

**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, February 6, 2024, 6:00pm
Agenda**

	Pg#	
1. Call to Order		Chairman Pace
2. Adoption of Agenda		Chairman Pace
3. Approval of Minutes – 1/2/2024 Regular Meeting	2	Chairman Pace
4. 9 Pleasant Grove Road R-3 Zoning Request	4	Planning Director Eller
5. 6 Pleasant Grove Road R-3 Zoning Request	21	Planning Director Eller
6. Environmental Protection Regulations	32	Planning Director Eller
7. Adjournment		Chairman Pace

**Town of Weaverville
Planning Board
Tuesday, January 2, 2024
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, January 2, 2023.

Present: Chair Bob Pace, Vice Chair Jane Kelley and Board Members Mark Endries, Donna Mann Belt, and alternate member Michelle Rippon attended as a voting member.

Absent: Stefanie Pupkiewicz Busch and Ryan Gagliardi

Staff: Planning Director James Eller and Town Clerk Tamara Mercer were present.

1. Call to order Chairman Pace called the meeting to order at 6:00 p.m.

2. Adoption of Agenda

Upon consensus and without objection, Mr. Pace declared the agenda approved and recognized Ms. Rippon as a voting member.

3. Adoption of Revised meeting schedule

Town Clerk Mercer presented the revised meeting schedule noting Staff recommended the June 6, 2024 as an alternate date to the June 4, 2024 meeting date.

Chairman Pace moved to adopt the revised Planning Board meeting schedule as presented. Carried unanimously. 5-0.

4. Approval of the Regular Meeting Minutes December 5, 2023

Upon consensus and without objection, Chairman Pace declared the meeting minutes of December 5, 2023 approved. Carried unanimously. 5-0.

5. Windsor Built Reems Creek Village Major Subdivision review

Planning Director Eller reviewed the major subdivision proposal located at Reems Creek Village for a 35-lot single-family dwelling subdivision. Planner Eller noted that the staff report includes the Technical Review Committee (TRC) findings from its review of the preliminary plat, site plan for stormwater, water and sewer, utilities, sidewalks, and private roadway, and noted that the preliminary plat was found to be compliant by the TRC.

Engineer William Buie provided further information from the applicant, Windsor Built Homes and explained that the developer intends to gate the community and the roads are to remain private. The Fire Marshal reviewed and approved the gate and fire hydrants for compliance. The water

commitment application is valid and active. Mr. Buie noted that there is a property easement to the west of the subject site.

There was a question-and-answer period regarding the cul-de-sac, sidewalks and roadway, stormwater regulations and the open space, vegetative buffers and the adjacent tree line, slopes and grading, NC State laws, and Ambler Chase subdivision.

Mr. Buie said the HOA is responsible for maintaining the roadways. A single sidewalk is planned as it is a low volume roadway therefore less impervious surface for the erosion control design, and there are open bio-diverse ponds which may remain open but may be fenced.

Mr. Scott Street, President of Windsor Built Homes clarified the adjacent easement and utility lines. He said they will relocate the sewer line working with MSD. Mr. Street reiterated the product price points, landscaping, and site plan layout in the development.

In response to Chairman Pace's question, Planner Eller reviewed the timeline for conservation subdivision regulations which will only go before Town Council at the January 22nd meeting, therefore this subdivision is not affected based on the application date. This development does not have to comply with the proposed new regulations, explained Mr. Eller.

Chairman Pace requested a motion regarding the major subdivision request.

Vice Chair Kelley made a motion to approve the Reems Creek Village major subdivision with a finding that it is compliant with Sec. 20-2206 Planning and Development Regulations for a major subdivision. Carried unanimously. 5-0

6. Other Business

Chairman Pace reviewed the calendar schedule for the short-term rental session on January 9th for neighborhoods who live nearby short-term rentals and on January 17th for property owners who own or manage short-term rentals both at 6:00 p.m.

There being no further business and without objection Chairman Pace requested adjournment.

Mr. Endries moved to adjourn the meeting at 6:30 p.m. Carried unanimously. 5-0

ATTEST:

Tamara Mercer, Town Clerk

**TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM**

MEETING DATE: Tuesday, February 6, 2024

SUBJECT: Initial Zoning – 9 Pleasant Grove Road – +/-10.67 Acres

PRESENTER: Planning Director

ATTACHMENTS: Property Tax Map Showing Property to be Annexed,
Resolution Concerning the Voluntary Annexation Petition
of 9 Pleasant Grove Road; Staff Report; Resolution
Concerning Growth Areas; Vested Rights Site Plan

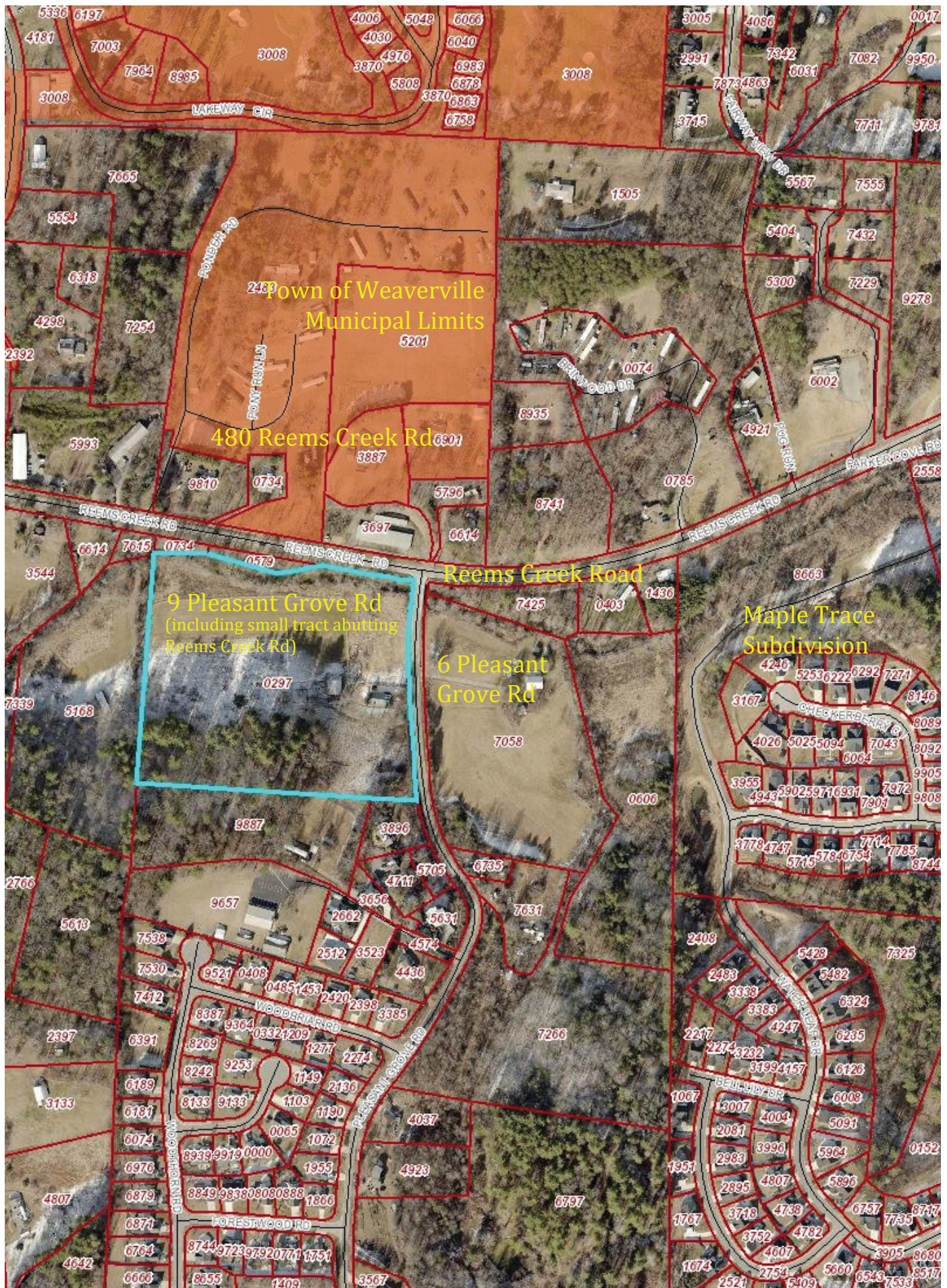
DESCRIPTION/SUMMARY OF REQUEST:

Pleasant Grove of WNC, LLC, has signed a voluntary annexation petition seeking to have +/- 10.67 acres located at and near 9 Pleasant Grove Road annexed into the Town of Weaverville. The purpose of the annexation appears to be to obtain Town services, including water, to support the development of 40 townhouse units that are planned for the property. The Town has already approved the water commitment, but it is conditioned upon annexation.

