

TOWN OF WEAVERVILLE
Weaverville Community Room at Town Hall
30 South Main Street, Weaverville, NC 28787

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

TOWN COUNCIL AGENDA
Tuesday, November 14, 2023
Regular Workshop at 6:00 pm

	<i>Pg #</i>	<i>Presenter</i>
1. Call to Order		Mayor Fitzsimmons
2. Public Hearing: Annexation - Reems Creek Village Recombination Areas	3	Town Attorney Jackson
3. Public Hearing: Initial R-2 Zoning - Reems Creek Village Recomb. Areas	11	Planning Director Eller
4.. Public Hearing: Annexation - 300 Hamburg Mtn Road	16	Town Attorney Jackson
5. Public Hearing: Initial R-3 Zoning - 300 Hamburg Mtn Road	25	Planning Director Eller
6. Public Hearing: Annexation - Northridge Farms	32	Town Attorney Jackson
7. Public Hearing: Initial Zoning - Northridge Farms	49	Town Attorney Jackson
8. Public Hearing: Comprehensive Land Use Plan Update	62	Planning Director Eller
9. Adjournment		Mayor Fitzsimmons

General public comments may be submitted during the meeting or in writing in advance on any meeting topic or any other item of interest related to the Town of Weaverville. Normal rules of decorum apply to all comments and duplicate comments are discouraged. The general public comments section of the meeting will be limited to 20 minutes. Comments during the meeting are generally limited to 3 minutes. You must be recognized before giving your comment. Written comments timely received will be provided to Town Council and read during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) 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, (2) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

WEAVERVILLE TOWN COUNCIL REGULAR MEETING 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, unless technical issues prevent such access.

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided to inform the public that the **Weaverville Town Council regular monthly meeting 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.

Guidelines and Instructions for General Public Comment: A portion of the meeting will be set aside for general public comments. Town adopted Rules for Public Comment will apply. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Public comments may be submitted during the in-person meeting or in writing in advance, but will not be taken from those attending remotely. The public comments section of the meeting will be limited to approximately 20 minutes, but may be extended by Town Council if time allows. You must be recognized before giving your comment and must make comments from the podium. Individual comments during the meeting are generally limited to 3 minutes. Written comments timely received will be provided to Town Council and read into the record during the meeting as time allows. Written comments are limited to no more than 450 words and 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, (3) by mailing your written comment (received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

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_vIqimFUQ, or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Annexation – Reems Creek Village Recombination Areas

PRESENTER: Town Attorney Jennifer Jackson

ATTACHMENTS: Public Hearing Notice
Annexation Petition and Related Materials

DESCRIPTION/SUMMARY OF REQUEST:

The owners of Lots 44 (Boyce Trusts), 46 (Elder), 47 (McVay), 49 (Siegel), and 50 (Siegel) within Reems Creek Village have each acquired additional land adjoining their respective lots. The area proposed for annexation is all of Lots A, B, C, and E, as shown on the attached map and collectively is approximately 2.513 acres. This additional property has been recombined with their existing lots so that the additional acreage has been added to those existing lots. These owners are all seeking annexation of this additional land to fix the split jurisdiction that has occurred due to the recombinations.

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 brief staff level comments, and be available to answer questions of Town Council.

An accompanying zoning request for R-2 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-2 zoning.

COUNCIL ACTION REQUESTED:

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

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS AND NOTICE OF REMOTE ELECTRONIC MEETING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for the Reems Creek Village Recombination Areas, being Lots A, B, C, and E, as shown on that plat recorded in Book 233 at Page 67, and being the unincorporated portions of the following Buncombe County parcel identification numbers: 9742-95-5700, 9742-95-6456, 9742-95-6247, and 9742-95-9006**, and the other public hearing will be on a **zoning map amendment to designate those properties as R-2 zoning if they are annexed into the Town.**

These public hearings 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 Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercerc@weavervillenc.org.



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

Submittal Date: 9/11/23
 Date Fee Paid: 9/5/23
 Petition No: 2023-4

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
Barry B. Boyce Revocable Trust 11/26/2002	561-339-6677 bbbtgc@gmail.com	9742959 190-00000	<i>[Signature]</i> Co-Trustee
Pamela K. Boyce Revocable Trust 11/26/2002	561-339-6678 pamelaboyce@gmail.com	9742959 190-00000	<i>[Signature]</i> Co-Trustee
Denise & Robert Siegel	561-302-6595 rms7575@aol.com	9742-955700	<i>[Signature]</i> Denise Siegel
Thomas & Tina McVay	828-215-6021 tdmcvay1@gmail.com	9742-956456	<i>[Signature]</i> Thomas McVay

5. Zoning vested rights ☒ are not claimed, ☐ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]

Total Acreage to be annexed: 2.513 ac
 Population in annexed area: 0
 Proposed Zoning District: R-2
 Reason for annexation: ☒ Receive Town Services ☐ Other (please specify)

2.513 ac (lots A, B, C, E on plat recorded in Book 233, Page 67)

☒ Receive Town Services ☐ Other (please specify)
to fix split jurisdiction

The applicant must also submit a zoning map amendment 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

PETITION/APPLICATION

Town of Weaverville, North Carolina


N/A

Submittal Date: 9/11/23
 Date Fee Paid: 9/5/23
 Petition No: 2023-4

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
Stefanie Elder 12815 Morning Park Lane Alpharetta, GA 30004	770.265.9827 smelder@bellsouth.net	6301/1640 9742.95.6247	

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:
 Population in annexed area:
 Proposed Zoning District:
 Reason for annexation:

2.513 ac (lots A, B, C, E on plat recorded in Book 233, Page 67)
0
R-2
☒ Receive Town Services ☒ Other (please specify)
to fix split jurisdiction

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: 9/14/23

Petition No. 2023-4

Annexation Area Name: Reems Creek Village Recombination Area

Petitioner: various

Subject Area Acreage: 2.513 ac (lots A, B, C, E on plat recorded in Book 233, Page 67)

Current Land Use: vacant

Proposed Land Use or Development (describe): to be added to existing lots within Reem creek Village for recombination purpose

Residential (single family): Number of Units: _____ Anticipated build out in _____ 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): none

Signature of Owner(s)

**PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR TRUST
Town of Weaverville, North Carolina**

The undersigned, being (a/the) Trustee(s) of a Trust, the exact name of which is Pamela K. Boyce Revocable Trust, (hereinafter "Trust"), does hereby certify that:

1. That the Trust is dated as of 11/26/2002 as currently in existence and was executed on 11/26/2002;
2. That the name of the settlors of the Trust is/are: Pamela K. Boyce Co-Trustee and Barry B. Boyce Co-Trustee;
3. That name(s) and address(s) of the currently acting trustee(s) is/are (herein the "Trustee(s)") and that the signature(s) appearing above their name is their signature(s):

NAME, ADDRESS, and SIGNATURE OF TRUSTEE(S):

Pamela K. Boyce

Name: Pamela K. Boyce

Address: 68 Governor Thomson Ter. Weaverville, NC 28787

Barry B. Boyce

Name: Barry B. Boyce

Address: 68 Governor Thomson Ter. Weaverville, NC 28787

4. That the powers of the Trustee(s) include the authority to conduct real property transactions and tax transactions, which would include the execution of a voluntary annexation petition.
5. That said Trustee(s) adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Trust to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

SIGNATURE: Pamela K. Boyce

TRUSTEE NAME: Pamela K. Boyce Co-Trustee

DATE: 09/05/2023

Barry B. Boyce

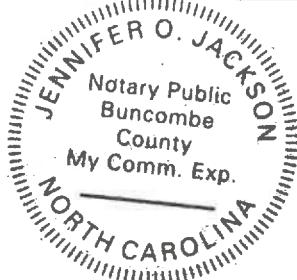
Barry B. Boyce Co-Trustee

STATE OF NORTH CAROLINA

COUNTY OF Buncombe

I, Jenn. L. O. Jackson, a Notary Public, certify that Pamela K. Boyce and Barry B. Boyce personally came before me this day and acknowledged that they are the Trustee of Pamela K. Boyce Revocable Trust, and that by authority duly given and as the act of the Trust, the foregoing Certificate of Authority was signed by him/her on behalf of the Trust.

Witness my hand and seal this the 5 day of Sept., 2023



Notary Public [Signature]

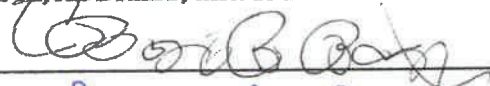

My Commission Expires: 5/29/2026

**PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR TRUST
Town of Weaverville, North Carolina**



The undersigned, being (a/the) Trustee(s) of a Trust, the exact name of which is Barry B. Boyce Revocable Trust (hereinafter "Trust"), does hereby certify that:

1. That the Trust is dated as of 11/26/2002, is currently in existence and was executed on 11/26/2002;
2. That the name of the settlor(s) of the Trust is/are: Barry B. Boyce Co-Trustee and Pamela K. Boyce Co-Trustee
3. That name(s) and address(es) of the currently acting trustee(s) is/are (herein the "Trustee(s)") and that the signature(s) appearing above their name is their signature(s):

NAME, ADDRESS, and SIGNATURE OF TRUSTEE(S):

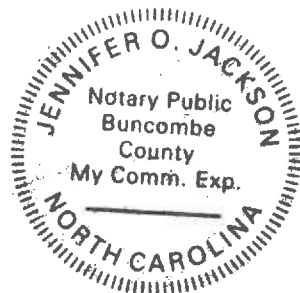
	
Name: <u>Barry B. Boyce</u>	Name: <u>Pamela K. Boyce</u>
Address: <u>68 Governor Thomson</u>	Address: <u>68 Governor Thomson Ter.</u>
<u>Weaverville, NC 28787</u>	<u>Weaverville, NC 28787</u>

4. That the powers of the Trustee(s) include the authority to conduct real property transactions and tax transactions, which would include the execution of a voluntary annexation petition.
5. That said Trustee(s) adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Trust to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

SIGNATURE:  
TRUSTEE NAME: Barry B. Boyce Co-Trustee Pamela K. Boyce
DATE: 09/05/2023 Co-Trustee

**STATE OF NORTH CAROLINA
COUNTY OF Buncombe**

I, Jennifer O. Jackson, a Notary Public, certify that Barry B. Boyce and Pamela K. Boyce personally came before me this day and acknowledged that they are the Trustee of the Barry B. Boyce Revocable Trust, and that by authority duly given and as the act of the Trust, the foregoing Certificate of Authority was signed by him/her on behalf of the Trust. Witness my hand and seal this the 5 day of Sept, 2023.



