



## TOWN OF BLACK MOUNTAIN PLANNING BOARD

February 23, 2026

REGULAR MEETING AGENDA

Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

Agendas and agenda packets may be accessed electronically from your laptop or smartphone. Visit the Town's website at [www.townofblackmountain.org](http://www.townofblackmountain.org). Click on **Government** and select **Town Council** to access agenda materials for Town Council meetings. You can also scan this QR code with your smartphone to access agenda materials.



 Conserve Resources; print only when necessary.

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 (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Wesley Barker at: [town.clerk@tobm.org](mailto:town.clerk@tobm.org), or **(828) 419-9300 / TDD (800) 735-2962**

1. **CALL TO ORDER**
  - 1.A. **Welcome**
  - 1.B. **Determination of Quorum**
2. **ADOPTION OF AGENDA**
  - 2.A. **Motion: To adopt the agenda as presented [or as amended]**
3. **ADOPTION OF MINUTES**
  - 3.A. **Motion: To adopt the minutes of November 17, 2025, as written [or as amended]**
4. **OLD BUSINESS**
5. **NEW BUSINESS**
  - 5.A. **Annexation and Rezoning Request - Givens Highland Farms**

6. **COMMUNICATION FROM PLANNING BOARD**
7. **COMMUNICATION FROM STAFF**
8. **ADJOURNMENT**



**Town of Black Mountain  
Planning Board**

**February 23, 2026**

**Regular Session Agenda**

**Time: 6:00 pm**

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

**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 November 17, 2025, as written [or as amended]

**IV. OLD BUSINESS**

**V. NEW BUSINESS**

- Annexation and Rezoning Request – Givens Highland Farms

**VI. COMMUNICATION FROM PLANNING BOARD**

**VII. COMMUNICATION FROM STAFF**

**VIII. ADJOURNMENT**

**TOWN OF BLACK MOUNTAIN  
PLANNING BOARD**

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The Black Mountain Planning Board held its regular meeting on Monday, November 17, 2025, 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  
Rick Earley  
Lauronda Teeple  
Kathy Phillips  
Michael Churchman

Absent:

Joe Laudenslayer

Staff:

Jennifer Tipton, Senior Admin  
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:10 p.m. and duly constituted and opened for business with a quorum of six (6) members.

**II. ADOPTION OF AGENDA**

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

**III. ADOPTION OF MINUTES**

Lauronda Teeple made a motion to adopt the minutes of October 27, 2025, as written. The motion was seconded by Pam Norton and approved by a vote of 6-0.

**IV. NEW BUSINESS**

**1. 37 Old Lakey Gap Road Preliminary Plat Review**

Russell Cate briefly went over the staff report, noting that there were no changes from the sketch plan to the preliminary plat. Staff have found that the subdivision complies with the requirements of Chapter 3. The board went through the major subdivision checklist and found that there were a few items missing but felt that staff could confirm those items on the final plat. Chris Collins made a motion to approve the preliminary plat for 37 Old Lakey Gap Road with the following items to be verified on the final plat:

- Dimensions of sidewalk
- Dimensions of row on Hightop Colony Road
- If natural gas is available, show lines
- Add a legend for utilities
- Add bearings and distances on lot lines
- Correct zoning on adjacent town lots

Planning Board Regular Meeting  
November 17, 2025

- Add square footage of lots

The motion was seconded by Lauronda and approved by a vote of 6-0.

**2. 334 North Fork Road Preliminary Plat Review**

Russell Cate briefly went over the staff report, noting that there were no changes from the sketch plan to the preliminary plat. Staff have found that the subdivision complies with the requirements of Chapter 3. The board went through the major subdivision checklist and found that there were a few items missing that staff could confirm those items on the final plat. Lauronda Teeple made a motion to approve the preliminary plat for 334 North Fork Road with the following items to be verified on the final plat:

- Call out the open space area with the acreage
- Add a vicinity map
- Label Lot 1

The motion was seconded by Chris Collins and approved by a vote of 6-0.

**V. OLD BUSINESS**

None.

**VI. PUBLIC COMMENT**

None.

**VII. COMMUNICATION FROM PLANNING BOARD**

Kathy Phillips asked if a requirement can be added to the UDO that new subdivisions must put in a sidewalk on the main road in addition to the internal pedestrian circulation.

**VIII. COMMUNICATION FROM STAFF**

Jennifer Tipton said that staff will be holding another workshop with Craig Justus on the UDO, with a third one to be scheduled in December. Staff is hoping to have a draft by January or February and to still be finished before the end of the fiscal year.

There will not be a December meeting.

Russell Cate announced that we would be hosting Water on Wednesday at Town Hall where citizens can come out and ask questions and get information from Anne Phillip about stormwater and floodplain.

