

**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, May 6, 2025, 6:00pm
Agenda**

	Pg#	
1.		Call to Order
2.		Adoption of Agenda
3.	2	Approval of Minutes – 4/1/2025 Regular Meeting
4.	6	Review of Residential Uses.....
5.	13	Update of Comprehensive Land Use Plan.....
6.	15	Envision Buncombe Recovery Planning Survey.....
7.	24	Continued Discussion of Meeting Date and Time.....
8.		Adjournment



Planning Board Meeting Minutes

Tuesday, April 1, 2025 at 6:00 PM

Town Council Chambers

The Planning Board held a regularly scheduled meeting on Tuesday April 1, 2025 at 6:00 p.m. in the Town Council Chambers at Town Hall, 30 S. Main Street, Weaverville, N.C.

1. Call to Order - Chair Kelley called the meeting to order at 6:00 p.m. and recognized Jennifer Young as a voting member.

Planning Board members Present: Chair Jane Kelley, Vice Chair Mark Endries, Michael Sollazzo, Jonathan Brown, and Jennifer Young.

Absent: Donna Mann Belt

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

2. Adopt or Amend 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- 2/4/2025 Planning Board Meeting

Moved to approve the February 4, 2025 meeting minutes as presented.

Moved by: Jennifer Young

Aye

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

Carried unanimously. 5-0

4. 6 Pleasant Grove Road Major Subdivision

Planning Director Eller noted in seven years this is the first major subdivision. The property was annexed into the municipal limits on March 24, 2024, and ascribed the R-3 zoning district upon annexation.

The Technical Review Committee (TRC) has reviewed the proposal and offered comments to the engineering firm who prepared the plans. The TRC consists of the Planning Department, the Public Works Department which includes streets, water and sanitation, Fire and Police Departments, and they have found the preliminary plans fully compliant with various sections of municipal ordinance and relevant Federal and State laws, rules and regulations.

Director Eller reviewed the past Town Council approvals of the code amendments for multifamily residential, setbacks, parking and tree regulations. In response to Chairman Kelley's question regarding open space, Mr. Eller addressed the TRC's concerns regarding three items including the open space requirements. The percent of open space requirements are compliant for 25%. Open space included creek, stormwater ponds, and various calculations.

There were further discussions regarding the updates to the Comprehensive Land Use Plan, growth areas, annexations, Buncombe County vested rights, and the multifamily text amendment.

A question-and-answer period about 6 & 9 Pleasant Grove Road development, R-3 and R-2 zoning, design, parking, sediment and erosion control, silt fencing requirement, were explained by Mr. Eller. In response to Ms. Young's question, Mr. Eller said there will be no outdoor lighting, the lighting will be in the rights-of-way and the roads are private per the developer. He expounded on the Town of Weaverville infrastructure costs which has been included in the development fees.

Mr. Endries stated his main concern was for there to be future greenway connector plans and to coordinate between this developer and the other recent developments to ensure rights-of-way easements are in place. Mr. Eller reviewed the site plan and mapping. The mapping discussion included 21 Parker Cove Road, connections between the bio retention pond and future potential connectors and ROW easements in the design. Mr. Eller said we have the ability to request this, but the developer is not required to do so, they have to agree to the greenway connections.

Mr. Eller explained that eleven years ago, when the Greenway Feasibility Study was done, it did not include County jurisdiction easements on the final plats, so discussion of

connection to Vance Place Historic Site along the Reems Creek Greenway should include the County jurisdictions, with consideration of the streams, buffers, and boundary lines. The logical location was pin pointed by Mr.

Eller and he would provide the location to the developer, he surmised the property owner would probably agree to the connector. Planning Director Eller noted the greenway location and will add this to the request.

Chair Kelley requested a motion to establish approval and to ask for a future greenway connector easement location discussion.

Motion to recommend approval of the presented preliminary plans located at 6 Pleasant Grove Road.

Moved by: Michael Sollazzo

Seconded by: Mark Endries

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

Carried unanimously. 5-0

Motion to request and recommend an easement connector for the future Weaverville greenway. Location as specified along Reems Creek corridor.