The petitioners are claiming vested rights to proceed with the County approved development plans for the 40 townhouse units and 3 single family residences to be constructed directly off of Pleasant Grove Road, but are requesting an underlying zoning designation of R-3.

BOARD ACTION REQUESTED:

A motion establishing the Board's recommendation to Town Council on the proposed zoning of R-3 based upon a finding of compliance with the comprehensive land use plan and reasonableness of the zoning request.



**RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION SUBMITTED BY
PLEASANT GROVE OF WNC, LLC, FOR 9 PLEASANT GROVE ROAD
WEAVERVILLE ANNEXATION NO. 2024-2**

WHEREAS, a petition requesting annexation of that property located at 9 Pleasant Grove Road and bearing Buncombe County Parcel Identification Number 9752-24-0297 and 9752-24-0579 was received from Pleasant Grove of WNC, LLC, by the Town of Weaverville; and

WHEREAS, N.C. Gen. Stat. §§ 160A-31 and 160A-58.2 provide that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the annexation petition includes a request for an R-3 zoning classification for the property to be annexed, even though vested rights are claimed; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of her investigation; and
2. The Town Planner is directed to place the application for initial zoning of R-3 on the next regular meeting of the Weaverville Planning Board's so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 22nd day of January, 2024.

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

TAMARA MERCER, Town Clerk

Preliminary Staff Report:

9 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas; Buncombe County Development Approval

Zoning Analysis

Town Council is set to consider a voluntary annexation of parcels at the intersection of Reems Creek Road and Pleasant Grove Road. The parcel at 9 Pleasant Grove Road consists of 10.67 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-3 is desired.

The petitioners are claiming vested rights to continue with a development approval achieved through Buncombe County for the development of a 40 unit town house project. The town's R-3 zoning district would also support the development approved by the county.

Comprehensive Land Use Plan Compliance

When considering compliance with the Town's Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. This future land use map is adopted as a part of the CLUP to provide primary guidance for the categories of uses expected within the geographic areas of the Town and along Town borders. Here it is found that the properties in question fall in a transition area between the land use categories of mixed use and residential. These transition areas are addressed within the CLUP as follows.

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

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

"Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief

Preliminary Staff Report:

9 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas; Buncombe County Development Approval

that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”

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

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

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

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

Resolution Regarding Growth Areas Compliance

The property at 9 Pleasant Grove Road lies within growth area 5 as identified in the amended and restated resolution regarding growth areas adopted in October, 2023. Within this resolution certain land uses were identified as desirable within the Reems Creek area and single family residential development, duplexes and townhouses were specifically enumerated.

Other Considerations

The 2020 Census provided the Town with a household size of 2.7 persons per household. This figure applied to the 40 units suggests that this project will grow the population of the Town by approximately 108 people should Town Council annex the property and grant the desired R-3 Zoning District.

Preliminary Staff Report:

9 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas; Buncombe County Development Approval

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



**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.

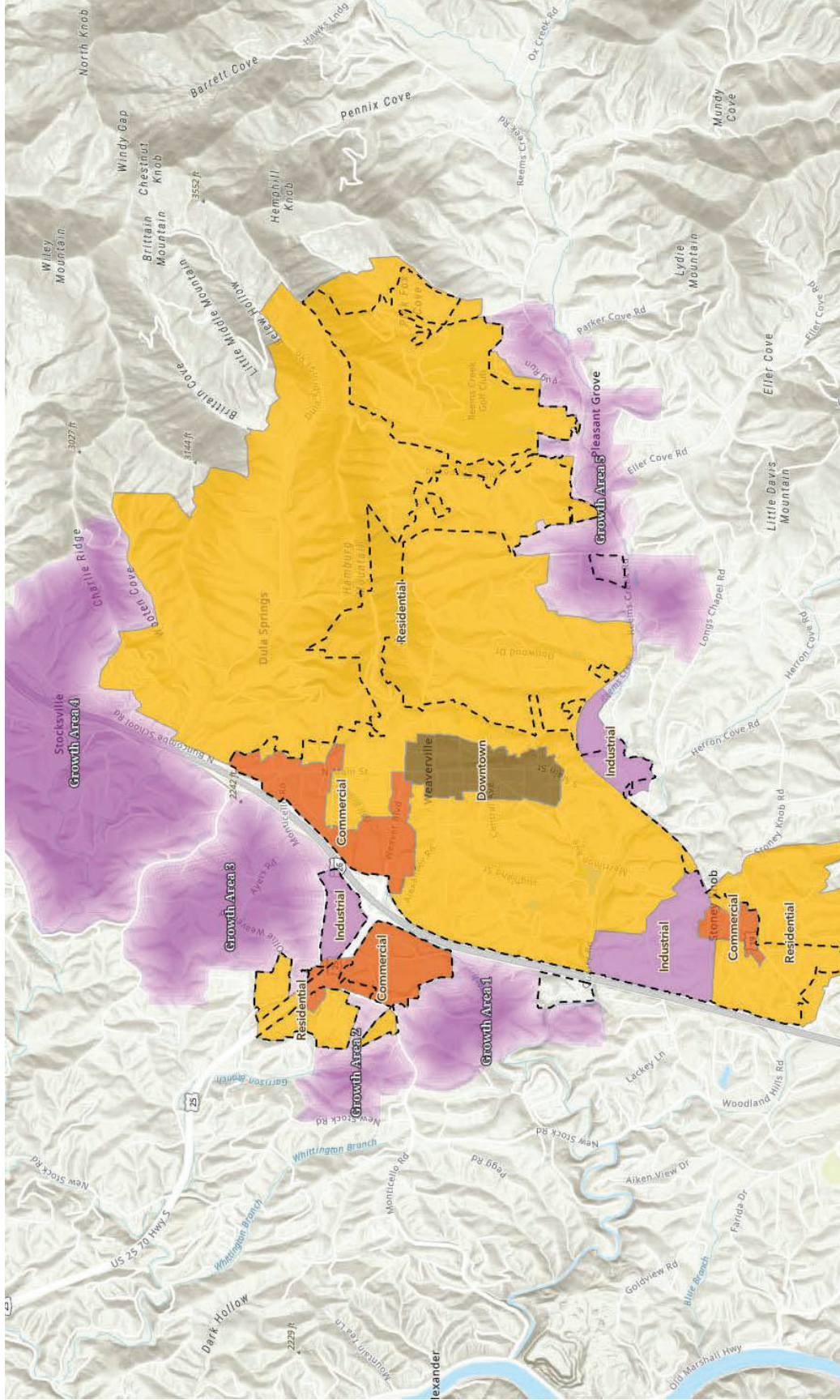
10. Town Council's recommended procedure for approvals is for property owners to present voluntary annexation petitions either prior to or simultaneously with a water request and zoning request. Some deviations from this recommendation are anticipated in situations where a property is ineligible for 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





FUTURE LAND USE MAP WITH GROWTH AREAS

9 PLEASANT GROVE

BUNCOMBE COUNTY, NORTH CAROLINA

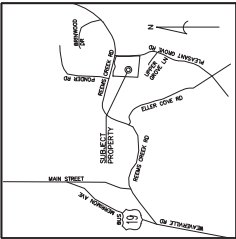
PREPARED FOR:

PLEASANT GROVE OF WNC, LLC
1335 CANE CREEK ROAD
FLETCHER, NC 28732
DAVID LUCK
(847) 323-7638

INDEX OF SHEETS

Sheet No.	Title
C000	COVER
C001	EXISTING CONDITIONS & DEMOLITION PLAN
C002	SITE PLAN
C003	PRELIMINARY PLAT PLAN
C004	GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN
C005	UTILITY PLAN
C006	ELEVATIONS

DEVELOPMENT DATA
OWNER/DEVELOPER:
PLEASANT GROVE OF WNC, LLC
1335 CANE CREEK ROAD
FLETCHER, NC 28732
CONTACT:
DAVID LUCK
(847) 323-7638
CIVIL ENGINEER:
1500 PATTON AVENUE, SUITE 5
WAYNESVILLE, NC 28786
CONTACT:
DAVID LUCK
(847) 323-7638



VICINITY MAP
(NOT TO SCALE)



Know what's below.
Call before you dig.