**VX. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:54 p.m.

Prepared by:

\_\_\_\_\_  
Chris Collins, Chair

\_\_\_\_\_  
Jennifer Tipton, Senior Admin



**Town of Black Mountain  
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711  
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

**STAFF REPORT**

Planning Board Meeting Date: January 26, 2026

**GENERAL INFORMATION**

**APPLICANT:** Givens Highland Farms, LLC

**REQUEST:** Voluntary Annexation Petition that includes a request to change from R-1 (Residential District - Buncombe County) to OI-6 (Office and Institutional District)

**LOCATION AND PARCEL ID NUMBER (PIN):** 318 Tabernacle Road (0609-46-7498-00000)

**SIZE:** 2.502 acres

**TOPOGRAPHY:** 10.34% slope

**SITE DATA**

**EXISTING USE** one-story modular house with a total finished area of 1,680 square feet (year built: 2000)

## SUMMARY OF DISTRICT PURPOSES

R-1 (Residential District - Buncombe County)	<u>Purpose:</u> The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.
OI-6 (Office and Institutional District)	<u>Purpose and Intent:</u> The office and institutional district is established to provide transition between residential and commercial districts; to accommodate a mixture of residential, office, and institutional uses in conditions of good health and safety; to accommodate planned developments that are institutional in nature and which may have multiple buildings and uses within one property; and to protect property values of residential, institutional and professional uses within the district in a way that is mutually beneficial.

## ZONING DISTRICT STANDARDS

### District Summary

	Existing	Requested
<b>Zoning District:</b>	R-1	OI-6
<b>Max. Density:</b>	2 units per lot	Residential: 6 units/acre Non-Residential: -
<b>Front Setback:</b>	10'	Residential: 30' Non-Residential: 40'
<b>Side Setback:</b>	7'	Residential: 10' Non-Residential: 30'
<b>Rear Setback:</b>	15'	Residential: 20' Non-Residential: 30' (40' if abutting residential district)
<b>Min. Lot Size:</b>	30,000 sf (no public sewer) 12,000 sf (public sewer no public water) 8,000 sf (public water and sewer)	1/6 acre (7,260 sf)
<b>Max. Height:</b>	35'	35'
<b>Min. Width:</b>	N/A	Residential: 60' Non-Residential: 100'
<b>Min. Depth:</b>	N/A	100'

**Permitted Uses:**

**R-1**

- Single-family residential dwelling, including modular
- Two residential dwelling units (attached or detached)
- Community oriented developments
- Subdivisions
- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Family care home
- Home occupations
- Places of worship
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals

**OI-6**

- Shared housing/community living facilities
- Single-family residences
- Two-family residences (duplex)
- Government facilities
- Group home
- Places of worship
- Educational facilities
- Public utilities
- Accessory structures
- Camps, summer
- Breweries/distilleries/wineries/cideries
- Art studios and galleries
- Bar
- Bed and breakfast homes
- Health and fitness facilities
- Home occupations
- Laundromat
- Medical offices and clinics
- Mobile food vendors
- Mobile food vendor courts
- Professional offices and services
- Restaurant brew pub/tavern
- Restaurants and taverns (walk-up, drive-thru, sit down)
- Retail (up to 2,500 sf)
- Taxi and transportation services

**Additional Requirements:**

**R-1**

- HUD-labeled manufactured homes - Residential
- Day nursery and private kindergarten (up to 8 students)

**OI-6**

- Emergency housing
- Boarding house
- Congregate care facility
- Family care homes
- Nursing care institution
- Agriculture
- Campgrounds
- RV, camper hook-up
- Bed and breakfast inns
- Day care centers
- Garden markets
- Neighborhood fueling facility

**Special Uses:**

**R-1**

- Planned unit developments, level I
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)
- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)

- Recreation use, non-governmental

**Special Use Permit:**

**OI-6**

- Conservation subdivision
- Cottage housing development
- Planned unit development - residential
- Planned unit development - commercial
- Multi-family residential – all levels

## **SPECIAL INFORMATION**

### **Overlay Districts**

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellhead Protection Overlay	N/A

### **Environmental**

Floodplain	No
Floodway	No
Watercourse shown on USGS topo map that is also surface water classified by NC DEQ	No

### **Utilities**

Sewer	The Metropolitan Sewerage District of Buncombe County (MSD) shows the nearest MSD line about 1,100 feet away.
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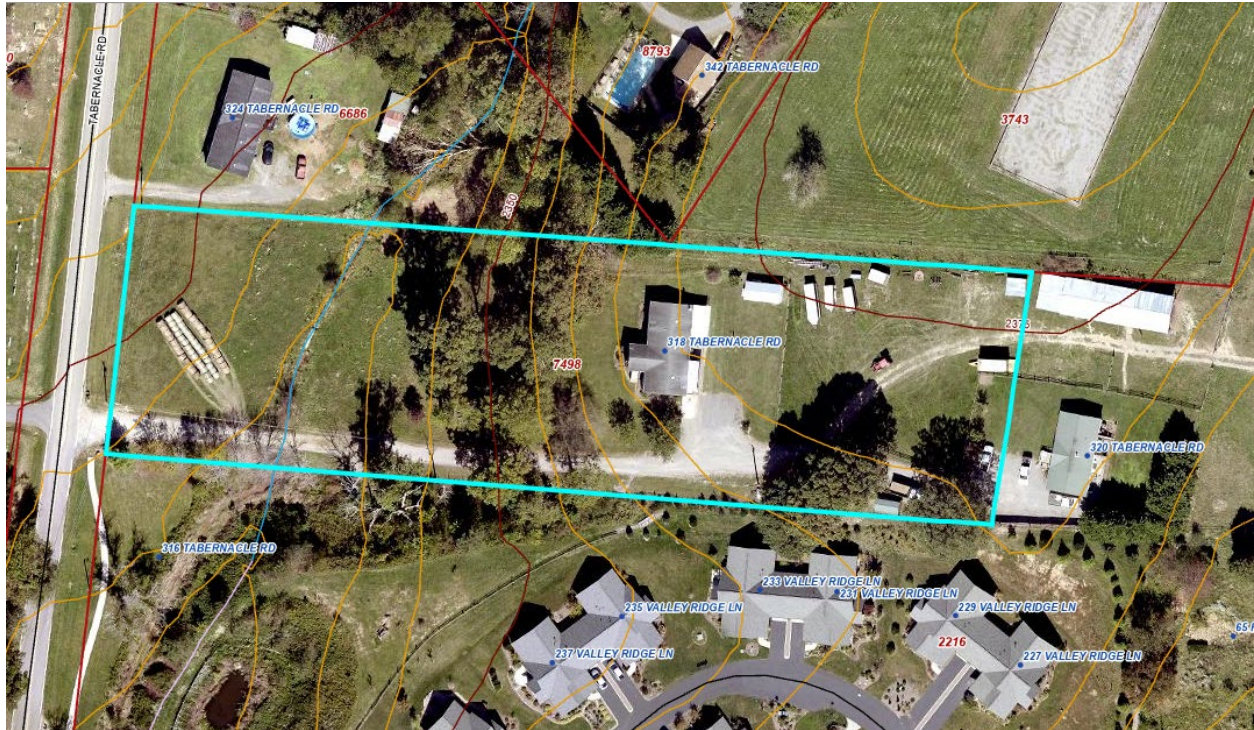
MSD GIS Viewer:

<https://geo.msdbc.org/msdgisviewer/>

### **Transportation**

Street Classification	Tabernacle Road is a state roadway.
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This is a clip from Buncombe County GIS (*Post Helene 2024 Imagery*) with the **5-Foot Contours, 2020 - DFIRM Flood Data**, and **Stream & River** layers on:



The parcel is not in the 100-year flood zone.

The **Stream & River** layer depicts a USGS watercourse ('blue line stream') from the USGS 7.5-minute topo map. The 'blue line stream' is not also surface water classified by NC DEQ, and so is not impacted by the *Stream Buffer Protection Standards*.

DEQ classification webpage:

<https://www.deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/classifications>

Photo taken on 1/14/2026:



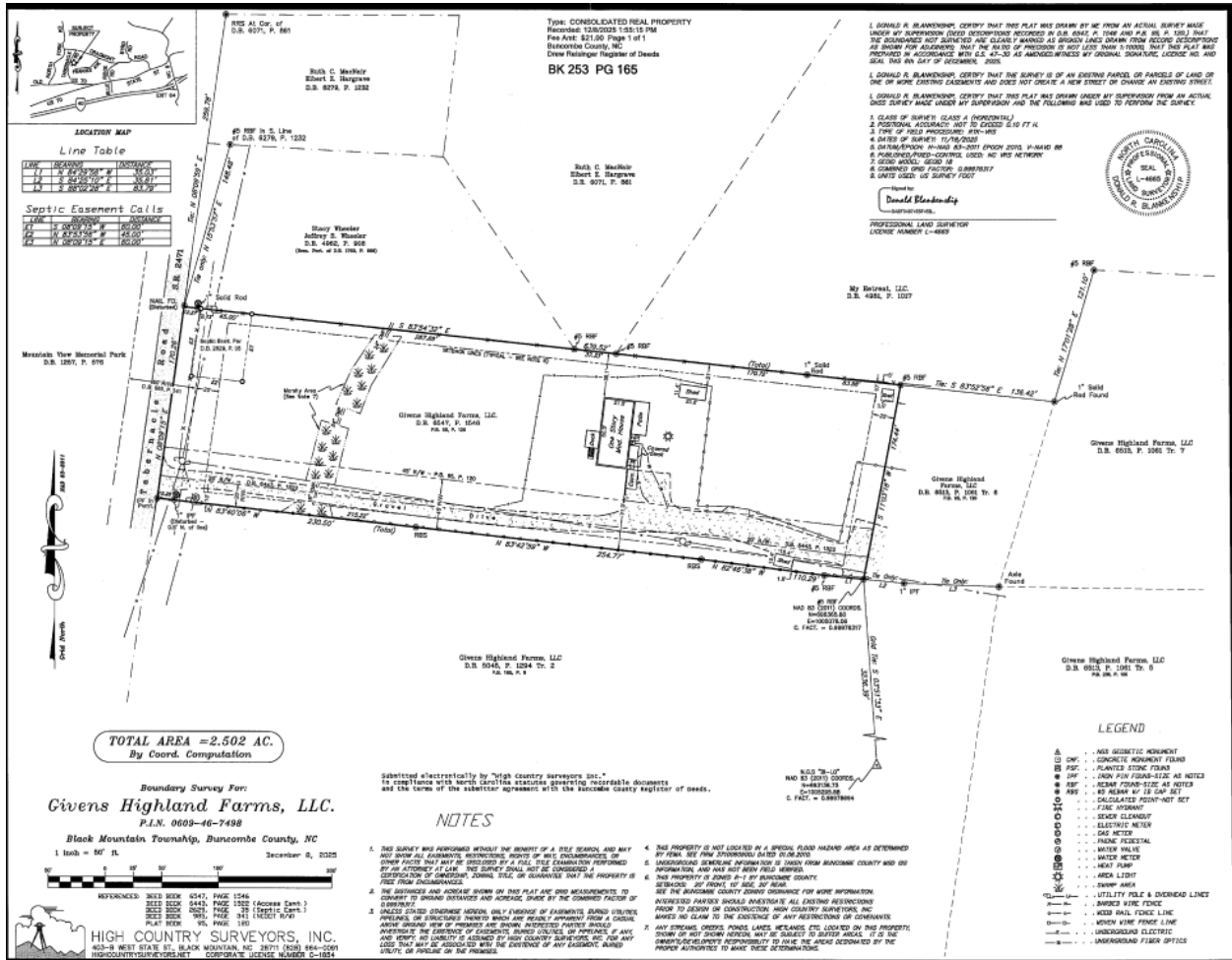
## **DISCUSSION**

The applicant is requesting the OI-6 zoning district. The parcel borders OI-6 – zoned land to the south and east.