Notary Public 

My Commission Expires: 5/29/2026

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Initial R-2 Zoning – Reems Creek Village Recombination Areas

PRESENTER: Town Planner James Eller

ATTACHMENTS: Public Hearing Notice
Planning Board Findings and Recommendation

DESCRIPTION/SUMMARY OF REQUEST:

The annexation petition submitted for the Reems Creek Village Recombination Areas, Annexation #2023-4, was accompanied by an initial zoning request for R-2 zoning which is consistent with the R-2 zoning of the Reems Creek Village subdivision that adjoins the properties to be annexed.

Tonight's public hearing is on that R-2 zoning request and has been advertised in accordance with North Carolina law.

The Planning Board offers a unanimous favorable recommendation on R-2 zoning for these properties and has found R-2 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 zoning, and will also be available to answer questions.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed R-2 zoning for the Reems Creek Village Recombination Areas that are proposed for annexation.

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS AND NOTICE OF REMOTE ELECTRONIC MEETING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for the Reems Creek Village Recombination Areas, being Lots A, B, C, and E, as shown on that plat recorded in Book 233 at Page 67, and being the unincorporated portions of the following Buncombe County parcel identification numbers: 9742-95-5700, 9742-95-6456, 9742-95-6247, and 9742-95-9006**, and the other public hearing will be on a **zoning map amendment to designate those properties as R-2 zoning if they are annexed into the Town.**

These public hearings 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.

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The Town of
Weaverville
NORTH CAROLINA

October 4, 2023

Mayor Patrick Fitzsimmons and
Weaverville Town Council

Re: *Reems Creek Village Recombination Areas - +/- 2.513 acres*
Proposed Zoning Map Amendment - R-2 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, and submits this letter as its statement on plan consistency and reasonableness.

The property involved consists of four parcels shown as Lots A, B, C, and E on the attached map and located adjacent to Lots 44, 47, 49, and 50 within the Reems Creek Village subdivision. The properties have been added to those Reems Creek Village lots and are proposed for annexation to fix the split jurisdiction issues that occurred as a result of the recombinations. The property owners have requested R-2 zoning in order to be consistent with the zoning on the Reems Creek Village lots.

Town development regulations concerning zoning map amendments require the Planning Board to review the application for plan consistency and reasonableness. **At the meeting on October 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-2 zoning.**

In a unanimous vote, the Planning Board found that R-2 zoning for these properties is consistent with the Town's Comprehensive Land Use Plan (CLUP). In making this finding the Board considered and found the requested zoning to be consistent with the future land use map and 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.

In that same vote, the Planning Board also found that the proposed R-2 zoning is reasonable. To support this finding the Board found that the R-2 zoning is compatible with the current residential uses of the properties within the area, including existing single-family residences.

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-2 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,

A handwritten signature in black ink that reads "Bob Pace". The signature is fluid and cursive, with the first name "Bob" and last name "Pace" clearly distinguishable.

Bob Pace
Planning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Annexation – Windsor Built Homes-Reems Creek (300 Hamburg Mountain Rd)

PRESENTER: Town Attorney Jennifer Jackson

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

DESCRIPTION/SUMMARY OF REQUEST:

Joseph Penley and Reems Creek Village L.L.C. have submitted a voluntary annexation petition seeking to have a total of +/-9.488 acres located near the intersection of 300 Hamburg Mountain Road and Reems Creek Road annexed into the Town of Weaverville. The purpose of their annexation appears to be to obtain Town services, including water, to support a 35-lot single family lot subdivision that is proposed for development by Windsor Built Homes, Inc. The petitioners are requesting an initial zoning designation of R-3 to accommodate small lot sizes within the proposed subdivision.

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 brief staff level comments, and be available to answer questions of Town Council.

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 HEARINGS AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for +/- 9.5 acres at 300 Hamburg Mountain Road, bearing the following Buncombe County parcel identification numbers: 9742-95-4210 and a portion of 9742-94-4151**, and the other public hearing will be on a **zoning map amendment to designate these properties as R-3 zoning if they are annexed into the Town.**

These public hearings 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.

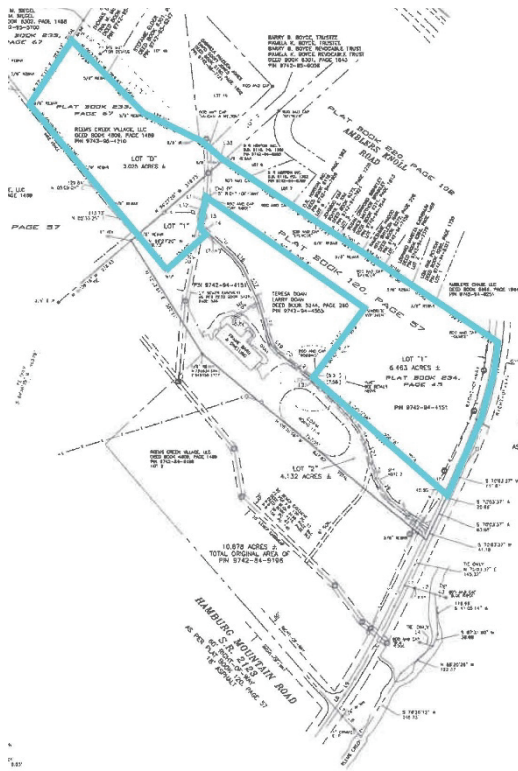
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WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 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 Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercerc@weavervillenc.org.

ANNEXATION STAFF REPORT

ANNEXATION #2023-5 – 300 HAMBURG MOUNTAIN RD



PROPERTY DESCRIPTION

+/- 9.5 acres on Reems Creek Road; PIN: 9742-95-4210 & portion of 9742-94-4151; no direct access to Hamburg Mountain Road but road frontage on Reems Creek Road

SUFFICIENCY OF PETITION – Town Clerk certified the sufficiency of the annexation petition on 11 October 2023.

FINANCIAL PROJECTIONS

Town Tax Value = +/- \$12,250,000

Property Tax Revenue = +/- \$42,875 annually

System Development Fees = +/- \$96,250

Water Revenue = +/- \$12,600 annually

ZONING CLASSIFICATION

Town R-3 zoning was requested to accommodate some small lot sizes. The Planning Board reviewed the zoning request and voted to recommend R-3 zoning on 3 October 2023.

OPERATIONAL AND SYSTEM IMPACTS

WATER – A water commitment/extension application has been submitted to the Town for 35 single family lots (14,000 GPD) with a connection to the existing 8" Town water main running along Reems Creek Road. There is WTP capacity to serve this project. Waterlines are expected to be built to Town specifications and accepted into the Town's Water System and will require long-term maintenance.

STREETS AND STORMWATER– The project is to be a gated community so the streets and stormwater system will be private; no impact on the Town.

SANITATION – If annexed the 35 properties must be added to the weekly garbage route and the leaf/yard waste schedule. This, by itself, will not significantly impact the ability of the Sanitation Division to provide Town services; however, when considered with the other annexation petitions that are pending, there will likely be a need to add another garbage pickup day and staffing may have to be increased.

POLICE – 35 single family residences are not anticipated to have any real impact on the Police Department, at its approved staffing level, except that this new subdivision would be added to a routine patrol route.

FIRE – Reems Creek Fire Department (RCFD) currently provides fire service to this property. If annexed this property will be removed from the RCFD district and the Town will be responsible for providing fire and first responder services to this property if it is annexed.

Weaverville's Fire Department (WFD) and RCFD have a long-standing agreement that RCFD will provide automatic aid to Town properties in the vicinity of the RCFD fire station, particularly east of the intersection of Hamburg Mountain Road and Reems Creek Road. WFD can provide fire and first responder services to this property, however, the response times from the WFD fire station will be pushing acceptable limits and a greater WFD presence in the Reems Creek Road corridor will likely be needed in the future. In the meantime, the Town and RCFD are working on formalizing an automatic aid agreement. Financial compensation to RCFD for providing automatic aid services to Town properties is under negotiation and will include any small amounts legally owed to RCFD for the Town's proportionate share of RCFD debt as a result of the anticipated reduction in their tax base.

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

Submittal Date: 9/19/2023
 Date Fee Paid: 8/22/2023
 Petition No: 2023-5

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
Reems Creek V. Hg L.L.C.	40 Windsor Built Homes, Inc.	9742454210 4609/1449 Lt D, Plat 233/67	Member/Manager Joseph E. Perles
Joseph Penley	40 Windsor Built Homes, Inc.	9742944151 3311/422 Lt 1, Plat 234/45	Joseph E. Perles

5. Zoning vested rights ☒ are not claimed, ☐ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 9.488
 Population in annexed area: 0
 Proposed Zoning District: R-3
 Reason for annexation: ☒ Receive Town Services ☐ Other (please specify)

The applicant must also submit a zoning map amendment 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.

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

PROPERTY LEGAL DESCRIPTION:

PARCEL ID: 9742-95-4210
STREET ADDRESS: 300 Hamburg Mountain Rd,
Weaver ville, NC 28787

PROPERTY OWNER:

(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER: JOSEPH Peabody

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS:

PHONE NUMBER: 828-691-4156

MAILING ADDRESS: 380 Reems Creek Rd

WEAVERVILLE, NC 28787 Voluntary Annexation
PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: Zoning Map Amendment
Water Availability

NAME OF INDIVIDUAL AGENT: Windsor Built Homes, Inc.

NAME OF CONTRACTOR/CONSULTING FIRM: WGLA Engineering

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: 55street@WindsorBuilt.com

PHONE NUMBER: 864-430-2995

MAILING ADDRESS: 40 W Broad Street
Suite 500
Greenville, SC 29601

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: 8/10/23

Date: _____

PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: 9/19/2023

Petition No. 2023-5

Annexation Area Name: 300 Hamburg Mountain Rd

Petitioner: Windsor Built Homes, Inc

Subject Area Acreage: 9.488 acres

Current Land Use: vacant

Proposed Land Use or Development (describe): Residential Development

Residential (single family): Number of Units: 35 Anticipated build out in 2.5 years
Average Sales Price: \$ 500K /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 35'; max number of stories of 2

Infrastructure: Linear feet of publicly dedicated roadways proposed: 1800 feet
Public water proposed (describe): Proposed water extension along new Roadway
Other Public Services Requested (describe): All town services except street maintenance

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



Signature of Owner(s)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE


COMPANY RESOLUTION
OF
REEMS CREEK VILLAGE LLC

At a specially called meeting of the members of REEMS CREEK VILLAGE, LLC, a North Carolina limited liability company (herein "Company") on May 30th, 2023 the sole Member/Manager, Joseph E. Penley, approved the sale of that property identified as All of Lot D (PIN 9742-95-4210), and Lot 1 (PIN 9742-94-4151) appearing on a Plat recorded in Plat Book 234, Page 45 and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina.

