



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 November 18, 2019
Date: November 8, 2019

The **Town of Black Mountain Planning Board** will meet on **Monday, November 18, 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 October 28, 2019;
3. Rezoning Application for Portions of Flat Creek Road and Montreat Road;
4. Proposed Text Amendment for Traffic Impact Analysis; and
5. Ruby Avenue Right-of-Way Closure Request.

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

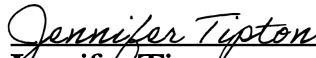
BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING

Monday, November 18, 2019, at 6:00 p.m.

The Black Mountain Planning Board will meet for their monthly meeting on **Monday, November 18, 2019, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 669-2030 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 11/01/19

www.townofblackmountain.org



**Planning Board Regular Meeting
November 18, 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 October 28, 2019 as written [or as amended]

IV. OLD BUSINESS

- Rezoning Application for Portions of Flat Creek Road and Montreat Road
- Proposed Text Amendment for Traffic Impact Analysis

V. NEW BUSINESS

- Ruby Avenue Right-of-Way Closure Request

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VII. ADJOURNMENT

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, October 28, 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:

Jennifer Willet
Lauronda Teeple
Chris Collins
Michael Raines

Absent:

Jesse Gardner, Chair
Pam Norton, Vice Chair
Scott Reed

Staff:

Jennifer Tipton, Zoning Administrator
Jessica Trotman, Planning Director

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of four (4) regular members.

II. ADOPTION OF AGENDA

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Mike Raines and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Mike Raines made a motion to adopt the minutes of September 23, 2019 as written. The motion was seconded by Lauronda Teeple and approved by a vote of 4-0.

IV. OLD BUSINESS

1. Potential Rezoning of Portions of Montreat Road and Flat Creek Road

Jennifer Tipton recapped the potential rezoning of portions of Montreat Road and Flat Creek Road. Ms. Tipton stated that the community input from both the September Planning Board meeting and from phone calls were that the property owners were supportive of the TR-4 classification but not UR-8. Ms. Tipton said that one property owner on Flat Creek Road has expressed interest in being rezoned to UR-8 and provided a letter to the Board members. Jessica Trotman said that the Board had several options: leave the parcel in the study area to be rezoned to TR-4 and the property owner could seek a separate rezoning of UR-8; remove the parcel from the study area and the property would remain SR-2; or expand the study area and include more in the UR-8 classification. Mike Raines said that he has walked the property in question and it is very steep on the upper portion and down towards Flat Creek is not much better.

John Joyner, 127 Cragmont Road, is one of the owners of the parcel seeking the UR-8 rezoning. Mr. Joyner said that they are looking for more room to play with lot layout and maximizing the use of the land.

Ms. Trotman stated that they could do duplexes or PUD development. Chris Collins said that it appears that a more site specific development would be more sufficient than a rezoning to a

Planning Board Regular Meeting
October 28, 2019

higher density. Mike Raines made a motion to start the application process to rezoning the study area from SR-2 to TR-4. The motion was seconded by Jennifer Willet and approved by a vote of 4-0.

2. Proposed Text Amendment for Traffic Impact Analysis

Ms. Trotman said that the new amendment takes out the specifications for the study and focuses on one number for both residential and commercial. The number originally discussed was 75 lots but Ms. Trotman said that she prefers number of trips because that would cover everyone. Drew Draper, of Wetherill Engineering, provided that data and 75 lots equal 798 trips per day. The Board felt comfortable using that number. Jennifer Willet made a motion to recommend the proposed amendment with the addition of 798 trips per day. The motion was seconded by Lauronda Teeple and approved by a vote of 4-0.

V. NEW BUSINESS

1. Holiday Meeting Schedule

Jennifer Tipton said that the regularly scheduled November Planning Board meeting is November 25th, which is the week of Thanksgiving. Ms. Tipton asked the Board if they would like to move the meeting to avoid any issues with the Thanksgiving holiday week. Lauronda Teeple made a motion to move the November meeting date to Monday, November 18th. The motion was seconded by Mike Raines and approved by a vote of 4-0.

Ms. Tipton said that the regularly scheduled December Planning Board meeting is December 23rd and Town offices will be closed that day for the Christmas holiday. It was suggested that another day be selected and then the Board will revisit at the November meeting of whether or not to cancel the December meeting. Mike Raines made a motion to move the December meeting date to Monday, December 16th. The motion was seconded by Jennifer Willet and approved by a vote of 4-0.

VI. COMMUNICATION FROM PLANNING BOARD

Mike Raines asked about the fence at the Sweet Birch development on Blue Ridge Road. Mr. Raines said that the exterior of the fence is shiny and causes a glare when the sunlight or headlights reflect off of it. Ms. Trotman said that she has contacted DOT regarding this fence but has not yet heard back. Ms. Trotman said that she will also reach out to the developer.

VII. COMMUNICATION FROM STAFF

Jessica Trotman said that the Blue Ridge Road Small Area Plan is posted on the website for thirty days for comments. Depending on the amount of comments and if there are any map changes to be made, a final draft may be ready by the end of the year but may be after the first of the year.

Jessica Trotman announced that we have selected a firm for the Comprehensive Plan update and the Board of Aldermen will be awarding the contract at the November 4th meeting. The project will get started by the end of the year and then go full force after the first of the year.

VIII. ADJOURNMENT

Planning Board Regular Meeting
October 28, 2019

Mike Raines made a motion to adjourn at 6:28 p.m. The motion was seconded by Chris Collins and approved by a vote of 4-0.