The parcel is currently zoned Residential District (R-1), which has a similar purpose to the Town’s Office and Institutional (OI-6) district in that it supports single-family, two-family, recreational, community service, and educational uses. OI-6 has a broader use allowance in that it also supports planned developments that are institutional in nature and may have multiple buildings and uses within one property.

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Annexation plat submitted by applicant:



Annexation layout submitted by applicant:



**VOLUNTARY ANNEXATION PETITION FORM**

**To: The Town of Black Mountain Town Council**

**Date: November 24, 2025**

We, the undersigned, being all of the owners of the real property described herein, per the requirements of Town of Black Mountain Code of Ordinances Chapter 48, Section 48-164 (d) (2), petition that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is  **contiguous**  **non-contiguous** to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): **0609-46-7498-00000**

Current County Zoning District: **R-1**

Town Zoning District designation requested: **OI-6**

Buncombe County property tax valuation: **\$0.00**

Do you declare vested rights\*?  yes  no

\*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)


Are you requesting water service from the Town of Black Mountain?  yes  no

Number of existing residential dwelling units: **1**      Number of commercial units: **0**

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Town Council in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

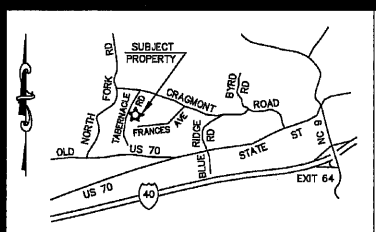
**Property Owner(s): Address: Signature: Date:**

All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

x       Matt Sharpe, Executive Director

Givens Highland Farms, LLC  
200 Tabernacle Rd, Black Mountain, NC 28711

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.



**Line Table**

LINE	BEARING	DISTANCE
L1	N 84°29'58" W	35.03'
L2	S 84°25'10" E	35.81'
L3	S 88°02'28" E	83.79'

**Septic Easement Calls**

LINE	BEARING	DISTANCE
E1	S 08°09'13" W	60.00'
E2	N 83°53'56" W	45.00'
E3	N 08°09'13" E	60.00'

Type: CONSOLIDATED REAL PROPERTY  
 Recorded: 12/8/2025 1:55:15 PM  
 Fee Amt: \$21.00 Page 1 of 1  
 Buncombe County, NC  
 Drew Reisinger Register of Deeds  
**BK 253 PG 165**

I, DONALD R. BLANKENSHIP, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN D.B. 6547, P. 1546 AND P.B. 95, P. 120.) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY MARKED AS BROKEN LINES DRAWN FROM RECORD DESCRIPTIONS AS SHOWN FOR ADJACERS; THAT THE RATIO OF PRECISION IS NOT LESS THAN 1:10000, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NO. AND SEAL THIS 8th DAY OF DECEMBER, 2025.

I, DONALD R. BLANKENSHIP, CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

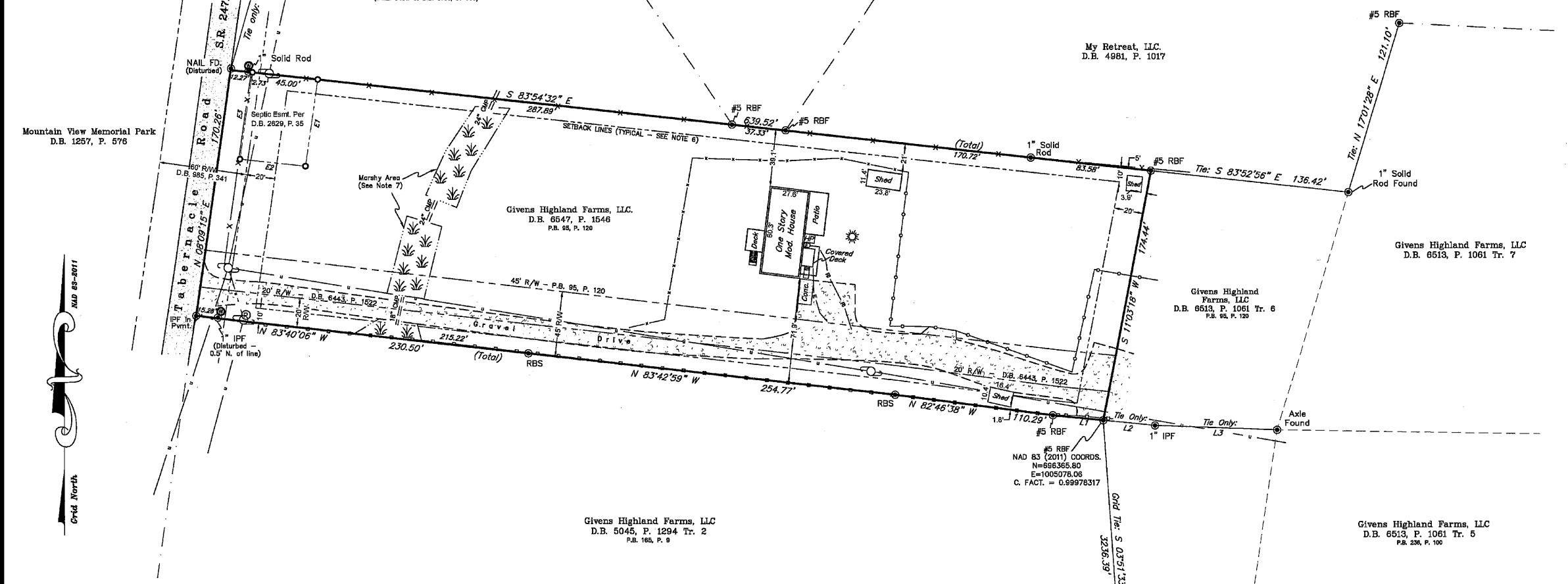
I, DONALD R. BLANKENSHIP, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING WAS USED TO PERFORM THE SURVEY.

