

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, January 2, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, January 2, 2018 within Council Chambers at Weaverville Town Hall.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Members Catherine Cordell, Leslie Osborne and Peter Stanz, Alternate Board Members John Chase and Steve Warren, Town Attorney Jennifer Jackson and Planning Director James Eller.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm.

2. Approval of the Minutes from the October 3 and November 7, 2017 Meetings of the Board.

Ms. Osborne motioned to approve the minutes as amended. Mr. Burge seconded and all voted unanimously.

3. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as Greenwood Park Phase One.

Mr. Eller described the type and scope of the proposed development and noted additional information presented to the Board related to same including a sewer easement plat, an engineering report related to Al Dorf Drive and municipal road standards and the covenants and restrictions of Greenwood Park inclusive of a road maintenance agreement.

Ms. Jackson noted that the water line easement was recorded earlier in the day.

Mr. Eller noted the process for achieving individual water and sewer taps on each of the lots to be created. Chairman Theroux noted that due to this process staff should ensure there is no conflict with the ordinance as presently written.

Ms. Jackson noted that the covenant and restrictions would be recorded in conjunction with the final plat.

Mr. Eller noted that the waterline easement, which was also recorded earlier in the day, referenced phase one and phase two of Greenwood Park due to the configuration of the lots and clarified that phase two has not been reviewed by the Board or approved by Town Council.

4. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for Greenwood Park Phase One.

Mr. Burge motioned to favorably recommend to Town Council the final plat for Greenwood Park phase one. Mr. Stanz seconded and all voted unanimously.

5. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as The Hamlet Phase 1, a Portion of Reems Creek Village.

Mr. Eller described the type and scope of the proposed development and noted additional information presented to the Board related to same including a requisite revision of language on the final plat, and a supplemental declaration to the existing covenants and restrictions of Reems Creek Village inclusive of a revised road maintenance agreement.

Chairman Theroux noted that when future roads are constructed within The Hamlet the road maintenance agreement would need to be revised again.

6. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for the Hamlet Phase One, a Portion of Reems Creek Village.

Mr. Burge motioned to favorably recommend to Town Council the final plat for Greenwood Park phase one. Ms. Cordell seconded and all voted unanimously.

7. Discussion Related to a Proposed Rezoning of Three Contiguous Parcels Adjacent to Monticello Road.

Mr. Eller noted that despite the three parcels being contiguous and under common ownership, they are presently individually assigned three different zoning districts those being R-3, C-2 and I-1. The application the Board is being asked to consider calls for the rezoning of the three parcels to R-12.

Mr. Eller also noted that the Board and Town Council should consider each use permitted within the zoning district when deliberating a rezoning, but in this case, the R-12 Zoning District was created specifically to accommodate multifamily residential uses and such multifamily residential uses would be subject to a subsequent conditional zoning district.

Mr. Sugg of Civil Design Concepts and a representative of the applicant made himself available for questioning.

Ms. Jackson noted that the Comprehensive Land Use Plan, which the Board is required to consider, shows multifamily housing in the vicinity on the proposed future land use map.

Ms. Osborne questioned staff on the previously approved multifamily residential projects in the immediate vicinity of the subject parcels.

Ms. Cordell questioned the applicant if there would be interconnectivity with Northridge Commons immediately to the west and the applicant denied.

Ms. Jackson noted the process by which conditional zoning districts are established signifying the Planning and Zoning Boards continued involvement in the review of the proposed use.

8. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Rezoning.

Ms. Cordell motioned to favorably recommend to Town Council related to the proposed rezoning citing consistency with the Town's comprehensive land use plan. Chairman Theroux seconded and Mr. Burge cast the third vote in favor of the motion. Ms. Osborne and Mr. Stanz cast dissenting votes. Motion carries 3-2.

9. Discussion Related to a Proposed Text Amendment Regarding the Land Use of Mobile Food Vendors and the Additional Standards Placed Thereon.

Mr. Eller described to the Board the application for a zoning text amendment which proposed to alter the additional standards placed upon mobile food vendors within the C-1, C-2 and I-1 zoning districts. Mr. Eller further described that one of the aforementioned standards prohibited the use of a mobile food vendor within the C-1 zoning district absent to issuance of a special event permit by the Town Manager and the applicant wishes to establish such a use as a temporary use in conjunction with a present business located at 11 Florida Avenue. Additionally, the application calls for the reduction in linear distance between a proposed mobile food vendor and any adjacent structure used for residential purpose within a residentially zoned district.

