

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, July 22, 2019 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

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

Jesse Gardner, Chair
Pam Norton, Vice Chair
Jennifer Willet
Lauronda Teeple
Michael Raines
Scott Reed

Absent:

Christopher Collins

Staff:

Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

II. ADOPTION OF AGENDA

The agenda was amended to move election of officers to before adoption of minutes.

Pam Norton opened the floor to nominations for Chair. Michael Raines nominated Jesse Gardner for Chair. The motion was seconded by Scott Reed. The motion was approved 6-0.

Chair Jesse Gardner opened the floor nominations for Vice Chair. Michael Raines nominated Pam Norton for Vice Chair. The motion was seconded by Scott Reed. The motion was approved by 6-0.

Pam Norton made a motion to adopt the agenda as amended. The motion was seconded by Michael Raines and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Pam Norton made a motion to adopt the minutes of June 24, 2019 as written. The motion was seconded by Jennifer Willet and approved by a vote of 6-0.

IV. OLD BUSINESS

1. Potential Rezoning

Per the conversation from the last meeting about looking at some potential rezoning for a portion of Flat Creek Road, Jessica Trotman handed out some boundary maps and copies of SR-2 and TR-4 from Municode to show the differences between the districts as well as an analysis of parcels on Flat Creek Road to show which lots would come into compliance and which lots could be subdivided. Ms. Trotman also gave information for Montreat Road because it presents the same challenges as Flat Creek Road. The analysis did not include any constraints so the

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actual number of parcels could be less than shown in the analysis. The board decided to look at both Flat Creek Road and Montreat Road. The board decided to do outreach to the property owners in the area to have a community meeting regarding the potential rezoning. Staff will work on getting that letter drafted and sent out to the property owners.

V. NEW BUSINESS

1. Review of Code of Ethics and Boards and Commissions Manual

Ron Sneed went over the Code of Ethics and Boards and Commissions Manual and covered the basics of the manual including serving the public and conflicts of interest. Mr. Sneed did say that the Code of Ethics will provide some guidelines about conflicts of interest. Also talked about were procedures, particularly when seconds are required and Mr. Sneed said that is a decision the board can make. Ms. Trotman also spoke briefly about public records and that board members are not exempt from public records with their emails. Ms. Trotman briefly covered social media and not to disparage the town and again comments can be public records. Mr. Sneed did remind everyone that members can talk one on one but to make it enough members that a quorum could be determined.

2. Proposed Text Amendment – Traffic Impact Analysis

Ms. Trotman reported that the traffic impact analysis proposed language is similar to Buncombe County and talks about the number of units and must meet NCDOT requirements. There is a formula that NCDOT uses that counts trips per day and not the numbers of cars. The proposed numbers are well below the state requirements. NCDOT would review the traffic studies and if the development connects to a state road then they would have to approve. It was decided to have the language read that we would maintain NCDOT standards and not be as specific as proposed, not have NCDOT approve studies if they are own town roads and to go to trips per day instead of number of lots to be consistent with NCDOT and to only do for town streets. Staff will bring back an amended proposal with the suggested changes.

3. Proposed Text Amendment – Subdivisions

Ms. Trotman explained that there has been concern about not having a “cooling off” period between minor subdivisions to circumvent people trying to get out of having to do a major subdivision. The proposed amendment gives a time period of two years between minor subdivisions. Questions arose about the number of lots we define as a minor or major subdivision and that is a larger conversation to be had. It was suggested to add language about the minor subdivision being on a parent piece of land. Staff will begin working on rewriting the subdivision ordinance and bring back to the board.

4. Proposed Text Amendment – Duplex Definition

Ms. Trotman provided a handout from the NC Building Code regarding the definition of a duplex regarding how a duplex is separated. The amendment is intended to prevent having a structure connected by a breezeway and being called a duplex. A duplex should look and feel like a single family residence. The text decided on is as follows:

“A duplex may be held in single ownership and may be subdivided as a town home or condominium. It is a building designed as a single structure with two residential units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a

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common stairwell exterior to both dwelling units.” Chair Gardner made a motion that the zoning amendment is recommended and is consistent with the Town’s comprehensive plan and is reasonable and in the public interest because the definition is better defined and clarifies the physical form and maintains the character of residential districts. The motion was approved by consensus with a vote of 6-0. Chair Gardner made a motion to adopt the definition of duplex as read and noted above. Jennifer Willet seconded the motion and the motion was approved by a vote of 6-0.

5. Proposed Text Amendment – Nonconformities

Ms. Trotman explained that nonconformities are currently allowed to be continued if not ceased for three hundred and sixty-five days. The timeframe is not typical in other jurisdictions or in North Carolina in general. The proposed amendment will change the three hundred and sixty-five days and go to one hundred and eighty days and this will help get rid of some of the nonconforming structures and/or uses and make them conforming, particularly in residential districts. Jennifer Willet made the motion that the zoning amendment is recommended and is consistent with the Town’s comprehensive plan and is reasonable and in the public interest because it favors conforming uses and creates an increased number of compatible uses, particularly in residential areas. The motion passed by consensus with a vote of 6-0. Jennifer Willet made a motion to recommend the text amendments as amended to say one hundred and eighty days instead of six months. The motion was passed by consensus with a vote of 6-0.

6. Proposed Text Amendment – Historic District Overlay

Ms. Trotman said that the amendments have been to the Historic Commission for their input and that the ordinance as written does not speak to the whole community but instead just speaks to the Historic District and the Conservation District. The amendments improve consistency with the language and took away the conservation district mandatory review that cannot be enforced and open it up to the whole community to come to the commission for advice, information and guidance. Jennifer Willet made the motion that the zoning amendment is recommended and is consistent with the Town’s comprehensive plan and is reasonable and in the public interest because it continues to protect the designated Historic District and its contributing structures and supports the Historic Preservation Commission in providing education and outreach to the community as a whole. The motion passed by consensus with a vote of 6-0. Jennifer Willet made a motion to recommend the amendments as presented. The motion passed by consensus with a vote of 6-0.

VI. COMMUNICATION FROM PLANNING BOARD

Chair Gardner asked Lauronda Teeple to introduce herself. Ms. Teeple said she has lived in Black Mountain for ten years and is a graphic artist and has worked for builders and developers and wanted to be a part of the town and learn more about the processes.

Chair Gardner said that he is going to try and streamline the meetings more to keep on track.

VII. COMMUNICATION FROM STAFF

Ms. Trotman said that the board should get the presentation of the Blue Ridge Road Small Area Plan at the next meeting from the consultants.

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VIII. ADJOURNMENT

Pam Norton made a motion to adjourn at 7:50 p.m. The motion was approved by consensus with a vote of 6-0.

Prepared by:

Jesse Gardner, Chair

Jennifer Tipton, Zoning Administrator