Prepared by:

, Chair

Jennifer Tipton, Zoning Administrator



**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: November 18, 2019

GENERAL INFORMATION

APPLICANT:	Town of Black Mountain
HEARING TYPE:	Rezoning Request
REQUEST:	SR-2 (suburban residential) to TR-4 (town residential)
CONDITIONS:	N/A
LOCATION:	Portions of Flat Creek Road and Montreat Road
PARCEL ID NUMBER(S):	See attached sheet
PUBLIC NOTIFICATION:	The notification are of for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 96 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	See attached list
TOPOGRAPHY:	See attached list
VEGETATION:	Residential

SITE DATA

EXISTING USE	Single-Family Residential and Commercial	
ADJACENT PROPERTY	ADJACENT ZONING	ADJACENT LAND USE
See attached list	See attached list	See attached list

SUMMARY OF DISTRICT PURPOSES

Suburban Residential (SR-2)	Protect areas in which the principal use of the land is single-family residential and where less dense development is preferred for the protection of slopes or environmentally sensitive areas, traditional single-family neighborhoods and preservation of open space.
Town Residential (TR-4)	Allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	SR-2	TR-4
Max. Density:	2 units/acre	4 units/acre
Front Setback:	30'	20'
Side Setback:	10'	10'
Rear Setback:	30'	15'
Min. Lot Size:	½ acre (21,785 sf)	¼ acre (10,890 sf)
Max. Height:	35'	35'
Min. Width:	60' (15' at street)	40' (15' at street)
Min. Depth:	100'	80'

Permitted Uses:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Governmental facilities • Public utilities • Single-family residences • Two-family residences (duplexes) | <ul style="list-style-type: none"> • Governmental facilities • Public utilities • Single-family residences • Two-family residences (duplexes) • Places of worship |
|---|--|

Additional Requirements:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Accessory structures • Agribusiness • Camps, summer • Conference centers • Family care homes • Home occupations • Manufactured homes (on individual lots) • Market gardens • Secondary dwellings | <ul style="list-style-type: none"> • Accessory structures • Agriculture • Camps, summer • Conference centers • Family care homes • Home occupations • Manufactured homes (on individual lots) • Market gardens • Secondary dwellings |
|--|---|

		• Bed and breakfast homes
Conditional Uses:	• Bed and breakfast homes • Cultural community facilities • Educational facilities • Multi-family residential • Boarding house • Places of worship	• Bed and breakfast inns • Cultural community facilities • Educational facilities • Multi-family residential
Special Uses:	• Conservation subdivision • Cottage housing development • Residential planned unit development	• Conservation subdivision • Cottage housing development • Residential planned unit development • Manufactured home parks
Exclusions:	• Correctional institutions • Manufactured home parks • All uses not specifically enumerated	• Correctional institutions • All uses not specifically enumerated

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	Properties shown in the area of a paved multi-use path trail
Wellness Protection Overlay	N/A

Environmental

Floodplain	See attached map
Floodway	See attached map
Stream	See attached map

Utilities

Water	A 6" water line is available along Flat Creek Road and Montreat Road
Sewer	An 8" sewer line is available along Flat Creek Road and Montreat Road

Landscaping

There are no landscaping requirements for residential property.

Transportation

Street Classification	NCDOT Road – SR2515 (Flat Creek Road)
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Site Access	NCDOT Road – NC 9 Hwy (Montreat Road) Access is available from Flat Creek Road and Montreat Road
Traffic Counts	N of US 70 = 2400 N of E Cotton = 860 S of SR2515 = 3700 N of US 70 = 8400
Sidewalks	There are no sidewalks on either side of Flat Creek Road. There is a sidewalk on the east side of Montreat Road.
Transit in Vicinity	None
Traffic Impact Analysis (TIA)	Not required by Land Use Code
Street Connectivity	N/A
Other	N/A

IMPACT/POLICY ANALYSIS

The TR-4 (town residential) zoning district would allow land uses that are compatible with the general character of the area.

CONFORMITY WITH OTHER PLANS

The Comprehensive Plan includes the following elements:

Housing and Neighborhoods

We see safe, secure, quite neighborhoods in every part of our community, with well-tended yards and gardens, and small parks close at hand. Our town has chosen to focus on bringing the town together with an open network of pedestrian and bicycle friendly streets. Our neighborhoods display a variety of housing types and values, including attractive, affordable housing in many forms. Neighborhood parks are included in the design and development of new neighborhoods from the outset.

MISC COMMENTS

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

REZONING APPLICATION

APPLICATION INFORMATION

Applicant Name: Town of Black Mountain Date: 10/29/19

Address: 160 Midland Ave, Black Mtn, NC 28711

Phone: 828-419-9300 Fax: 828-669-2030 Email: _____

MAP AMENDMENT LOCATION AND REQUEST

Property Address: see attached list PIN #: see attached list

Current Zoning Classification: SR-2 Requested Zoning Classification: TR-4

Current Land Use: see attached list Size of Parcel: see attached list

Reason for Requested Rezoning: to better describe existing conditions and to make more of the lots conforming

Applicant Signature Applicant Printed Name Date

FOR OFFICE USE ONLY

Date Received: 10/29/19 Received by: Jennifer Dupin

Pre-Application Meeting Date: _____

Fee: \$350.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: November 18, 2019 Vote: _____ to _____ For ☐ Against ☐

