TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711
Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin/Clerk to PB
Re: Agenda Packet for September 28, 2020
Date: September 18, 2020

The **Town of Black Mountain Planning Board** will meet on **Monday, September 28, 2020 at 6:00 p.m.** in virtually via Zoom.

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

1. The proposed agenda;

2. Draft minutes from August 24, 2020;

3. Rezoning Request – 134 Sunset Drive, 6 Vance Avenue, and 99999 Vance Avenue from TR-4 to UR-8;

4. Text Amendments – Road Standards; and

5. Text Amendments – Water Improvements.

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

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

CC: Jessica Trotman, Planning Director
Ron Sneed, Town Attorney
Jake Hair, Planner

PUBLIC NOTICE

BLACK MOUNTAIN PLANNING BOARD

In order to maintain the safety of Town residents, staff, and the Planning Board, the Planning Board regular meeting scheduled for **Monday, September 28, 2020 at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are three ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** *Citizen video feeds will not be enabled. There is no password.

   https://us02web.zoom.us/j/85652593739

   Meeting ID: 856 5259 3739

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at Zoom.us/download and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

   Simply call US **Toll-free 1-877-853-5247** or US **Toll-free 1-888-788-0099**

   Meeting ID: 856 5259 3739 followed by the Pound sign (#)

3. **Email or call in your comments or questions prior to the meeting.**

   Call in comments prior to the meeting: Clerk to Planning Board at 828-419-9371

   Email comments to: jennifer.tipton@townofblackmountain.org

Jennifer Tipton
Jennifer Tipton
Clerk to Planning Board

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Posted to the Town Bulletin Board 09/012020
www.townofblackmountain.org

Planning Board Regular Meeting
September 28, 2020

PROPOSED AGENDA

I. CALL TO ORDER
- **Welcome**
- **Determination of Quorom**

II. ADOPTION OF AGENDA
- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES
- **Motion:** To adopt the minutes of August 24, 2020 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
- Rezoning Request – 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8
- Text Amendments – Road Standards
- Text Amendments – Water Improvements

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

The Black Mountain Planning Board held its regular meeting on 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
Chas Fitzgerald
Lauronda Teeple
Rick Earley
Chris Collins
Scott Reed

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner
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 seven (7) regular members.

II. ADOPTION OF AGENDA

Lauronda Teeple made a motion to adopt the agenda as presented. The motion was adopted by consensus by a vote of 7-0.

III. ADOPTION OF MINUTES

Chas Fitzgerald made a motion to adopt the minutes of July 27, 2020 as written. The motion was seconded by Scott Reed and approved by a vote of 7-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. <u>Election of Officers</u>

Jesse Gardner nominated Pam Norton for Chair. The motion was seconded by Scott Reed but Pam Norton declined the nomination.
Pam Norton nominated Chris Collins for Chair. The motion was seconded by Scott Reed and approved by a vote of 7-0.
Jesse Gardner nominated Pam Norton for Vice Chair. The motion was seconded by Scott Reed and approved by a vote of 7-0.

2. <u>Rezoning Request for 324 N Fork Road from CR-1 to UR-8</u>

Jake Hair presented a rezoning request to the board. Sam Decker lives at 324 N. Fork Road and wants to rezone his property from CR-1 to UR-8. Mr. Decker was zoned R-20 prior to the town-wide rezoning in 2010 and he wishes to have a comparable zoning today. Mr. Hair went through

the staff report and explained that this was a spot zone as the property is surrounded by CR-1. The property is encumbered by a stream and a sewer line easement. There was discussion about stream protection that is talked about in the Comprehensive Plan, which is guiding document and not a policy. It was explained that the applicant can request a rezoning and does not have to have a development plan. A rezoning request will consider any and all uses in the requested zoning district. There is a new aquatic buffer ordinance that will offer a buffer protection for the stream. The board expressed concerns about going from CR-1, which allows one unit an acre, to UR-8, which allows eight units an acre. Chas Fitzgerald said that the most comparable zoning would be SR-2, which would allow two units an acre. A spot zone is allowed but requires some additional scrutiny before a decision can be made. A rezoning must be found to be reasonable and consistent with the Comprehensive Plan.

Sam Decker, 324 N Fork Road, said that he was voluntarily annexed into the town in 1990 and was given the R-20 zoning designation. Mr. Decker said he was not informed or notified of the rezoning in 2010 and only found out when someone else sold a property and he was told what his zoning was. Mr. Decker spoke to staff and that the property was zoned R-20 prior to 2010. Mr. Decker wants to rezone so that if he ever needs to have additional income, then he could sell lots to be able to have additional income. This has been his plan since he purchased the property in the 1980's. Mr. Decker said that because of the stream and the sewer line, one acre lots just aren't feasible and it would impact the value of his property if he could only do one acre lots and he wants to make it right to what he was promised when he annexed into the town.