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: NOT TO EXCEED 0.10 FT. H.
3. TYPE OF FIELD PROCEDURE: RTK-VRS
4. DATES OF SURVEY: 11/18/2025
5. DATUM/EPOCH: NAD 83-2011 EPOCH 2010, V-NAVD 88
6. PUBLISHED/FIXED-CONTROL USED: NC VRS NETWORK
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR: 0.99978317
9. UNITS USED: US SURVEY FOOT

Signed by:  
**Donald Blankenship**  
 DABP0487455F45B...



PROFESSIONAL LAND SURVEYOR  
 LICENSE NUMBER L-4665



**TOTAL AREA = 2,502 AC.**  
 By Coord. Computation

Boundary Survey For:  
**Givens Highland Farms, LLC.**  
 P.L.N. 0609-46-7498

Black Mountain Township, Buncombe County, NC  
 1 inch = 50' ft. December 8, 2025



REFERENCES: DEED BOOK 6547, PAGE 1546  
 DEED BOOK 6443, PAGE 1522 (Access Esmt.)  
 DEED BOOK 2629, PAGE 35 (Septic Esmt.)  
 DEED BOOK 985, PAGE 341 (NCDDT R/W)  
 PLAT BOOK 95, PAGE 120

**HIGH COUNTRY SURVEYORS, INC.**  
 403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091  
 HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

submitted electronically by "High Country Surveyors Inc." in compliance with North Carolina statutes governing recordable documents and the terms of the submittal agreement with the Buncombe County Register of Deeds.

**NOTES**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ENCUMBRANCES, OR OTHER FACTS THAT MAY BE DISCLOSED BY A FULL TITLE EXAMINATION PERFORMED BY AN ATTORNEY AT LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE PROPERTY IS FREE FROM ENCUMBRANCES.
2. THE DISTANCES AND ACREAGE SHOWN ON THIS PLAT ARE GRID MEASUREMENTS. TO CONVERT TO GROUND DISTANCES AND ACREAGE, DIVIDE BY THE COMBINED FACTOR OF 0.99978317.
3. UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES, IF ANY, AND VERIFY NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
4. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3710060900J DATED 01.06.2010.
5. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED R-1 BY BUNCOMBE COUNTY. SETBACKS: 20' FRONT, 10' SIDE, 20' REAR. SEE THE BUNCOMBE COUNTY ZONING ORDINANCE FOR MORE INFORMATION. INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC MAKES NO CLAIM TO THE EXISTENCE OF ANY RESTRICTIONS OR COVENANTS.
7. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.

- LEGEND**
- ▲ NGS GEODETIC MONUMENT
  - CMF CONCRETE MONUMENT FOUND
  - ▣ PSF PLANTED STONE FOUND
  - IPF IRON PIN FOUND-SIZE AS NOTED
  - ⊙ RBF REBAR FOUND-SIZE AS NOTED
  - ⊙ RBS #5 REBAR W/ 10" CAP SET
  - CALCULATED POINT-NOT SET
  - ⊙ FIRE HYDRANT
  - ⊙ SEWER CLEANOUT
  - ⊙ ELECTRIC METER
  - ⊙ GAS METER
  - ⊙ PHONE PEDESTAL
  - ⊙ WATER VALVE
  - ⊙ WATER METER
  - ⊙ HEAT PUMP
  - ⊙ AREA LIGHT
  - ⊙ SWAMP AREA
  - UTILITY POLE & OVERHEAD LINES
  - BARBED WIRE FENCE
  - WOOD RAIL FENCE LINE
  - WOVEN WIRE FENCE LINE
  - UNDERGROUND ELECTRIC
  - UNDERGROUND FIBER OPTICS

Type: CONSOLIDATED REAL PROPERTY  
Recorded: 12/3/2025 9:33:45 AM  
Fee Amt: \$826.00 Page 1 of 7  
Revenue Tax: \$800.00  
Buncombe County, NC  
Drew Reisinger Register of Deeds

**BK 6547 PG 1546 - 1552**

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.