SHEET
C000

PROJECT NO.
12008

DATE
JAN 2024

PROJECT NAME
9 PLEASANT GROVE

PROJECT LOCATION
BUNCOMBE COUNTY, NORTH CAROLINA

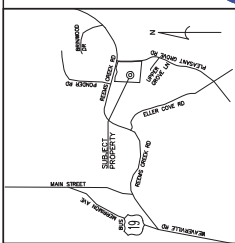
9 PLEASANT GROVE



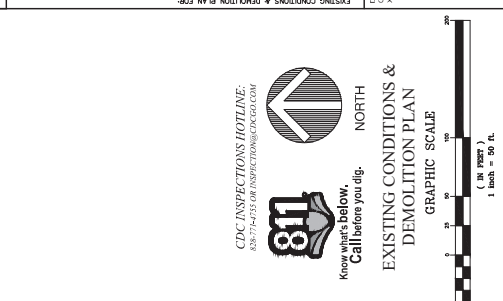
NO.	DATE	DESCRIPTION	BY
1	07/07/2023	BUNCOMBE COUNTY BOA SUBMITTAL	WAO
2	07/12/2023	NCDOT DRAINAGE PERMIT SUBMITTAL	WAO
3	08/17/2023	REVISED PER BOA/NCDOT COMMENTS	WAO
4	09/20/2023	REVISED PER BOA COMMENTS	WAO



150 PATTON AVENUE
WAYNESVILLE, NC 28786
PHONE (847) 323-7638
FAX (847) 323-7638
WWW.CDCGDESIGNCONCEPTS.COM



VICINITY MAP		PART 1 - GENERAL	
<div>DEVELOPMENT DATA</div> <div>OWNER/DEVELOPER: PLANNING DEPT. OF MICH. LLC 1355 CAME CIRCLE AND DANIEL LUCAS ROAD DOWD, MI 49732 (847) 333-7638</div> <div>CITY/ENVIRONMENTAL: THE CITY OF DOWD, MI 100 WATSON AVENUE, P.O. BOX 100 DOWD, MI 49732 (888) 252-5388</div> <div>PROJECT DATA</div> <div>PK: 9752-24-0297, 9752-24-0579 ACID BOSS/PAGE: 9465/209, 6037/480 ZONING CATEGORY: R-2 TRACT ACRES - TRACT 1 R-2 15' 15' 0' 0' 0'</div> <div>TRACT METHODS</div> <div>ESCAL LOT METHODS: 0.2 AC UNIT/ACRE = 80 UNITS SPLIT: 40 PLANNED COMMUNITY AC UNITS SPLIT: 40 PLANNED COMMUNITY AC UNITS REAR: RESIDENTIAL - PLANNED COMMUNITY AC 6.0/1 AC ESCAL LOT METHODS: 2 GARAGE SPACES PER UNIT SPLIT: 2 GARAGE SPACES PER UNIT</div> <div>GENERIC SUMMARY</div> <div>PROPOSED FOR ZONING: 40 PLANNED COMMUNITY AC UNITS PROPOSED: RESIDENTIAL - PLANNED COMMUNITY AC PROPOSED USE: DISTURBED AREA TOTAL PARKING: 2 GARAGE SPACES PER UNIT</div>			
SECTION			

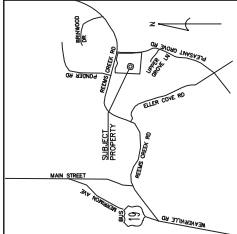


1. ALL SITEWORK MUST BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
2. SUELF-PHASE MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
3. ALL WORK MUST BE PERFORMED WITH UTILITIES VIA EXISTING RIGHT-OF-WAYS AND EXISTING EASEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FOR ALL UTILITIES PRIOR TO CONSTRUCTION, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES PRIOR TO CONSTRUCTION.
4. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES AND NEWLY CONSTRUCTED WORK. CHANGING THE EXISTING LOCATION OF THE CONTRACTOR AND IS TO BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION, UNLESS OTHERWISE SPECIFIED IN THE PROJECT TECHNICAL SPECIFICATIONS.
5. PROPOSED SHOES SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON ANTIPOD TRAFFIC CONTROL (NCHRP REPORT 350, 2003 EDITION). DETERMINED TO BE THE FINANCIAL RESPONSIBILITY OF THE DEVELOPER.
6. TOPOGRAPHICAL INFORMATION SHOWN PROPOSED FROM PHOTOGRAMMETRIC METHOD.
7. THE DEVELOPMENT SHOWN ON THIS PLAN WILL BE SERVED BY ONE TELEPHONE AND CABLE, AND THE DEVELOPMENT SHALL BE SERVED BY ONE WATER AND SEWER MAIN, AND ONE GAS MAIN, AND ALL UTILITIES SHALL BE MAINTAINED BY THE DEVELOPER FOR ELECTRICAL, THERMAL, AND/OR MECHANICAL USE SERVICE.
8. UTILITIES, TRENCHES, AND CONSTRUCTION MATERIALS SHALL BE MAINTAINED PRIOR TO BEGINNING ANY PHASE OF CONSTRUCTION. EXISTING CONTROL DEVICES WILL BE MAINTAINED FOR THE DEVELOPMENT OF THE DEVELOPMENT PRIOR TO THE DEVELOPMENT PARTY.
9. PORTION OF THE LOT LIES WITHIN THE 100-YEAR FLOOD HAZARD AREA.
10. NO RETAINING WALL GREATER THAN 15' TO BE CONSTRUCTED IN APPROXIMATELY 12 MONTHS.
11. NO RETAINING WALL GREATER THAN 15' TO BE CONSTRUCTED FOR PROJECT.
12. PROPOSED UNIT TO BE SOLD BY THE DEVELOPER. MAINTENANCE OF RETENTION, OPEN SPACE, AND COMMON AREAS WILL BE THE FINANCIAL RESPONSIBILITY OF THE DEVELOPER.

100 PATTON AVENUE
ARLENVILLE, NC 28701
PHONE 828-332-0303
FAX 828-332-0303
WWW.CDC-CIVIL.COM



VICINITY MAP
(NOT TO SCALE)



DEVELOPMENT DATA
OWNER/DEVELOPER: PLEASANT GROVE OF INC. LLC
11000 N. 100TH ST. #100
ARLENVILLE, NC 28701
TEL: 828-332-0303
FAX: 828-332-0303
WWW.PLEASANTGROVEOFINC.COM

CONTACT: CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
100 PATTON AVENUE
ARLENVILLE, NC 28701
PHONE 828-332-0303
FAX 828-332-0303
WWW.CDC-CIVIL.COM

PROJECT DATA
PROJECT: PLEASANT GROVE OF INC. LLC
40 PLANNED COMMUNITY ACT UNITS
122 UNITS/ACRE = 80 UNITS
40 PLANNED COMMUNITY ACT UNITS
RESIDENTIAL - PLANNED COMMUNITY ACT
DISTURBED AREA
TOTAL PARKING
2 CURB SIDE PARKING SPACES PER UNIT

PROPOSED:
ALLOWED PLOT ZONING
PROPOSED: RESIDENTIAL - PLANNED COMMUNITY ACT
DISTURBED AREA
TOTAL PARKING
2 CURB SIDE PARKING SPACES PER UNIT

NO. DATE DESCRIPTION BY

1	07/17/2022	BUNCOMBE COUNTY BOA SUBMITTAL	MMO
2	07/22/2022	NCDOT PERMIT SUBMITTAL	MMO
3	09/17/2022	REVISED PER BOA/NCDOT COMMENTS	MMO
4	09/20/2022	REVISED PER BOA COMMENTS	MMO

PREPARED BY: CIVIL DESIGN CONCEPTS, P.A.