There are lots on Daniel Lane and Walker Cove Road that are legally non-conforming in that most of the lot sizes are one half acre to one quarter acre and they are zoned CR-1. The board discussed rezoning to the SR-2 district, which is the most comparable district to the R-20 district. Jennifer Tipton read some chat comments from three neighbors who said that they would all support the SR-2 zoning designation. The board also discussed doing a split zoning and it is possible but there would need to be a legal boundary such as the stream or the sewer line. Jesse Gardner made a motion to zone the portion of the property west of the creek to UR-8 and the property to the east of the creek to SR-2. The motion was seconded by Rick Earley but tied with split vote of 3-3 with Jesse Gardner, Rick Earley, and Chris Collins voting yes and Chas Fitzgerald, Pam Norton, and Lauronda Teeple voting no. Chas Fitzgerald made a motion to zone the property from N. Fork Road to the creek TR-4 and rezone the remainder of the property on the east side of the creek to SR-2. The motion was seconded by Pam Norton and approved by a vote of 5-1 with Jesse Gardner voting against the motion. The staff report to the Board of Aldermen will reflect both motions and votes. Chas Fitzgerald made a motion that the rezoning request is consistent with the Town's Comprehensive Plan and is reasonable and in the public interest by having lot sizes that make use of existing infrastructure and arterial roads and the property has two different areas topographically and the recommendation is consistent with adjacent lot sizes and is more akin to larger lots in the perimeter of the area. The motion was approved by a vote of 5-1 with Jesse Gardner voting against the motion.

3. Text Amendment – Prohibited Uses

Jessica Trotman explained that text amendment is to remove a sentence in the Land Use Code regarding prohibited uses. State statutes require that any prohibited uses be listed and if a use is not listed then staff has to find the most comparable category. Chas Fitzgerald made a motion to recommend the amendment as written to the Board of Aldermen. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

4. <u>Text Amendment – Zoning Districts Intents and Purposes</u>

Jessica Trotman explained that the text amendments proposed are to remove any language from the intents and purposes of the zoning districts that is regulatory in nature or are considered standards. The reason for the statements is only to provide a description of the district. Any regulations or standards would be located in the Land Use Code itself and not the intents and purposes section. Jesse Gardner made a motion to recommend the amendments as written to the Board of Aldermen. The motion was seconded by Chris Collins and approved by a vote of 6-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

Jessica Trotman announced the we would be holding two virtual meetings for the comprehensive plan update on September 3rd at 10:00 a.m. and 6:00 p.m. The meetings will be live streamed and will give citizens an opportunity to give feedback regarding the goals and visions. The meetings will be recorded and posted to the website. A survey will also be posted to the website.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:44 p.m. The motion was seconded by Pam Norton and approved by a vote of 6-0.

Prepared by:

_____
Chris Collins, Chair

_____
Jennifer Tipton, Zoning Administrator

TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: September 28, 2020

SUBJECT: Rezoning at 134 Sunset Drive, 6 Vance Drive, 99999 Vance Drive

BRIEF SUMMARY: Ruby Begley has put in a request to rezone her properties at 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8.

MOTION FOR CONSIDERATION: Mrs. Begley wants smaller lot size requirements because she feels higher density is more reasonable being next to Interstate 40 and allows or more affordable housing. She also thinks it will better serve the town as it will bring more residential homes within walking distance to downtown.

ATTACHMENTS: Rezoning application.

PLANNING STAFF COMMENTS AND RECOMMENDATIONS: This will be a spot zoning as his property is bordered by CR-1 and TR-4.

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: September 28, 2020

GENERAL INFORMATION

APPLICANT:	Ruby B. Begley
HEARING TYPE:	Rezoning Request (Spot Zoning)
REQUEST:	TR-4 (Town Residential District) to UR-8 (Urban Residential District)
CONDITIONS:	This is a rezoning request for 3 adjacent properties owned by Ruby Begley, all currently zoned TR-4.
LOCATION:	134 Sunset Drive, 6 Vance Drive, 99999 Vance Drive
PARCEL ID NUMBER(S):	0619-44-9731, 0619-54-3923, 0619-54-6910
PUBLIC NOTIFICATION:	The notification 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). **22** notices were mailed to those property owners in the mailing area.
TRACT SIZES:	3.03 acres, 2.43 acres, 5.8 acres
TOPOGRAPHY:	13.03% slope, 19.65% slope, 19.65% slope
VEGETATION:	Residential

