

**Town of Weaverville
Planning Board
Tuesday, February 6, 2024
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, February 6, 2024.

Present: Chair Bob Pace, Vice Chair Jane Kelley and Board Members Mark Endries, Donna Mann Belt, and Stefanie Pupkiewicz Busch and alternate member Ryan Gagliardi attended as a non-voting member.

Absent: Michelle Rippon

Staff Present: Town Attorney Jennifer Jackson, Planning Director James Eller, and Town Clerk Tamara Mercer.

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

2. Adoption of Agenda

Mr. Endries requested to move item 6. Environmental Protection Regulations to first position on the agenda. He said his concerns regarding floodplains and steep slopes may pertain to both zoning requests. Attorney Jackson explained 9 Pleasant Grove was claiming vested rights as the development has previously been approved by Buncombe County.

There was further discussion regarding floodplains, steep slopes, vested rights, procedural timelines, and regulations, after which general consensus among the members agreed the agenda to be adopted as presented.

Without objection, Mr. Pace declared the agenda approved. Carried unanimously. 5-0.

3. Approval of the Regular Meeting Minutes January 2, 2024

Ms. Mann Belt raised questions about greenspaces in a subdivision from the previous meeting in January, Planner Eller replied that the regulations are not applicable in that case. Chairman Pace noted that the question regarding the process and procedures for conservation subdivision would move forward since adoption by Council. Mr. Eller agreed the conservation subdivision amendments were adopted by Town Council in January as recommended by the Planning Board for single family subdivisions with 25 lots or larger.

Upon consensus, Vice Chairman Kelley declared the meeting minutes as presented for January 2, 2024 approved. Carried unanimously. 5-0.

4. 9 Pleasant Grove Road R-3 Zoning Request

Planning Director Eller reviewed the zoning request located at 9 Pleasant Grove which consisted of approximately 10.67 acres to support a development of 40 townhouse units.

Conditioned upon annexation, the Town has approved a water commitment, and the petitioners are claiming vested rights as mentioned by the Town Attorney.

Mr. Eller explained that there was a water allocation requested in 2022, which has expired. The petitioners must now renew that request and the Town's water commitment is based upon annexation into the Town. Mr. Eller noted that the subject site is in the amended growth areas and is consistent for a zoning designation of R-3. Mr. Warren Sugg, engineer and agent for the developers was in attendance and can answer questions regarding the application.

In response to Vice Chair Kelley's question regarding the water allocation, Mr. Eller noted that it was before pursuing the annexation and zoning designation. Public Works assessment as informed by the civil design engineers that water system does have capacity to serve these areas and projects. As the Town continues to expand the water system, we have capacity to serve. This analysis review was conducted for all the water commitments including the projected water usage for current consumption and projected purchases of water.

Mr. Eller explained the timeline for the water treatment expansion plan, for State permitting and construction, it is forecast the completed plant will be on-line end of 2025/Jan 2026. Mr. Eller added that the engineer's assessment report and Public Works director can provide updates to the Planning Board.

Mr. Endries pointed out the floodplain on GIS mapping and asked the applicant to address the flood plain plan. Mr. Sugg reviewed the stormwater treatment plan and permitting. Mr. Endries inquired into the grading as the steep slopes appear over 25% and rest of the property is in the flood zone. Attorney Jackson reviewed the administration procedures for stormwater run-off as the County operates as the Town's administration for the regulations in the flood plain zone. To which Mr. Sugg agreed that the County required elevation certificates and vertical fill plan. Attorney Jackson addressed the R-3 zoning. The most restrictive regulations for flood plain requirements or steep slope issues must be met in order to build.

Chairman Pace said it is consistent with Growth Area 5. There was discussion regarding Growth Area 5, R-3 zoning, Hamburg Mountain, Maple Trace Subdivision, Reems Creek Road Area, Weaverville and Buncombe County height allowance, and density. Mr. Sugg stated no two-story townhouse would be above the 35-foot height limit.

Chairman Pace noted if the request complies with CLUP, he requested a motion for zoning of R-3, to which Ms. Kelley questioned if the comprehensive land use plan is reflective of the issues regarding density for growth area 5. She was concerned that the Future Land Use Map and the designation of R-3 is too dense. Mr. Eller said the Planning Board could address that separately and reevaluate that growth area.

Chairman Pace called the motion to approve R-3 zoning for 9 Pleasant Grove Road as reasonable and finding it complies with the Comprehensive Land Use Plan. Motion carried 4-1, with Mr. Pace, Ms. Kelley, Ms. Mann Belt, and Ms. Pupkiewicz Busch who voted 'aye', and Mr. Endries voted 'nay'.