NOT FOR CONSTRUCTION

DATE: 09/20/2022

BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

SCALE: 1" = 40'

DATE: 09/20/2022

BY: MMO

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BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

SCALE: 1" = 40'

DATE: 09/20/2022

BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

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DATE: 09/20/2022

BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

- NOTES**
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
 2. SINGLE-PHASE CONSTRUCTION.
 3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
 4. PROPOSED UTILITY FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER, GAS, AND TELEPHONE, SHALL BE LOCATED IN ACCORDANCE WITH THE LATEST EDITION OF THE NCEM STANDARD SPECIFICATIONS FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND FOR THE REPAIR OF ANY UTILITIES DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND FOR THE REPAIR OF ANY UTILITIES DAMAGED DURING CONSTRUCTION.
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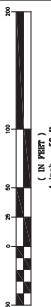
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SITE PLAN FOR

GRAPHIC SCALE



SHEET
C201

9 PLEASANT GROVE

PLEASANT GROVE OF INC. LLC - BUNCOMBE COUNTY, NORTH CAROLINA

DATE: 09/20/2022

BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

SCALE: 1" = 40'

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BY: MMO

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LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

SCALE: 1" = 40'

DATE: 09/20/2022

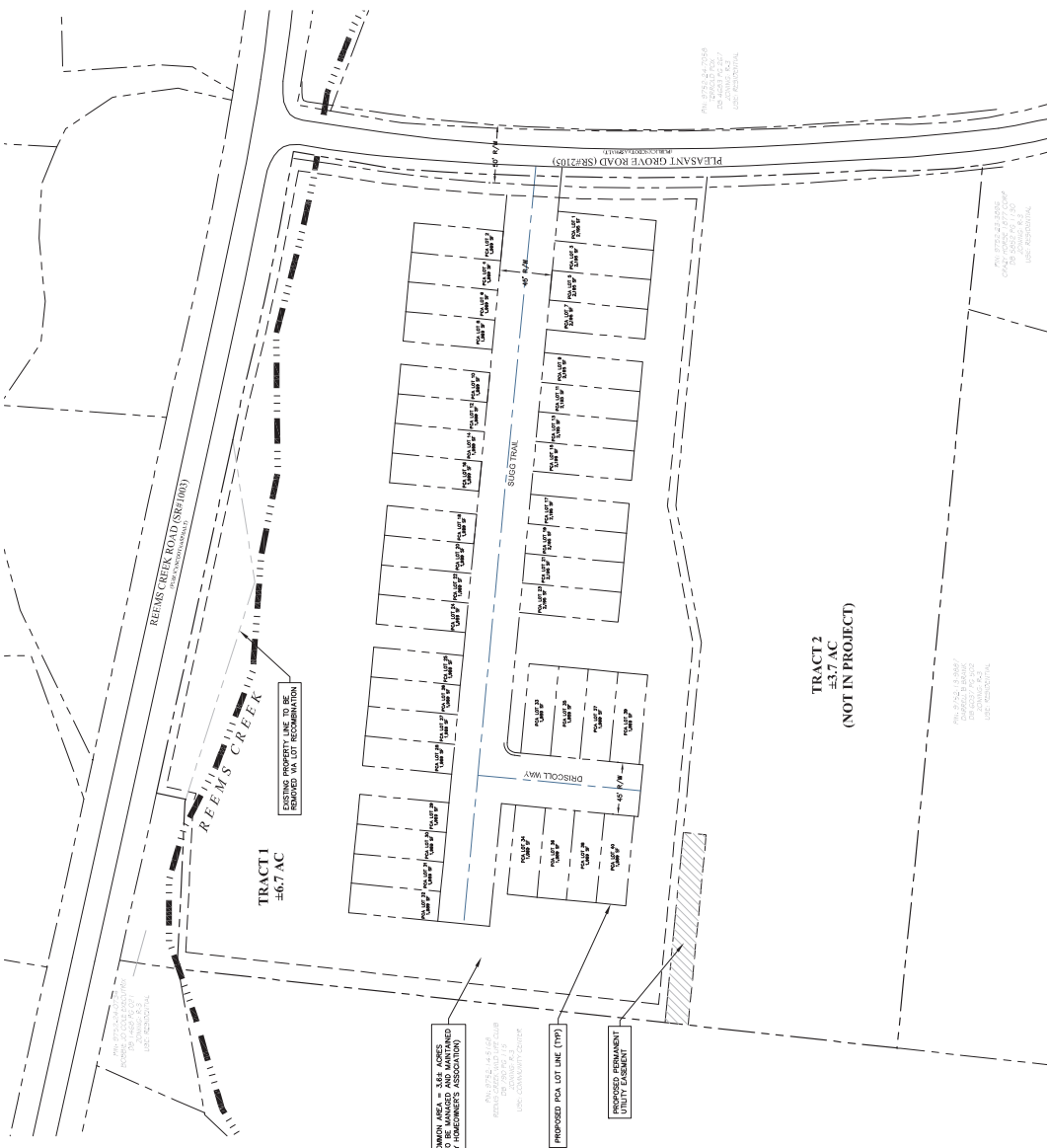
BY: MMO

PROJECT: PLEASANT GROVE OF INC. LLC

LOCATION: 11000 N. 100TH ST. #100, ARLENVILLE, NC 28701

SCALE: 1" = 40'

- NOTES
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
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 7. THE DEVELOPMENT INFORMATION SHOWN PROPOSED FROM PHOTOGRAMMETRIC METHODS.
 8. APPROVED DESIGN CONTROL AND STORMWATER MANAGEMENT PLAN TO BE OBTAINED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND UTILITIES PRIOR TO CONSTRUCTION.
 9. A PORTION OF THE SITE LIES WITHIN THE 100-YR FLOOD PLAIN.
 10. NO REMAINING WALLS GREATER THAN 4' TO BE PROPOSED FOR PROJECTS.
 11. SPACES AND COMMON AREAS WILL BE THE FINANCIAL RESPONSIBILITY OF THE HOA.



DEVELOPMENT DATA	
OWNER/DEVELOPER:	CORNH-ESEY DEVELOPMENT GROUP 100 PATTON AVENUE ASHVILLE, NC 28801 PHONE: 828-252-0303 FAX: 828-252-0303
CONTACT:	CON. ENGINEER: CON. DESIGN CONCEPTS, P.A. 100 PATTON AVENUE ASHVILLE, NC 28801 PHONE: 828-252-0303 FAX: 828-252-0303
PROJECT DATA	9752-24-0097, 9752-24-0079 9752-24-0097, 9752-24-0079 4682/268, 4682/268 RESIDENTIAL - PLANNED COMMUNITY ACT 12 UNITS/AC = 80 UNITS 40 PLANNED COMMUNITY ACT UNITS RESIDENTIAL - PLANNED COMMUNITY ACT DISTURBED AREA 6.05 AC 2 CURB SPACES PER UNIT TOTAL PARKING

CDC
Civil
Design
Concepts, PA

100 PATTON AVENUE
ASHVILLE, NC 28801
PHONE: 828-252-0303
FAX: 828-252-0303

100 PATTON AVENUE
ASHVILLE, NC 28801
PHONE: 828-252-0303
FAX: 828-252-0303

VICINITY MAP
(NOT TO SCALE)

PRELIMINARY PLAT PLAN FOR
157 NEW LEICESTER HWY

CORNH-ESEY DEVELOPMENT GROUP - ASHEVILLE, NORTH CAROLINA

NOT FOR CONSTRUCTION

NO. DATE DESCRIPTION BY

1	07/07/2022	BUNCOMBE COUNTY BOA SUBMITTAL	MMO
2	07/22/2022	NCOT OVERSIGHT PERMIT SUBMITTAL	MMO
3	09/07/2022	REVISED PER BOA/NCOT COMMENTS	MMO
4	09/20/2022	REVISED PER BOA COMMENTS	MMO

SHEET
C202

GRAPHIC SCALE
(IN FEET)
1 inch = 66 ft.