SITE DATA

EXISTING USE Residential

ADJACENT PROPERTY	ADJACENT ZONING	ADJACENT LAND USE
134 Sunset Drive	TR-4	Single-Family Residential
6 Vance Drive	TR-4	Single-Family Residential
99999 Vance Drive	TR-4	Empty Lot
99999 Sunset Drive	TR-4	Empty Lot
178 Sunset Drive	TR-4	Single-Family Residential
196 Sunset Drive	CR-1	Single-Family Residential
212 Sunset Drive	CR-1	Single-Family Residential
99999 Sunset Drive	CR-1	Empty Lot
99999 Sunset Drive	CR-1	Empty Lot
180 Sunset Drive	CR-1	Single-Family Residential
179 Sunset Drive	CR-1	Single-Family Residential
99999 Sunset Drive	CR-1	Empty Lot
4 Hall Family Drive	TR-4	Single-Family Residential
6 Hall Family Drive	TR-4	Single-Family Residential
8 Hall Family Drive	TR-4	Single-Family Residential
153 Sunset Drive	TR-4	Single-Family Residential
147 Sunset Drive	TR-4	Single-Family Residential
141 Sunset Drive	TR-4	Single-Family Residential
137 Sunset Drive	TR-4	Single-Family Residential
135 Sunset Drive	TR-4	Single-Family Residential
34 Western View Street	TR-4	Single-Family Residential
9 Vance Drive	TR-4	Single-Family Residential

SUMMARY OF DISTRICT PURPOSES

TR-4 (Town Residential District)	Purpose: The Town Residential District is established to 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.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	Existing	Requested
Zoning District Designation:	TR-4	UR-8
Max. Density:	4 units/acre	8 units/acre
Front Setback:	20’	20’
Side Setback:	10’	10’
Rear Setback:	15’	15’
Min. Lot Size:	1/4 acre (10,890 sf)	1/8 acre (5,446 sf)
Max. Height:	35’	35’
Min. Width:	40’	15’
Min. Depth:	80’	None
Permitted Uses:	• Government facilities • Parks and open space areas • Places of Worship • Public Utilities • Single-Family Residences • Two-Family Residences (duplex)	• Community Living Facilities • Government facilities • Places of worship • Public utilities • Single-Family Residences • Two-Family Residences (duplex)
Additional Requirements:	• Accessory structures • Agriculture • Bed & Breakfast Homes • Boarding House • Camps, summer • Conference Centers • Family Care Homes • Home Occupations • Manufactured Home on individual lots • Market Gardens • Recreational Services, outdoor • Secondary Dwellings	• Accessory structures • Agriculture • Bed & Breakfast Homes • Boarding House • Camps, summer • Conference Centers • Family Care Homes • Home Occupations • Manufactured Home (on individual lots) • Market Gardens • Multi-family Residential • Secondary Dwellings
Conditional Uses:	• Bed & Breakfast Inns • Cultural, Community Facilities	• Bed & Breakfast Homes & Inns • Cultural, Community Facilities

	• Educational facilities • Multi-family residential	• Educational facilities
Special Uses:	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD) • Manufactured Home Parks	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD) • Manufactured Home Parks
Exclusions:	• Correctional institutions • 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	N/A
Wellness Protection Overlay	N/A
Environmental	
Floodplain	N/A
Floodway	N/A
Stream	A stream runs through the lower half of 134 Sunset Dr.
Utilities	
Water	City of Asheville water lines
Sewer	An 8" sewer line runs through 134 Sunset Dr. and a 6" line runs through both Vance Dr. properties.

Landscaping

There are no landscaping requirements for residential property.

Transportation	
Street Classification	Town Roads – Sunset Drive and Vance Drive.

Site Access	Access is available from Sunset Drive off NC HWY 9.
Traffic Counts	N/A
Sidewalks	There are no sidewalks on Sunset or Vance Drive.
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 UR-8 district would allow for more dwelling units per acre as the minimum lot size would be cut in half.

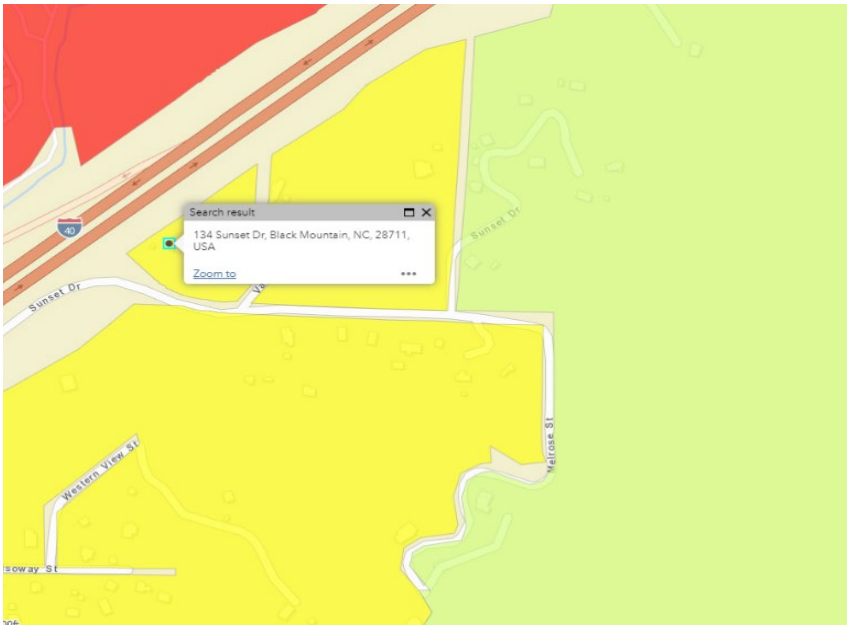
CONFORMITY WITH OTHER PLANS

N/A

MISC COMMENTS

This rezoning request will be a spot zoning. Spot zoning is the application of zoning to a specific parcel or parcels of land within a larger zoned area.