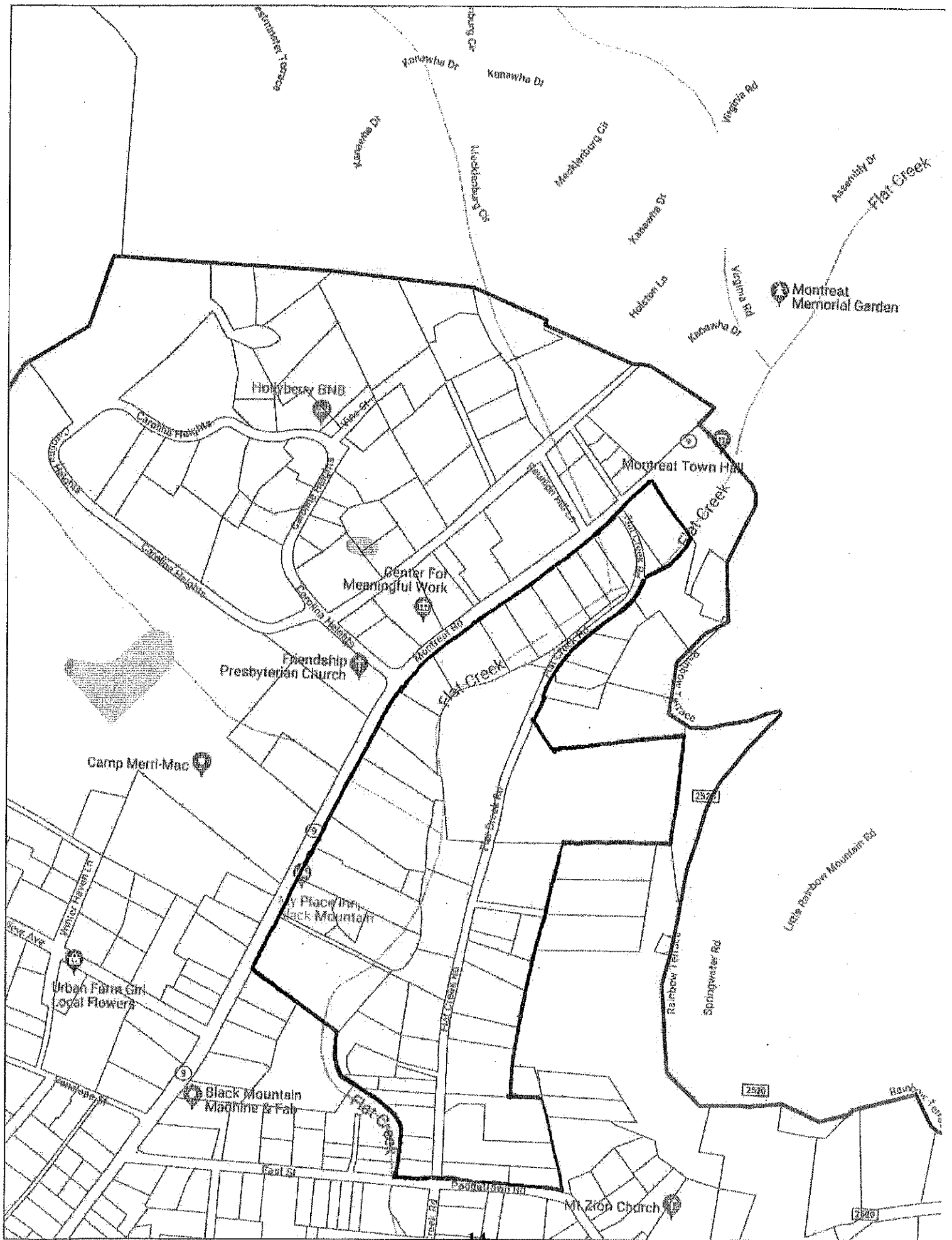
Board of Aldermen Call for Public Hearing Date: _____

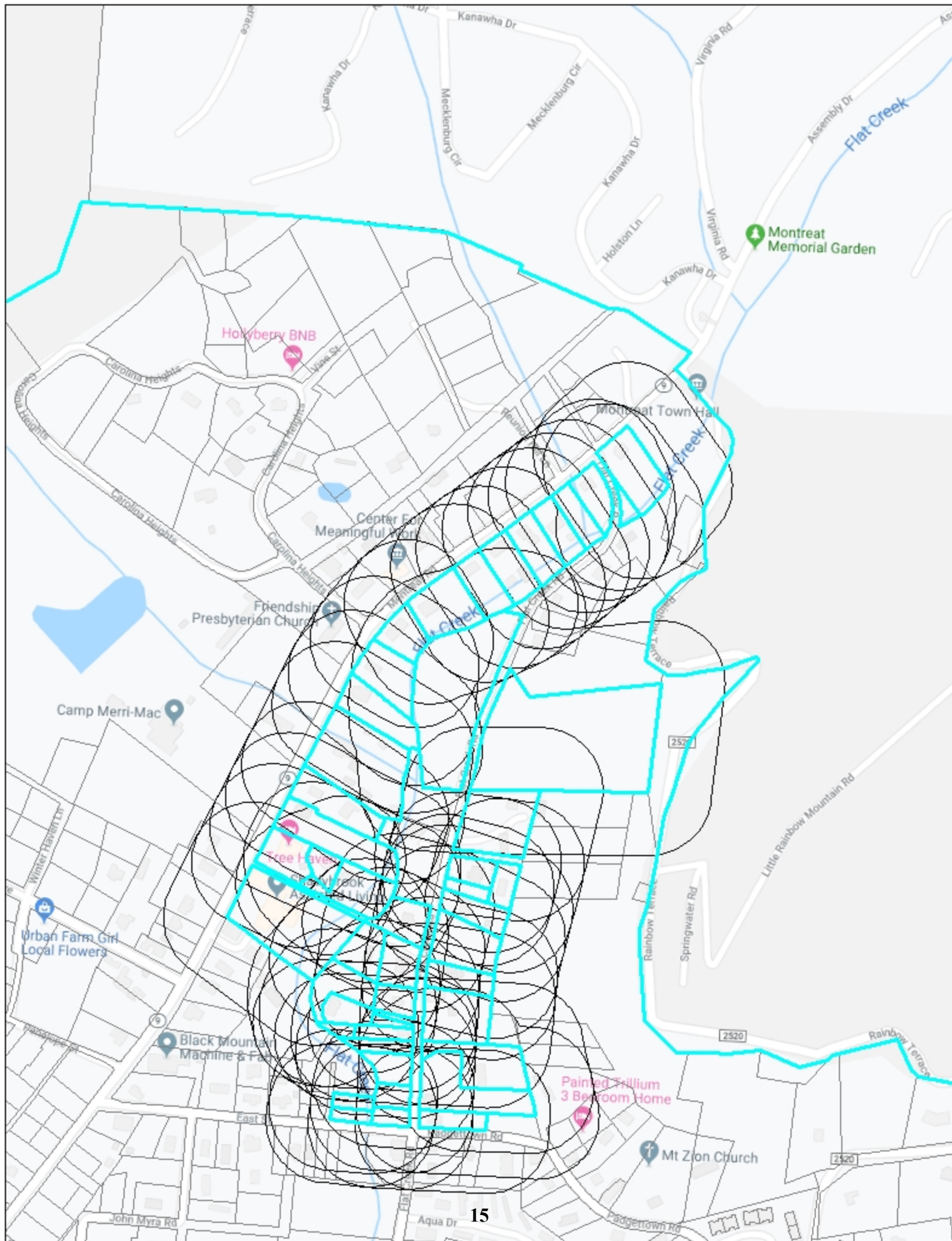
Board of Aldermen Meeting Date: _____ Vote: _____ to _____ For ☐ Against ☐