8 16 24 32 40 48 56 64 72 80 88 96 104 112 120 128 136 144 152 160 168 176 184 192 200

811

CDC INSPECTIONS HOTLINE:
828-774-4355 OR INSPECTING@CDCGA.COM

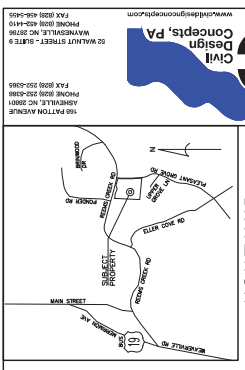
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NORTH

PRELIMINARY PLAT PLAN



- NOTES**
1. ALL STORMWATER SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
 2. SINGLE-PHASE CONSTRUCTION.
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 8. THE DEVELOPMENT SHOWN ON THIS PLAN WILL BE SERVED BY WAD SEWER AND TOWN OF PLEASANT GROVE. THE DEVELOPMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVED UTILITY LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVED UTILITY LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVED UTILITY LOCATIONS.
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 10. A PORTION OF THE SITE LIES WITHIN THE 100-YR FLOODPLAIN.
 11. CONSTRUCTION SHALL BE COMPLETED BY THE SUMMER OF 2023.
 12. NO RETAINING WALLS GREATER THAN 4 FT TO BE PROPOSED FOR PROJECT.
 13. SPACE, AND COMMON AREAS WILL BE THE FINANCIAL RESPONSIBILITY OF THE HOA.



DEVELOPMENT DATA

OWNER/DEVELOPER: PLEASANT GROVE OF NC, LLC
ADDRESS: 100 PLEASANT GROVE ROAD, SUITE 100, PLEASANT GROVE, NC 27645
CONTACT: [REDACTED]
CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
ADDRESS: 100 PLEASANT GROVE ROAD, SUITE 100, PLEASANT GROVE, NC 27645
CONTACT: [REDACTED]

PROJECT DATA

PROJECT NO.: 9752-24-0097, 9752-24-0079
SHEET NO.: 1 OF 2
SHEET TITLE: GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN FOR PLEASANT GROVE OF NC, LLC - BUNCOMBE COUNTY, NORTH CAROLINA
DATE: 09/20/2023
REVISIONS: 1. 09/20/2023: REVISED PER BOA COMMENTS
2. 09/20/2023: REVISED PER BOA/NCDOT COMMENTS
3. 09/20/2023: NCOT DRAINAGE PERMIT SUBMITTAL
4. 09/20/2023: BUNCOMBE COUNTY BOA SUBMITTAL

PROPERTY DATA

122 UNITS/ACRE = 80 UNITS
40 PLANNED COMMUNITY ACT UNITS
RESIDENTIAL - PLANNED COMMUNITY ACT
DISTURBED AREA: 6.08 AC
TOTAL PARKING: 2 GUEST PARKING SPACES PER UNIT

9 PLEASANT GROVE

GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN FOR PLEASANT GROVE OF NC, LLC - BUNCOMBE COUNTY, NORTH CAROLINA

PREPARED BY: CDC INSPECTIONS HOTLINE
800-774-3333 OR INSPECTIONS@CDCI.COM

811

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NORTH

GRAPHIC SCALE
1 inch = 50 feet

SHEET C301

**TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM**

MEETING DATE: Tuesday, February 6, 2024

SUBJECT: Initial Zoning – 6 Pleasant Grove Road – +/-6.09 Acres

PRESENTER: Planning Director

ATTACHMENTS: Property Tax Map Showing Property to be Annexed,
Resolution Concerning the Voluntary Annexation Petition of 6
Pleasant Grove Road; Staff Report; Resolution Concerning
Growth Areas

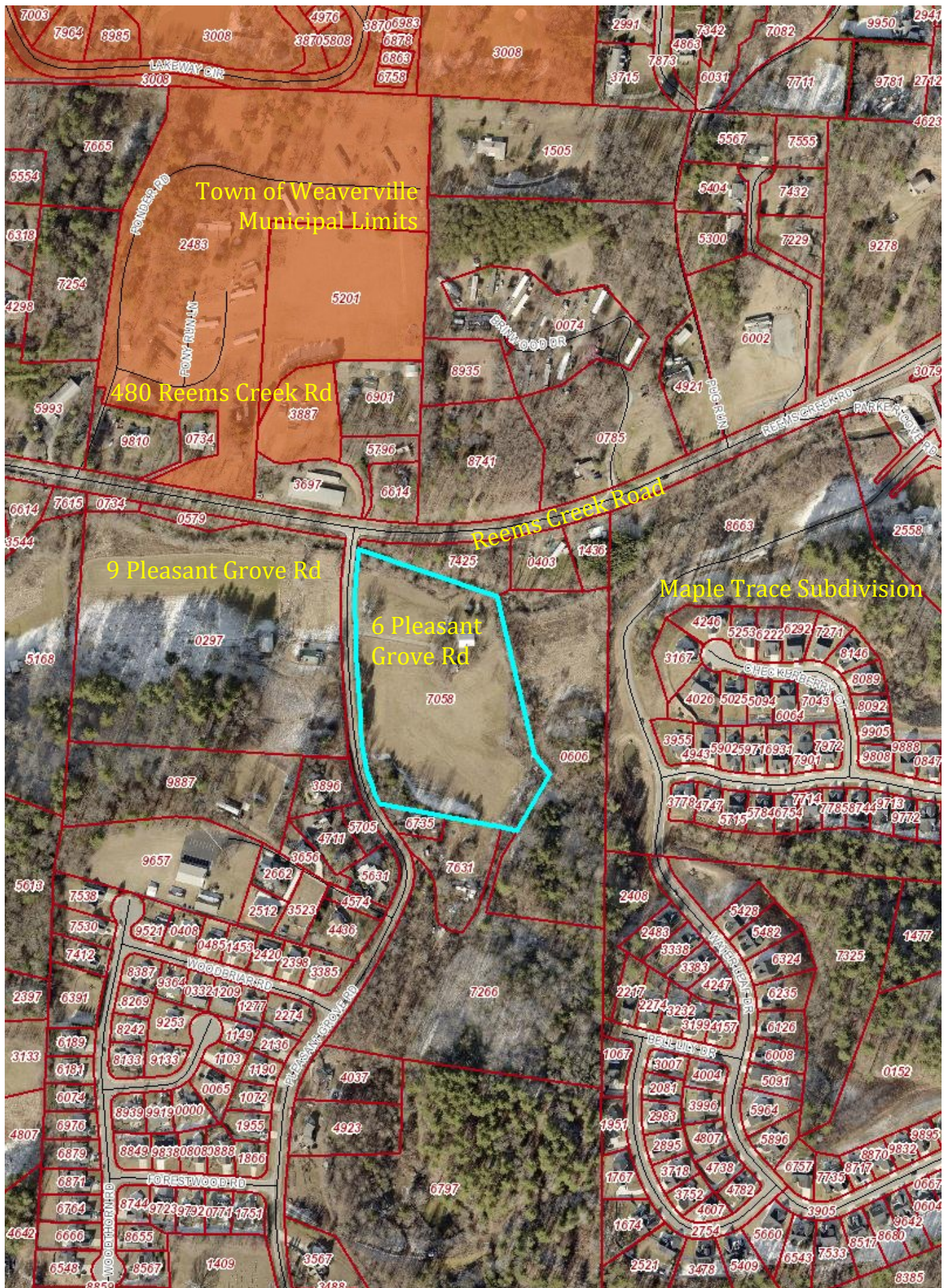
DESCRIPTION/SUMMARY OF REQUEST:

Athena Fox Brooks has signed a voluntary annexation petition seeking to have +/- 6.09 acres located at 6 Pleasant Grove Road annexed into the Town of Weaverville. The purpose of the annexation appears to be to obtain Town services, including water, to support the development of 50 townhouse units on the property.