Ruby Begley is currently in the TR-4 zoning district and does not touch up against UR-8. She is surrounded by TR-4 and CR-1 and is blocked from touching HB-8 by Interstate 40 as you can see in the image below.



REZONING WORKSHEET

Address: 134 Sunset Drive, 6 Vance Drive, 99999 Vance Drive

PIN #: 0619-44-9731, 0619-54-3923, 0619-54-6910

Current Zoning District: TR-4 Requested Zoning District: UR-8

The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning ( ) is / ( ) is not reasonable compared to the size of the zoning district in which the subject property is located.

2. The proposed rezoning ( ) is / ( ) is not consistent with the comprehensive plan or elements thereof.

3. The impact to the adjacent property owners and the surrounding community ( ) is / ( ) is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.

4. The allowed uses with the proposed zoning district ( ) are / ( ) are not similar or comparable to the permitted uses as currently zoned.

REZONING APPLICATION www.townofblackmountain.org

APPLICANT INFORMATION

Applicant Name: Ruby B. Begley

Applicant Address (Number, Street, City, State, ZIP): 200 TABERNACLE RD/APT A4, BLACK MT, NC 28711

Home Phone	Cell Phone	Email Address
828-669-8557	828-301-9424	(NA) SON'S EMAIL: DAVIDMBEGLEY@GMAIL.COM

BEST # →

MAP AMENDMENT LOCATION AND REQUEST

I request a rezoning for the following parcel(s):

Property Address: 1) 134 SUNSET DRIVE 2) 4 VANCE DRIVE 3) 4 VANCE DRIVE

PIN #: 0619-44-9731, 0619-54-3923, 0619-54-6910

Current Zoning Classification: TR-4

Requested Zoning Classification: UR-8

Current Land Use: 1) SGL FAMILY RES 2) SGL FAMILY RES 3) VACANT UNIMPROVED RES

Size of Parcel: 3.03AC, 2.43AC, 5.80AC

Reason for Requested Rezoning: BECAUSE OF LOCATION NEXT TO I-40, HIGHER DENSITY IS MORE REASONABLE USE AND ALLOWS FOR MORE AFFORDABLE HOUSING THAT'S IN HIGH DEMAND & SUITS MARKET BETTER BY SERVING THOSE WHO WANT TO BE WITHIN WALKING DISTANCE OF THE DOWNTOWN AREA.

Property Owner Name: Ruby B. Begley

Property Owner Address (Number, Street, City, State, ZIP): 200 TABERNACLE RD/APT A4, BLACK MT, NC 28711

Phone Number	Email Address
828-669-8557	(NA) SON'S (REP): DAVIDMBEGLEY@GMAIL.COM

CERTIFICATION

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

Petitioner Signature	Date
Ruby B. Begley	9/3/20

OFFICE USE ONLY

Date Received: SEPT 4, 2020	Fee: ~~$350.00~~ 375.00 Cash: ☐ Check: ☑ # 554 Credit: ☐
Vote: ____ to ____ For ☐ Against ☐	Planning Board Meeting Date:
Vote: ____ to ____ For ☐ Against ☐	Board of Aldermen Meeting Date;

OWNER'S AFFIDAVIT

The person(s) listed below does hereby appear before a Notary Public and swear or affirm that they are the legal owners of the property located at:

134 SUNSET DRIVE — & VANCE DRIVE — VANCE DRIVE

PIN #: 0619-44-9731 (3.03 AC) — 0619-54-3923 (2.43 AC) — 0619-54-6910 (5.80 AC)

The person(s) listed below does hereby give authorization and permission to:

DAVID BEGLEY of (NA)

(Name of Representative/Agent) (Name or Organization)

to submit to the Town of Black Mountain the following rezoning request for the above referenced property.

The persons listed below also consent to all conditions and/or stipulations that may be imposed or adopted by the Town of Black Mountain, as part of the petition/application approval.

Owner's Name (Print)	Owner's Signature	Date
RUBY B. BEGLEY	Ruby B. Begley	9/3/20

STATE OF NORTH CAROLINA
_____ COUNTY (NA, PER JAKE → REP IS OWNER'S SON)

On the _____ day of _____, 20___, the person(s) listed above personally appeared before me, who executed the foregoing document, and each acknowledged that he/she executed the same and being sworn by me, made oath that the statements in the foregoing document are true.