Joseph E. Penley and/or Amit Dorf have the authority to sign the Deed and any other documents necessary to complete the sale of said property to Windsor Autrey.

There being no further business, the specially called meeting consisting of the members of REEMS CREEK VILLAGE, LLC was duly adjourned.

REEMS CREEK VILLAGE, LLC, a NC LLC


By: 
Joseph E. Penley, Member/Manager

By: 
Amit Dorf, Authorized Representative

CERTIFICATE OF AUTHORITY FOR CORPORATION
TOWN OF WEAVERVILLE, NORTH CAROLINA

The undersigned, being (a/the) duly elected officer of Windsor Built Homes, Inc., a corporation organized and existing in the State of North Carolina (hereinafter "Corporation"), does hereby certify that:

1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached Agent Authorization for Land Use Development Permit/Application and Approval and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Agent Authorization for Land Use Development Permit/Application and Approval and authorized any and all actions on behalf of the Corporation and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Agent Authorization and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	SIGNATURE	OFFICE HELD
Scott Street For Windsor Built Homes, Inc.		President

THIS the 9 day of August, ~~2022~~ 2023

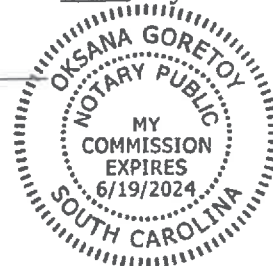
Signature of Officer

South
 STATE OF ~~NORTH~~ CAROLINA
 COUNTY OF Greenville

I, Oksana Goretoy, a Notary Public, certify that Scott Street personally came before me this day and acknowledged that he/she is the President of Windsor Built Homes Inc, a South North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on behalf of the Corporation. Witness my hand and seal this the 9 day of August, ~~2022~~ 2023

Oksana Goretoy
 Notary Public

My Commission Expires: 6.19.24



**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Initial R-3 Zoning – Windsor Built Homes-Reems Creek (300 Hamburg Mountain Rd)

PRESENTER: Town Planner James Eller

ATTACHMENTS: Public Hearing Notice, Zoning Request, and Map
Planning Board Findings and Recommendation

DESCRIPTION/SUMMARY OF REQUEST:

The annexation petition submitted for the Windsor Built Homes – Reems Creek project, 300 Hamburg Mountain Road, Annexation #2023-5, was accompanied by an initial zoning request for R-3 zoning to accommodate some small lot sizes expected in the project.

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 zoning, and will also be available to answer questions.

COUNCIL ACTION REQUESTED:

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

TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARINGS AND
NOTICE OF REMOTE ELECTRONIC MEETING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for +/- 9.5 acres at 300 Hamburg Mountain Road, bearing the following Buncombe County parcel identification numbers: 9742-95-4210 and a portion of 9742-94-4151**, and the other public hearing will be on a **zoning map amendment to designate these properties as R-3 zoning if they are annexed into the Town.**

These public hearings 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.

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If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercerc@weavervillenc.org.

**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:

APPLICATION DATE:

PHONE NUMBER:

MAILING ADDRESS:

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: 300 Hamburg Mt Road and 9999 Reems Creek Road

PIN: portion of 9742-94-4151 and 9742-95-4210 LOT AREA (acres): 9.488 acres +/-

CURRENT ZONING DISTRICT: R-2 (Buncombe County) PROPOSED ZONING DISTRICT: R-3 (Weaverville)

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.



SIGNATURE OF APPLICANT

August 17, 2023

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: S	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:	

The Town of Weaverville

NORTH CAROLINA

October 4, 2023

Mayor Patrick Fitzsimmons and
Weaverville Town Council

Re: *Penley and Reems Creek Village LLC – 300 Hamburg Mountain Rd - +/- 9.5 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, and submits this letter as its statement on plan consistency and reasonableness.

The property involved consists of two separate parcels, encompassing approximately 9.5 acres and shown on the attached map, and located on Reems Creek Road near the intersection of Reems Creek Road and Hamburg Mountain Road. These properties are currently in the unincorporated portion of Buncombe County and zoned County 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 October 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 of 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) and reasonable. 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.

To support the finding of reasonableness, 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 and residential development on smaller lots.

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,

A handwritten signature in black ink that reads "Bob Pace". The signature is fluid and cursive, with the first name "Bob" and last name "Pace" clearly distinguishable.

Bob Pace
Planning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Annexation – Northridge Farms

PRESENTER: Town Attorney Jennifer Jackson

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

DESCRIPTION/SUMMARY OF REQUEST:

The property owners comprising the properties on which the Northridge Farms development is approved have signed a voluntary annexation petition seeking to have a total of +/-88 acres located in the Gill Branch valley (south of the Northridge Commons shopping center) annexed into the Town of Weaverville. The Northridge Farms development has been approved by Buncombe County and consists of approximately 568 dwelling units in a variety of housing types. The petitioners claim vested rights to develop the properties in accordance with the Special Use Permit issued by Buncombe County and related approved master site plan which include minor modifications approved on September 22.

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 brief staff level comments, and be available to answer questions of Town Council.

The zoning on property, should it be annexed, 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 that separate public hearing.

COUNCIL ACTION REQUESTED:

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

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS AND NOTICE OF REMOTE ELECTRONIC MEETING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for the Northridge Farms properties, being +/- 88 acres bearing the following Buncombe County parcel identification numbers: 9732-77-7382, 9732-76-2936, 9732-76-5731, 9732-76-5475, 9732-66-5806, and 9732-78-9228,** and the other public hearing will be on a **zoning map amendment to designate those properties either as R-3 zoning or conditional district zoning if such properties are annexed into the Town.**

These public hearings 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.

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ANNEXATION STAFF REPORT

ANNEXATION #2023-6 – NORTHRIDGE FARMS

PROPERTY DESCRIPTION – +/- 88 acres in the Gill Branch Valley; PIN: 9732-77-7382, 9732-76-2936, 9732-76-5731, 9732-76-5475, 9732-66-5806, and 9732-78-9228; entrance and exit generally from Northridge Commons Parkway (private road), exit and emergency access via Gill Branch Road (SR 1724)

SUFFICIENCY OF PETITION – With the assistance of the Town Attorney, the Town Clerk certified the sufficiency of the annexation petition on 19 October 2023

PROJECT DETAILS – 568 total dwelling units are expected to be constructed within 3 to 4 years with the following housing options offered:

- 296 Apartment Units in 12 Buildings
- 65 Townhouses in 17 Buildings
- 100 Duplexes in 50 Buildings
- 107 Single Family Residences

FINANCIAL PROJECTIONS

- Town Tax Value = +/- \$118,178,000
- Property Tax Revenue = +/- \$413,623 annually
- System Development Fees = +/- \$770,000
- Water Revenue = +/- \$204,480 annually



VESTED RIGHTS AND ZONING CLASSIFICATION

Vested rights allow this project to develop in accordance with a Special Use Permit issued by Buncombe County on 8 February 2023, and minor modifications approved 22 September 2023. A zoning designation is required, however, and the Planning Board reviewed the properties and potential zoning districts and voted on 3 October 2023 to recommend an option of R-3 or conditional district zoning.

ANNEXATION STAFF REPORT

ANNEXATION #2023-6 – NORTHRIDGE FARMS

OPERATIONAL AND SYSTEM IMPACTS

This project represents 568 dwelling units in 186 structures with an expected population increase of approximately 1,500 people. Increases in Town staffing levels and proper planning will be needed to meet the service needs associated with this project during construction and after completion.

WATER – Project engineers have met with Town staff and a water application for the project is expected to be submitted to the Town. Connections are proposed at the existing 8" Town water line in Northridge Commons Parkway below Hobby Lobby and is recommended at the existing 8" Town water line in Gill Branch Rd to create a loop connection to Monticello Rd for reliable service to the development. With the WTP Expansion Project proceeding there is WTP capacity to serve this project. This project will push the Town's WTP capacity limits beyond 90% but Town staff believes that the expected completion of the expansion of the WTP will align well with the 3-4 year timeline projected by the project engineers. Waterlines are expected to be built to Town specifications and should be accepted into the Town's Water System and will require long-term maintenance. At the point that the WTP capacity exceeds 80%, additional WTP staff will be needed and, with this project, that is likely to occur prior to the completion of the WTP expansion.

STREETS –The project will primarily be accessed via Northridge Commons Parkway, with emergency access, and exit only traffic, via Gill Branch Road. A combination of private and public streets within the development are expected. Town staff believes that the street configuration through the Northridge Commons Shopping Center and at intersections with NCDOT maintained streets is critical and collaboration between NCDOT, the Town, and the developer will be necessary for the success of the project. Town staff expects to provide leadership in this area in order to ensure that the infrastructure is designed and built to maximum vehicular and pedestrian safety and efficient movement of traffic.

SANITATION – The apartment portion of this project should provide its own garbage removal, but the remainder of the project is expected to rely on Town staff for sanitation services. Especially when considered with the other annexation petitions that are pending, there will likely be a need to add another garbage pickup day and staffing levels will likely have to be increased.

PARKS – Town Council, Town staff, and the developer have all noted the benefit of providing public bike and pedestrian access through the development as a connector between the Northridge Commons Shopping Center and Gill Branch Valley areas to the portion of the Reems Creek Greenway which is expected to run along Reems Creek west of Lake Louise. The development of this portion of the Reems Creek Greenway will require funding for planning, design, construction, and on-going maintenance. The timing of this Reems Creek Greenway project may be hindered by the I-26 bridge replacement project that will be active until 2027 and is impacting a portion of the property over which the Reem Creek Greenway is to be located. Completion of this future greenway and the resulting connection to Lake Louise Park is expected to result in additional usage at the park, possibly causing a need for additional facilities and staffing.

POLICE – The ability of the Weaverville Police Department to efficiently and effectively serve this large project and associated population increase must be monitored and additional staffing is likely to be needed.

