



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for July 22, 2024
Date: July 15, 2024

The **Town of Black Mountain Planning Board** will meet on **Monday, July 22, 2024, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from April 22, 2024; and
3. Text Amendment Request.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@tobm.org.

CC: Jessica Trotman, Planning Director
Russell Cate, Planner 1/Zoning Administrator
Cassie LaCourse



PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING
REUNIÓN ORDINARIA

Monday, July 22, 2024, at 6:00 p.m.
Lunes 22 de Julio de 2024, a las 6:00 p.m.

The Black Mountain Planning Board will meet for their regular monthly meeting on **Monday, July 22, 2024, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

La Junta de Planificación de Black Mountain se reunirá para su reunión mensual regular el **lunes 22 de Julio de 2024 a las 6:00 p.m.** en el Ayuntamiento, 160 Midland Avenue, Black Mountain, N. C.

The meeting is open to the public.
La reunión está abierta al público.

Jennifer Tipton
Senior Admin

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La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 07/01/2024

www.townofblackmountain.org



**Planning Board Regular Meeting
July 22, 2024**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of April 22, 2024, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Election of Officers
- Text Amendment Request

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, April 22, 2024. at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Chris Collins, Chair
Pam Norton, Vice Chair
Joe Laudenslayer
Rick Earley
Lauronda Teeple
Kathy Phillips

Absent:

Chas Fitzgerald

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of six (6) members.

II. ADOPTION OF AGENDA

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Pam Norton and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Lauronda Teeple made a motion to approve the minutes of March 25, 2024, as written. The motion was seconded by Joe Laudenslayer and approved by a vote of 5-0, with Chris Collins abstaining.

IV. NEW BUSINESS

1. Proposed Text Amendment for Data Processing Centers

Jessica Trotman explained that there would be three amendments total: adding a definition, adding it to the table of permitted uses, and adding the standards for the special use permit. Ms. Trotman said that she looked at other jurisdictions who have data processing centers defined as a use and APA bulletins to draft the text. The proposed definition is for buildings on one acre or more. The board felt that even small centers should be included so it was recommended to take out the wording regarding acreage. Chris Collins suggested changing the use from a special use to a limited use with additional standards as there is no real benefit or advantage of having the use be under a special use permit. Mr. Collins asked about the buffer width and it was explained that twenty-five feet was the most common and is used for noise dissipation. Kathy Phillips asked about the security fencing and the thought behind the fencing is to help avert domestic terrorism on sensitive facilities. The decibel requirement will not be included in the noise ordinance section so that staff can enforce the decibel level for these facilities. An abandonment section is included so that if a facility is to close, there is not wasted property. Staff will look at

Planning Board Regular Meeting
April 22, 2024

some of the parcels available and apply the standards and bring back examples to the next meeting. Staff will also make the recommended changes to the draft ordinance.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

Pam Norton asked if staff had gone to look at the parcel owned by Givens Highland Farms that is the subject of the rezoning request from the previous month. Givens Highland Farms has pulled that rezoning request and staff did go to observe the site and it is part of the larger active construction site at this time.

VIII. COMMUNICATION FROM STAFF

Jennifer Tipton said that the May meeting is scheduled on Memorial Day and town offices will be closed. The board can either cancel the May meeting or move the meeting to another date. The board decided to go ahead and cancel the May meeting.

VX. ADJOURNMENT

With no further business, the meeting was adjourned at 6:39 p.m.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin

TEXT AMENDMENT APPLICATION www.townofblackmountain.org**APPLICANT INFORMATION**

Applicant Name

Cassie LaCourse

Applicant Address (Number, Street, City, State, ZIP)

102 Orchard St. Black Mountain NC 28711

Home Phone

Cell Phone

617-504-6911

Email Address

Cassie@pauseandimagine.com

TEXT AMENDMENT LOCATION AND REQUEST

I request a text amendment for the following provision(s) of the ordinance: Land Use Code

Chapter: 5

Section: 5.15

Title: Mobile Food Vendors

Current Text:

mobile Food Vendors

Requested Amendment:

mobile Food/Retail Vendors

Reason for Requested Amendment:

I moved to Black Mountain as a small woman-owned mobile retail shop owner. I have met w/ many town representatives in the Planning & Development department and no current permits allow my mobile business to open. A change in language for this particular code would allow me to apply for a permit. I am the same as a mobile food truck.

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Planning Board meeting is mandatory for the review of this application.

Applicant Signature



Date

4/8/24

OFFICE USE ONLY

Date Received:

Fee: \$200.00

Cash: ☐ Check: ☐ #Credit: ☐Vote: ____ to ____ For ☐ Against ☐

Planning Board Meeting Date:

Vote: ____ to ____ For ☐ Against ☐

Board of Aldermen Meeting Date:

I simply don't serve food. Only part of ordinance not applicable is B regarding health dept.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To:

From:

Date:

Subject:

Description:

Address:

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

_____ The zoning amendment **is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest** because:

How consistent with plan: _____

Why is it reasonable and in the public interest: _____

_____ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan and/or is not reasonable and in the public interest** because:

How inconsistent with the plan: _____

Why is it not reasonable and in the public interest: _____

_____ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:

