



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, Zoning Administrator
Re: Agenda Packet for August 26, 2019
Date: August 16, 2019

The **Town of Black Mountain Planning Board** will meet on **Monday, August 26, 2019 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 July 22, 2019;
3. Proposed Text Amendment – Traffic Impact Analysis; and
4. Final Presentation of Blue Ridge Road Small Area Plan.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

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) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Ron Sneed, Town Attorney
Josh Harrold, Town Manager



PUBLIC NOTICE

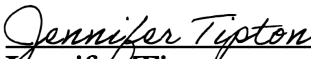
BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING

Monday, August 26, 2019 at 6:00 p.m.

The Black Mountain Planning Board will meet for their monthly meeting on **Monday, August 26, 2019 at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to hear the final presentation of the Blue Ridge Road Small Area Plan and consider recommendation and to consider recommendations for text amendments for traffic impact analysis.

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

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Posted to the Town Bulletin Board 08/01/19

www.townofblackmountain.org



**Planning Board Regular Meeting
August 26, 2019**

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 July 22, 2019 as written [or as amended]

IV. OLD BUSINESS

- Proposed Text Amendment – Traffic Impact Analysis

V. NEW BUSINESS

- Final Presentation of Blue Ridge Road Small Area Plan – Drew Draper, Wetherill Engineering and Richard Smith, McGill and Associates

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, 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

Planning Board Regular Meeting
July 22, 2019

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

Planning Board Regular Meeting
July 22, 2019

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.

Planning Board Regular Meeting
July 22, 2019

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

Traffic Impact Analysis Ordinance

Purpose

The purpose of this section is to ensure that applicants for new development and redevelopment consider and mitigate the impact of the development on the existing and/or proposed roadway system. While the town acknowledges responsibility to build and maintain a public transportation system, the project applicants may need to assist in improving transportation facilities in order to maintain the existing level of service by accommodating additional traffic generated by the development. These transportation facilities involve pedestrian, non-motorized vehicular traffic and motorized vehicular traffic. The town will engage a traffic engineer with review of the traffic impact analysis.

Applicability

Traffic impact analysis required. All proposals for new construction, additions and/or expansions to existing structures, and/or changes of use located on town roads, which will result in total peak hour trips equal to or greater than 100 peak hour trips or 500 or more daily trips, whichever is more stringent, using trip generation rates from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers shall include an analysis of the traffic to be generated. The traffic impact analysis shall be submitted with the project application and shall include the following information:

- (1) Introduction and summary.
 - a. Purpose of report and study objectives.
 - b. Executive summary.
 1. Site location and study area.
 2. Development description.
 3. Principal findings.
 4. Conclusions.
 5. Recommendations.
- (2) Proposed development (site and nearby)
 - a. Off-site development - provide map (the city's traffic engineer will identify).
 - b. Description of on-site development.
 1. Land use and intensity.
 2. Location - provide vicinity map.
 3. Site plan.
 4. Zoning.
 5. Phasing and timing.
- (3) Area conditions.

- a. Study area (includes the project area and extends to any intersection where the volume of peak hour traffic on any approach leg will be increased by ten percent or more as a result of the additional traffic generated by the proposed use).
 1. Area of influence - provide map.
 2. Area of significant traffic impact - provide map. (signalized/unsignalized intersections and driveways)
- b. Study area land use.
 1. Existing land uses.
 2. Existing zoning.
 3. Anticipated future development.
- c. Site accessibility.
 1. Area roadway system.
 - a. Existing.
 - b. Planned completion by horizon year (shall be the year in which the project is to be completed).
 - c. Future (the city's traffic engineer will identify) proposed roadway improvements must be under construction and proposed for completion at the time of the issuance of the initial certificate of occupancy for the development in order for the improvement to be considered in the impact analysis.
 2. Traffic volumes and conditions.
 - a. Provide a figure showing existing daily traffic volumes and peak hour turning movements for identified study intersections.
 - b. Provide all documentation in an appendix to the report.
 3. Transit service.
 - a. Review existing transit routes serving the proposed site.
 - b. Review proposed transit routes serving the proposed site.
 - c. Provide adequate transit facilities for the proposed site.
 4. Pedestrian access and circulation.
 - a. Review proposed pedestrian access and circulation amenities.
 - b. Provide adequate pedestrian facilities.
 5. Other modes as applicable.
- (4) Projected traffic.
 - a. Site traffic - existing and proposed zoning.
 1. Trip generation* - provide tables.

- a. Daily.
 - b. Peak hour - in/out and total - a.m./p.m.
 2. Pass-by trips - to be determined by traffic engineer.
 3. Trip distribution - provide figures.
 4. Modal split - if applicable.
 5. Trip assignment - provide figures.
 - b. Background traffic (horizon year shall be the year in which the project is to be completed).
 1. Method of projection (the city's traffic engineer will provide factor).
 2. Non-site traffic for anticipated development in study area.
 - a. Trip generation.
 - b. Trip distribution.
 - c. Modal split - if applicable.
 - d. Trip assignment.
 3. Background traffic.
 - c. Total traffic (horizon year - provide two figures).
 1. Background + (non-site) + (site-existing zoning) = total for each traffic movement.
 2. Background + (non-site) + (site-proposed zoning) = total for each traffic movement.
- (5) Traffic analysis - highway capacity manual/software.
- a. Site access (review all access points).
 - b. Capacity and level of service - provide summary/worksheets in Appendix - include a digital copy
 1. Driveways (site).
 2. Internal street intersections - if applicable.
 3. External signalized/unsignalized intersections and driveways in study area as identified by the city's traffic engineer.

Provide comparative table for existing conditions, horizon year with existing zoning/non-site development, and horizon year with proposed zoning/development.
 - c. Review impact of cut-through traffic.
 - d. Traffic safety.
- Analyze accident history including adjacent roadway system at signalized and unsignalized intersections as per city traffic engineer.

e. Traffic signals.

The Town of Black Mountain reserves the right to install traffic signals at the time the development is completed. The developer may be desirous of placement and operation of a traffic signal to promote easier and safer ingress and egress to the development both on-site and off-site at an earlier date than the town would normally schedule and fund installation. The developer can purchase and install the traffic control signal hardware, meeting the specifications of the Town of Black Mountain, including pre-emption hardware to expedite emergency vehicle response. The developer shall release, give or donate the traffic signal to the Town of Black Mountain and shall retain no rights or ownership of personal property therein. Warrants (MUTCD) for any proposed traffic signals are to be provided in the appendix to the report.

f. Other traffic impact reviews. Review to include, but not limited to, parking analysis, internal circulation analysis, traffic calming measures and techniques, and traffic demand management requirements.

(6) Improvements analysis.

- a. Improvements to accommodate site traffic.
- b. Alternative improvements.
- c. Status of improvements already funded, programmed or planned.
- d. Evaluation.

* Institute of Transportation Engineers (I.T.E.) Trip Generation Handbook, latest edition.

Improvements required.

In those cases where the Town of Black Mountain requires certain improvements to be constructed in order to accommodate additional traffic generated by the proposed developments, the improvements shall be funded and/or constructed by the project developer in accordance with the standards and direction provided by the Town of Black Mountain. The improvements shall be in place or under construction prior to issuance of any certificate of occupancy or certificate of completion required for any phase or portion of the project.

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: The Board of Aldermen for the Town of Black Mountain

From: The Planning Board for the Town of Black Mountain

Date: August 26, 2019

Subject: Zoning Text Amendment

Description: Amend Traffic Impact Analysis Language

Address: N/A

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:

Project Summary Sheet

Blue Ridge Road Small Area Plan



Black Mountain, NC

What is a Small Area Plan?

A small area plan is a detailed, long-range land-use and transportation plan that is focused on a particular size limited area. Small area plans guide **future transportation and land-use expectations and decisions** by providing a collaborative process for citizens to create a shared, community-owned vision. Local planners and boards rely on this information to then shape land use policy and decisions responsive to community needs and desires.

Introduction

Why is it Important?

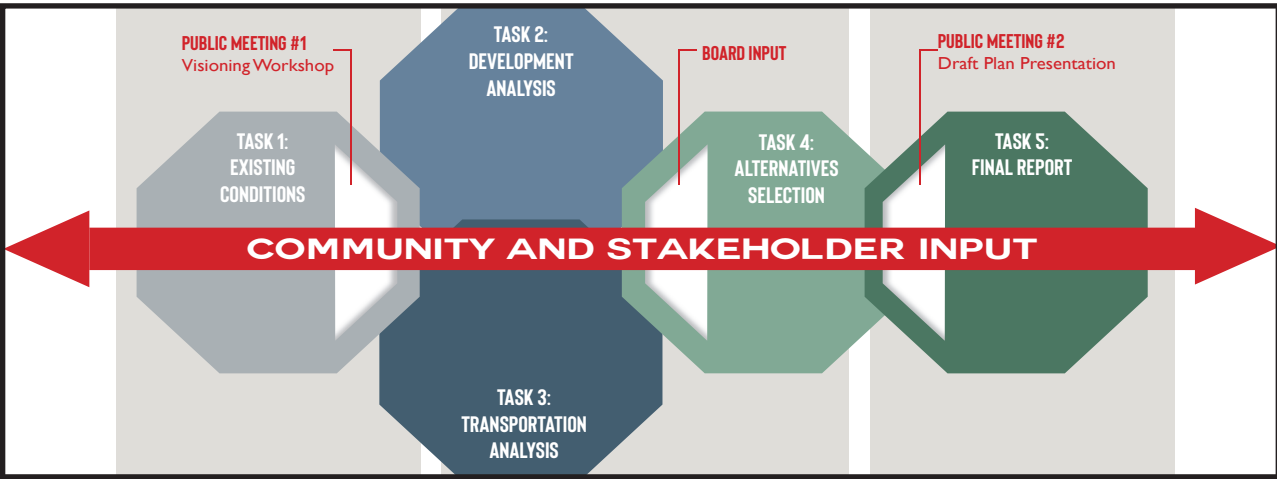
In the absence of a plan, undesirable development may occur. A small area plan will provide **community visioning and guidance** for how Blue Ridge Road and the surrounding area should change and grow in the future. It will identify land use, transportation, and development strategies responsive to changes in conditions associated with the new interchange.

What this Small Area Plan is not:

This Plan is not a “canned” study and will be uniquely customized through feedback from the Town. Furthermore, it is not formally part of the new I-40 interchange project; therefore, it provides an independent and fresh look at reshaping Blue Ridge Road. Finally, this Plan is **not a traditional rezoning** effort but will offer guidance and suggestions as changes occur along Blue Ridge Road over time.

How will the Plan’s Vision be Achieved?

The overall Plan will be informational but detailed enough to provide a **blueprint** the Town can follow and implement. The Plan will clearly define land use and transportation “drivers” and then lay out steps to follow in order to achieve the vision, building on the current regulatory land use and zoning framework. The Plan will outline options including mixed use zoning strategies, transportation funding opportunities, and growth management practices, among others, aligned to the vision.



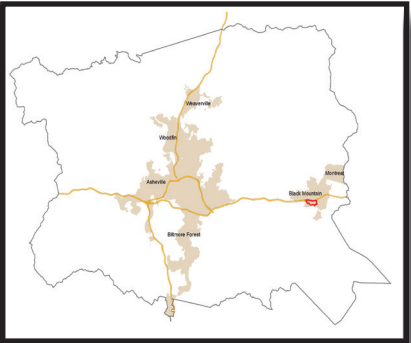
The Plan Process

STUDY AREA



Study Area

The Plan’s study area (solid red line) encompasses approximately a 210-acre area south of I-40 from the new interchange project (yellow hatched area on west end), 1.2 miles along Blue Ridge Road (SR 2500), to the NC 9 Roundabout Project (yellow hatched area on east end). **Figure 1** identifies the study area.



Community Engagement

The first of two public input sessions was held on March 14, 2019, at the Meadowbrook Freewill Baptist Church located on Blue Ridge Road. Civic engagement is a necessary tool to promote and encourage community understanding and buy-in.

The purpose of the meeting was to 1) introduce the study, 2) share land use and transportation options being considered, 3) gather feedback on issues and opportunities important to the community, and 4) confirm the Plan’s vision.

Vision Statement

“The Blue Ridge Road Small Area Plan will empower and assist residents in planning for growth while maintaining a vibrant, safe, attractive, and well-connected community that embraces the mountain setting, heritage, and culture.”

The second public input session was held on June 11, 2019, at Town Hall.

The purpose of the meeting was to share transportation and land use recommendations developed from the conditions assessment and feedback from the first public input session.



Growth and development patterns changed dramatically in 1979 with the opening of I-40, which increased the flow of visitors to the region and refocused commercial development to downtown Black Mountain and around the existing interchange at NC 9. The resulting increased flow of visitors through downtown Black Mountain triggered the rehabilitation of the Town’s historic downtown area. Today, the new interchange with I-40 and Blue Ridge Road (NCDOT STIP No. I-4409 with an anticipated construction date in mid 2020) will provide all traffic, particularly truck traffic, with alternative access to the interstate that does not involve having to negotiate busy, narrow downtown streets that are often filled with pedestrians. This improved access to I-40 will encourage more commercial and industrial activity in the western portions of Black Mountain. NCDOT will also be constructing a roundabout at the intersection at NC 9 to create a safer transition from NC 9 to Blue Ridge Road.