FIRE – These properties are located within the North Buncombe Fire District (NBFD) which are serviced by the Weaverville Fire Department (WFD). There will be an insignificant loss in NBFD tax revenue on the unimproved properties if annexed. This project does represent a substantial number of dwellings and a corresponding increase in the population and will require an increase in WFD staffing levels as the project is completed. Proper planning will be needed to meet the service needs associated with this project.

PLANNING – While the "Master Plan" for the project has already been approved, each section of development will require planning review and approval of site plans, and the issuance of up to 186 Town zoning permits may be required. The Town's one-person Planning Department will not be able to provide all of the work on this project and a new Planner/Code-Enforcement Officer position will be requested in anticipation of this annexation moving forward.

PETITION FOR VOLUNTARY ANNEXATION PETITION/APPLICATION

Town of Weaverville, North Carolina

Submittal Date: 9/20/2023
Date Fee Paid: _____
Petition No: 2023-6

**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
See attached.			










5. Zoning vested rights ☐ are not claimed, ☒ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Order attached. Additional documentation will be timely supplemented.

Total Acreage to be annexed: Approx. 88 acres
Population in annexed area: _____
Proposed Zoning District: TBD
Reason for annexation: ☒ Receive Town Services ☐ Other (please specify)

The applicant must also submit a zoning map amendment 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
Addendum

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference and Property PIN	Property Owner Signature
DFK Development, LLC 542 S. Caldwell Street Brevard, NC 28712	828-884-7934 travis@firstvictory.com	BK 6337, PG 1301 9732777382; 9732762936	
First Victory, Inc. 542 S. Caldwell Street Brevard, NC 28712	828-884-7934 travis@firstvictory.com	BK 6307, PG 698 9732765731; 9732765475	
Danny C. Buckner 56 Gill Branch Road Weaverville, NC 28787	828-775-2444 Dbucker7@frontier.com	BK 5098, PG 290 9732665806	<div> <div>  </div> <div>9/20/2023</div> </div>
John E. Kilby Shawn Kilby Shara Kilby Matthew Kilby Kathy Kirby John W. Kilby 170 Deer Trail Lake Lure, NC 28746	828-287-6828 Johnkilby164@gmail.com Wesley.kilby@ncfbins.com spchf@msn.com bry831@gmail.com lakelurenana@gmail.com shawnmarielk@gmail.com	BK 1283, P 312 23-E-1164 9732789228	<div>  <div> doloop verified 09/20/23 9:04 AM EDT BXBF INVG BANIS MNVS </div> </div> <div>  <div> doloop verified 09/19/23 6:34 PM EDT H4XC 64XG 1CWN BIRW </div> </div> <div>  <div> doloop verified 09/19/23 6:21 PM EDT 2ALM AYCL 1FNU JGCO </div> </div> <div>  <div> doloop verified 09/19/23 7:04 PM EDT G6BD WQGH C9Q2 J8ZU </div> </div> <div>  <div> doloop verified 09/20/23 9:28 AM EDT P7EU HKQZ ARYI HJMP </div> </div> <div>  <div> doloop verified 09/20/23 11:14 AM EDT TLYB BRBP HMYL B063 </div> </div>

PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: _____

Petition No. _____

Annexation Area Name: _____

Petitioner: Owners Identified Herein

Subject Area Acreage: 88.12

Current Land Use: _____

Proposed Land Use or Development (describe): The proposed land use and development will be the same already approved by Buncombe County. The order permitted such planned use is attached to this Petition.

Residential (single family): Number of Units: _____ Anticipated build out in _____ 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): Documentation regarding the vested rights claimed is attached herein and will be supplemented with additional documentation.

Signature of Owner(s)

**PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR CORPORATION
Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected officer of First Victory Inc
a corporation organized and existing in the State of North Carolina
(hereinafter "Corporation"), does hereby certify that:

1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Corporation to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME

Travis A. Fowler

OFFICE HELD

President

SIGNATURE

[Signature]

SIGNATURE: _____

PRINTED NAME: _____

DATE: _____

**STATE OF NORTH CAROLINA
COUNTY OF Transylvania**

I, Sabrina M Pace, a Notary Public, certify that Travis Fowler
personally came before me this day and acknowledged that he/she is the President of
First Victory, Inc., a North Carolina corporation, and that by authority duly
given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on
behalf of the Corporation. Witness my hand and seal this the 20th day of September, 2023.



Sabrina M. Pace
Notary Public

My Commission Expires: 02-21-2027

**PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY
Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected, qualified and active member / manager of DKF Development LLC, a limited liability company organized and existing in the State of North Carolina (hereinafter "Company"), does hereby certify that:

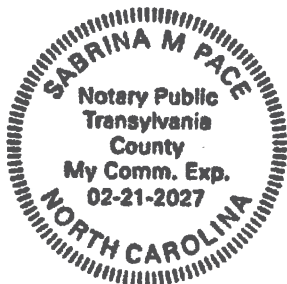
1. That the Company currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Company to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
<u>Travis A. Fowler</u>	<u>manager</u>	<u>[Signature]</u>
_____	_____	_____
_____	_____	_____

SIGNATURE: _____
PRINTED NAME: _____
DATE: _____

**STATE OF NORTH CAROLINA
COUNTY OF Transylvania**

I, Sabrina M Pace, a Notary Public, certify that Travis Fowler personally came before me this day and acknowledged that he/she is the manager of DKF Development, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the 20th day of September, 2023.



Sabrina M. Pace
Notary Public

My Commission Expires: 02-21-2027

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BEFORE THE BUNCOMBE COUNTY
BOARD OF ADJUSTMENT
ZPH2022-00038

In the Matter of:)
)
Warren Sugg, P.E., of Civil Design Concepts,)
P.A., on behalf of Travis Fowler of First)
Victory, Inc., John Kilby, Donald Burnette, Jr.,)
Jerry Burnette, Wilma Buckner, and Halex)
Management Company, LLC,)
)
Applicants.)
_____)

ORDER ON SPECIAL USE PERMIT
APPLICATION

THIS MATTER having come on for hearing before the Buncombe County Board of Adjustment (hereinafter the "Board") at its February 8, 2023, meeting upon application has applied for a Special Use Permit "(SUP)" (the "Application") to establish a Planned Unit Development (Level 1) for a 577-unit residential development on tax lot PINs 9732-78-9228, 9732-77-7382, 9732-76-5731, 9732-76-5475, 9732-76-2936, and 9732-66-5806 (56, 72, and 74 Gill Branch Road and an unaddressed parcel just south of PIN 9732-78-9724, an unaddressed parcel just south of PIN 9732-78-9228, and an unaddressed parcel just east of PIN 9732-66-5806, (the "Property"), by Warren Sugg, P.E., of Civil Design Concepts, P.A., on behalf of Travis Fowler of First Victory, Inc., applicant, and John Kilby, Donald Burnette, Jr., Jerry Burnette, Wilma Buckner, and Halex Management Company, LLC, owners, (the "Applicant").

Having considered the evidence presented to this Board, including the Application, the submitted development plan, the GIS maps, the staff report, traffic map (objected to by applicant), the testimony presented, and the arguments advanced by the Parties, the Board hereby finds as follows:

FINDINGS OF FACT

1. That this matter was properly noticed and advertised, is within this Board's jurisdiction and is ripe for its consideration.
2. That the Applicant applied for a Special Use to establish a Planned Unit Development (Level 1) pursuant to the Zoning Ordinance of Buncombe County, Sec. 78-641(a), Sec. 78-677, and Sec. 78-678(b)(6), for a 577-unit residential development on tax lot PINs 9732-78-9228, 9732-77-7382, 9732-76-5731, 9732-76-5475, 9732-76-2936, and 9732-66-5806 (56, 72, and 74 Gill Branch Road and an unaddressed parcel just south of PIN 9732-78-9724, an unaddressed parcel just south of PIN 9732-78-9228, and an unaddressed parcel just east of PIN 9732-66-5806.

3. That the Applicant and all other parties with standing were given the opportunity to participate in the duly advertised and noticed hearing referenced above.

4. That, pursuant to the Buncombe County Zoning Ordinance, the Board finds as follows regarding the Special Use proposed in the Application:

A. Planned Unit Development Level I (PUD I) Standards (Sec. 78-678(b)(6)):

i) That the land within the PUD ☒will be ☐will not be under single ownership or management by the Applicant(s) before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) have been provided, such that the development can be successfully completed by the applicant.

ii) That the density is ☒consistent ☐inconsistent with the intent of the district in which it is located and conforms to that permitted in the district in which the development is located.

iii) That the land uses ☒are ☐are not compatible with and do not violate the intent of the zoning district and do not disrupt the character of the community.

iv) That the proposed land use ☒meets ☐does not meet minimum requirements for land development as follows:

a. the minimum lot size and requirements for interior setbacks ☒do ☐do not preserve the spirit and intent of this section and does comply with the density requirements for the zoning district with respect to the total development plan.

b. Proposed heights set forth in the applications ☒do ☐do not comply with the spirit and intent of this section with respect to the total development plan. Where building heights exceed the maximum allowed by the ordinance, this Board finds that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district.

c. This Board finds that the minimum distance between buildings ☒will ☐will not ensure adequate air, light, privacy, and space for emergency vehicles.

v) That the development ☒does ☐does not provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping will be used for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings are located in such a way as to

dissipate any adverse impact on adjoining low-rise buildings and do not invade the privacy of the occupants of such low-rise buildings.

vi) That the structures located on the perimeter of the development ☒will ☐will **not** be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district.

vii) This Board finds that the proposed parking ☒does ☐does **not** comply with the spirit and intent of this section.

viii) This Board finds that the conveyance and maintenance of open space, recreational areas and communally owned facilities ☒are ☐are **not** in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms as specified.

ix) This Board finds that the building envelopes ☒are ☐are **not** shown in the submitted plans and depict the maximum expanse of the proposed footprint of the structure.

5. That, pursuant to 78-677(g) of the Buncombe County Zoning Ordinance, satisfactory provision and arrangement have been made for at least the following as it relates to:

A. The proposed use ☒will **not** ☐will adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

B. The proposed use ☒will **not** ☐will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

C. The proposed use ☒will **not** ☐will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects.

D. Satisfactory ingress and egress for the proposed use of the property and proposed structures ☒has ☐has **not** been provided. Particular attention has been paid to automotive and pedestrian safety and convenience, traffic flow and control.

E. Provision off-street parking and loading areas where required, with particular attention to the items in section 78-658 of the Buncombe County Zoning Ordinance ☒have ☐have **not** been arranged for.