Ms. Cordell questioned staff on the issuance of any permits for mobile food vendors and suggested that a master permit for the property would be preferable than a permit for each individual mobile food vendor.

Ms. Cordell questioned staff on how the use would have been treated prior to the adoption of the table of uses. Mr. Eller responded that the code, as constituted at that time, would have required staff to treat the use of mobile food vendors as a restaurant and therefore permit by right within the C-1 zoning district.

Mr. Warren suggested that any mobile food vendor should only be operating in conjunction with an existing primary use or structure.

Chairman Theroux questioned staff that, if permitted, the Town could limit the number of mobile food vendors. Ms. Jackson suggested that such a limitation would not be a fair application of the law.

Ms. Osborne noted that, due to the limited amount of parking in the C-1 zoning district, staff be cognizant of not permitting mobile food vendors to occupy present parking and loading spaces.

Mr. Stanz noted that the Town should be permitting existing businesses who wish to also have a mobile food vendor rather than the individual vendors.

Adding to his previous statement, Mr. Warren suggested that the hours of a mobile food vendor should be linked with the hours of the primary business on the property and would allow visitors to the mobile food vendor access to the facilities of the primary business.

Ms. Osborne made a motion to table consideration of the application in order to provide staff the opportunity to draft language reflective of the Board's deliberations.

Chairman Theroux noted that an additional option would be for the applicant to withdraw the application to prevent any negative connotations being attached to same.

Jon Varner, applicant and owner of Eluvium Brewing Company, made himself available for questioning and spoke to the Board regarding the application. Mr. Varner noted that each mobile food vendor is required to return to their commissary kitchen at the conclusion of business each day by the Buncombe County Health Department. Mr. Varner noted that any mobile food vendor on the property of his business would not interfere with any present parking or vehicular or pedestrian traffic. Mr. Varner noted that due to the special requirements placed on mobile food vendors, there isn't a location on his property where the use could be established.

Mr. Varner suggested that he would rather remove his application from consideration than have a negative recommendation forwarded to Town Council.

Ms. Osborne withdrew her previous motion in light of the application's withdraw.

10. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.

No motion was made as staff was directed to incorporate the thoughts and concerns of the Board into language for their consideration.

11. Discussion Related to a Proposed Amendment of Code Related to the Initial Consideration by Town Council of all Zoning Map and Text Amendments.

Mr. Eller noted that presently all applications for zoning map and text amendments go before Town Council for an initial consideration but those items are typically placed on the consent agenda and often commented upon. Mr. Eller continued that this adds a month to the process without much accomplishment for the applicant or the Town.

Language the Board is being asked to consider is reflective of a process which calls for zoning map amendments between two standard zoning districts to be initiated at the Planning and Zoning Board level while continuing the practice of initial consideration by Town Council for conditional zoning districts and text amendments.

12. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.

Mr. Stanz made a motion to favorably recommend the proposed language presented related to the initial consideration of zoning map and text amendments.

13. Discussion Related to a Proposed Amendment of Code Related to the Prohibition of Storage or Shipping Containers as an Accessory Structure within Residentially Zoned Districts.

Mr. Eller noted that, due to particular statutory limitations in place, design standards related to any structure covered by the North Carolina Residential Building Code may not be imposed.

Ms. Jackson noted that due to the lot configuration it is incredibly difficult to craft language which would address the situation specific to the storage container on Salem Road.

Chairman Theroux noted the due to the work put in by staff and the Planning and Zoning Board the issue seems to have reached a conclusion of accepting the Town cannot prohibit the particular use.

14. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.

Ms. Osborne motioned to table the discussion until next month's meeting. Ms. Cordell seconded and all voted unanimously.

15. Any Other Business to Come Before the Board.

16. Adjournment.

Ms. Cordell motioned to adjourn. Mr. Burge seconded and all voted unanimously.

Doug Theroux

Doug Theroux, Chairman
Planning and Zoning Board

ATTEST:

James Eller

James W. Eller
Planning Director / Deputy Town Clerk