_____ (SEAL)

Notary Public

_____

Printed Name

My Commission Expires: _____

State of North Carolina,
County of Buncombe,

This Indenture, made this 27th day of November, 1951 by and between W. R. BROWN and wife, LUCINDA BROWN of Buncombe County, North Carolina hereinafter called Grantors, and MARCUS BEGLEY and wife, RUBY BEGLEY of said County and State hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, the following particularly described real estate, located in Buncombe County, North Carolina, to-wit: Lying and being in Black Mountain Township and described as follows:

BEGINNING on a white oak and dogwood pointers, the southeast corner of the old 80 acre tract, and runs North 52 poles to a stake on a west hill slope in the line of said 80 acre tract; thence West 80 poles crossing the bottom to a stake in the creek (middle) and Goodlake's line; thence a southerly course with the meanderings of said creek and Goodlake's line, to his stake corner on the north bank of said creek; thence South 8 poles, crossing the creek with Goodlake's line, to his corner, a stake in the aforesaid line of the old 80 acre tract, and thence East 84 poles with said line to the Beginning, containing 25 acres, more or less. SAVING AND EXCEPTING that portion of the above described property heretofore sold to N. C. Shuford, containing 8 acres, and the remaining unsold portion herein conveyed containing approximately 17 acres, more or less, and being all the property formerly owned by John Q. Adams, single, as platted and shown on Sheet 14 of the Black Mountain Township Tax Maps, as shown therein. SUBJECT, ALSO, to the Streets and Roadways as shown on said Sheet 14 and in Plat Book 154 page 86 of the Buncombe County Records, to which reference is hereby also made. Also subject to the right-of-way in favor of N. C. Shuford as shown in DB 437 page 208. The above described property being the same property described and conveyed in the deed dated August 11th, 1951 from John Q. Adams, single, to the parties of the first part herein, which deed is duly of record in the office aforesaid in DB 709 page 324 of the Buncombe County Records, to which reference is hereby also made.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

_____ (SEAL) W. R. Brown (SEAL)

_____ (SEAL) Lucinda Brown (SEAL)

State of North Carolina, County of Buncombe

I, N. D. FREEMAN, a Notary Public of said State and County, do hereby certify that W. R. Brown and wife, Lucinda Brown personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 30 day of November 1951.

My commission expires: July 13, 1952. N. D. Freeman, Notary Public.

State of _____ County of _____

I, _____, a Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 19____.

My commission expires: _____, Notary Public.

State of North Carolina, County of Buncombe

Each of the foregoing certificates, namely of N. D. Freeman

a Notary or Notaries Public of the State and County designated, is adjudged to be correct. Let the instrument and the certificates be registered.

This 3 day of Dec., 1951.

Deputy Clerk Superior Court, Buncombe County, N. C.

Filed for registration on the 3 day of Dec., 1951, at 1:27 P.M.

Register of Deeds

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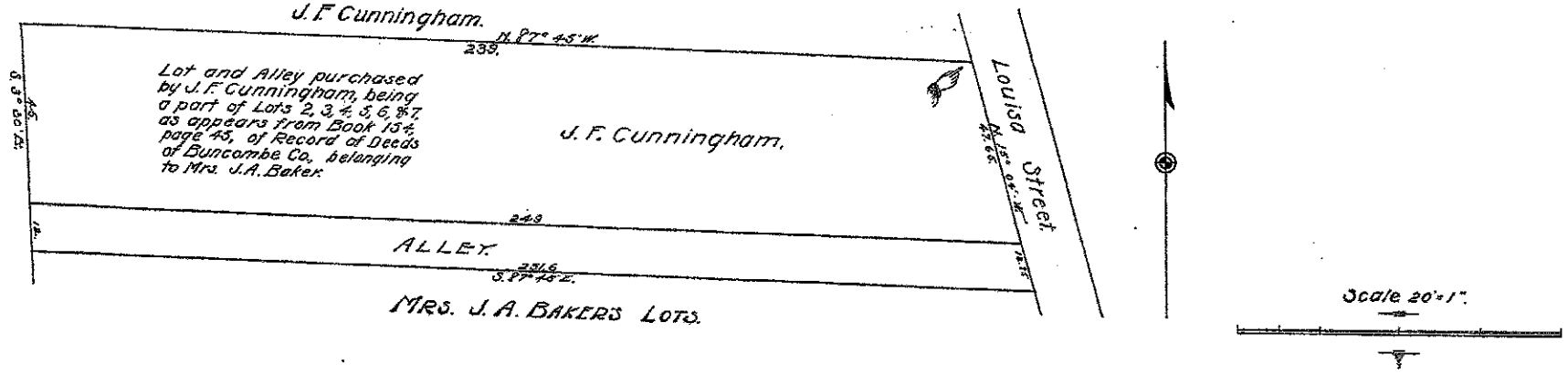