Moved by: Jennifer Young

Seconded by: Michael Sollazzo

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

Carried unanimously. 5-0

5. Conditional District Text Amendment

Director Eller reviewed section 20-3203 for Conditional Districts under the code. He provided the reasons for the proposed text amendments as it pertained to the sequence of events for certain projects such as the AdventHealth hospital project. He reviewed the project timeline for the construction and permitting process. He provided the proposed code strike of the sentence under section 20-3203. (o), in order to expedite construction projects. Mr. Eller addressed concerns with the completion of phases utilizing the mechanisms of bonds and improvement guarantees, explaining the land use authority process with the County.

Moved to approve a positive recommendation to Town Council to adopt the code text amendment 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

6. Other Business

Various scheduling conflicts were discussed, and the Town Clerk will send out a survey/poll for the Planning Board members and staff to provide available dates and times for a possible change to the regular meeting schedule of the Planning Board.

Mr. Eller provided a legislative update to the 'Downzoning and property zoning' topic in the General Assembly.

7. Adjournment

7.1 There being no further business and without objection, Chair Kelley adjourned the meeting at 6:59 p.m.

Town Clerk

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, May 6, 2025
Subject: Review of Residential Uses
Presenter: Planning Director
Attachments: Table of Uses and Additional Standards Related to Residential Uses, Staff Report Related to “Downzoning” Regulatory Change

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for a review of residential uses for consistency and compatibility with policy directive which was given a number 1 priority. However, in light of Senate Bill 382 (downzoning) discussed at a previous meeting, only changes which make uses of property more permissible are now allowed without the consent of each property owner affected.

In other words, prohibiting a use, increasing a minimum dimensional requirement, or changing to a more restrictive permitting path (i.e.: permitted by right to permitted with standards) would require the consent of several hundred property owners. For example, there are currently 1,479 parcels of land in the R-1 zoning district. While there are likely to be some duplicate property owners, it is safe to assume that a change in the R-1 zoning district which diminishes the development potential of the property in any way, would require the consent of over 1,000 property owners. This is incredibly unlikely to occur.

Action Requested:

Given that this goal of the CLUP is listed as a responsibility of both staff and the Planning Board, it is considered prudent to discuss the issue and recognize recent regulatory changes which make this goal incredibly difficult to address.

If there is a desire to expand the development potential of residential uses and properties, a conversation to this regard is appropriate at this time and staff will draft reflective ordinance language.

Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:
 "C" = Conditional District required
 "P" = Permitted
 "PS" = Permitted with Standards
 "-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL								
Dwelling - Single Family	P	P	P	-	-	-	-	-
Dwelling - Duplex	-	P	P	P	-	-	-	-
Dwelling - Multifamily (4 or fewer units/building)	-	P	P	P	-	-	-	-
Dwelling - Multifamily (more than 4 units/building)	-	-	PS	PS	-	-	-	-
Dwelling - Secondary	PS	PS	PS	-	-	-	-	-
Family Care Home (6 or fewer residents)	PS	PS	PS	-	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	-
Manufactured Home	-	-	-	-	-	-	-	PS
Manufactured Home Park	-	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C	-
Bed & Breakfast	P	P	P	-	-	-	-	-
Hotel, Motel, Inn	-	-	-	-	C	C	C	-

Sec. 20-3309. Dwelling - Secondary.

- (a) Secondary dwelling units shall be accessory and subordinate to the primary living quarters.
- (b) No more than one secondary dwelling unit is permitted on any lot.
- (c) A secondary dwelling unit may only be located within a side or rear yard and within the setback established by the applicable zoning district.
- (d) No secondary structure shall exceed two stories in height.

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- (e) Secondary dwelling units may be created as an independent structure, an addition to an existing primary structure, or a second story within detached garages.
 - (f) The gross floor space of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of an attached garage shall not be calculated as part of the total square footage of any secondary dwelling that is built as the second story of a detached garage; provided, such ground floor garage area shall not be converted into a dwelling space.
 - (g) At least one off-street parking space shall be provided.
 - (h) Properties with multifamily dwellings as defined herein shall not be permitted a secondary dwelling.
- (Ord. of 5-24-2021(1), § 5)

Sec. 20-3312. Home occupation.