The petitioners are requesting an initial zoning designation of R-3.

BOARD ACTION REQUESTED:

A motion establishing the Board's recommendation to Town Council on the proposed zoning of R-3 based upon a finding of compliance with the comprehensive land use plan and reasonableness of the zoning request.



**RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION SUBMITTED BY
ATHENA FOX BROOKS FOR 6 PLEASANT GROVE ROAD
WEAVERVILLE ANNEXATION NO. 2024-1**

WHEREAS, a petition requesting annexation of that property located at 6 Pleasant Grove Road and bearing Buncombe County Parcel Identification Number 9752-24-7058 was received from Athena Fox Brooks, by the Town of Weaverville; and

WHEREAS, N.C. Gen. Stat. § 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town of Weaverville is also in receipt of an application for a zoning map amendment request for an R-3 zoning classification for the property to be annexed; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of her investigation; and
2. The Town Planner is directed to place the application for initial zoning of R-3 on the next regular meeting of the Weaverville Planning Board's so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 22nd day of January, 2024.

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

TAMARA MERCER, Town Clerk

Preliminary Staff Report:

6 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas

Zoning Analysis

Town Council is set to consider a voluntary annexation of parcels at the intersection of Reems Creek Road and Pleasant Grove Road. The parcel at 6 Pleasant Grove Road consists of 6.09 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-3 is desired. With the acreage present and the density permitted within the desired zoning district the Town may expect approximately 49 dwelling units in a single family or multifamily configuration under these conditions.

Comprehensive Land Use Plan Compliance

When considering compliance with the Town's Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. This future land use map is adopted as a part of the CLUP to provide primary guidance for the categories of uses expected within the geographic areas of the Town and along Town borders. Here it is found that the properties in question fall in a transition area between the land use categories of mixed use and residential. These transition areas are addressed within the CLUP as follows.

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

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

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

Preliminary Staff Report:

6 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas

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

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

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

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

Resolution Regarding Growth Areas Compliance

The property at 6 Pleasant Grove Road lies within growth area 5 as identified in the amended and restated resolution regarding growth areas adopted in October, 2023. Within this resolution certain land uses were identified as desirable within the Reems Creek area and single family residential development, duplexes and townhouses were specifically enumerated.

Other Considerations

The 2020 Census provided the Town with a household size of 2.7 persons per household. This figure applied to the theoretical 49 units suggests that this project will grow the population of the Town by approximately 132 people should Town Council annex the property and grant the desired R-3 Zoning District.

Preliminary Staff Report:

6 Pleasant Grove Road

Annexation, Zoning Map Amendment

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Town of Weaverville Fact Sheet; Resolution Concerning Growth Areas

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



**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]:**

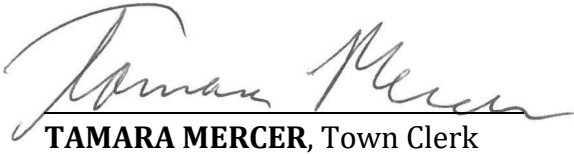
- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. multifamily development;
- f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

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



**TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM**

Date of Meeting: Tuesday, February 7, 2024

Subject: Environmental Protection Regulations

Presenter: Planning Director and Town Attorney

Attachments: Proposed Part V of Chapter 20 “Environmental Protection”
Selected Code Provisions

Description:

N.C.G.S. Chapter 160D provides the legal authority for land development regulations. Included within that chapter is authority for environmental regulations which include erosion and sedimentation control, floodplain regulations, mountain ridge protection, and stormwater control. Since the authority for these environmental regulations is within 160D, the Planning Board is required to review them and provide recommendations prior to public hearing and action by Town Council.

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in November 2023, call for the “review of hillside development regulations for legal compliance and policy objectives,” with a priority of 1 (highest) priority within the CLUP. This is regulation concerning steep slopes and falls under environmental type regulations. An additional goal of “study mountain ridge protections” is also within the CLUP and given a 3 (lowest) priority. Even though this goal was given a low priority, staff believes it is appropriate to couple steep slope and mountain ridge protection in the same conversation.

At the Town’s request, Buncombe County provides permitting, inspection, and enforcement of erosion and sedimentation control (referenced in Code Sec. 20-1110), floodplain regulations (Code Chapter 13 and referenced in Code Sec. 20-1111), and stormwater control (Code Sec. 20-1112). The Town Attorney has been working on new required regulations for illicit discharge detection and elimination (IDDE) as part of the Town’s stormwater management plan.

All of these environmental related regulations are proposed for inclusion as a new Part V in Code Chapter 20, entitled “Environmental Protection.” The provisions in Code Sec. 20-1110, 20-1111, and 20-1112 are proposed to essentially move from the General Provisions in Part I to the new Environmental Protection provisions in Part V. Hillside regulations (currently at 20-20-3701 through 20-3711) are proposed to be replaced with new steep slope regulations, and regulations for IDDE and mountain ridge protection are to be added.

The regulations as proposed are attached and staff will be at tonight’s meeting to assist the Planning Board with its review.

Action Requested:

Review of proposed regulations and, when appropriate, a motion establishing a recommendation to Town Council

PART V.
ENVIRONMENTAL PROTECTION
ARTICLE I. GENERAL PROVISIONS

Sec. 20-5101 Authority

The regulations contained within this Part V are adopted under the authority and provisions of Part 2 of Article 9 of G.S. Chapter 160D and Article 21 of G.S. Chapter 143, and in accordance with municipal separate storm sewer system (MS4) permit requirements.

Sec. 20-5102. Applicability and Jurisdiction

The regulations contained within this Part V apply to all property located within the municipal limits of the Town of Weaverville.

Sec. 20-5103 Purpose and Intent

A primary and fundamental element of this Part V is the protection of the Town's existing environmental resources including floodplains and other stream corridors, wetlands, watersheds and groundwater recharge areas, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value and make the Town a desirable place to live and visit.

Sec. 20-5104 Definitions

The following words, terms and phrases, when used in this Part V, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Slope. An inclined ground or earth material surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. For the purposes of this article, slope will be calculated based on the Buncombe County GIS Slope Calculation Tool, or as certified by a licensed surveyor, engineer, or landscape architect.

Steep slope. Any lot, parcel, or tract of land which (a) has an average slope of 25% or more, or (b) is designated with a slide hazard ranking of 'moderate' or 'high' on a Stability Index Map prepared by the NCGS, and are determined irrespective of tract boundaries. Steep slope areas refer to natural grades and shall not include man-made grades.

Stormwater conveyance. Natural elements of a stormwater conveyance include swales and small drainage courses, streams, rivers, lakes, and wetlands. Manmade elements of a stormwater conveyance include gutters, inlets, ditches, pipes, culverts, channels, and most retention/detention facilities.

Stormwater conveyance system (or storm drainage facilities). A series of drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of surface and storm water from the highest points on the land down to a receiving water and includes the Town's municipal separate storm sewer system (MS4).

ARTICLE II. LAND SUITABILITY

Sec. 20-5201 Land Suitability

Land subject to flood hazard, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use as determined by the Town of Weaverville, shall not be platted or developed for residential use, nor for any other uses that will continue or increase the danger to health, safety, or property, unless the hazards can be and are corrected.

