 2022
Subject: Outdoor Lighting
Presenter: Planning Director / Town Attorney
Attachments: Staff Report

Description:

With the August 2021 annual review of the priorities of the Comprehensive Land Use Plan, the stated goal of simplifying the outdoor lighting ordinance was both added to the priority list and given the highest priority. As the Board is aware, items given the highest priority are expected to be addressed within one year.

Action Requested:

Staff is requesting a conversation with the Board regarding the simplification of the outdoor lighting ordinance.



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

Comprehensive Land Use Plan Stated Goal and Background Information

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in August 2021, call for the simplification of outdoor lighting regulations. The goal of simplifying outdoor lighting regulations was also given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

In reviewing the ordinances of other jurisdictions, it is common for outdoor lighting to be regulated in several ways, including but not limited to height of pole mounted lights, the use of screening or cutoff fixtures to minimize light trespass and glare. Less common, especially for smaller jurisdictions is the incorporation of light measurement techniques with references to footcandles and lumens, references to specific lighting technology and the implementation of certain lighting zones. These regulations generally apply to new commercial, industrial, institutional and multifamily uses and their subsequent parking facilities and internal circulation. Common exemptions include but are not limited to single family residential uses, street lighting installed by local utility provider and outdoor recreational facilities such as ballfields.

General Observation

It was the experience of staff during employment at a neighboring jurisdiction that this issue of outdoor lighting equally split the desires of “enhanced safety” and “dark skies” with both perspectives equal in number and entrenchment in their positions.

Intent of Regulation Revision

Staff is seeking a conversation with the Board revolving around how to simplify the current lighting ordinances in large part due to the complications of the current ordinance which calls for a level of expertise, observation, light measurement techniques and enforcement on the back end of installation.

Existing Conditions

Regulations related to outdoor lighting are largely found at Article VI. – Outdoor Lighting and the following is a link to these regulations.

https://library.municode.com/nc/weaverville/codes/code_of_ordinances?nodeId=CH20PLDE_PTIIIIZORE_ARTVIOULI_S20-3601INPU

Town of Weaverville, North Carolina

Staff Report: Outdoor Lighting

Prepared April, 2022

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

Additional language related to outdoor lighting may be found at Sec. 20-3324 and Sec. 20-3325 in the additional standards applicable to multifamily residential and mixed uses and the following is a link to the regulations which are common in both instances.

https://library.municode.com/nc/weaverville/codes/code_of_ordinances?nodeId=CH20PLDE_PTIIIZORE_ARTIIADSTCEUS_S20-3324DWULMO4UNBU

Enforcement of Existing Regulations

Enforcement of the existing ordinance prior to construction is fairly straightforward. With the submittal of certain development approvals a lighting plan and statement of compliance from a local utility provided is required for site plan approval. This allows Duke Energy to submit a certified compliant plan to staff using their more astute knowledge of the technology and light measurement techniques.

Enforcement of the existing ordinance post-construction is much more complicated with the loss of institutional knowledge otherwise obtained during the permitting process. Complaints, or calls for enforcement, related to outdoor lighting are fairly rare and are overwhelmingly submitted by residential properties which adjoin commercial or industrial uses. Furthermore, these limited complaints are largely filed in the fall and winter while the tree coverage is at its minimum. The proper enforcement of the present ordinance to these limited complaints call for equipment, knowledge and a time commitment that staff does not presently possess.

The limited regulations in place within the additional standards set forth for multifamily residential and mixed use related to fixture height and the shielding of exterior light in order to minimize light trespass have been both pre and post construction as the apartments along Monticello Road have produced no complaints from neighboring properties.

