

**Town of Weaverville  
Planning Board  
Thursday, April 2, 2024  
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday April 2, 2024

Present: Chair Bob Pace, Vice Chair Jane Kelley and Board Members Donna Mann Belt, and Stefanie Pupkiewicz Busch. Alternate members present Ryan Gagliardi and Michelle Rippon.

Absent: Mark Endries

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

**1. Call to order**

Chairman Pace called the meeting to order at 6:00 p.m. and recognized alternate member, Michelle Rippon as a voting member.

**2. Adoption of Agenda**

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

**3. Approval of the Regular Meeting Minutes March 7, 2024**

*Without objection Chairman Pace declared the meeting minutes approved as presented for March 7, 2024. Carried unanimously. 5-0.*

**4. 75 Cole Road Zoning Request Planning Director Eller**

Planning Director Eller reviewed the zoning request located at 75 Cole Road and said the property consists of +/- 22 acres with one single family residence. This parcel is near the I-26 interchange just north of Town municipal limits and within the Town's Growth Area 4. Town development regulations concerning zoning map amendments require the Planning Board to review the application for plan consistency and reasonableness. The applicant requests an R-12 zoning designation. Representatives for the applicant, Mr. Warren Suggs, engineer, and Mr. Jesse Swords, attorney were present.

There was discussion regarding the R-12 designation as incompatible with the Future Land Use Plan, which states 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. Chairman Pace suggested mixed use for compliance with the FLUP, to which Director Eller added that

residential and commercial in the I-26 corridor for Growth Area 4 and high density as highest and best use. Currently there is one single-family residence there.

Attorney Swords agreed and compared R-12 to Buncombe County's R-3 which allows up to 12 units per acre and multifamily. Twelve units per acre is comparable to Weaverville's R-12 zoning. Dense residential use is synergistic and desirable as the subject site is near the transportation corridor. The project will bring sewer across I-26 which will lead to commercial uses. The Metropolitan Sewer District (MSD) is pushing for connection in this area, and this satisfies the MSD goals. The Fire and Police Department annexation study noted this type of housing supports the downtown and businesses. Attorney Swords added the development would provide highest and best use of the current dormant use of one dwelling. The R-12 designation increases tax value.

There was discussion regarding commercial uses in the corridor, potential commercial use growth in that area, compatible commercial and residential uses, MSD sewer connection, and MSD sewer allocation.

Mr. Suggs stated that the developer will install 6.5 miles of sewer under I-26. The sewer infrastructure and upgrade of the lines from 8" to a 16" sewer pipe as per MDS agreement and allocation for their development capacity of 264 dwelling units. Mr. Suggs provided the site plan layout and description of the project.

In response to Vice Chair Kelley's question, Mr. Suggs said the only access point will be from Cole Road, and NCDOT requires a traffic impact study per any improvements on State roads, therefore the developer will conduct a traffic impact study.

Attorney Jackson stated that the project does not claim vested rights so the roadways must be built to town standards and regulations if it were to be annexed. Sewer is not in the location, so Town Council anticipated this to be the next commercial area in the Future Land Use Plan discussions but was not negating residential uses. This proposed project would be the catalyst for development if the sewer infrastructure is installed under the highway.

In response to Ms. Pupkiewicz Busch question regarding the process of annexation before construction, Mr. Sugg noted that Town Council has preferred the Town of Weaverville annexation prior to allocating water capacity as new customers. Attorney Jackson confirmed, as we expand town limit boundaries, the Town is stricter than Buncombe County regulations, so differences in Buncombe County code and Weaverville's regulations is addressed first in the annexation process. Town Council has expressed a development annex first prior to water allocation.

The Planning Board further deliberated on the plan consistency and compliance with comprehensive plan. Attorney Jackson explained it is plausible, and within the purview of the Planning Board to find the project is reasonable for addressing housing stock but it is not consistent with the adopted Comprehensive Land Use Plan. A recommendation for Council to address or amend the CLUP plan to make it consistent.

Attorney Jackson further explained the process for a Conditional District mixed use in C-2 zoning. Chairman Pace noted that Growth Area 4 could include higher density residential and mixed use.