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
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Parcell Address	PIN #	Current Land Use	Parcel Size
298 Flat Creek Road	0710-51-2184	single family residence	0.27
302 Flat Creek Road	0710-51-3391	single family residence	0.76
304 Flat Creek Road	0710-51-3407	single family residence	0.9
308 Flat Creek Road	0710-51-3519	multiple residences	0.24
310 Flat Creek Road	0710-51-3720	vacant	0.65
312 Flat Creek Road	0710-51-3850	single family residence	0.4
316 Flat Creek Road	0710-51-4858	single family residence	0.24
99999 Flat Creek Road	0710-51-3837	vacant	0.13
314 Flat Creek Road	0710-51-3953	single family residence	0.27
7 Burgess Branch Drive	0710-52-4028	single family residence	1.04
336 Flat Creek Road	0710-52-6344	vacant	6.36
99999 Flat Creek Road	0710-51-0195	vacant	0.14
299 Flat Creek Road	0710-51-0292	vacant/government	0.2
99999 Flat Creek Road	0710-51-0370	vacant	0.27
303 Flat Creek Road	0710-51-0347	single family residence	0.2
4 Carefree Lane	0710-51-0472	single family residence	0.18
99999 Flat Creek Road	0710-41-9413	vacant	0.08
7 Carefree Lane	0710-51-1502	single family residence	0.33
12 Carefree Lane	0710-41-9458	single family residence	0.32
11 Carefree Lane	0710-41-9548	single family residence	0.43
20 Cool River Drive	0710-41-9697	single family residence	0.31
309 Flat Creek Road	0710-51-1624	single family residence	0.41
311 Flat Creek Road	0710-51-1718	single family residence	0.42
313 Flat Creek Road	0710-51-1985	single family residence	0.79
321 Flat Creek Road	0710-52-2123	single family residence	0.61
1204 Montreat Road	0710-53-8260	single family residence	0.66
99999 Flat Creek Road	0710-53-8028	vacant	0.12
1158 Montreat Road	0710-53-7123	single family residence	0.39
1156 Montreat Road	0710-53-6085	single family residence	0.32
1154 Montreat Road	0710-53-6021	single family residence	0.38
1152 Montreat Road	0710-52-5956	single family residence	0.48
1150 Montreat Road	0710-52-4879	multiple residences	0.51
1148 Montreat Road	0710-52-3883	single family residence	0.46
1144 Montreat Road	0710-52-2768	single family residence	0.72
1140 Montreat Road	0710-52-1628	single family residence	0.41
1136 Montreat Road	0710-52-0566	single family residence	0.72
1134 Montreat Road	0710-52-0453	single family residence	0.58
1130 Montreat Road	0710-42-9288	cottages	1.62
1124 Montreat Road	0710-42-9124	multiple residences	0.66
99999 Montreat Road	0710-52-0085	vacant	0.1
1122 Montreat Road	0710-42-9013	single family residence	0.93

1120 Montreat Road	0710-41-7958	single family residence	0.48
12 Rushing Brook Lane	0710-41-8984	single family residence	0.23
15 Rushing Brook Lane	0710-41-9858	single family residence	0.59
1114 Montreat Road	0710-41-7795	adult care home	1.99