TOWN OF WEAVERVILLE
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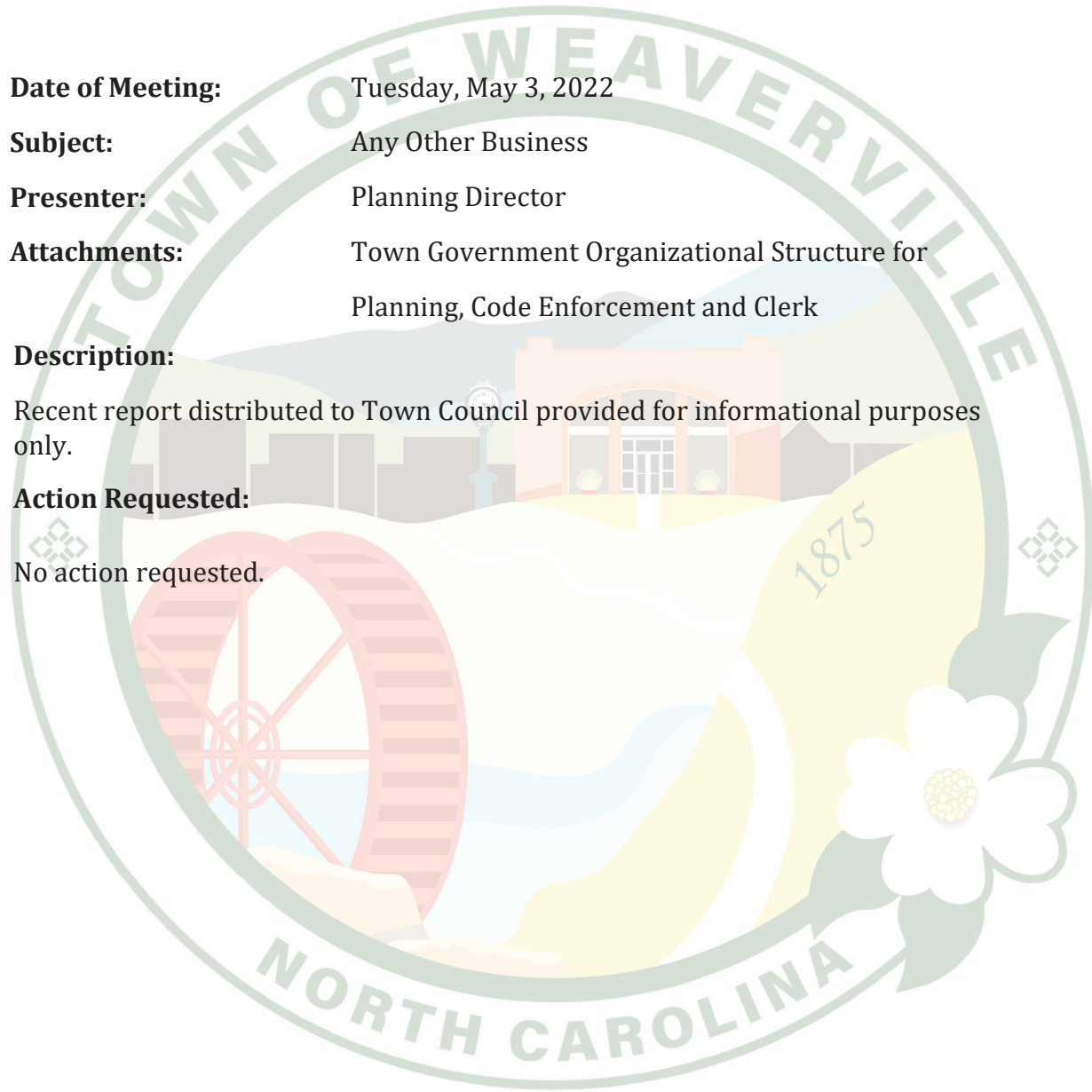
Subject: Any Other Business