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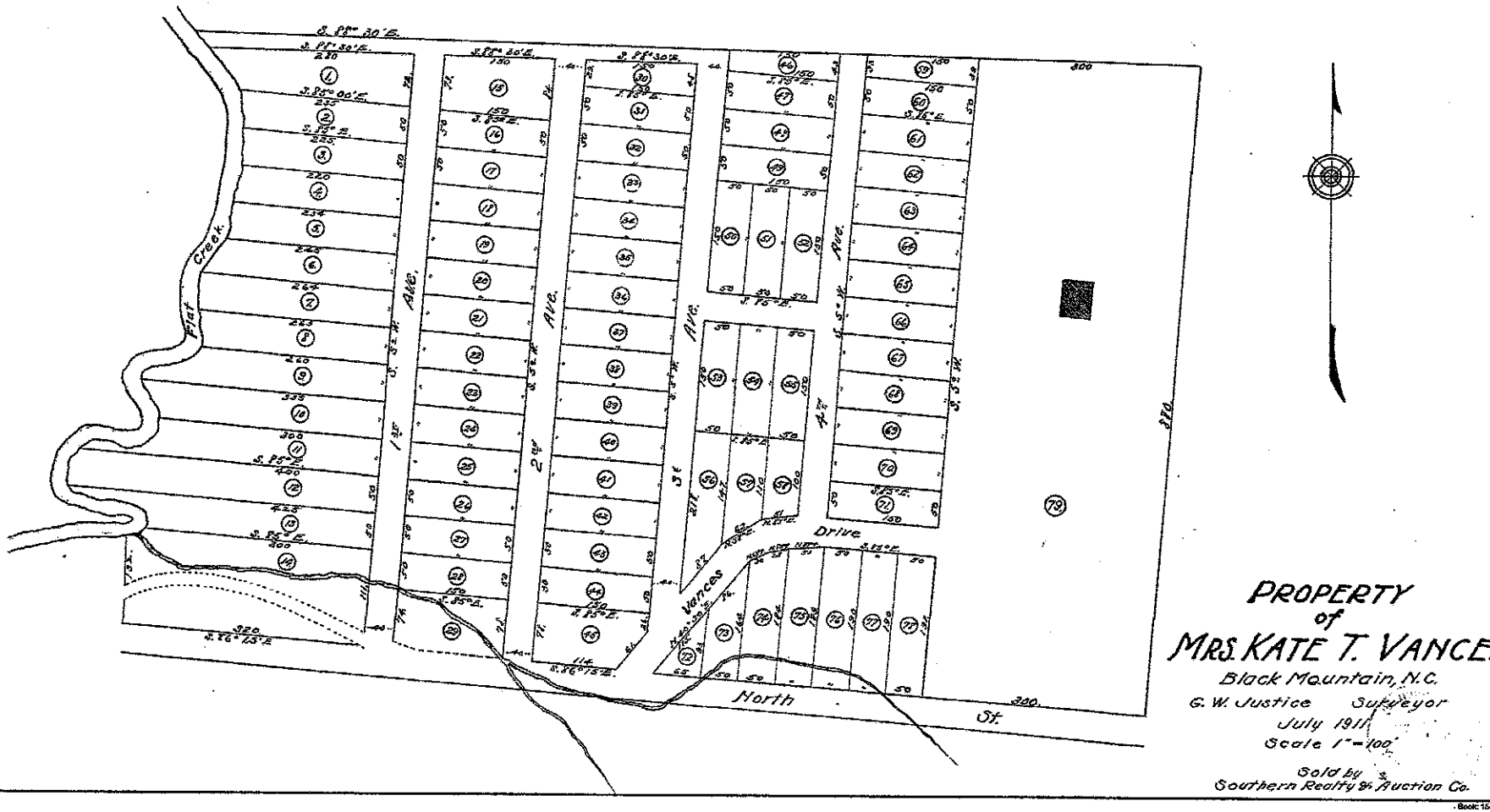


Book: 154 Page: 86 Seq: 1

State of North Carolina,
County of Buncombe,

This Indenture, made this 28th day of January, 1970 by and between

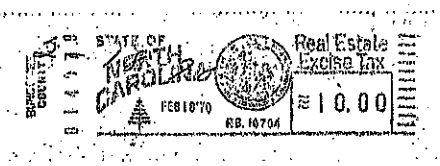
CHARLES C. MEYER and WIFE, ALLEEN B. MEYER

hereinafter called Grantors, and MARGUS F. BEGLEY and WIFE, RUBY B. BEGLEY

hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees their heirs and/or successors and assigns, the following particularly described real estate, located in Buncombe County, North Carolina, to-wit: Lying and being in Black Mountain Township and more particularly described as follows:

BEGINNING, at a iron pin in the North margin of Sunset Drive, said iron pin being located at the present Margus F. Begley Southeast corner and runs thence with said margin of Sunset Drive South 87 deg. 32' East 408.6 feet to an iron pin in the West margin of a 30 foot lane; thence with said margin of said lane North 5 deg. 00' East 395.5 feet to a stake; thence North 30 deg. 22' West 48.5 feet to a stake; thence North 88 deg. 52' West 164.3 feet to a stake; thence North 5 deg. 00' East 425.5 feet to a stake in the Southern margin of the right of way of I-40; thence North 88 deg. 52' West 204.3 feet to an iron pin in the present Begley line; thence along and with said present Begley line South 5 deg. 00' West 841.2 feet to the point or place of BEGINNING. Being a portion of the property described and conveyed by deed duly recorded in the office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 525, at Page 47.