The Black Mountain Commerce Park is an over 100-acre economic development site located along Blue Ridge Road in two tracts north and south of I-40. Anticipated growth activity at the Commerce Park and the construction of this new I-40 interchange at Blue Ridge Road will increase the attractiveness to prospective developers, businesses, and future residents alike.

Project Summary Sheet

Blue Ridge Road Small Area Plan



Black Mountain, NC

Land Use Recommendations

Land Use Priority Items

Update the Land Use Plan to more specifically reflect the arrangement of uses proposed in this plan.

It is important to set realistic goals for this area and map out a method in which to achieve these goals. Therefore, in order to accommodate transitional land use patterns in relationship to changing conditions, the following proactive land use measures identified through the planning process should be implemented:

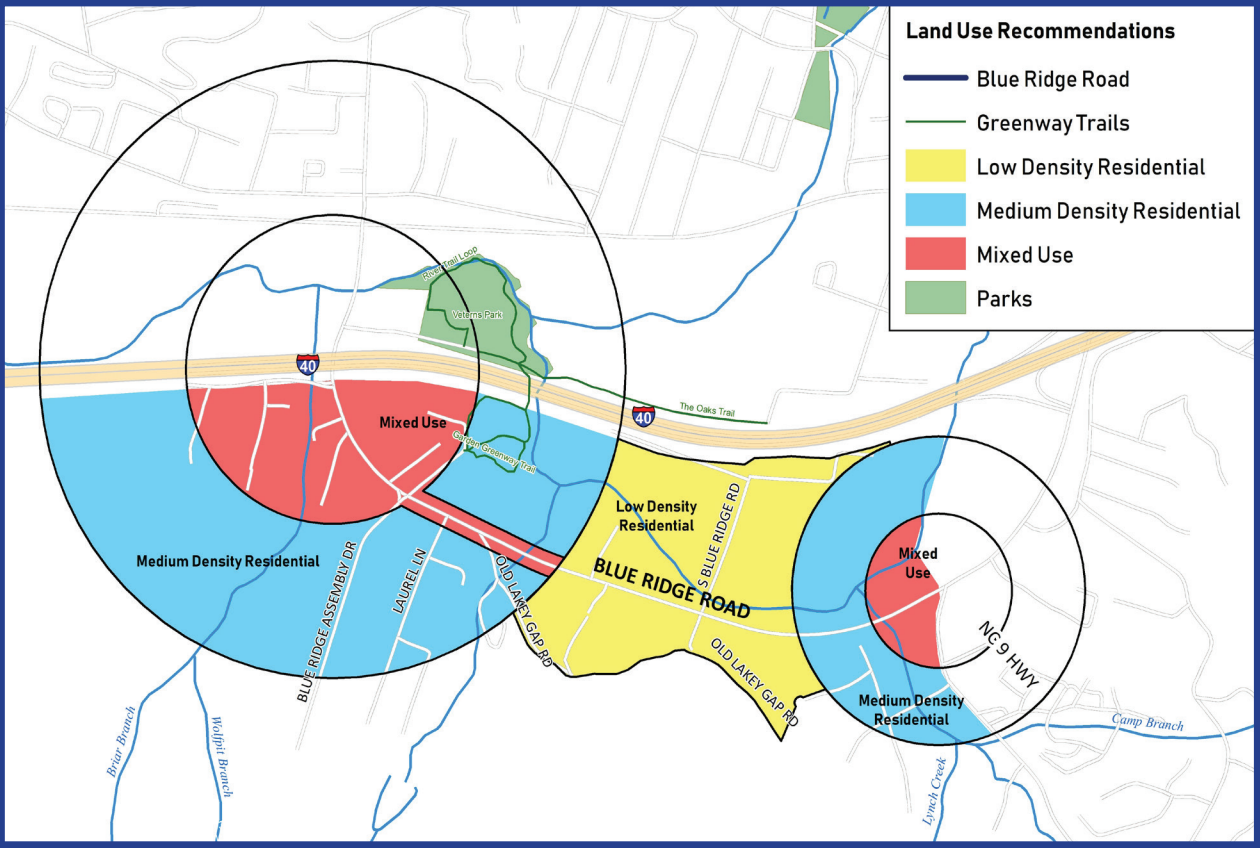
- Mixed-Use Areas
- Medium-Density Residential Areas
- Low-Density Residential Areas

Allow flexibility in development phasing provided it follows the Small Area Plan. Though a mixture of uses in future development is desired, the phasing of development should allow for single uses to develop in response to current market demands, so long as future phases introduce other uses that complement first-phase development and create the mixture intended.