*Chairman Pace made a motion that the Planning Board recommends an R-12 zoning designation as reasonable, but to revise the Comprehensive Land Use Plan (CLUP) as this is inconsistent with the CLUP, which recommends commercial use development in Growth Area 4 (I-26 Corridor). Carried unanimously. 5-0.*

Letter of recommendation by the Planning Board Chairman written as follows:

At the meeting on April 2, 2024, the Planning Board reviewed the project for compliance with the Comprehensive Land Use Plan (CLUP) and the reasonableness factors contained in Town Code Section 20-1505(d). With a unanimous vote the Planning Board sends a favorable recommendation to Town Council for R-12 with findings that R-12 zoning is reasonable, but inconsistent with the CLUP. In the same vote the Planning Board recommended that Town Council consider amending the CLUP to include a mix of residential and commercial uses within Growth Area 4 and the addition of R-12 as a desirable zoning district within that I-26 Corridor. The finding that the requested zoning district of R-12 was inconsistent with the CLUP was based exclusively on the Future Land Use Map and the Resolution Concerning Growth Areas which was last adopted by Town Council on 23 October 2023 and now incorporated in the CLUP ("growth area resolution"). The description in the growth area resolution seems to limit the desired districts in Growth Area 4 to C-2 and conditional zoning. Therefore, R-12 zoning was found to be inconsistent with the CLUP. In finding the R-12 zoning designation to be reasonable the Planning Board considered the I-26 corridor area, the current and desirable uses, and what it might take to get the uses that are desired in Growth Area 4. The Planning Board considered that a multifamily residential project may be most likely to result in public sewer getting to the west side of I-26, and that public sewer was likely necessary to support the commercial uses that were found to be desirable in Growth Area 4. Put another way, a multifamily project will likely be a catalyst to the commercial development in this area that is desired by Town Council. It was also considered that a multifamily project in this location pushes development out of the downtown area and other areas that are saturated with multifamily projects, while also providing additional support for downtown business. It also considered that a multifamily residential project might generally be of a higher and better use than what might be perceived as an underutilized property (one single family residence on a large tract of land). This type of use may also be less intensive than some of the uses, like a hospital, that were noted as desirable. The Planning Board also considered that the property is currently zoned County R-3 which allows multifamily developments up to 12 units per acre, similar to Town's R-12 district. 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 increase housing availability and affordability and diversify the housing stock within the Town's municipal limits.

## **5. Sign Regulations Attorney Jackson & Planning Director Eller**

Director Eller stated that Staff will be presenting proposed amendments and a review of the sign regulations for legal compliance and policy objectives. This is listed as priority 1 goal in the Comprehensive Land Use Plan chart as federal law and the Town of Weaverville sign ordinance is not consistent. Ongoing court cases require the town to exam the sign ordinance. He provided examples such as election signs, which sites content in the ordinance. Staff will craft new sign regulations to remain content neutral stated Attorney Jackson, and the proposed regulations will come back before the Planning Board next month.

## 6. Short-term rentals

Director Eller reviewed the process to-date on the topic of short-term rentals. At the Town Council meeting the Councilmembers provided feedback for the Planning Board to recommend definitions for the short-term rentals and items related to short-term rentals. Staff will draft language for the definition and proposed regulations for the Planning Board to review at the next meeting. Town Council did not seek to amortize short-term rentals but expect crafted definitions of the short-term rental timeframe, whole house short-term rentals, homestay rentals, detached and attached dwellings uses for short-term rental.

There was discussion to consider the Buncombe County, Woodfin, Asheville, and Brevard regulations for primary and secondary residents, non-owner occupied and operated rentals, on-site management, long-term rentals, neighborhoods and character, affordable housing, bed-and-breakfasts, motels and hotels, single-family residence, multi-family apartments and condos.

The Planning Director and the Attorney's Office stress the town cannot regulate ownership, such as a corporate entity or trust entity or enforce where an owner lives. Legal compliance with the law and legal enforcement is the challenge. Non-conforming uses and zoning will be defined, Mr. Eller noted property by-right permitting process and square footage compliance.

Town Manager Coffey added that we must consider adding enforcement staffing and compliance costs to the budget. She has a quote from Granicus for the software AirDNA to track short-term rentals and all those cost estimates must be considered when drafting an ordinance.

The Planning Department will include the proposed table of uses for residential and commercial districts, Staff prefer to keep simple, noted Attorney Jackson and next month's discussion on May 7<sup>th</sup> the Planning Board's recommendation can go before Town Council in May.

## 7. Adjournment

*There being no further business and without objection Chairman Pace requested adjournment. at 7:45 p.m. Carried Unanimously. 5-0*

ATTEST:



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Tamara Mercer, Town Clerk