To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

State of North Carolina, County of Buncombe

I, _____, a Notary Public of said State and County, do hereby certify that CHARLES C. MEYER and WIFE, ALLEEN B. MEYER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 19__.

My commission expires _____, Notary Public.

State of _____, County of _____

State of North Carolina, County of Buncombe

Each of the foregoing certificates, namely of Donna M. Mauney

a notary or Notaries public of the State and County designated is certified to be correct.

This 18 day of February, 19 70.

WILLIAM E. DIGGES
Register of Deeds, Buncombe County
By: Peggy B. West, Deputy

Filed for registration on the 18 day of February, 19 70 at 12:17 P. M.

WILLIAM E. DIGGES
Register of Deeds, Buncombe County
By: Peggy B. West, Deputy

This _____ day of _____, 19____

_____
Deputy Clerk Superior Court, Buncombe County, N. C.

Filed for registration on the _____ day of _____, 19____, at _____ M.

_____
Register of Deeds.

Copyright 1965—Buncombe Bar Association, Asheville, N. C.

This Deed prepared by _____

149

Ruby B Begley property off Sunset Dr/Vance Dr

September 2, 2020

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

MSD GIS Staff

≈ 11.8 ACRES TOTAL
(INCLUDING 3RD AVE)

BUNCOMBE COUNTY ASSESSMENT PROPERTY RECORD SEARCH

061944973100000
134 SUNSET DR

BEGLEY RUBY
200 TABERNACLE RD #A4, BLACK MOUNTAIN, NC, 28711

Total Appraised Value
$128,400

Key Information

Zoning	R-20	Neighborhood	R8YS
Land Use Code	RES	Municipality	CBM
Fire District	-	Special District	-
Present Use	-	Appraisal Area	4
Exemption	-		
Legal Description	Deed Date: 04/06/1990 Deed: 0713-0432 Subdiv: MRS KATE T VANCE PROP Block: Lot: LTS W THIRD AVE Section: Plat: 0154-0086		
Plat Reference	154-86		

Assessment Details

Land Value	$79,300
Building Value	$49,100
Features	$0
Total Appraised Value	$128,400
Deferred Value	$0
Exempt Value	$0
Total Taxable Value	$128,400

LAND INFORMATION

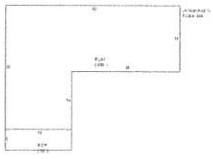
ZONING	LAND USE CODE	SIZE	NEIGHBORHOOD	ASSESSED VALUE	FLOODPLAIN
R-20	RES	3.03 acres	R8YS	$79,300	NO

BUILDING INFORMATION

Building(s)

▼ Building (1)

Quality	FAIR	Condition	FAIR
Building Type	1 STORY CONVENTIONAL	Year Built	1956
Full Baths	1	Half Baths	1
Fireplaces	0	Story	1.00
Heat Type	HEAT WITH A/C	Green Certification	
Style	1 STORY CONVENTIONAL	Base	896
Bedrooms	2	Deck	0
Patio	0	Carport	0
Garage	0	Utility	0
Unfinished Basement	896	Finished Basement	0
Porch	80	Building Value	$49,100