Sec. 20-5202 Flood Hazard Area Development

- (a) Construction and re-grading of areas lying with a floodplain can obstruct or divert water to other areas, limiting the floodplain's ability to (i) store and slow floodwater; (ii) filter sediments, nutrients and impurities; and (iii) provide fish and wildlife habitat. Proper management of development within the floodplain can help to protect lives and property, and prevent increased flooding.
- (b) The Town has adopted floodplain regulations consistent with the Buncombe County floodplain regulations that were authorized by Part 6 of Article 21 of G.S. Chapter 143, with said regulations being contained in Code Chapter 13.
- (c) The Town has authorized Buncombe County to be the Floodplain Administrator within the Town and, as such, Buncombe County has the authority for all permitting, inspections, and enforcement for all land disturbing and construction activities within the areas of the Town lying within the 100-year floodplain.
- (d) The land designated within the Areas of Special Flood Hazard that are subject to periodic inundation by 100-year flood as shown on FEMA flood insurance rate maps for the Weaverville area shall be identified on all plats.
- (e) Land designated as Special Flood Hazard Areas shall be developed only in accordance with Town Code Chapter 13, and any other applicable federal, state, or local regulation.
- (f) No grading, clearing, removal of significant vegetation, the placement of structures, fill, or any other encroachment activity shall occur within designated Special Flood Hazard Areas zones which would interfere with the natural water course without approval from the Floodplain Administrator based upon certification that such activity mitigates the potential adverse impact of flood hazard. Streets and utility lines and structures may be placed within the flood hazard area only if their elevation is raised above maximum flood heights or if they are otherwise flood protected.

ARTICLE III. SEDIMENTATION AND EROSION CONTROL

Sec. 20-5301 Purpose

The regulation of certain land disturbing activities is necessary in order to prevent the pollution and damage of water sources, lakes, streams and rivers, and other public and private property from erosion and sedimentation.

Sec. 20-5302 Sedimentation and Erosion Control Regulations

- (a) In order to prevent soil erosion and sedimentation pollution of streams, springs, flat waterbodies, drainage networks, or off site sedimentation damage, and when there are plans for land disturbing activity of one (1) acre or more, the Owner shall show proof of an erosion and sedimentation control plan which has been approved by the delegated permitting authority having jurisdiction in accordance with the North Carolina Administrative Code, Title 15A Chapter 4, as adopted by the North Carolina Sedimentation commission, January 11, 1978, as amended.
- (b) The Town, through an intergovernmental agreement entered into by the Town of Weaverville and Buncombe County, has authorized Buncombe County to be the permitting authority for all land disturbing activities within the Town. Persons disturbing one (1) acre or more shall comply with Buncombe County Erosion Control Program regulations (Buncombe County Code, Article V, of Chapter 26), as from time-to-time may be amended, including permitting procedures, inspection, and enforcement protocols.
- (c) The developer shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected. Temporary erosion and sedimentation control measures shall be placed in accordance with the approved Erosion Control Plan prior to any construction.
- (d) Erosion and sedimentation from land disturbance activities shall be controlled with appropriate methods as indicated in the NCDEQ NC Erosion and Sediment Control Planning and Design Manual or any other method approved by Buncombe County to prevent sediment runoff and siltation of adjoining parcels, lots, and streets.
- (e) In accordance with 15A NCAC 02H .0153, the Town of Weaverville relies upon the North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 as a qualifying alternative program to meet a portion of the NPDES MS4 Permit requirements for construction site runoff control measures. The SPCA requirements include reducing pollutants in stormwater runoff from construction activities that result in land disturbance of greater than or equal to one (1) acre and includes any construction activity that is part of a larger common plan of development that would disturb one acre or more. The State SPCA Program has designated Buncombe County as a delegated county. In addition to the Buncombe County Erosion Control Program, the

Town of Weaverville implements the following measures to meet NPDES MS4 Permit Requirements:

- i. A stormwater hotline is available for reporting sediment run-off from construction sites and for questions concerning construction site activities.
 - ii. Construction site operators are required to control and manage waste at the construction site. Construction site waste items include, but are not limited to sediment, solid and sanitary wastes, oil and grease, concrete truck washout, construction chemicals, construction debris, and pesticides, and shall be handled appropriately so as not to impact water quality. (See Town of Weaverville Code of Ordinances Sec. 22-48 and NCG01)
- (f) The NPDES (NCG01) Construction Stormwater Permit process shall be followed, and the permit acquired prior to start of construction for all construction sites requiring an Erosion and Sediment Control Approval from the State or Buncombe County.

ARTICLE IV. STORMWATER CONTROL

Sec. 20-5401 Purpose

Proper management of stormwater runoff protects property, lessens stream channel erosion, prevents increased flooding, and provides additional protection for floodplains, wetlands, and other water resources and aquatic ecosystems.

Sec. 20-5402 Stormwater Regulations

The Town, through an intergovernmental agreement entered into by the Town of Weaverville and Buncombe County, has consented to the application of the Buncombe County construction and post-construction stormwater control regulations within the Town's jurisdiction and has authorized Buncombe County to perform all permitting procedures, inspections, and enforcement of those regulations.

ARTICLE V. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Sec. 20-5501. Purpose

It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. The purpose of the regulations set forth in this article is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of illicit discharges into the municipal stormwater conveyance system.

Sec. 20-5502. Illicit Discharges and Connections

(a) *Prohibited Discharges*

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the state, or upon the land in such a manner and/or amount as is likely to reach a stormwater conveyance or the waters of the state, unless permitted by an NPDES permit. Prohibited substances and discharges include but are not limited to:

- (1) Wastewater lines (such as from washing machines)
- (2) Sanitary sewer lines
- (3) Food waste
- (4) Oil
- (5) Grease
- (6) Household, industrial, and chemical waste
- (7) Anti-freeze
- (8) Animal waste
- (9) Paint
- (10) Paint wash water
- (11) Garbage
- (12) Litter
- (13) Swimming pool discharges
- (14) Leaves
- (15) Grass clippings
- (16) Dead plants

(b) *Allowable Discharges*

Non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

- (1) Drinking water line flushing
- (2) Discharge from emergency firefighting activities
- (3) Irrigation water
- (4) Diverted stream flows
- (5) Uncontaminated groundwater
- (6) Uncontaminated pumped groundwater
- (7) Discharges from potable water sources
- (8) Residential foundation/footing drains
- (9) Air conditioning condensation
- (10) Uncontaminated springs
- (11) Water from crawl space pumps
- (12) Individual non-commercial car washing operations
- (13) Flows from riparian habitats and wetlands
- (14) Street wash water
- (15) Other non-stormwater discharges for which a valid NPDES discharge permit has been authorized and issued by the US Environmental Protection Agency or by the State of North Carolina, and provided that any such discharges to

the municipal separate storm sewer system shall be authorized by the Town of Weaverville

(c) *Illicit Connections*

Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (b) above, are unlawful.

Prohibited connections include, but are not limited to: industrial/commercial floor drains, waste water or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

Where such illicit connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance or regulation prohibiting such connections, the property owner or the person using said connection shall remove the connection within one (1) year following the effective date of this article; however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

Where it is determined that said connection either (a) may result in the discharge of hazardous materials or may pose an immediate threat to health or safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or (b) was made in violation of any applicable regulation or code, other than this section, then the Stormwater Administrator shall designate the time period within which the illicit connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration the following:

- (1) The quantity and complexity of the work;
- (2) The consequences of delay;
- (3) The potential harm to the environment, to the public health, and to public and private properties; and
- (4) The cost of remedying the damage.

(d) *Spills and Accidental Discharges*

In the case of accidental discharges, the responsible party shall immediately begin to collect and remove the discharge and restore all affected areas to their original condition. The responsible party shall immediately notify the Town of Weaverville of the accidental discharge, including the location of the discharge, type of pollutant, volume or quantity discharged, time of discharge, and the corrective actions taken.

Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by federal, state, or other law.

(e) *Notice of Violation*

When the Town Manager, Stormwater Administrator, or other authorized representative finds that a discharge or connection violates any provisions of this article, the Town Manager, Stormwater Administrator, or authorized representative, may issue a Notice of Violation. The Notice of Violation shall identify the nature of the violation, amount of penalty (if applicable), set forth the measures necessary to comply with this article and provide a specific time period for compliance.