5. 6 Pleasant Grove Road R-3 Zoning Request

The initial zoning request for 6 Pleasant Grove Road consisted of approximately 6.09 acres for a 50-townhouse unit development. Mr. Endries stated he could recommend approval of R-3 for 6 Pleasant Grove Road if the developer were to stay out of the floodplain. Chairman Pace

questioned if the Planning Board could amend the motion to add concerns regarding the floodplain.

Attorney Jackson stated the R-3 zoning district allows for the residential request under the regulations. Mr. Eller said Staff is not offering a recommendation but an opinion that R-3 zoning for the proposed townhome development does not conflict with CLUP nor with Growth Area 5.

Mr. Gagliardi said that this development addresses the town's housing stock, and a multi-unit development is a solution. In response to Mr. Gagliardi's question, Mr. Eller provided the example of Maple Trace Subdivision, which is Buncombe County's R-2 zoning. This is the highest density single-family allowable under R-2 zoning.

There was further discussion of roadway intersections, NCDOT roadways and infrastructure, the moderate slopes, high density residential development, sidewalk connections, higher density residential housing and affordable housing.

Ms. Mann Belt while concerned with affordable housing and additional housing stock, cautioned about quality of life. In response to Mr. Gagliardi's question regarding sidewalk connectivity, Mr. Sugg explained the layout of the site plan, the area neighborhoods with respect to the adjacent landowners.

Ms. Pupkiewicz Busch said she was not opposed to the higher density housing project.

Chairman Pace called the motion and Ms. Pupkiewicz Busch moved to approve R-3 zoning for 6 Pleasant Grove Road as reasonable and finding it complies with the Comprehensive Land Use Plan. Motion carried 4-1, with Mr. Pace, Ms. Kelley, Mr. Endries, and Ms. Pupkiewicz Busch who voted 'aye', and Ms. Mann Belt voted 'nay'.

Attorney Jackson noted that there was a majority consensus and concern that the Reems Creek Road area and corridor be monitored regarding increased density for the existing infrastructure, roadway intersections, development in the floodplain, and for steep slopes. She will add verbiage to the Town Council recommendations that the Planning Board strongly encourages reevaluation of Growth Area 5 for the Future Land Use Plan. Planner Eller reviewed the approved projects in the last year specifically as they addressed the number of housing units, increased growth due to Monticello Road, Reems Creek Area with respect to water and sewer infrastructure.

6. Environmental Protection Regulations

Attorney Jackson reviewed the proposed text amendment to Part V of Chapter 20 Environmental Protection. Staff has developed a set of Code amendments that address many aspects of environmental protection, including steep slope regulation, mountain ridge protection, and various aspects of stormwater management. These regulations address two of the priorities within the Comprehensive Land Use Plan and some of the elements of the Town's stormwater management plan. A few technical amendments are also included.

Because the legal authority to implement environmental protection regulations is contained within N.C.G.S. Chapter 160D, a Planning Board review and recommendation is needed prior to a public hearing before Town Council.

Further explanation by Attorney Jackson addressed discharge, elimination, and environmental protection regulations within chapter 160-D. Stormwater, MS4 (Municipal Separate Storm Sewer System) permits management, Environmental Protection (EPA) regulations, and State Environmental Quality regulations. It was noted that the Town's floodplain language mirrors that of Buncombe County.

Planner Eller stated that the proposed language addresses ridgeline protection and steep slope in the ordinance due to variables in percentages of steep slope height allowance, the proposed language repeals the hillside clause and would address inconsistencies and protect the ridgelines. Also Mr. Eller provided a chart addressing slope and structure height, with this added language a structure cannot be built with 15-foot of the mountain ridge or crest of the ridge. Considering areas which could be annexed, this allows for ridgeline protection below 3,000-foot elevation. State Law protection only applies at 3,000 feet and above.

There was discussion on policy objectives, the steep slope ordinance, percentage of slope allowance of height, floodplain regulations, stormwater control and permitting, sedimentation and erosion, construction and code provisions, pollutants, outfalls, inlets and the conveyance system, creeks and tributaries, violations and civil penalties, and Sec. 20-5603 and Sec. 20-5201 Land Suitability.

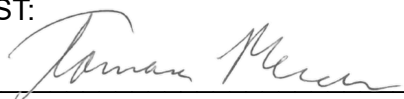
Ms. Kelley moved that the Planning Board recommends approval of text amendments to add Part V Environmental Protection to Code Chapter 20, as presented and to include the code corrections as it is consistent with the Town's Comprehensive Land Use Plan based on the findings that it is reasonable and in the best interest of the public for environmental protections. Carried Unanimously. 5-0

It was noted that the Short-term Rental Engagement report would be presented by Planner, Kayla DiCristina of Land of Sky Regional Council to the Planning Board at the March 7th regular meeting.

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

Mr. Endries moved to adjourn the meeting at 7:39 p.m. Carried Unanimously. 5-0

ATTEST:



Tamara Mercer, Town Clerk