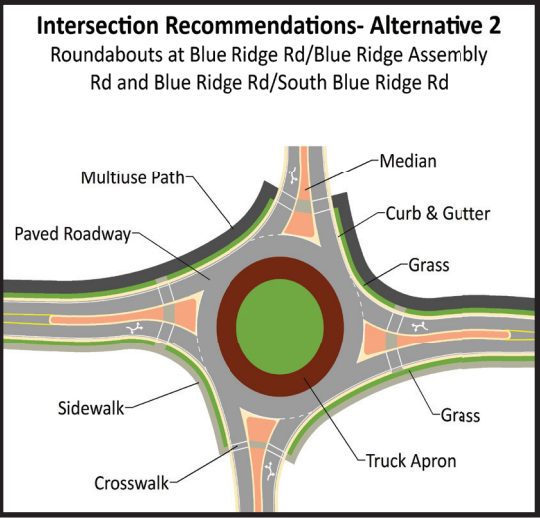
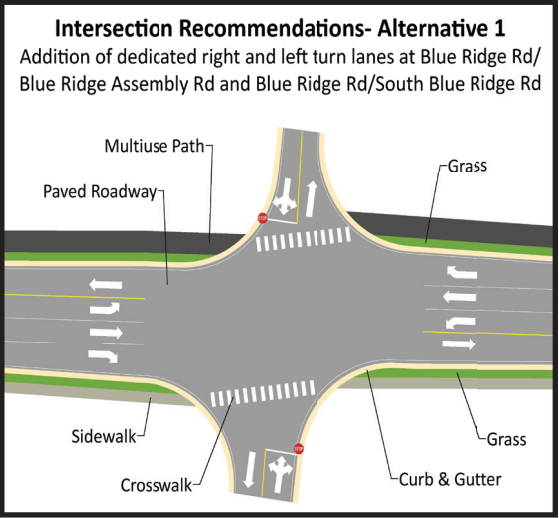
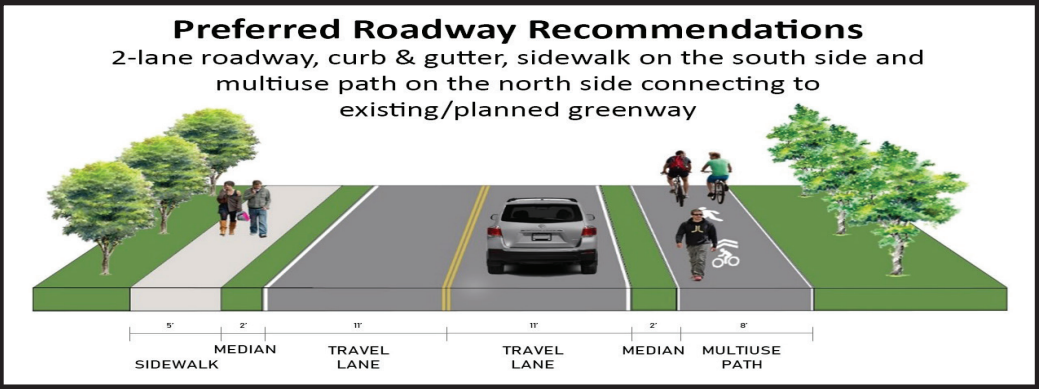
Implement an Overlay for the Blue Ridge Road area with increased development standards and non-residential design guidelines to achieve desired outcomes, enhanced development patterns.

Adopt Conditional Zoning

Adopt design standards to ensure a greater quality, atypical development product



Transportation Recommendations



In order to address increases in traffic demand associated with changing conditions and enhance the land use/transportation interface, the following alternatives should be advanced in coordination with the MPO and NCDOT:

Alternative 1

- 2-lane roadway, curb and gutter, sidewalk and multiuse path
 - o Turn lane intersection alternatives

Alternative 2

- 2-lane roadway, curb and gutter, sidewalk and multiuse path
 - o Roundabout intersection alternatives

Alternative 3

- 2-lane roadway, combination of Alternative 1 and Alternative 2 (roundabout and turn lane intersection alternatives, sidewalk and multiuse path)