The Notice may be served by registered or certified mail, hand delivery, or any other means determined to give actual notice. Refusal to accept the notice shall not relieve the violator's obligation to comply with this article or to pay any applicable penalty.

(f) *Enforcement and Penalties*

Any person that violates the provisions of this article is subject to a civil penalty.

- (1) No penalty shall be assessed until the person alleged to be in violation has been notified of the violation.
- (2) The maximum civil penalty for each violation of this article is \$5,000. Each day of violation shall constitute a separate violation and can be assessed from the date the violation first occurs.
- (3) The Town Manager, Stormwater Administrator, or other authorized representative shall determine the amount of the civil penalty assessment. In determining the amount of a civil penalty, all relevant mitigating and aggravating factors shall be considered including, but not limited to, the following:
 - i. Degree and extent of harm caused by the violation;
 - ii. Cost of rectifying the damage;
 - iii. Whether the violator saved money through noncompliance;
 - iv. Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation;
 - v. Whether the violation was committed willfully;
 - vi. Whether the violator reported the violation;
 - vii. Prior record of the violator in complying or failing to comply with this Code or any other local, state, or federal water pollution control rule or regulation;
- (4) In addition to the civil penalty, penalties for costs to restore damaged property may be assessed based on restoration costs, which include but are not limited to, cleanup costs, devaluation of property, and value of animal and plant life damaged or destroyed.
- (5) If an alleged violator does not pay a civil penalty assessed within 30 days after it is due, or does not appeal a civil penalty assessment as provided in subsection (g) below entitled "Appeals Process", the Stormwater Administrator shall request the North Carolina Department of Environmental Quality, Division of Water Quality, to administer the penalty.
- (6) Violation of these regulations shall not constitute a misdemeanor or infraction punishable under the criminal laws of North Carolina.

(g) Appeals Process

Any person who desires to appeal a demand for payment of the civil penalty shall have 30 days from said demand of payment to submit an appeal in writing to the Town Manager or Stormwater Administrator. The Town of Weaverville shall then grant an appeal hearing before the Weaverville Town Council within 30 days after receipt of the appeal. The Town of Weaverville shall provide the appellant with a minimum of 10 days advanced written notice of the time and place of the appeal hearing. Thereafter, the appellant shall have 30 days to comply with the final decision of the appeal hearing.

ARTICLE VI. STEEP SLOPE REGULATION AND MOUNTAIN RIDGE PROTECTION

Sec. 20-5601 Purpose and Objectives

This article regulates development on mountains and hillsides to ensure growth occurs in a manner that will preserve the Town's visual character, protect the public health, safety and welfare, and promote environmentally sound design and planning. The regulations established in this article recognize development in hilly or mountainous areas involves special considerations due to the slope of the land. The following objectives serve as general guidelines to fulfill the purpose of this section.

- (a) To reduce the likelihood of slope failures by promoting safe and stable slopes on developed or disturbed land;
- (b) To prevent inappropriate development and to protect life and property from potentially hazardous conditions;
- (c) To protect the quality of wetlands and watercourses from increased sedimentation;
- (d) To minimize grading, cut and fill operations, and impervious surfaces;
- (e) To protect plant and animal habitat from disturbance, development, and the removal of vegetation;
- (f) To preserve the aesthetics and qualities of the natural terrain and to respect the existing topography and natural conditions; and
- (g) To require disclosure of landslide hazards to purchasers of properties located in area vulnerable to landslides as indicated on maps prepared by the North Carolina Geological Survey (NCGS)

Sec. 20-5602 Applicability

The provisions of this article apply in the following circumstances:

- (1) Any portion of a lot, parcel, or tract of land which has been approved for development or subdivision after the date of adoption of this section shall be required to comply with the provisions of this section.

- (2) Additions to existing structures greater than 600 square feet of disturbed area.
- (3) Site disturbances encompassing more than 600 square feet of disturbed area.

Sec. 20-5603 Exemptions

The following land uses or activities are exempt from the requirement of this article provided they comply with any limitations or conditions specified herein and all other provisions of this Chapter 20:

- (a) Lots containing an average natural slope of less than 25%
- (b) Agricultural and forestry uses or activities consistent with all state and federal laws and the latest Best Management Practices for those activities;
- (c) Landscape maintenance activities, including the removal of diseased, dead or damaged trees.
- (d) Previously approved developments are exempt for a period of two years subsequent to the effective date of this article.
- (e) Any legally non-conforming lots of record, referring to the owner or any successor in interest of a vacant lot of record existing as of the effective date of this section, shall be entitled to build one single-family home thereon, provided, however, that approval shall be in accordance with Code Sec. 20-1602(b) related to nonconforming lots.

Sec. 20-5604 General Regulations for Development and Other Land Disturbing Activity on Steep Slopes

- (a) *Plan Requirements* – Steep slope areas shall be clearly indicated on all site plans, development plans, preliminary plats, final plats, special use permits and plans submitted as a part of a conditional district.
- (b) *Appeal of Administrative Decisions* –When a property owner or developer disagrees with an administrative decision which determines the presence or location of a steep slope area, the property owner or developer may present a topographical map and slope calculation certified by a professional surveyor, engineer, or architect, and request a new determination. Appeals of final administrative decisions or determinations shall be made to the Board of Adjustment pursuant to Code Sec. 20-1308 and 20-1309.
- (c) *Requirements for Roads and Driveways*
 - i. All new public and private roads and driveways shall be designed and constructed to minimize the potential for landslides, erosion, and runoff.
 - ii. Roads and driveways shall be located to preserve the maximum number of existing trees on the site.

- iii. Roads and driveway shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible soil disturbance. Variations in road design and construction specified by the Town in its regulations shall be permitted, as approved by the Administrator, to prevent the dedication of unnecessarily large amounts of land to such roads or driveways.
- (d) *Development Limitations* – Development and land disturbance on steep slope areas shall be conducted in accordance with the following requirements. Compliance with these requirements shall be determined by the approving authority.
 - i. Artificial or reconstructed slopes shall not exceed 50% or 2H:1V. All fill shall be stabilized in conformance with generally accepted engineering standards, including a compacted density of at least 95%. Non-load bearing retaining walls shall be encouraged to reduce the amount of disturbance to the natural slope.
 - ii. To accommodate building placement on steep slope areas, front and side yard setbacks on interior lots of the development may be reduced by up to 50% at the discretion of Board of Adjustment using the procedures for a variance. Where appropriate, buildings and structures should be located as close to the road as possible to preserve the natural terrain and to minimize disturbance and the length of driveways.
 - iii. Sedimentation and erosion control shall be provided during and after construction consistent with the requirements of Article III of this Part V and Buncombe County’s Erosion and Sedimentation Control Program.
- (e) *Density and Lot Size* – Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this article. Development on lands subject to this article shall meet the density requirements shown below in the table.

Maximum Density by Existing Slope		
Existing Slope	Minimum Lot Size (Acres)	Maximum Density (units per acre)
25.00% - 44.99%	0.5	1.00
45.00% - 59.99%	2.0	1.00
60.00% +	4.0	1.00

Sec. 20-5605 Structure Height and Mountain Ridge Protection

The maximum height of any building shall not extend closer than 15 feet to any point on a mountain ridge on which said building is constructed. For the purposes of this article, mountain ridge refers to geological formations and not vegetation.

**CODE SECTIONS TO BE REPEALED
IN FAVOR OF NEW PART V OF CHAPTER 20:**

- Article VII of Part III of Chapter 20 entitled “Hillside Development Regulations – replaced with new regulations at Article VI of Part V of Chapter 20
- Code Sec. 20-1110 entitled “Erosion and Sedimentation Control” – moved to new Article III of Part V of Chapter 20
- Code Sec. 20-1111 entitled “Floodplain Regulations” – moved to new Code Sec. 20-5202 entitled “Flood Hazard Area Development”
- Code Sec. 20-1112 entitled “Stormwater Control” – moved to new Article IV of Part V of Chapter 20
- Code Sec. 10-1 entitled “ Storm, Subsurface Drainage Systems”