- (a) Home occupations shall be clearly incidental to the residential use of a dwelling and shall not change the residential character of the dwelling or the neighborhood.
 - (b) Home occupations shall be contained entirely within the interior of the dwelling or accessory structure. Home occupations within a dwelling shall not occupy more than 25 percent of the gross floor area of the dwelling. Should a home occupation occur within an accessory structure, said use shall not exceed 25 percent of the aggregate square footage of both the dwelling unit and accessory structure.
 - (c) Only noncommercial vehicles are permitted in conjunction with a home occupation.
 - (d) Business or product identification signs shall not be permitted.
 - (e) Commercial sale of merchandise is limited to catalog and internet sales only. On-site customers are expressly prohibited. Products may be received and shipped from the premises to fulfill orders provided that goods, products or commodities are stored within the home, within an accessory structure, or off-site.
 - (f) The installation or use of mechanical or electrical equipment not normally used for domestic purposes shall not be permitted.
 - (g) Home occupations may include child care homes as defined herein.
- (Ord. of 5-24-2021(1), § 5; Ord. of 1-22-2024(1), § 4)

Sec. 20-3314. Manufactured homes.

- (a) No new manufactured home shall be permitted within floodways and non-encroachment areas as determined by the Floodplain Administrator of Buncombe County.
- (b) Each new manufactured home shall be placed on an individual lot.
- (c) A manufactured home must be built to or exceed the manufactured home construction safety standards as developed by the Housing and Urban Development Code of June 15, 1976.
- (d) Manufactured homes must not be more than a single story measured from front ground level and may not be stacked.
- (e) Manufactured homes must either be properly tied down and underpinning/skirting installed and maintained or must be placed on a permanent foundation. If piers are used they must be engineered and skirting must be installed.
- (f) The age of the manufactured home shall not be a basis for exclusion from the district.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3322. Child care homes.

- (a) Child care homes shall provide location for pickup/drop-off area for safe access to the home for children and parents and which do not impede traffic on public or private roads.
- (b) Child care homes shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the dwelling or neighborhood.
- (c) Business or product identification signs shall not be permitted.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3324. Dwelling - Multifamily (more than 4 units/building).

- (a) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of Dwelling - Multifamily (more than four units/building) as defined in Code section 20-1202 except that such requirements are hereby modified to provide the following:
 - (1) All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - (2) Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - (3) The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
- (b) All containment devices for trash and recyclables (including but not limited to compactors, dumpsters, roll-out bins, and areas for storing cardboard) shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - (1) All containment areas shall be enclosed to contain windblown litter.
 - (2) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - (3) Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall, or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - (4) Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
 - (5) Enclosures shall contain gates to allow for access and security.
 - (6) Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - (7) Enclosures shall be landscaped in accordance with article IV of this part III.
- (c) Maximum number of units per building - No more than 24 units per building are permitted.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3326. Family care homes.

Family care homes may not be located within a one-half mile radius of an existing family care home.
(Ord. of 5-24-2021(1), § 5)

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan, SB 382, "Limits on Down-Zoning"

Comprehensive Land Use Plan Stated Goal and Background Information

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for a continuous review of the zoning regulations to ensure statutory compliance and consistency with stated goals. Rather than having a rank, as many other priorities do, this goal can be found within the portion of the table reserved for legal compliance and accountability.

State Statute

A portion of the Disaster Recovery Act of 2024 – Part III, Session Law 2024-57 (S.B. 382) significantly alters the authority for local governments to amend zoning ordinances. This newly enacted language provides that local governments can no longer down zone properties without the owner’s consent.

An article furnished by the University of North Carolina School of Government titled "Limits on Down Zoning" goes into great detail on how down zoning is defined and how the law is likely to treat down zoning initiated by the local government moving forward. This article has been provided in the agenda packet and can also be found at the following link.

<https://canons.sog.unc.edu/2024/12/limits-on-down-zoning/>

Furthermore, Section 3K.1.(c) establishes that the limits on down zoning are not only applicable upon adoption, but also retroactively to any downzoning adopted after June 14, 2024. Staff has conducted a review of all map and text amendments conducted during this time and believe that no additional zoning map or text amendments adopted during this time should be retroactively voided.