12-03-2025  
Date

Michelle Warren  
Deputy Tax Collector

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 800.00

Parcel Identifier No. 0609-46-7498

Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Mail/Box to: Peter U. Kanipe, PO Box 3180, Asheville, NC 28802

This instrument was prepared by: Peter U. Kanipe, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. No title examination performed by deed preparer. File:36288.17

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 2nd day of December, 2025, by and between

GRANTOR

GRANTEE

**Vickey B. Wheeler, unmarried; and,  
Kenneth Ray Wheeler, unmarried; and,  
Michael Todd Wheeler and Wendy Chea Wheeler,  
married to each other; and  
Jeffrey Scott Wheeler and Stacy Wheeler, married  
to each other**

318 Tabernacle Road  
Black Mountain, NC 28711

**Givens Highland Farms, LLC, a North  
Carolina limited liability company**

200 Tabernacle Road  
Black Mountain, NC 28711

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Buncombe County, North Carolina and more particularly described as follows:

Submitted electronically by "McGuire, Wood & Bissette"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

SEE EXHIBIT A, INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5658, Page 723, Buncombe County Registry

All or a portion of the property herein conveyed does include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

SUBJECT to easements, restrictions, rights of way(s) of record, and ad valorem taxes not yet due and payable.

(Signature Page Follows)

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Vickey B. Wheeler (SEAL)  
Vickey B. Wheeler

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Vickey B. Wheeler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 1<sup>st</sup> day of December, 2025.

My Commission Expires:

Peter U Kanipe Notary Public

\_\_\_\_\_

Peter U Kanipe  
Notary's Printed or Typed Name

(Affix Seal)

PETER U. KANIPE  
NOTARY PUBLIC  
Buncombe County  
North Carolina  
My Commission Expires June 08, 2029

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Kenneth Ray Wheeler (SEAL)  
Kenneth Ray Wheeler

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Kenneth Ray Wheeler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 1<sup>st</sup> day of December, 2025.

My Commission Expires:

Peter U Kanipe Notary Public

(Affix Seal)

Peter U Kanipe  
Notary's Printed or Typed Name

PETER U. KANIPE  
NOTARY PUBLIC  
Buncombe County  
North Carolina  
My Commission Expires June 08, 2029

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Michael Todd Wheeler (SEAL)  
Michael Todd Wheeler

Wendy Chea Wheeler (SEAL)  
Wendy Chea Wheeler

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Michael Todd Wheeler and Wendy Chea Wheeler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed.

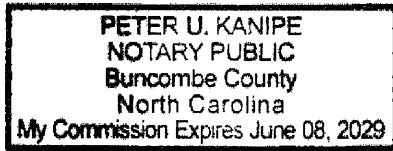
Witness my hand and Notarial stamp or seal this 1<sup>st</sup> day of December, 2025.

My Commission Expires:

Peter U Kanipe Notary Public

(Affix Seal)

Peter U Kanipe  
Notary's Printed or Typed Name



IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

*Jeffrey Scott Wheeler* (SEAL)  
Jeffrey Scott Wheeler

*Stacy Wheeler* (SEAL)  
Stacy Wheeler

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Jeffrey Scott Wheeler and Stacy Wheeler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 1<sup>st</sup> day of December, 2025.

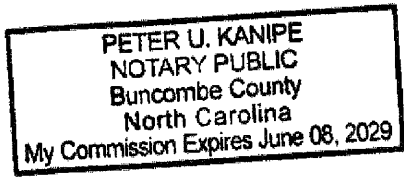
My Commission Expires:

\_\_\_\_\_

(Affix Seal)

*Peter U Kanipe* Notary Public

Peter U Kanipe  
Notary's Printed or Typed Name



**EXHIBIT A**

**BEING all of that 2.50 acre tract as shown on that plat recorded in Plat Book 95, at Page 120 of the Buncombe County Registry, reference to which is hereby made for a more particular description.**

