



## **Planning Board - Meeting Minutes**

Tuesday, February 4, 2025, at 6:00 PM

Town Council Chambers

The Planning Board held a regularly scheduled meeting in Council Chambers, Town Hall 30 S. Main Street, Weaverville, N.C.

### **1. Call to Order- Chairman Kelley at 6:00 p.m.**

Planning Board members Present: Chair Jane Kelley, Vice Chair Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young. (NOTE: Chair Kelley later recognized Jennifer Young as regular voting member.)

Absent: Donna Mann Belt (excused)

Staff Present: Planning Director James Eller, Planner Graham Crawford, and Town Clerk Tamara Mercer.

### **2. Adoption of Agenda**

Moved to adopt the agenda as presented.

*Moved by:* Michael Sollazzo

**Aye** Jane Kelley, Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young

**Carried unanimously 5-0**

### **3. Approval of Minutes- January 7, 2025**

Moved to approve and adopt the revised meeting minutes as presented.

*Moved by:* Michael Sollazzo

**Aye** Jane Kelley, Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young

**Carried unanimously. 5-0**

#### **4. Downzoning Legislative Compliance**

Planning Director Eller provided an update regarding the laws affecting downzoning and compliance. The legislative definition broadly defines this as: downzoning a property by decreasing the development density or less dense, fewer property uses as was previously established, or by creating a non-conformity on land. Specifically, all those examples without consent of every property owner effected is 'down-zoning'. Mr. Eller provided a review of the property rights and ordinance changes including three new bills proposed in Raleigh. Session Law 2024-57 (S.B. 382) significantly alters the authority for local governments to amend zoning ordinances and states that local governments can no longer down-zone properties without the owner's consent. He recommended the Planning Board make a recommendation on the Staff proposed language and then Staff and the Town are ready if the State Legislature implements the new law.

Chair recognized Jennifer young as regular voting member.

Further plan of action was discussed, Mr. Eller noted the text as presented in amendment Sec. 20-1507 mirrors the North Carolina General Assembly amended state law. Chair Kelley called the question.

Moved to approve text amendment to Sec. 20-1507. Down-zoning as presented.

*Moved by:* Michael Sollazzo

*Seconded by:* Mark Endries

**Aye** Jane Kelley, Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young

**Carried unanimously. 5-0**

The following recommendation by the Planning Board was prepared for Town Council: February 4, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which provides for statutory consistency with recent legislation prohibiting local jurisdictions from downzoning a property without the owners consent. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of S.B 382 passed by the General Assembly in December of 2024. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments align municipal ordinance with the recently enacted statute and the CLUP calls for the continuous review of zoning regulations to ensure statutory compliance.

Given that three subsequent bills have been filed to alter or repeal S.B. 382, the Board also requests a delay in action on this proposed text amendment in the event that state statutes change further, which may require additional text amendments.

**5. Multifamily Residential Density- Min. Lot Area, Setbacks**

Planning Director Eller reviewed multi-family residential density and minimum lot area calculations in the ordinance as it relates to ownership/rental of individual units and the regulations of condominiums which are typically single ownership. He explained the administrative permitting process for project approval for projects 'for rent' versus multifamily projects 'for individual sale'.

Further discussion and review of development density, Comprehensive Land Use Plan, multifamily projects under administrative technical review committee, minimum lot area and setbacks within multifamily project development, table of dimensional requirements, and Sec. 20-3324 Dwelling - multifamily (more than 4 units/building) code option proposals were reviewed.

Current dwelling projects and conditional districts, zoning compliance, and standards for zoning approval ensued and there was a general consensus to approve the detailed footnote and technical change to table of dimensional requirements (D) proposed by Staff.

Moved to recommend under Sec. 20-3324. Dwelling - multifamily (more than 4 units/building) first option (D) as presented.

*Moved by:* Jennifer Young

*Seconded by:* Jane Kelley

**Aye** Jane Kelley, Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young

**Carried unanimously. 5-0**

The following recommendation by the Planning Board was prepared for Town Council:

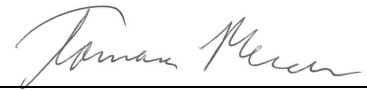
On February 4, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which provides for a new footnote within the table of dimensional requirements and adds new additional standards for multifamily residential developments allowing an alteration from the minimum dimensional requirements for multifamily projects. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of standards applicable to multifamily residential developments finding that such uses are treated differently by the land use regulations based upon the ownership of the property. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments seek to treat identical uses commonly, not based upon the ownership of the property; currently conditional zoning would be required for all multifamily projects in which individual dwelling units are offered for sale rather than rent; and the CLUP calls for a determination on how to regulate condominiums (minimum lot area and setbacks within multifamily developments), an ongoing review of zoning regulations, and the continued analysis of

ways to provide standard regulations in order to reserve the use of conditional zoning for unique proposals.

**6. Adjournment**

- 6.1 There being no further business and without objection, Chairman Kelley adjourned the meeting at 7:01 p.m.



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Town Clerk

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