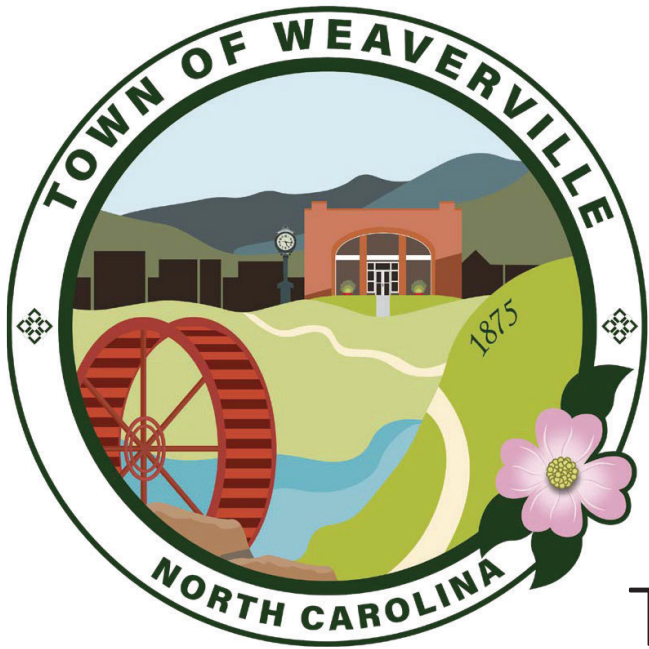
Presenter: Planning Director

Attachments: Town Government Organizational Structure for
Planning, Code Enforcement and Clerk

Description:
Recent report distributed to Town Council provided for informational purposes only.

Action Requested:
No action requested.





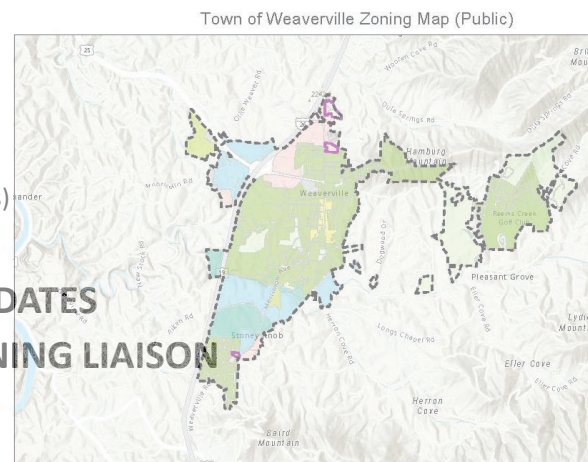
TOWN GOVERNMENT ORGANIZATIONAL STRUCTURES

April 19, 2022

PLANNING, CODE ENFORCEMENT, and CLERK

HIGHLIGHTS OF DEPARTMENTAL RESPONSIBILITIES

- **LAND USE PERMITTING** (reviews, issues, and enforces zoning and other land use permits; requires site visits)
- **LAND USE REGULATIONS** (studies and develops land use regulation for review and adoption by Town Council; enforcement of same once adopted)
- **PLANNING BOARD AND BOARD OF ADJUSTMENT** (staffs regular and special meetings of legally required boards)
- **TECHNICAL REVIEW COMMITTEE** (Works with PW and Fire in order to review and comment on certain development applications)
- **TOWN CLERK** (Planning Board/Board of Adjustment – noticing of meetings and public hearings, preparation and distribution of agenda packets, preparation of minutes)
- **GIS IMPLEMENTATION AND MAINTENANCE** (Zoning Layer)
- **COMPREHENSIVE LAND USE PLAN COMPLIANCE AND UPDATES**
- **BUNCOMBE COUNTY PERMITS/INSPECTIONS AND PLANNING LIAISON**
- **CODE ENFORCEMENT** (generally responsible for the enforcement of the Town's Code of Ordinances with special focus on sign regulations)



3/21/2022

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ESRI, NOAA, NGA, USGS, FEMA

PLANNING, CODE ENFORCEMENT, and CLERK OTHER RESPONSIBILITIES ASSIGNED TO DEPARTMENT

- **TOWN CLERK** (Town Council - noticing of regular and special called meetings and public hearings; distribution of agenda packets; preparation of minutes; maintenance of permanent record of minutes, resolutions, ordinances; room set-up for public meetings)
- **AUDIO/VISUAL AND RECORDING FOR PUBLIC MEETINGS; ZOOM ROOM SUPPORT**
- **FIELDING CALLS FROM NON-RESIDENTS** (daily calls from non-residents; requires GIS lookup to determine jurisdiction and proper referral)
- **TOWN DEMOGRAPHICS** (compiles and reports Town data to North Carolina and federal agencies; compiles and reports demographic data for use by Town)
- **GIS IMPLEMENTATION AND MAINTENANCE** (Stormwater, Water, ADA, and Other Layers)
- **COLLABORATION WITH PUBLIC WORKS DIRECTOR ON WATER CAPACITY CALCULATIONS**
- **TOWN REPRESENTATION ON OTHER STUDIES OR PROGRAMS** (e.g. Bike/Ped Study Project)
- **TOWN WEBSITE MAINTENANCE AND CONTENT**
- **TOWN HALL ACCESS FOR BOARD OF ELECTIONS**
- **TOWN HALL FACILITY ISSUES**
- **SAFETY COMMITTEE**
- **TREE CITY USA**