4919-2143-1419, v. 1

PIN 0609-46-7498

SHADY HOLLOW LN

HAPPY HILL LN

FRANCIS AVE

VIOLET LN



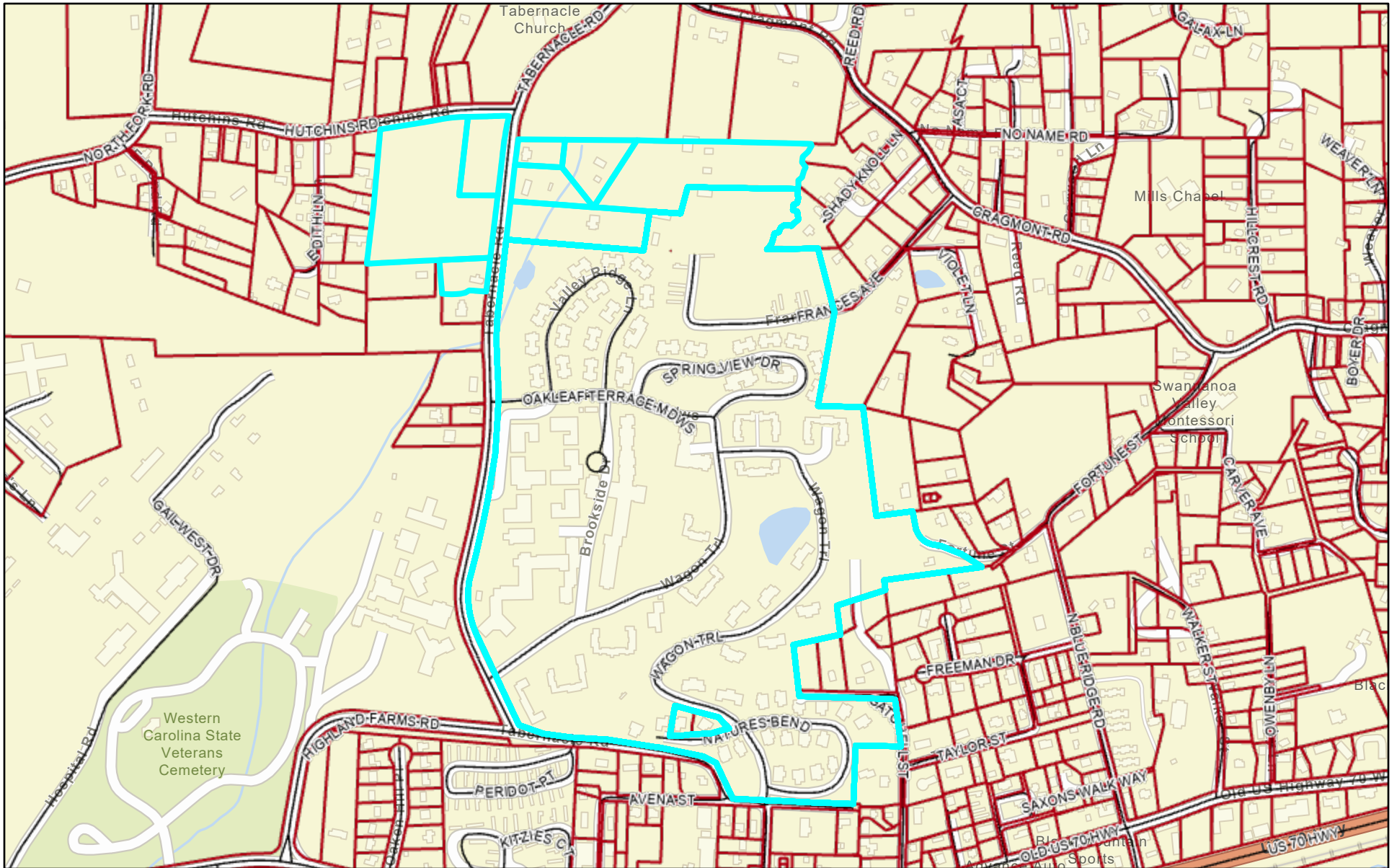
PERIDOT PL

FREEMAN DR

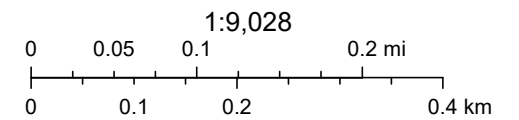
ISLE ST

TAYLOR ST

# REZ-26-0001



January 14, 2026



<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>PIN #</b>
Mountain View Memorial Park	208 W State St	Black Mountain	NC	28711	60946164500000
Elizabeth Provost; Paul Drummond	126 Church St	Black Mountain	NC	28711	60946228800000
Town of Black Mountain	160 Midland Ave	Black Mountain	NC	28711	60946388000000
Jeffrey Wheeler; Stacy Wheeler	324 Tabernacle Rd	Black Mountain	NC	28711	60946668600000
Elbert Hargrave; Ruth Macnair	PO Box 741	Black Mountain	NC	28711	60946683100000
Givens Highland Farms LLC	200 Tabernacle Rd	Black Mountain	NC	28711	60946749800000
Elbert Hargrave; Ruth Macnair	340 Tabernacle Rd	Black Mountain	NC	28711	60946879300000
Givens Highland Farms LLC	2360 Sweeten Creek Rd	Asheville	NC	28803	60955221600000
Givens Highland Farms Inc	200 Tabernacle Rd	Black Mountain	NC	28711	0609552216C0001
Campbell Cauthen III; Carol Cauthen	6 Wagon Trl	Black Mountain	NC	28711	0609552216C0006
Arthur Fricke Trustee	7 Wagon Trl	Black Mountain	NC	28711	0609552216C0007
Atossa Kramer	11 Wagon Trl	Black Mountain	NC	28711	0609552216C0011
John Walker III; Betty Walker	13 Wagon Trl	Black Mountain	NC	28711	0609552216C0013
James Ingram; Geri Ingram	34 Wagon Trl	Black Mountain	NC	28711	0609552216C0034
Frelick Family Trust	35 Wagon Trl	Black Mountain	NC	28711	0609552216C0035
Jerdee Living Trust	38 Wagon Trl	Black Mountain	NC	28711	0609552216C0038
Edward Smith; Sue Smith	45 Wagon Trl	Black Mountain	NC	28711	0609552216C0045
James Elam Jr; Carey Elam	52 Wagon Trl	Black Mountain	NC	28711	0609552216C1052
Harro Bundesen	54 Wagon Trl	Black Mountain	NC	28711	0609552216C1154
Edwards Family Trust	55 Wagon Trl	Black Mountain	NC	28711	0609552216C1155
Carolyn Zielinski Trustee	57 Wagon Trl	Black Mountain	NC	28711	0609552216C1157
Sara Hill	58 Wagon Trl	Black Mountain	NC	28711	0609552216C1158
James Heid; Caryl Heid	59 Wagon Trl	Black Mountain	NC	28711	0609552216C1259
Allan Brown; Jean Brown	75 Wagon Trl	Black Mountain	NC	28711	0609552216C1675
James Ellis; Peggy Ellis	76 Wagon Trl	Black Mountain	NC	28711	0609552216C1676
My Retreat LLC	207 E State St	Black Mountain	NC	28711	60956374300000



# Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711  
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

## NOTICE OF PUBLIC MEETING FOR REZONING REQUEST

**Date:** January 14, 2026

**To:** Property Owners within 200 feet of the subject property located at:  
**318 Tabernacle Rd**

**RE:** Public Meeting for Rezoning Application #REZ-26-0001

**Dear Property Owner,**

Please be advised that an application for a Rezoning has been filed with the Black Mountain Planning and Development Office concerning the property at 318 Tabernacle Road. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property as required by the Town of Black Mountain Land Use Code Section 1.7.1 (D)(3).