Name	Address	City	State	Zip	
American Eagle Investments	PO Box 16648	Asheville	NC	28816	
Benjamin T Nitch	687 Padgettown Road	Black Mountain	NC	28711	
Toni Houlihan and Steven Geothals	680 Padgettown Road	Black Mountain	NC	28711	
Kerensa Crandall	682 Padgettown Road	Black Mountain	NC	28711	
Charles and Rosemary Tann	PO Box 1539	Black Mountain	NC	28711	
Kevin and Sarah Iwanusa	4200 Windemere Lane	Charlotte	NC	28211	
Janie Briscoe	692 Padgettown Road	Black Mountain	NC	28711	
Emily Sampson	701 Padgettown Road	Black Mountain	NC	28711	
Jose Hernandez Orellana	725 Padgettown Road	Black Mountain	NC	28711	
Darnell and Chester Wilkerson	301 Jack Corpening Road	Nebo	NC	28761	
Johnny and Johnnie Allen	280 Flat Creek Road	Black Mountain	NC	28711	
Brivontia LLC	109 First Street	Black Mountain	NC	28711	
William and Linda Alexander	513 Tomahawk Avenue	Black Mountain	NC	28711	
Vickie and Alani Ogunlade	575 Campbellton Rd SW	Atlanta	GA	30331	
Mary Owens	116 East Street	Black Mountain	NC	28711	
Jose and Maria Orellana	120 East Street	Black Mountain	NC	28711	
Martha Bell	PO Box 19194	Asheville	NC	28815	
Christopher Eller	PO Box 5474	Asheville	NC	28813	
Rent WNC LLC	PO Box 5474	Asheville	NC	28813	
Nathaniel and Beatrice Long	115 East Street	Black Mountain	NC	28711	
Fire Baptized Holiness Church of God of the Americas Mt View Chapel	115 1/2 East Street	Black Mountain	NC	28711	
JD Rentals Inc	48 Ben Lippen Road	Asheville	NC	28806	
Lonnie Smith Jr	656 Padgettown Road	Black Mountain	NC	28711	Louise Jones
Rosa Dixon Flack Heirs	11001 Winding Brook Ct	Manassas	VA	20111	
Donald and Meredith Smith	11001 Winding Brook Ct	Manassas	VA	20111	
Theodore Long (ETAL)	115 East Street	Black Mountain	NC	28711	Kerner Long
Iris Inabinett	298 Flat Creek Road	Black Mountain	NC	28711	
Jessie F Sherrill	111 East Street	Black Mountain	NC	28711	
Ryan Zwart	702 Padgettown Road	Black Mountain	NC	28711	
Black Mountain Building Development	161 42nd Ave	St. Pete Beach	FL	33706	
Ann House Best	144 Rabbit Ridge Road	Fletcher	NC	28732	
Joseph Snyder	304 Portmanvilla Road	Black Mountain	NC	28711	
Charles Christopher Harrin	105 N Fork Road	Black Mountain	NC	28711	
Sylvia Carpenter	312 Flat Creek Road	Black Mountain	NC	27811	
Karen and James Fisher	314 Flat Creek Road	Black Mountain	NC	28711	
Rebecca Burgess	7 Burgess Branch Road	Black Mountain	NC	28711	
Early Greenlee (Heirs)	810 Bryn Mawr Road	Pittsburgh	PA	15219	
Old North State Building Company Inc	PO Box 1491	Black Mountain	NC	28711	
Margaret T Horton Trust	5532 Crabtree Park Ct	Raleigh	NC	27612	
Geo and Olive Joyner 3rd	2131 Viola Drive	Clearwater	FL	33764	
Jason Wharton	340 Flat Creek Road	Black Mountain	NC	28711	
Pensco Trust Co Custodian FBO Lauren D Thompson	PO Box 173859	Denver	CO	80217	

John and Sharon Pope (ETAL)	344 Flat Creek Road	Black Mountain	NC	28711	
Sybil J Fox Living Trust	24 Reynolda Drive	Asheville	NC	28803	
Wells Fargo Bank	101 N Phillips Ave	Sioux Falls	SD	57104	Wells Fargo Home Equity GP
Rondall and Mary Young	1699 Gores Landing Rd SW	Ocean Isle Beach	NC	28469	
Mary Crook	PO Box 1171	Black Mountain	NC	28711	
Town of Montreat	PO Box 423	Montreat	NC	28757	
Mountain Retreat Association	PO Box 969	Montreat	NC	28757	
Penny Phillips	1204 Montreat Road	Black Mountain	NC	28711	
Claudette Skidmore and Charlene Williams	1158 Montreat Road	Black Mountain	NC	28711	
Joshua Yeatman	1156 Montreat Road	Black Mountain	NC	28711	
Mary Anne Riddle	1154 Montreat Road	Black Mountain	NC	28711	
James and Teresa Miller	17 Sawmill Drive	Old Fort	NC	28762	
Peggy Yoder	1150 Montreat Road	Black Mountain	NC	28711	
Josh Wolfe	1148 Montreat Road	Black Mountain	NC	28711	
Donald and Pamela Lewis	1144 Montreat Road	Black Mountain	NC	28711	
Heather McConnell ETAL	830 Colonial Lane	Milton	GA	30004	Tara Deick
Daniel Pride and Carrie Maresh	1136 Montreat Road	Black Mountain	NC	28711	
Charles and Linda Henley	2342 Ainsdale road	Charlotte	NC	28226	
Inevitable Grace, Inc.	1141 Montreat Road	Black Mountain	NC	28711	
Thomas Milford	321 Flat Creek Road	Black Mountain	NC	28711	
Richard and Arla Yeatman and Joshua Yeatman	313 Flat Creek Road	Black Mountain	NC	28711	
Cornucopia Cottages LLC	PO Box 996	Black Mountain	NC	28711	
Goldston Living Trust	4115 Chattham Church Road	Sanford	NC	27330	
Frank and Emily Cappelli	1120 Montreat Road	Black Mountain	NC	28711	
Carol Redmond	15 Rushing Brook Lane	Black Mountain	NC	28711	
Black Mountain Property Holdings LLC	PO Box 2568	Hickory	NC	28603	
Ronald Deese and Sherry Kennison	PO Box 1022	Black Mountain	NC	28711	
Clyde Fox	20 Cool River drive	Black Mountain	NC	28711	
Rachel H Allen	309 Flat Creek Road	Black Mountain	NC	28711	
Willie Mae Lytle	11 Carefree Lane	Black Mountain	NC	28711	Minnie Moore
Ted and Alma Williams	7 Carefree Lane	Black Mountain	NC	28711	
James Lytle Sr	12 Carefree Lane	Black Mountain	NC	28711	
Marick II LLC	102 Valley Vista Drive	Black Mountain	NC	28711	
Robyn-Denise Yourse	1805 Tulip St NW	Washington	DC	20012	Lamont Baxter
Edward Colley III and Edward Colley Jr	50 Green Forest Road	Swannanoa	NC	28778	
Alexander and Amanda Martin	1112 Montreat Road	Black Mountain	NC	28711	
Triple-A Property Management LLC	PO Box 15914	Asheville	NC	28813	
Vivian Cooley	PO Box 784	Black Mountain	NC	28711	
Swannanoa Valley Christ Min Inc	PO Box 235	Black Mountain	NC	28711	
Ronald Walls	311 Lakewood Drive	Asheville	NC	28803	
W Brinkley and Robin Melvin	216 Newberg Road	Chapin	SC	29036	
Mary Bulan and Kiera Bulan	1149 Montreat Road	Black Mountain	NC	28711	
Erin and Asa Bleier	206 Woodland Drive	Swannanoa	NC	28778	