F. Provision of adequate and proper utilities, with reference to locations, availability, and compatibility ☒have ☐have **not** been arranged for.

- G. Provision of buffering, if deemed necessary, with reference to type, location, and dimensions ☒have ☐have not been arranged for.
 - H. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility ☒are ☐are not in harmony with properties in the district.
 - I. Playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways, with reference to location, size, and suitability ☒have ☐have not been arranged for.
 - J. Buildings and structures, with reference to location, size, and use ☒are ☐are not acceptable.
 - K. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood ☒are ☐are not acceptable.
6. That the following conditions are necessary to ensure that the proposed use will conform to the requirements and spirit of the Buncombe County Zoning Ordinance:
- A. Gill Branch Road is to be gated and is exit-only for resident use. Only Fire Rescue and Law Enforcement may use Gill Branch Road as an entrance onto the property. Applicant shall obtain Fire Marshal approval for the final design of the restricted access point.
 - B. All interior access roads leading to, and all parking lots serving the multi-story apartment buildings shall have a minimum road width and drive aisle of 24 feet, or as otherwise specified by the County Fire Marshal.
 - C. Submit a major subdivision application prior to submittal of permits for construction.
 - D. A maintenance easement shall be required around any retaining walls which cross over property line within the development.
 - E. A NCDOT Driveway permit is required.
 - F. Project must be constructed as depicted in the site plan.
 - G. Prior to commencement of land disturbance and construction activity the applicant shall submit a Site Plan Development permit for the entire project, indicating the following information:
 - i) exact location of all buildings and accessory structures
 - ii) commercial lighting plan (demonstrating it meets the standards of the Buncombe Zoning Ordinance)
 - iii) buffering, landscaping, and parking lot landscaping (if required)
 - iv) retaining walls (demonstrating they meet the standards of the Buncombe Retaining Wall Ordinance)
 - v) easements and rights-of-ways on the property

- vi) approved E-911 road names (names to be approved by the Addressing Coordinator before submittal)
- vii) any other conditions of site development approved by the Board of Adjustment.
- viii) copy of approved permits from the US Army Corps of Engineers, the NC Department of Transportation, and the NC Department of Environmental Quality, where applicable.
- ix) **This Master Site Plan Permit approval shall not replace the requirement of pulling an individual Site Plan Permit for each building or structure within the development.**

H. Applicant must agree in writing to these conditions prior to commencement of site work.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board makes the following conclusions of law:

The Applicant's request for a Special Use Permit, together with the imposition of conditions found necessary above, which are incorporated herein as is fully set forth, ☒ **meets** ☐ **does not meet** each applicable requirement of the Buncombe County Zoning Ordinance.

ORDER

Now therefore, based on the foregoing Findings of Fact and Conclusions of Law, the Buncombe County Board of Adjustment Orders as follows:

☒ That the Applicant is hereby granted a Special Use Permit to establish a Planned Unit Development on the Property as requested, subject to the conditions referenced above, which are incorporated herein as if fully set forth.

☐ That the Applicant's request for a Special Use Permit is hereby denied.

This the 8th day of February, 2023.

Buncombe County Board of Adjustment

By: 
Andy Ball, Chair

Attest:

Jason Payne, Clerk

Handwritten signature of Jason M. Payne in blue ink, written over a horizontal line.

APPROVED AS TO FORM

Handwritten signature of Curt Euler in black ink, written over a horizontal line.

Curt Euler

County Staff Attorney

CERTIFICATE OF SERVICE

I, the undersigned hereby certify proper notice has been made by the delivery of copy of the forgoing to the parties in this matter including the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective by:

☐ personal delivery

☒ electronic mail, or

☒ first-class mail

to the following addresses:

Counsel of Record for the Applicant:

Derek J. Allen
Allen Stahl + Kilbourne
dja@asklawnc.com

Applicant(s):

First Victory, Inc.
Travis Fowler
travis@firstvictory.com

Civil Design Concepts
Warren Sugg, P.E.
wsugg@cdcgo.com

Landowner(s):

Keith Warren, Harriet,
Cynthia, Jerry Burnett, Donald Burnett, Jr.
96 Church St.
Weaverville, NC 28787

John Kilby
170 Deer Trail
Lake Lure, NC 28746

Danny and Kathleen Buckner, Wilma Buckner
56 Gill Branch Rd
Weaverville, NC 28787

Holex Management Company, LLC
55 Mica Hill Road
Swannanoa, NC 28778

This the 10th day of February, 2023.



Nika Briggs

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: November 14, 2023

SUBJECT: Initial Zoning – Northridge Farms

PRESENTER: Town Attorney Jennifer Jackson

ATTACHMENTS: Public Hearing Notice
Planning Board Findings and Recommendation
Possible Conditional District Ordinance

DESCRIPTION/SUMMARY OF REQUEST:

The annexation petition for the Northridge Farms properties was accompanied by a claim for vested rights to develop the properties pursuant to a Special Use Permit issued by Buncombe County on 10 February 2023, and as amended on 20 September 2023.

Even though vested rights are legally claimed and acknowledged and will allow the project to proceed based on the SUP, if the properties are annexed they must still be assigned a Town zoning designation. That zoning designation will not likely have much impact on the development that occurs, but will directly affect the way in which amendments to that development are processed.

On 7 November 2023 the Planning Board reviewed the properties, the project, and the Town's Comprehensive Land Use Plan, and offers a favorable recommendation on a choice of either R-3 zoning for these properties or the creation of conditional district for the project and found both to be consistent with the Comprehensive Land Use Plan and Town Council's recently adopted resolution addressing Growth Area 5, and reasonable.

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

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 zoning, and will also be available to answer questions. For review and input purposes a possible conditional district ordinance is attached.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed zoning for the Northridge Farms properties and project.

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS AND NOTICE OF REMOTE ELECTRONIC MEETING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two separate public hearings during its regularly scheduled workshop meeting on **Tuesday, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter. One public hearing will be on a **voluntary annexation petition for the Northridge Farms properties, being +/- 88 acres bearing the following Buncombe County parcel identification numbers: 9732-77-7382, 9732-76-2936, 9732-76-5731, 9732-76-5475, 9732-66-5806, and 9732-78-9228,** and the other public hearing will be on a **zoning map amendment to designate those properties either as R-3 zoning or conditional district zoning if such properties are annexed into the Town.**

These public hearings 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 Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercerc@weavervillenc.org.

The Town of Weaverville

NORTH CAROLINA

October 4, 2023

Mayor Patrick Fitzsimmons and
Weaverville Town Council

Re: *Northridge Farms – +/- 88 acres*
Proposed Zoning Map Amendment – Conditional District and R-3
Statement of Consistency/Reasonableness and Recommendation

Dear Mayor and Council –

At the direction of Town Council, the Planning Board reviewed the properties proposed for the Northridge Farms development and submits this letter addressing its findings and recommendation concerning an appropriate zoning designation for the properties should they be annexed.

Town development regulations concerning zoning map amendments and North Carolina law require the Planning Board to review proposed zoning for plan consistency and reasonableness.

The property involved consists of six separate parcels, encompassing approximately 88 acres located to the south of Northridge Commons and Gill Branch Road. These properties are currently in the unincorporated portion of Buncombe County and zoned R-3. This development has obtained development approval pursuant to the Special Use Permit issued by Buncombe County on February 8, 2023, and as amended by letter dated September 22, 2023. Vested rights are claimed to develop the project in accordance with that Special Use Permit, as amended (hereinafter SUP).

With the legally claimed vested rights to proceed based on the SUP, the Planning Board acknowledges that the zoning that is applied will not likely have much impact on the development that occurs, but will directly affect the way in which amendments to that development are processed. If a traditional zoning district is approved, then any major amendments would proceed through Weaverville's Board of Adjustment for hearing and decision. If a conditional district is approved, then such major amendments will go through the Planning Board for recommendation and Town Council for a decision.

Representatives of the developer and Town staff recommended that both options be included in the recommendation so that Town Council could legally consider both without having to initiate a second Planning Board review.

The Planning Board met on October 3 to conduct its review and considered both options and reports the following findings and recommends that one of the following two options be considered for zoning the properties.

Traditional District Findings and Recommendation

When considering a traditional district the Planning Board was urged to consider the appropriateness of all uses allowable within a requested zoning district. With this in mind the Planning Board focused on the R-3 zoning district as it represents the zoning district that is most closely aligned to the project that was approved.

In a unanimous vote, the Planning Board found that R-3 zoning for these properties is consistent with the Town's Comprehensive Land Use Plan (CLUP) and reasonable and forwards a favorable recommendation to Town Council on R-3 zoning. In making this finding the Board considered the future land use map, current and proposed uses within the area, including the mix of commercial uses and residential uses. This proposed R-3 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. To support the finding that R-3 zoning is reasonable 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, townhouses, and multifamily development.

It is noted that this recommendation was largely based on these properties being within the Town's identified Growth Area 1 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 yet, the Planning Board is taking into consideration this resolution in its review process and appreciates Town Council's action in this regard.

Conditional District Findings and Recommendation

Under the Special Use Permit, as amended, the project consists of 296 apartment units, 100 casitas/duplexes, 65 townhomes, and 107 single-family homes, all as shown on the Zoning Compliance Plan that is attached to this recommendation. It is noted that the unit density is compatible with the Town's R-3 district, but the lot sizes are smaller than what the Town's R-3 district would allow, so a conditional district would have been used if this project had been reviewed initially by the Town. This provides a reason to consider conditional district zoning for the properties.

As an alternative to a traditional zoning district, such as the recommended R-3 district, the Planning Board reviewed the project and, with that same unanimous vote, finds that the adoption of a conditional district which incorporates as conditions the provisions of the Special Use Permit adopted February 8, 2023, with the amendments approved on September 22, 2023, and the approved plans, and a specific preservation of the vested rights that are claimed is reasonable and consistent with the Comprehensive Land Use Plan and recommends the creation of such conditional district. In support of that recommendation, the Planning Board finds that a conditional district which incorporates the approved project is reasonable in that it provides for a wide variety of housing options ranging from multifamily apartment units to single family lot and the project is consistent with the Comprehensive Land Use Plan in that the planned unit development is compatible with the future

land use map and the resolution adopted by Town Council on December 13, 2022, which shows this property as Growth Area 1.

It is noted that this recommendation was also based Town Council resolution adopted on December 13, 2022, which identified a wide variety of residential uses as desirable and indicated that conditional district zoning is consistent with Town Council's desired zoning for these properties.