PROJECTS SUCCESSFULLY ACCOMPLISHED IN-HOUSE:

TABLE OF USES IMPLEMENTATION (2017)
COMPREHENSIVE LAND USE PLAN (2019)
US CENSUS BOUNDARY VALIDATION PROGRAM (2019)
160D IMPLEMENTATION (2021)

PLANNING, CODE ENFORCEMENT, and CLERK

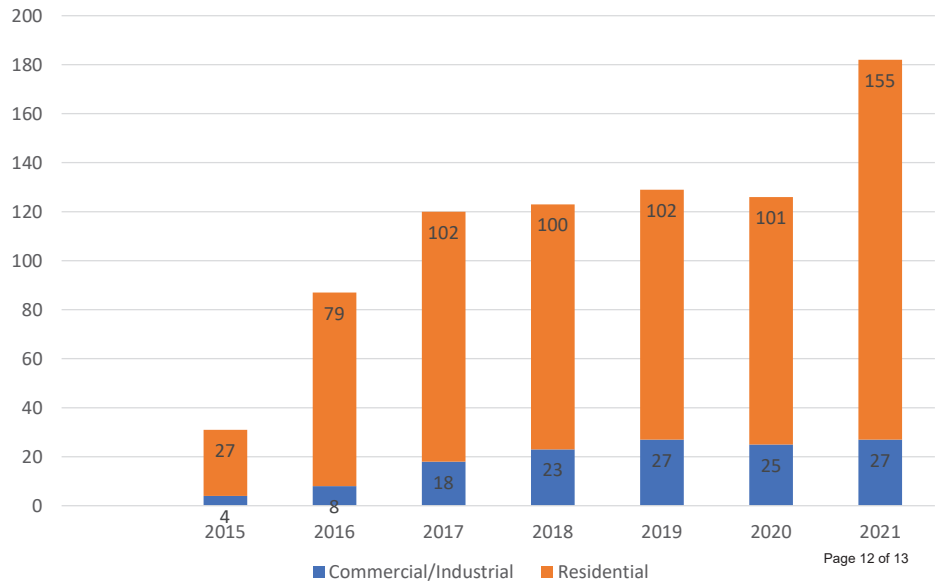
DEPARTMENTAL METRICS/DATA

- Permits issued in 2021 = 182
- Permits issued in 2022 (to date) = 27

Employees = 1
 FY22 Budget = \$126,614
 Personnel Cost = \$116,868
 Operating Cost = \$9,746

- Public Meetings Attended in 2021 = 40+
- Sets of Minutes Prepared in 2021 = 30+/-

Permits Issued



PLANNING, CODE ENFORCEMENT, and CLERK

CHALLENGES OF THE DEPARTMENT

- **EXISTING WORKLOAD ESTIMATED AT 125% CAPACITY**
- **MAINTAINING SAME-DAY SERVICE ON PERMITTING**
- **LACK OF COVERAGE WHEN PLANNING DIRECTOR IS ON LEAVE**
- **PERMITTING TAKING PRECEDENCE OVER LONG-TERM PLANNING**
- **BOARD APPLICATIONS FOR PLANNING BOARD AND BOARD OF ADJUSTMENT**
- **ATTENDANCE AT COMMUNITY MEETINGS DURING AND AFTER NORMAL BUSINESS HOURS**
(HOA, Mayor/TC Requested Meetings)
- **OTHER POTENTIAL STRESSES ON CURRENT STAFFING**
 - Re-Implementation of an Extra-Territorial Jurisdiction (per Strategic Plan & CLUP)
 - Implementation of Design Standards (being discussed by Economic Development Advisory Committee)
 - Increased Usage of Conditional Districts
 - Re-Implementation of Special Use Districts