Of most concern in this regard are the sign regulations which were changed for legal compliance on June 24, 2024. Given that the dimensional requirements (height, bulk, size) were not changed, it is believed that this amendment would hold if challenged. An arduous thought exercise would be to consider if the Town had enacted regulations related to short term rentals during this time frame as in all likelihood they would need to be rescinded.

Zoning map amendments during this time were conducted in conjunction with voluntary annexation petitions. By definition, voluntary annexation petitions, and supporting documentation such as a zoning map amendment application, require the consent of the own and should therefore, also be safe if challenged.

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan, SB 382, "Limits on Down-Zoning"

Proposed Modification of Existing Regulations for Local Government Initiated Down Zoning

Sec. 20-1507. Down-zoning.

No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated nor is it enforceable initiated, enacted, or enforced~~ without the written consent of all property owners whose property is the subject of the down-zoning amendment, ~~unless the down-zoning amendment is initiated by the town~~. For purposes of this section, "down-zoning" means a zoning ordinance that affects the area of land in order of the following ways: (1) by decreasing the development density of the land to be less dense than was allowed under its previous usage; (2) by reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage; (3) by creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.



TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, May 6, 2025
Subject: Update of Comprehensive Land Use Plan
Presenter: Planning Director
Attachments: Proposed Project Overview

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for a comprehensive update to the CLUP in 2025 or at such time as substantial legislative or other changes are experienced.

This step was envisioned at the time of adoption in 2019 as being a bridge between the centennial census' of 2020 and 2030 as these censuses are the source of much of the information contained within the plan. Other sources, such as annual American Community Surveys or population estimates, may be used to update some figures in the plan between censuses.

There have also been some significant developments since 2019 which should be considered in a 2025 comprehensive update the CLUP such as:

Water Treatment Plant Expansion	AdventHealth Hospital Campus
Resolution Regarding Growth Area	Demand for Multifamily Housing
Northridge Farms Project	Senate Bill 382 (downzoning)
Reems Creek Corridor	MSD Capacity and Availability
Ollie Weaver Waterline	Active Weaverville Bike/Ped Plan
Hazard Mitigation	Sidewalk Priority List

Action Requested:

No action is requested at this time. Staff is seeking a conversation with the Board regarding the performance of the current plan and any additions or subtractions that would be helpful moving forward.

PROJECT OVERVIEW

	Description	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Phase I	Info/Data Gathering	*							
Phase II	Community Input		*						
Phase III	Staff Draft of Plan			*	*				
Phase IV	Planning Board Review and Input					*			
	Town Council Review and Input						*		
	Joint Meeting of TC and PB							*	
Phase V	Final Draft of Plan								*
	Town Council Review and Adoption								*

PLAN DOCUMENTS CONSULTED: Weaverville Comprehensive Land Use Plan (2008, 2012, 2019), Weaverville Parks and Recreation Plan (2018), Reems Creek Greenway Feasibility Study (2014), Weaverville Water System Plans, Metropolitan Sewerage District Plans, Buncombe-Madison Hazard Mitigation Plan, Active Weaverville Plan, Weaverville Strategic Plan, Envision Buncombe Results

RESOURCE AGENCIES: US Census Bureau, State of North Carolina, NCDOT Division 13, Buncombe County, Town of Weaverville, Land of Sky Regional Council, Metropolitan Sewerage District of Buncombe County, Asheville Redefines Transit, Mountain Mobility, Connect Buncombe

TOWN COUNCIL: Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Michele Wood, Peter McGuire, Dee Lawrence

PLANNING BOARD: Jane Kelley, Mark Endries, Donna Mann Belt, Jonathan Brown, Michael Sollazzo, Jennifer Young

**TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM**

MEETING DATE: Tuesday, May 6, 2025

SUBJECT: County Helene Recovery Update and Community Input Presentation

PRESENTER: Planning Director

ATTACHMENTS: Presentation Slides

DESCRIPTION/SUMMARY OF REQUEST:

The County is doing a number of community presentations about storm recovery and next steps. A Buncombe County representative attended Town Council April regular meeting to talk about where we are in the recovery process along with what planning looks like for the long term. Information was relayed on how they are gathering community input for the development of a Countywide long-term recovery plan.