Nathan Toothaker and Marina Mon	7 Carolina Heights	Black Mountain	NC	28711	
Merri-Mac Properties LLC	1123 Montreat Road	Black Mountain	NC	28711	
Friendship Presbyterian Church	PO Box 116	Black Mountain	NC	28711	
Robert Boyd	1131 Montreat Road	Black Mountain	NC	28711	
Samuel and Ruth Pearce	6051 Highway 95	Rock Spring	GA	30739	
Roland and Carolyn Tolley	PO Box 279	Swannanoa	NC	28778	
Leila Laughter	1117 Montreat Road	Black Mountain	NC	28711	
Burnice and Lillian Lewis	PO Box 917	Black Mountain	NC	28711	
Sandra Schuit	1113 Montreat Road	Black Mountain	NC	28711	
Donna McCuen	PO Box 904	Black Mountain	NC	28711	
Clarence and Marjorie Worley	6 Mountain View Ave	Black Mountain	NC	28711	



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9373 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF REZONING REQUEST

(REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **November 4, 2019**

TO: **Property Owner**

FROM: **TOWN OF BLACK MOUNTAIN
ZONING ADMINISTRATOR**

APPLICANT NAME: **Town of Black Mountain**

PROPERTY ADDRESS: **See Attached List**

PIN #: **See Attached List**

CURRENT ZONING CLASSIFICATION: **SR-2 (suburban residential)**

REQUESTED ZONING CLASSIFICATION: **TR-4 (town residential)**

CURRENT LAND USE: **See Attached List**

SIZE OF PARCEL: **See Attached List**

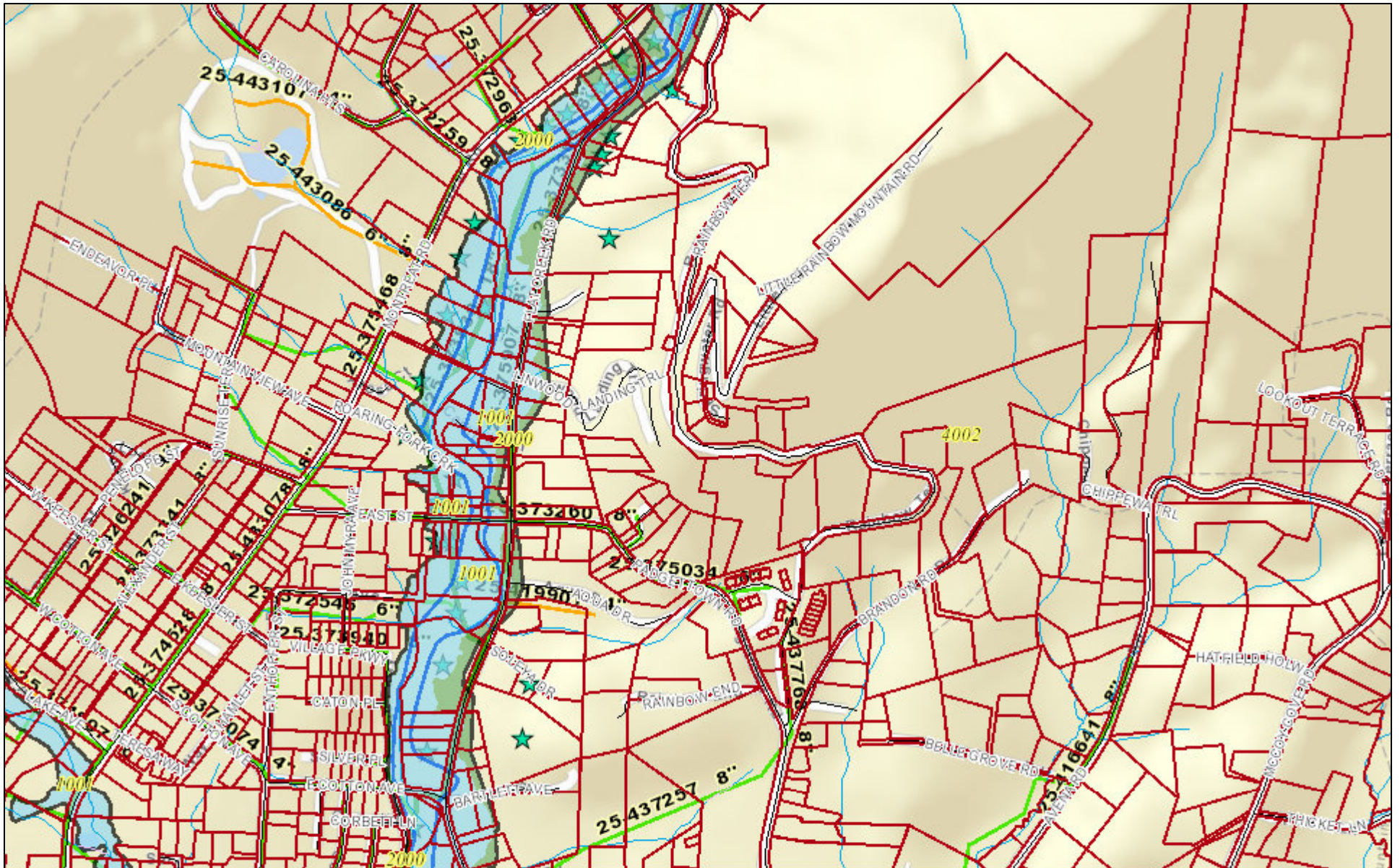
REASON FOR REQUESTED REZONING:

To better describe existing conditions and to make more of the lots conforming.

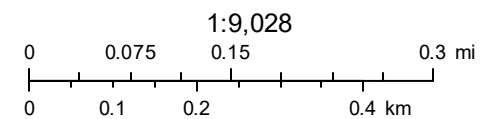
A public meeting of the Planning Board on this matter will be held Monday, November 18, 2019 @ 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

This is your notification for this request specified under 1.5.4 of the Land Use Code for the Town of Black Mountain. Section 1.5.4 (G) and (I) indicate that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date and place of the hearing will be published in the Black Mountain News in accordance with the Land Use Code of the Town of Black Mountain.

Buncombe County



November 7, 2019



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



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

Date: November 7, 2019

To: Black Mountain Planning Board

From: Planning Staff

RE: Text Amendment – Traffic Impact Analysis

Please find pertinent information attached.

Summary:

At the October 28th meeting, the number of trips was decided for the proposed traffic impact analysis. At that time, the amendment just said that the Town of Black Mountain would review the plans. The proposed amendment will designate a specific person who will review the plans and who will approve any improvements that need to be made. l

Proposed Amendment

Chapter 3, Section 3.5, 3.5.8

Chapter 6, Section 6.3, 6.3.1 (5)

Chapter 7, Section 7.2, 7.2.4

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.

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 **798** daily trips, using trip generation rates from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

Improvements required.

The **Planning Director or his/her designee** will review submitted traffic impact analysis, and will finalize the 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 **approved by the Board of Aldermen and 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: November 18, 2019

Subject: Zoning Text Amendment

Description: Add language for traffic impact analysis

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:



Town of Black Mountain
Building, Planning and Zoning

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Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: November 7, 2019

To: Black Mountain Planning Board

From: Planning Staff

RE: Ruby Avenue Right-of-Way Closure Request

Please find pertinent information attached.

Summary:

Richard “Kenny” Capps and Ora Lee Kerlee have filed a petition to close a portion of a right-of-way between Ruby Avenue and Old State 10 Road. The properties that abut the right-of-way are 212 Ruby Avenue and 213 Old State 10 Road.

Definitions:

The land use defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property or those across a street).

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-Way: 1) A strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town.

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMP’s, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notice to abutting property owners shall be given as required by G.S. 160A-299. If the request is generated from town staff or a board or commission, the fee shall not apply.

Richard “Kenny” Capps submitted a petition for street closing request on October 28, 2019. The petition was signed by Richard “Kenny” Capps, owner of 212 Ruby Avenue, and Ora Lee Kerlee,

owner of 213 Old State 10 Road. Mr. Capps submitted a credit card payment of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S. 160A-299 (a) states that when a city proposed to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way (if any utilities, etc.), information on possible future uses from any of the town's adopted plans, and comments from the fire department and place the issue on the next planning board agenda, if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.
 - *The requested right-of-way closure is approximately 75' in length and 14' wide per a survey recorded in Plat Book 154, Page 173 (attached) and per Buncombe County GIS (map attached).*
 - *The right-of-way currently contains trees, a driveway and portions of a house.*
 - *The right-of-way does not contain any sewer lines or water lines (maps of both are attached).*
3. Notice of the request and pursuant review of the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.

Notice was sent to all property owners abutting the right-of-way on November 6, 2019 by first class mail. A copy of the notice and a list of property owners is attached.

4. The planning board will review the request and make recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional area of right-of-way in addition to the petition, or to not accept the petition and leave the right-of-way as an offering.

The request is only for a portion of the right-of-way. The board has the option of closing the remainder of the right-of-way, which would be done as a separate application.

5. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:
 - (a) Right-of-way identified is not part of adopted town plans.

The requested right-of-way closure is not identified in any of the following plans: Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.

- (b) Right-of-way is not necessary for current or future utilities.

All utilities are located on Ruby Avenue, McCoy Cove Road, Old State 10 Road and Kerlee Heights Road.

- (c) Right-of-way in its current condition poses a hazard to public health, safety or welfare.

The right-of-way does not pose any hazard to public health, safety or welfare.