There was unanimous consensus among the Planning Board members reviewing this matter that they would like for the Town to make some effort towards securing developer agreement to: (1) preserve or create open spaces within the development, and (2) construct a publicly accessible walking/biking trail through the development that will serve as a connector between the Northridge Commons commercial area and the Reems Creek Greenway that is expected to be constructed along Reems Creek and provide access to Lake Louise.

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

Sincerely,

A handwritten signature in black ink that reads "Bob Pace". The signature is fluid and cursive, with the first name "Bob" and last name "Pace" clearly distinguishable.

Bob Pace
Planning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney

PREPARED BY AND RETURN TO:

Jennifer O. Jackson, Weaverville Town Attorney
30 South Main Street, Weaverville, NC, 28787

**COUNTY OF BUNCOMBE
STATE OF NORTH CAROLINA**

**ORDINANCE ESTABLISHING THE CONDITIONAL DISTRICT
DESIGNATED AS CD-8 FOR THE NORTHRIDGE FARMS PROJECT**

WHEREAS, the property that is the subject of this ordinance includes the following and is hereinafter collectively referred to as the “Property”:

BUNCOMBE CO. PIN	DEED REFERENCE	PROPERTY OWNER
9732-77-7382	Book 6337/Page 1301	DKF Development, LLC
9732-76-2936	Book 6337, Page 1301	DKF Development, LLC
9732-76-5731	Book 6307, Page 698	First Victory, Inc.
9732-76-5475	Book 6307, Page 698	First Victory, Inc.
9732-66-5806	Book 5098, Page 290	Danny C. Buckner
9732-78-9228	Book 1283, Page 312 Buncombe Co. File Nos. 23E1164 and 4E781	John Kilby and wife Kathy Kilby John Wesley Kilby and wife Shawn Kilby Matthew Bryan Kilby and wife Shara Kilby

WHEREAS, a voluntary annexation petition for the Property has also been submitted to the Town and the property owner/developer has consented to conditional district zoning; and

WHEREAS, by contemporaneous adoption of an annexation ordinance by the Weaverville Town Council the Property is now located within the municipal jurisdiction of the Town of Weaverville;

WHEREAS, the Town of Weaverville has the authority pursuant to Chapter 160D of the North Carolina General Statutes to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and to

amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the development that is proposed for the Property is a residential development consisting of 568 dwelling units in a variety of housing configurations, together with amenities, on +/-88 acres, and has vested rights pursuant to a Special Use Permit issued by Buncombe County for project ZPH2022-00038 on 10 February 2023, and with minor modifications approved by Buncombe County on 22 September 2023;

WHEREAS, some small lot sizes and housing configurations would have required conditional district zoning if the Town of Weaverville had original jurisdiction over the development approval; and

WHEREAS, Section 20-3203 of the Code of Ordinances of the Town of Weaverville establishes the procedures and requirements for zoning property to conditional districts; and

WHEREAS, the Planning Board of the Town of Weaverville has reviewed the project and submitted a favorable recommendation along with its statement finding the reasonableness of the project and consistency with the Comprehensive Land Use Plan in that it supports the existing land uses and the growth contemplated by the Comprehensive Land Use Plan; and

WHEREAS, since the project has already achieved development approval with vested rights being both claimed and acknowledged, there is no substantial benefit of having a community meeting as required by Town Code Sec. 20-3203(e)(2), especially when a publicly noticed hearing was held by Buncombe County on 8 February 2023; and

WHEREAS, after proper notice required by law, the Weaverville Town Council held a public hearing on this conditional district zoning on November 14, 2023, in accordance with North Carolina law, at which time public input on this proposed district was taken;

WHEREAS, Town Council adopts the Planning Board's findings that the conditional district is consistent with the Town's Comprehensive Land Use and reasonable and hereby approves such project with the conditions set forth below;

WHEREAS, as indicated by signatures below, the property owners and/or developers have consented to all conditions set forth herein, which are hereby bound to be reasonable and relevant, with such consent being shown on the Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE THAT:

1. The zoning classification of the Property described hereinabove is designated as a conditional district known as CD-8 and is subject to compliance with the conditions set out herein. The official zoning map of the Town of Weaverville shall be amended to reflect this change upon the effective date of this ordinance.

2. The vested rights for the Property to be developed in accordance with the Special Use Permit issued by Buncombe County on 10 February 2023, with minor modifications approved by Buncombe County on 22 September 2023, is hereby acknowledged and all of the terms and conditions of that Special Use Permit are found to be necessary to ensure that the proposed use will conform to the requirements and spirit of the Buncombe County Zoning Ordinance and to the Town of Weaverville zoning regulations, not inconsistent therewith. Those conditions are set out as follows, including those conditions specifically set out in paragraph 6 of the Special Use Permit issued on 10 February 2023:

- a. Gill Branch Road is to be gated and is exit-only for resident use. Only Fire, Rescue, and Law Enforcement may use Gill Branch Road as an entrance onto the property. The owner/developer shall obtain Town Fire Marshal approval for the final design of the restricted access point.
- b. All interior access roads leading to, and all parking lots serving the multi-story apartment buildings shall have a minimum road width and drive aisle of 24 feet, or as otherwise specified by the Town Fire Marshal.
- c. The owner/development must submit a major subdivision application prior to submittal of permits for construction.
- d. A maintenance easement shall be required around any retaining walls which cross over property lines within the development.
- e. A NCDOT driveway permit is required for connection to Gill Branch Road (SR 1724).
- f. The project must be constructed as depicted on and in substantial compliance with the approved master site plan and all specifications and data thereon, copies of which are maintained by the Town of Weaverville Planning Department, and include the following:
 - i. Plan Sheet C-1.0, Zoning Compliance Plan, dated 13 July 2023;
 - ii. Plan Sheet C-1.1, Master Plan (North), dated 13 July 2023;
 - iii. Plan Sheet C-1.2, Master Plan (South), dated 13 July 2023;
 - iv. [list of other plan sheets that were included in approval]
- g. Prior to commencement of land disturbance and construction activity the owner/developer shall submit a Site Plan Development permit for the entire project which must indicate the following:
 - i. Exact location of all buildings and accessory structures;
 - ii. Commercial lighting plan (demonstrating it meets the standards of the Buncombe County Zoning Ordinance [particularly Sec. 78-658 of the Buncombe County Zoning Ordinance] or the Town of Weaverville lighting regulations [Article VI of Town Code Chapter 20], whichever

are less stringent);

- iii. Buffering, landscaping, and parking lot landscaping (if required);
 - iv. Retaining walls (demonstrating that they meet the standards of the Buncombe County Retaining Wall Ordinance);
 - v. Easements and rights-of-way on the property;
 - vi. Approved E-911 road names (names to be approved by the Buncombe County Addressing Coordinator before submittal);
 - vii. Documentation addressing any other conditions of site development approval as ordered by the Buncombe County Board of Adjustment;
 - viii. Copies of approved permits from the US Army Corps of Engineers, the NC Department of Transportation, and the NC Department of Environmental Quality, where applicable; and
 - ix. The approval of the master site plan does not replace the requirement of pulling individual site plan permits for each building or structures within the development.
3. All streets within the project shall be private unless the Town approves an application for public streets. In order to be eligible for inclusion in the Town's public street system, streets must be constructed to the public street standards as set out in Town Code Section 24-84 and procedures for approval as set out in Town Code Chapter 24 must be observed, including but not limited to Town Code Section 24-87, which requires an application for a public street commitment, and Town Code Sections 24-89 through 24-93. Even though development approval has already been given for the project through the issuance of a Special Use Permit, the provisions of Town Code Section 24-86 shall apply to the greatest extent possible.
4. The parking requirements and improvements shall be determined by the developer, but shall be adequate to accommodate the residential use of the property, with the understanding that parking on or along any Town- or NCDOT-maintained street or roadway is expressly prohibited.
5. Construction related vehicles must be parked on the property and not on any Town-maintained public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on Town maintained public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Town Code Section 22-48.
6. All outdoor lighting on the property shall comply with the outdoor lighting provisions of Article VI of Town Code Chapter 20, unless inconsistent with the Special Use Permit. A plan shall be submitted and approved as required by Town Code Sec. 20-3603.

7. Unless inconsistent with the Special Use Permit, one freestanding sign per entrance is allowed pursuant to Town Code Section 20-4106(c), as long as said sign is no larger than 50 square feet of surface area per side of sign, up to a maximum of 100 square feet of aggregate surface area. Unless inconsistent with the Special Use Permit, directional signs consistent with Town Code Section 20-4107(g) are allowed, and include directional signs which are not over six feet in sign height and which do not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides per sign. Notwithstanding anything herein to the contrary, signage required by federal or state laws or regulations is allowed.
8. 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.
9. Notwithstanding the limitation of the use of Gill Branch Road contained in paragraph 2.a. above, the use of the Gill Branch Road access point is hereby allowed for sanitation services and utility installation and maintenance.
10. 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:
 - a. Amenities shown on approved plans, including but not limited to play areas with commercial grade playground equipment, swimming pools, clubhouses, mail rooms, bicycle storage, covered picnic areas with tables and grilling areas, and dog park.
 - b. A publicly accessible bicycle and pedestrian pathway which traverses the Property and provides connectivity from the Northridge Commons Shopping Center, the Gill Branch Valley area, and the Northridge Farms development to Reems Creek and the Reems Creek Greenway that the Town plans to construct along Reems Creek and connect to Lake Louise Park, with the exact location and specifications of the pathway to be determined at a later time.
11. The project consists of the following sections of development: (1) an apartment complex, (2) townhouse buildings, (3) duplexes that are known as "casitas", and (4) a single family lot subdivision. The preliminary site plan for each section of the project is subject to review by the Town in accordance with the applicable development review process for each section, but shall be approved if found to be compliant with the terms and conditions of this Conditional District Ordinance which incorporates the terms and conditions of the Special Use Permit, as amended, and as it may from time to time be amended by Town Council. Final plat review by the Town's technical review committee is required prior to the issuance of any Town zoning permits.