ACTION REQUESTED:

Board Members are requested to participate in the community input for the development of a county wide long-term recovery plan through the link or the QR code found within the presentation.



Tropical Storm Helene Recovery Planning



What is recovery planning, and why do it?

A long term recovery plan...

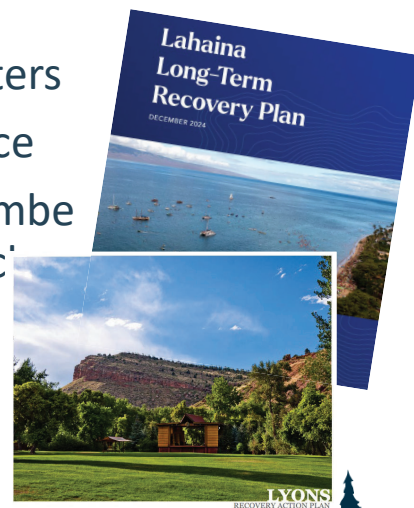
- Guides to help a community rebuild and recover after a major disaster
- Assesses impacts & needs
- Names what is important to accomplish for recovery
- Is project-specific
- Reflects community voice yet is tailored to organizational scope
- Aligns to existing plans where possible

A good plan helps...

- Secure funding/resources from state & federal agencies
- Coordinate efforts between different organizations & government agencies
- Prioritize needs so the most critical issues get addressed first
- Support businesses and residents in rebuilding their lives
- Build back stronger to reduce damage from future disasters

Our local approach to recovery planning

- Aligned to state & federal recovery frameworks
- Informed by other communities recovering from disasters
- Created with support from FEMA Community Assistance
- Unified plan reflective of all jurisdictions within Buncombe County while retaining independent authorities for each to approve, establish, fund & carry out projects -
 - Buncombe County
 - City of Asheville
 - Town of Biltmore Forest
 - Town of Black Mountain
 - Town of Montreat
 - Town of Weaverville
 - Town of Woodfin



What to expect next

- Spring & Summer 2025:
 - Envision Buncombe Survey
 - Community engagement
 - Project development & evaluation by each jurisdiction
- Fall 2025
 - Review draft plans with elected officials
 - Community input on draft plans
 - Plan adoptions
 - Begin implementation of near-term recovery projects



ENVISION BUNCOMBE VISUALIZA BUNCOMBE

**Planning Recovery, Building Resilience,
Creating a Better Buncombe.**

*Planificando la Recuperación, Fortaleciendo la Resiliencia,
Construyendo un Buncombe Mejor.*



Envision Buncombe Survey

engage.buncombecounty.org/envisionbuncombe

Buncombe County Government is working to develop a community-driven plan for strategic recovery and resilience — and we need your voice to make it real. From post-disaster needs to recovery priorities to resiliency ideas, this survey is your chance to shape the future of Buncombe County.



Questions?

engage.buncombecounty.org/buncomberecovers

- Helene Recovery Resource Guide
- Updates on recovery activities

Helene Resource Center - 94 Coxe Ave, downtown Asheville
8:00 am-5:00 pm, Monday-Friday

- FEMA Individual Assistance
- State Disaster Case Management
- Small Business Administration (SBA) disaster loans
- Hazard Mitigation Grant Program
- Additional survivor-focused services and referrals

Envision Buncombe Survey

English



<https://publicinput.com/envisionbuncombesurvey>

Spanish

<https://publicinput.com/encuestaenvisionbuncombe>



First Name	Last Name	1st Preferred Day - Mondays	1st Preferred Day - Tuesdays	1st Preferred Day - Wed	2nd Preference Day - Mondays	2nd Preference Day - Tuesdays	Wednesdays	1st Preferred Time - 4:00	1st Preferred Time - 5:00
Jane	Kelley		X		X			X	
Michael	Sollazzo	X				X		X	
Jonathan	Brown		X		X			X	
Jennifer	Young	X				X		X	
Donna	Mann	X				X		X	
Mark	Endries ?								

3rd Preferred Time - 6:00	2nd Preference Time - 5:00	4.3 2nd Preference for Meeting	5.1 Preferred week of the month - 1st week of the month
	X		X
	X		X
	X		X