- (d) Right-of-way is along a drainage that is part of a stormwater management plan.

There are no drainage areas or stormwater plans or systems along or in the right-of-way.

- (e) Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The right-of-way is not identified on the Pedestrian Master Plan or Greenway Master Plan for any type of access. The right-of-way is already blocked at the west end (Kerlee Heights Road).

- (f) Abutting property owners have signed the petition in favor of the closure.

The two property owners abutting the portion requested have signed the petition. All other property owners have been notified by first class mail.

- (g) The planning board shall have 35 days from the date of the first regular meeting of the planning board held after receipt of the request within which to submit a recommendation to the board of aldermen. If the planning board fails to act within the 30-day period, it shall be deemed to support and recommend the requested closure and the petition shall proceed to the board of aldermen.

The planning board may also amend the scope or length of the right-of-way closure petition as a complimentary petition to the board of aldermen.

6. Planning board recommendation is forwarded to board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the planning board recommends the closure, then the next step would be a call for public hearing.

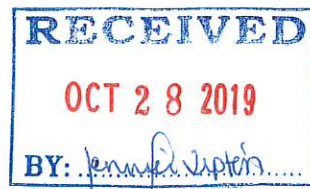
7. Staff shall place the resolution of intent stating the date of the public hearing in a newspaper of general circulation within the Town of Black Mountain once a week for four successive calendar weeks. Staff shall prominently post the area for closure at two locations with a visible sign indicating the scope of the petition, the date for the public hearing and the phone number of the staff person to contact for information. Staff shall also provide notice by first class mail to all abutting property owners, and may, at the discretion and direction of the aldermen, mail such notice to all owners of property adjoining any portion or all of the street affected by a partial right-of-way closure. Notice shall also be posted to the town website indicating the date and time of the hearing.

Staff will take care of this portion.

8. Board of aldermen holds the public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.

Town of Black Mountain
North Carolina



Date: 6/25, 2019

**TO THE BOARD OF ALDERMEN OF THE
TOWN OF BLACK MOUNTAIN**

We, the undersigned, being (some) (all) of the owners of the property adjoining the street or alley described below, do hereby petition the Board of Aldermen of the Town of Black Mountain, to close the following described street or alley:

That municipal alley beginning at McCoy Cove Rd. and separating lots 1, 2, 3 and 4 from 5, 6, 7, and 8, block S of CP Kerlee's Addition in the Kerlee Heights Subdivision. The proposed closing should include that alley adjacent to lots 2 and 7, but may also include segments adjacent to lots 1 & 8, 3 & 6, and 4 & 5 of block S of CP Kerlee's subdivision Listed at Plat Book 154, Page 173.

The undersigned petitioners do certify that the closing of the above described street or alley will not be contrary to the public interest and that no individual owning property in the vicinity of said street or alley, and if it is located in a subdivision, no individual owning property in said subdivision, will be deprived of reasonable means of ingress and egress to his/her property.

The following persons, in addition to the petitioners, own property adjoining the above described street or alley:

NAME	ADDRESS
Ora Lee Kerlee	213 Old State 10 Road, Black Mountain, NC 28711
Don Lee Kerlee	P.O. Box 117, Old Fort, NC 28762
Jeffrey Kerlee	205 & 207 Old State Road, Black Mtn.
Richard K. Capps	206 Ruby Ave., Black Mtn., NC 28711

WHEREFORE, your petitioners respectfully request the Board of Aldermen of the Town of Black Mountain to adopt a resolution ordering the closing of the above described street or alley.

Witness our signatures the day and year first above written.

NAME	ADDRESS	PHONE #
Ora Lee Kerlee	213 Old State Rd	(828) 772-1452
Richard K. Capps	402 Laurel Circle Dr.	(828) 301-6699

PAID
OCT 28 2019
BY: CC \$300

Buncombe County



October 29, 2019

1:1,128

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

173
154

LANKFORD - WATKINS - McDONALD.

U.P. WATKINS.
3-ACRES.

T.A. C.W. BROWN.



PLAT OF
C. P. KERLEE'S ADDITION
TO
BLACK MOUNTAIN.
Scale 1"=100'.

154/173

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Kathryn E Shawgo Revocable Trust	202 Ruby Avenue	Black Mountain	NC	28711
Chester and Janice Quinn	208 Ruby Avenue	Black Mountain	NC	28711
Ora Lee Kerlee	213 Old State 10 Road	Black Mountain	NC	28711
Jerry Lee Kerlee	PO Box 117	Old Fort	NC	28762
Richard C Capps	771 Rocky Branch Ln	Evans	GA	30809
Kevin & Phoebe Hall	31 Eden View Drive	Black Mountain	NC	28711
Sharlene Hash & Tori Reeves	211 Old State 10 Road	Black Mountain	NC	28711
Carolina Hills LLC	222 Summa St	West Palm Beach	FL	33405
Julia Anna Capps	771 Rocky Branch Ln	Evans	GA	30809
Frank & Shirley Chandler, Jr	PO Box 1332	Black Mountain	NC	28711
Jenam LLC	100 Short Street	Black Mountain	NC	28711
East West Investments	800 Fairview Rd, Ste. 111	Asheville	NC	28803



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

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November 6, 2019

Dear Property Owner,

This correspondence is to notify you that two property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way between Ruby Avenue and Old State Road 10 Road.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, November 18, 2019 at 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

If you have questions you may contact me at (828) 419-9373 or
jennifer.tipton@townofblackmountain.org.

Respectfully,

Jennifer Tipton, CZO
Zoning Administrator

Enclosure (1)



— BlackMountainWaterlines