### Applicant Information:

- Applicant Name: Givens Highland Farms

### Property Information:

- Property Address: 318 Tabernacle Road
- Parcel Identification Number: 0609-46-7498.00000
- Current Zoning: R-1
- Requested Zoning: OI-6
- Current Land Use: residential
- Size of Parcel: 2.5 acres

### Public Meeting Details:

A public meeting will be held to consider this application. All interested parties are encouraged to attend.

- Date: January 26, 2026
- Time: 6:00 p.m.
- Location: Council Room, Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

### How to Learn More:



## Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711  
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

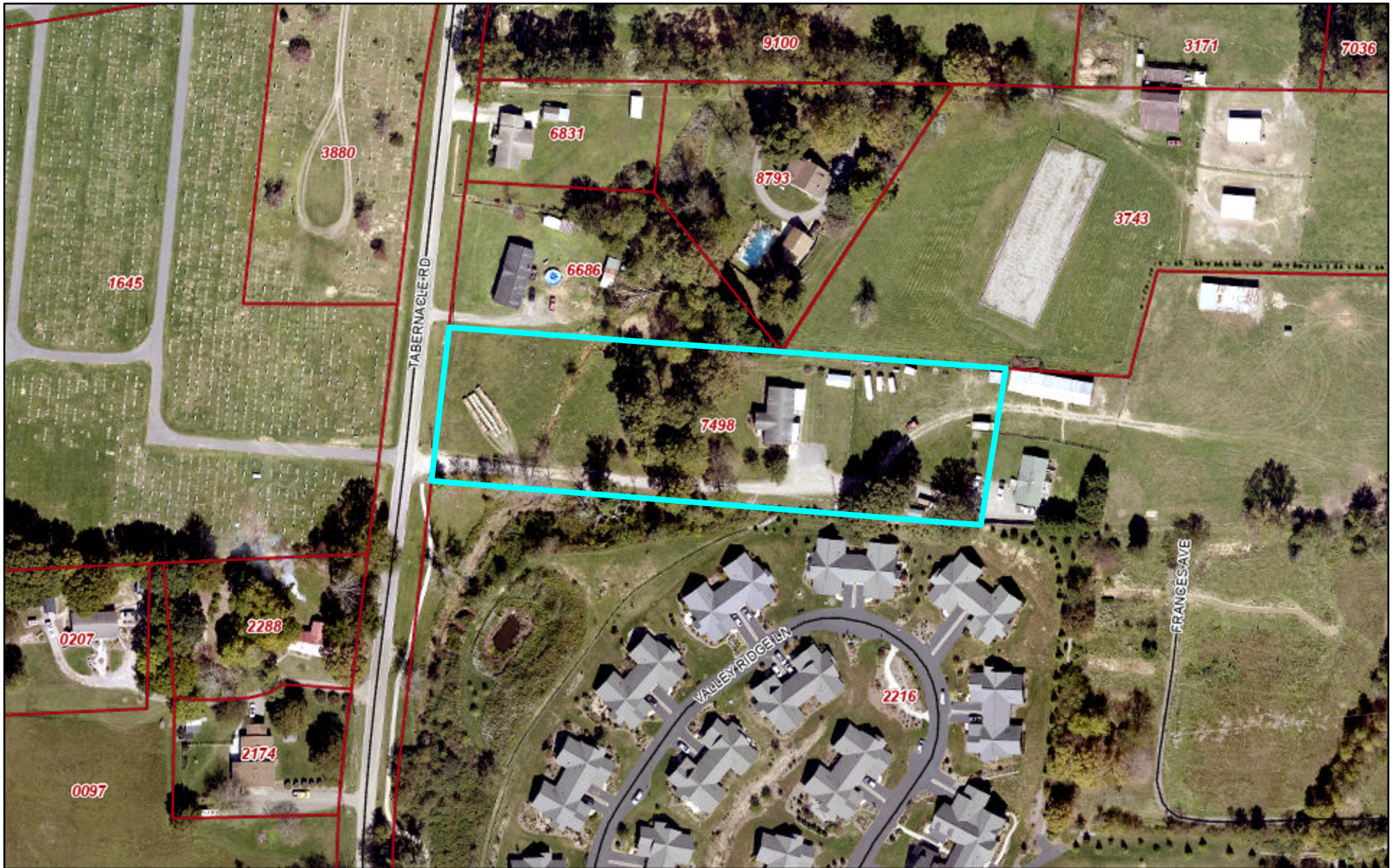
- Review the Application:  
<https://blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=697>
- Contact the Planner: Russell Cate ♦ 828-419-9373 ♦ [russell.cate@tobm.org](mailto:russell.cate@tobm.org)

The meeting is open to the public.

Sincerely,

Jennifer Tipton  
Senior Admin/Clerk to Planning Board  
Town of Black Mountain Planning and Development Department

REZ-26-0001



January 14, 2026