12. For each section of development, a zoning permit required by Town Code Sec. 20-3110 shall be applied for within five years 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 N.C. Gen. Stat. 160D-108.
13. Town Code Section 20-3203 shall govern the project including, but not limited, those provisions regarding issuance of zoning permits, modifications (in accordance with Town Code Section 20-1303), appeals, and final plat approval.
14. A duplicate copy of this Conditional Zoning Ordinance shall be recorded in the Buncombe County Register of Deeds, and shall be binding on the property owners, their heirs, successors, and assigns.
15. At least one building permit in each section of development within the project must be obtained no later than 5 years from the date of this ordinance. Failure to obtain such building permits within the 5-year time frame shall render the conditional district null and void and the property shall automatically convert to an R-3 zoning designation. Upon request of the owner/developer, Town Council may, in its sole discretion, grant such extension as Town Council deems appropriate under the circumstances.
16. This ordinance, including the conditions contained herein, shall be enforced as provided in Article III of Part 1 of Chapter 20 of the Weaverville Town Code, and Chapter 160D of the N.C. General Statutes.
17. The Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on the official zoning map with said Conditional District labeled as "CD-8" and to issue zoning permits for the improvements that are to be made in compliance with this Conditional District.
18. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, it will be up to Town Council to determine if the validity of the remaining portions of this ordinance is affected.
19. That all ordinances and clauses of ordinances contained within the Town's Code of Ordinance which are in conflict herewith, are hereby repealed to the extent of such conflict.
20. Except for the provisions contained in paragraph 9 and 10(b) which were not originally included in the Special Use Permit but have been agreed upon and approved, in the event that this Conditional District Ordinance conflicts with the Special Use Permit referenced herein, the terms of the Special Use Permit control, as it is the express intent of the parties to codify the vested rights from the Special Use Permit in this Conditional District Ordinance.
21. That this ordinance is effective immediately upon adoption.

ADOPTED THIS the ____ day of _____, 2023, with a vote of ____ for and ____ against.

PATRICK FITZSIMMONS, Mayor

TAMARA MERCER, Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____, a Notary Public of Buncombe County, North Carolina, certify that **TAMARA MERCER** personally came before me this day and acknowledged that she is the Town Clerk of the Town of Weaverville, a municipal corporation, and that by authority duly given, the foregoing instrument was signed in its name by the Mayor of the Town of Weaverville, and attested by herself as the Town Clerk..

Witness my hand and official seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires:

[Notary Seal]

EXHIBIT A

CONDITIONAL DISTRICT CD-8 – NORTHRIDGE FARMS OWNER/DEVELOPER CONSENT TO CONDITIONS:

By signing below I acknowledge that I am the respective owner and/or developer of the property, and that I have read, agreed, and accepted the conditions set forth in this Ordinance.

OWNERS:

DANNY C. BUCKNER

JOHN E. KILBY

KATHY B. KILBY

JOHN WESLEY KILBY

SHAWN KILBY

MATTHEW BRYAN KILBY

SHARA KILBY

OWNER/DEVELOPERS:

DFK DEVELOPMENT, LLC

TRAVIS A. FOWLER, Managing Member

FIRST VICTORY, INC.

TRAVIS A. FOWLER, President

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

PUBLIC HEARING

Date of Meeting: Monday, November 14, 2023

Subject: Annual Update of the Comprehensive Land Use Plan

Presenter: Planning Director James Eller

Attachments: Recommendation; Action Plan Table with Priorities; Future Land Use Map with Growth Areas; Amended and Restated Resolution Regarding Development in Identified Growth Areas

Description:

Town Council is set to consider an annual update of the CLUP. Amendments to the CLUP must now follow the same procedure as a zoning map or text amendment, therefore a public hearing must be held on the matter. On October 23, 2023 Town Council set the public hearing for tonight's meeting.

The update of the CLUP includes an action plan table with priorities, updated Future Land Use Map, the inclusion of the amended and restated resolution concerning development within identified growth areas and adopted Pedestrian and Bicycle Plan, automatic inclusion of updated demographic data, and any strategic plan adopted by Town Council.

On October 3, 2023 the Planning Board reviewed the update to the CLUP and offered a favorable recommendation. Tonight's public hearing on the update of the CLUP has been advertised in accordance with North Carolina law.

The Future Land Use Map referenced in the recommendation is attached and may also be found by selecting view zoning map at the following link:

<https://weavervillenc.org/town-council-government/planning-and-zoning/>

The Pedestrian and Bicycle Plan referenced in the proposed recommendation may be found at the following link:

<https://weavervillenc.org/downloads/active-weaverville-plan-bike-ped-plan/>

Council Action Requested:

Town Council is asked to hear from the public on the annual update of the CLUP.

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, November 14, 2023, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, on proposed **updates to the Town's Comprehensive Land Use Plan**. The proposed updates include a revised action plan table with updated priorities, an updated future land use map, inclusion of the Active Weaverville Bike/Pedestrian Plan, inclusion of the Amended and Restated Resolution Regarding Development within Identified Growth Areas, automatic inclusion of current and future demographic data, and automatic inclusion of any Town Council adopted strategic plan.

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 Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercerc@weavervillenc.org.



**Town of Weaverville
Planning Board**

**Recommendation and Plan Consistency Statement for
Updates to the Comprehensive Land Use Plan**

On October 3, 2023, the Planning Board reviewed and, in a unanimous vote, recommends that the Comprehensive Land Use Plan be amended to include (1) the attached updated Table of Stated Goals, Responsibilities, and Priorities, (2) the attached updated Future Land Use Map, (3) the resolution adopted by Town Council on December 13, 2022, concerning growth areas, and (4) the Active Weaverville Bike-Ped Plan that was adopted by Town Council on June 26, 2023, and any priorities that are established under that plan. It is recommended that the 2018-2021 Strategic Plan be removed as it has expired and that any Strategic Plan that is adopted by Town Council be automatically included in the Plan. It is also recommended that the Comprehensive Land Use Plan be amended to provide for the automatic inclusion of updated demographic data.

The Planning Board found that the annual review of progress towards accomplishment of Plan goals and the establishment of new ones is consistent with the Comprehensive Land Use Plan and reasonable in that it allows the Plan to be adapted to the changes within the Town and surrounding areas and related shifts in priorities. Demographic data is important information that is used by the Planning Board in some of its analysis.



Bob Pace, Chairman of the Planning Board

October 4, 2023

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)
Recommended –October 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
2	PRIORITIZATION							RESPONSIBILITY		
3		WATER								
4	1	1	1	1	1	Update Plan and regulations to slow land use development if water treatment plant expansion is postponed or terminated and water usage and commitments reach 70% of available water supply	WTP Expansion project underway; commitments and usage reported quarterly	✓	✓	✓
5	1	1	1	1	1	Continue monitoring water production, allocations, usage, and availability	In progress by staff with quarterly reports	✓		
6	1	1	1	1	1	Continue reserving water allocation for infill development within the town	In progress by staff with quarterly reports	✓		
7	2	2	1.5	2	2	Development of Water System GIS Layer	Anticipated FY2024 or FY2025	✓		
8		STREETS AND SIDEWALKS								
9	1	1	1	1	1	Continue the Street Improvement Program	Program funded FY2024	✓		✓
10	1	-	1	1	1	Establish/support committee on Bike-Ped Plan	Bike-Ped Plan adopted 6/26/23	✓		✓
11	1	-	1	1	1	Develop priorities/timeline for Bike-Ped Plan	Bike-Ped Plan adopted 6/26/23	✓		✓
12	2	1	2	2	2	Establish/continue funding a Sidewalk Improvement Program for Bike-Ped priorities	Bike-Ped Plan adopted 6/26/23			✓
13	2	3	2.5	2	3	Review annual progress towards implementation of the Bike-Ped Plan	Bike-Ped Plan adopted 6/26/23	✓	✓	✓
14	3	2	2.5	3	2	Study possible adoption of driveway construction standards – steep slope, reduction of curb cuts, common driveways		✓	✓	✓
15		HOUSING								
16	2	2	2	2	2	Consider broadening allowable housing types (duplexes, quadplexes) in residential. districts by allowing multifamily or establishing new districts		✓	✓	✓
17	3	2	3	3	2	Consider ways to increase housing affordability	TC considered in 2020	✓		✓

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Recommended –October 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
18	3	2	3	3	3	Consider expansion of the MH Overlay District		✓	✓	✓
19	0	1	0	0	0	Define and consider ways to achieve balanced residential development	TC consensus on 5/14/22; TC can do this anytime			✓
20		GENERAL POLICY MATTERS								
21	1	1	1		1	Review & update economic development goals	WEDAC/TC working on this			✓
22	1	1	1		1	Continue to annex properties along the Town's borders in order to impose the Town's land use regulations	TC consensus on 5/14/22 and resolution dtd 12/13/22			✓
23	1	1	1	1	1	Continue to work with Buncombe County on planning issues, esp. in areas near Town limits	TC consensus on 5/14/22	✓		✓
24	1	1	1		1	Engage in conversations with NCDOT about long-term planning for growth	TC consensus on 5/14/22	✓		✓
25	1	1	1		1	Engage in conversations with MSD about long-term planning for growth	TC consensus on 5/14/22	✓		✓
26	1	1	1	1	1	Comprehensive review of Future Land Use Map	TC workshop 5/14/22; in progress need GIS assistance	✓	✓	✓
27	1	1	1		1	Make decisions on annexation based on the ability to provide quality municipal services to proposed land uses to same extent and under current policy	TC consensus on 5/14/22 and resolution dtd 12/13/22			✓
28	2	-	2	2	2	Increase recreational opportunities, especially on Town properties	Eller Cove Watershed; Reems Creek Greenway	✓		✓
29	0	2	??		3	Investigate possibility of establishing a "Park and Ride" in Weaverville to provide a shared ride option to Asheville	Existing lot located on I-26 near Town limits; available as not at usage capacity	✓		✓
30	3	2	3		2	Investigate possibility of reestablishing direct bus route between Weaverville and Asheville		✓		✓
31	3	1	3	3	2	Review of overlapping land use authority	Take up when County initiates	✓		✓
32	3	1	2.5	3	2	Negotiate interlocal agreement(s) with County (Building Permits and Inspections)	Take up when County initiates	✓		✓
33	3	3	3	3	3	Evaluate need to strengthen regulations with regard to hazard mitigation	Buncombe-Madison Hazard Mitigation Plan dated 6/21	✓	✓	✓

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

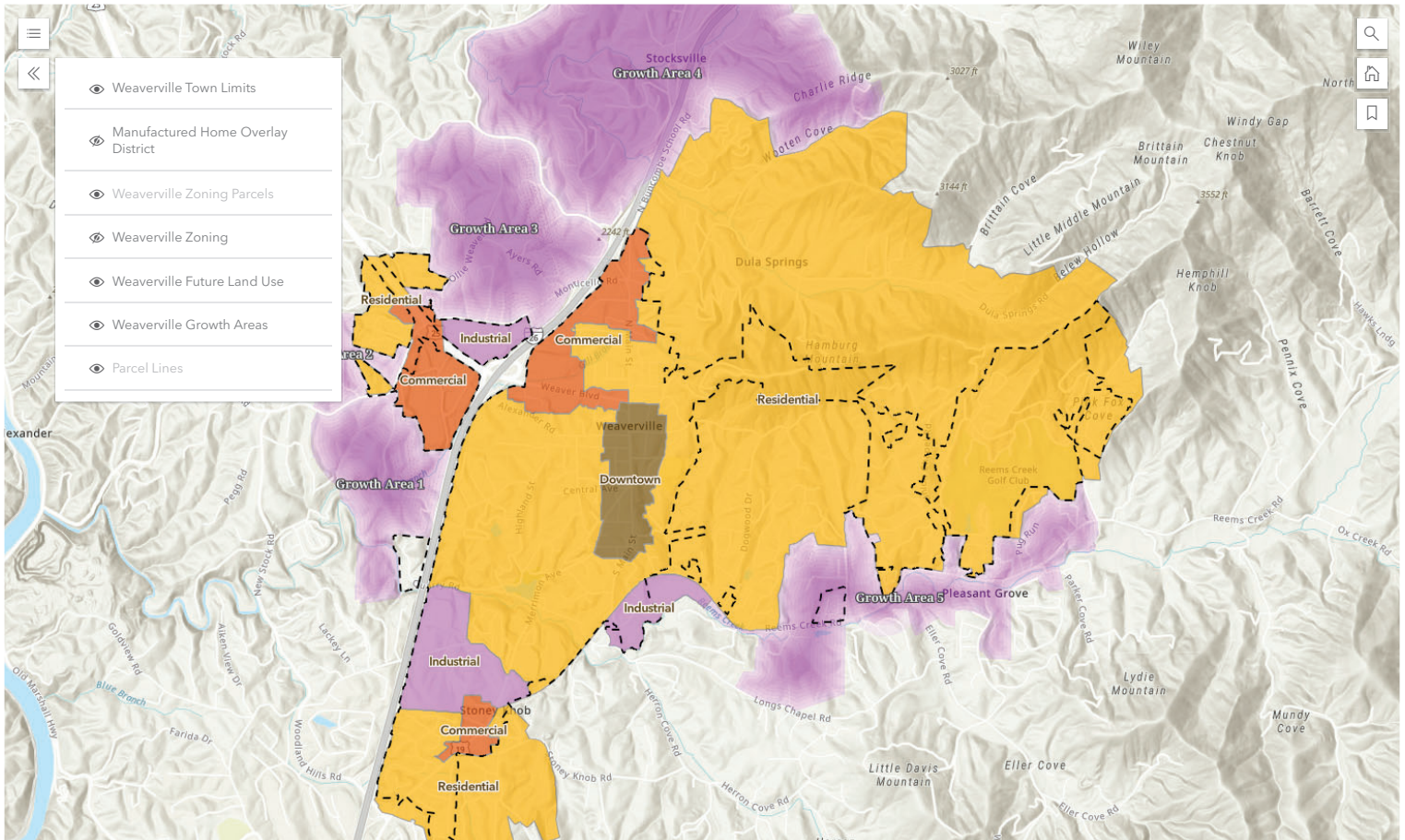
(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Recommended –October 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
34	0	3	3		0	Consider reestablishing the Town's extraterritorial jurisdiction		✓		✓
35		LAND DEVELOPMENT REGULATIONS								
36	1	2	2	1	1	Review sign regulations for legal compliance and policy objectives	Legal compliance requires amendments	✓	✓	✓
37	1	2	1.5	1	1	Review hillside/steep slope regulations for legal compliance and policy objectives		✓	✓	✓
38	1	-	1	1	1	Study & consider downtown residential district with smaller lot size/width		✓	✓	✓
39	1	-	1	1	1	Study & consider regulation of short-term rentals		✓	✓	✓
40	1	1	1	1	1	Consider regulations that encourage open space or greenway dedication, conservation measures	Planning Board discussion 5/23, 7/23	✓	✓	✓
41	2	-				Consider regulations concerning tree conservation/tree canopy preservation	First priority 2 item to be addressed after priority 1s!	✓	✓	✓
42	2	-	1.5	2	1	Study & consider regulations on min/max parking and loading areas		✓	✓	✓
43	2	1	2	2	2	Consider Town-initiated rezonings to better align established uses with underlying zoning districts or to address long dormant properties	Focusing on long dormant properties	✓	✓	✓
44	2	2	2	2	2	Undertake a comprehensive review of zoning regulations		✓	✓	✓
45	2	2	2	2	2	Determine need or desire for Town grading regulations for projects between 1 acre and ½ acre		✓	✓	✓
46	3	3	3	2	2	Revise wireless telecommunication facility regulations for legal compliance and policy objectives		✓	✓	✓
47	3	3	3	3	3	Continue to analyze ways to provide standard regulations in order to reserve use of conditional zoning for unique development	Areas improved: Mixed Use Development Apartments	✓	✓	✓
48	3	3	3	3	3	Study mountain ridge protection regulations for possible implementation		✓	✓	✓



FUTURE LAND USE MAP WITH GROWTH AREAS



Esri, NASA, NGA, USGS, FEMA | Buncombe County, NC, State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Powered by Esri

**TOWN OF WEAVERVILLE
AMENDED AND RESTATED RESOLUTION REGARDING
DEVELOPMENT WITHIN IDENTIFIED GROWTH AREAS**

WHEREAS, on December 13, 2022, Town Council adopted a resolution concerning identified growth areas, and, in a review of said resolution it was noted that the compatible uses within the growth areas did not include R-2, and that was an oversight;

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic stability in the Town of Weaverville; and

WHEREAS, managing growth by extending municipal services makes sense and annexation of properties ensures that new development is built to Town of Weaverville standards;

WHEREAS, influencing where and what commercial development occurs within the Weaverville area and providing balanced residential development is desirable to the Town of Weaverville;

WHEREAS, the Town of Weaverville would like to see growth that is well-designed and that complements the development that is already within the Town;

WHEREAS, the Town of Weaverville has identified certain properties along its municipal borders as having a high likelihood of development due to the presence of public water and sewer and has identified them as growth areas as described below;

WHEREAS, the Town wishes to indicate its willingness to consider the voluntary annexation of the properties included within these growth areas and to inform the public of the types of development that the Town believes is consistent with its Comprehensive Land Use Plan and reasonable when considering the surrounding area;

WHEREAS, Town Council now wishes to amend and restated such resolution;

NOW, THEREFORE, BE IT RESOLVED, the Weaverville Town Council hereby declares and resolves as follows:

1. The Town has identified the following growth areas which are now shown on the Town's GIS map, a copy of which is attached hereto:
 - a. Growth Area 1 – Gill Branch Valley Area
 - b. Growth Area 2 – Monticello Road West Area
 - c. Growth Area 3 – Ollie Weaver Road Area
 - d. Growth Area 4 – I-26 Corridor
 - e. Growth Area 5 – Reems Creek Road Area
2. The Town is likely to favorably consider voluntary annexation petitions received for the properties shown within these growth areas. It is noted, however, that some development, especially in Growth Area 3, may best proceed without annexation as the provision of municipal services may be difficult in certain locations and some areas may be ineligible for annexation

by the Town of Weaverville due to legal requirements regarding satellite annexation.

3. The following is valued, and as proposed development is considered on these properties, the Town would like to see an emphasis on:
 - a. Great streets and gathering places, where the pedestrian is prioritized;
 - b. Connections between adjoining developments and to gathering places;
 - c. Walkability through the installation of sidewalks, greenways, and other multi-modal trails, especially those that will connect to the existing or planned pedestrian network within Weaverville;
 - d. Preservation of natural spaces for public use;
 - e. Establishment of open spaces that provides recreational opportunities in the form of greenways, playing fields and/or playgrounds;
 - f. Protection of streams and creeks;
 - g. Preservation of mature trees and planting of street trees;
 - h. Landscape buffering and screening to protect views;
 - i. Reduction of stormwater runoff which threatens our water quality;
 - j. Energy conservation measures, such as EV charging stations and solar;
 - k. Inclusion of commercial uses that support compatible development.
4. Consistent with Town Council's prior discussions and consensus, the following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 1 [Gill Branch Valley Area]**:
 - a. mixed use development;
 - b. single family residential development;
 - c. duplexes;
 - d. townhouses;
 - e. multifamily development;
 - f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-2, R-3, R-12, C-2, and conditional district zoning.

5. Consistent with Town Council's prior discussions and consensus, the following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and Future Land Use Map, and may be desirable within **Growth Area 2 [Monticello Road West Area]**:
 - a. mixed use development;
 - b. single family residential development;
 - c. duplexes;
 - d. townhouses;

- e. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are consistent with the following zoning districts: R-1, R-2, R-3, C-2, and conditional district zoning.

- 6. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 3 [Ollie Weaver Road Area]:**

- a. single family residential development;
- b. duplexes;
- c. commercial development (especially those supporting residential neighborhoods).

These uses are consistent with the following zoning districts: R-1, R-2, R-3, C-2, and conditional district zoning.

- 7. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 4 [I-26 Corridor]:**

- a. commercial development (especially medical services such as healthcare facilities and medical offices, small general retail, restaurants, hotels).

These uses are most consistent with the following zoning districts: C-2, and conditional district zoning.

- 8. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 5 [Reems Creek Road Area]:**

- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. multifamily development;
- f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-2, R-3, R-12, C-2, and conditional district zoning.

- 9. The Town is willing to support compatible development within these growth areas by considering approval of public water requests for such development if current or anticipated capacity is available and such approval is in the best interest of the Town and/or its water system.

10. Town Council's recommended procedure for approvals is for property owners to present voluntary annexation petitions either prior to or simultaneously with a water request and zoning request. Some deviations from this recommendation are anticipated in situations where a property is ineligible for municipal annexation or where provision of municipal services will prove difficult.
11. Nothing herein is binding on the Town of Weaverville and the review and approval of all annexation petitions, land use applications, and water extension or commitment requests will be made in Town Council's discretion following procedures as required by North Carolina law and local ordinance.

ADOPTED this the 23rd day of October, 2023.


TAMARA MERCER, Town Clerk


PATRICK FITZSIMMONS, Mayor