TRANSFER HISTORY

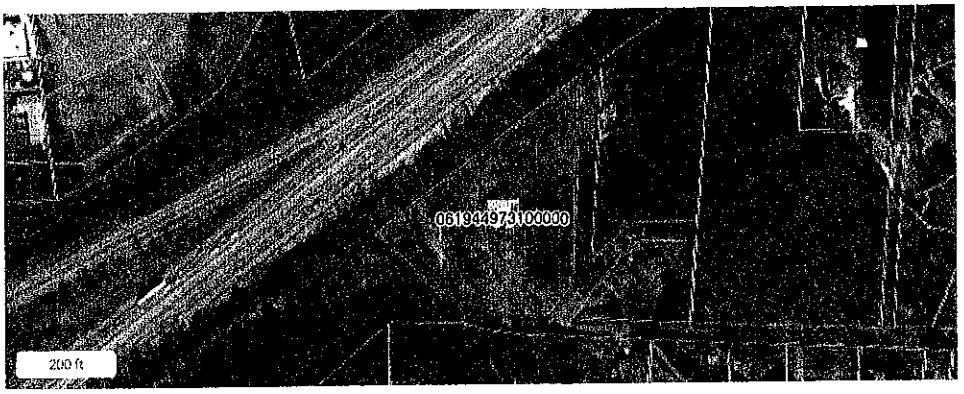
No data to display

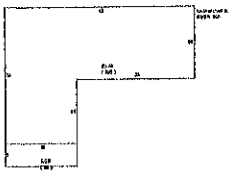
VALUE CHANGE HISTORY

DATE OF VALUE CHANGE	EFFECTIVE TAX YEAR	REASON FOR CHANGE	NEW VALUE
2018-03-19	2018	GENERAL PARCEL REVIEW	$128,400
2017-01-27	2017	RAPP REAPPRAISAL NOTICE	$127,300

RECENT PERMIT ACTIVITY

No data to display

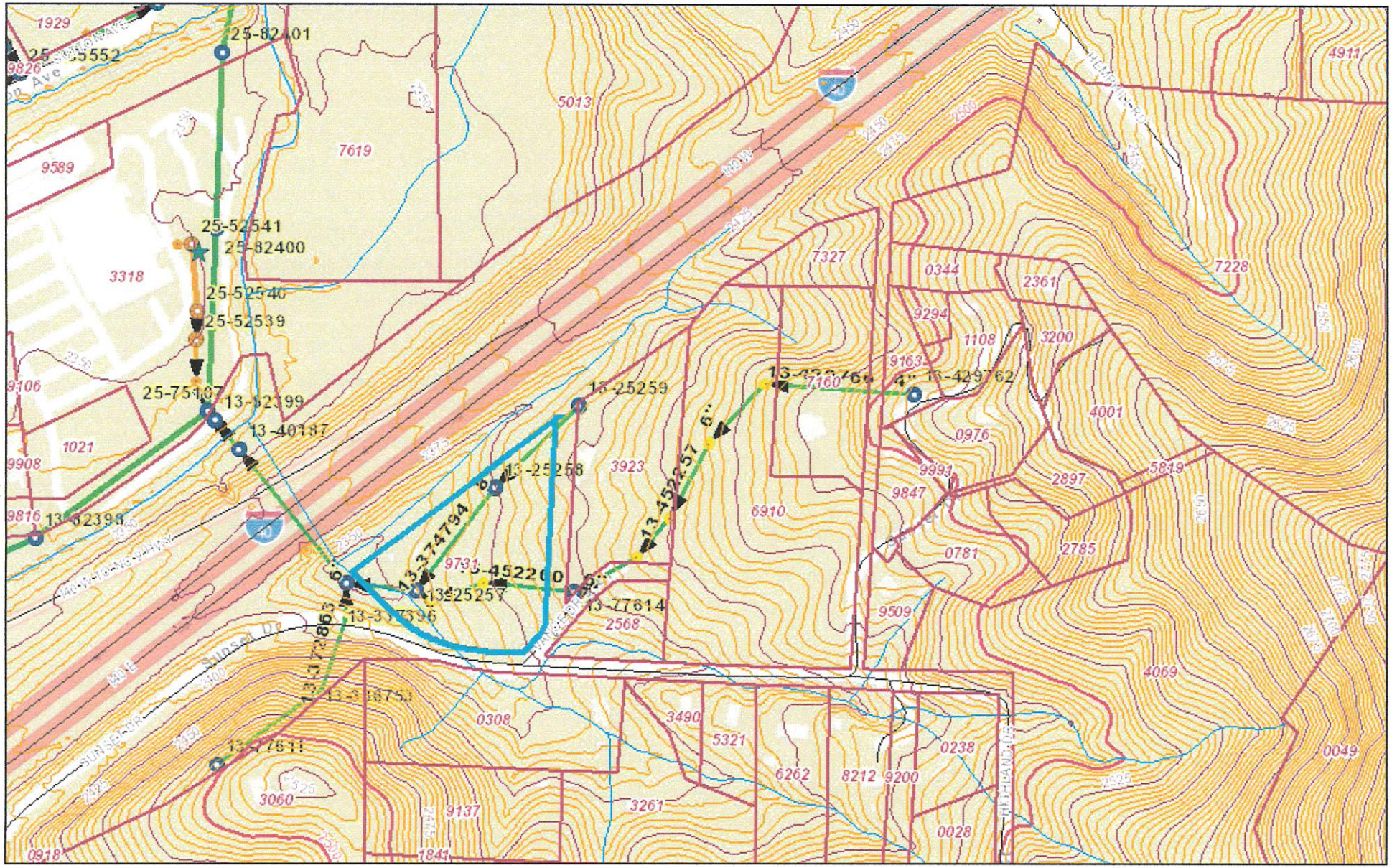




Sketch(es) for Reference for County Assessment Property Record Card(s)

Date last updated 09/02/2020

Ruby B Begley property off Sunset Dr/Vance Dr



September 2, 2020

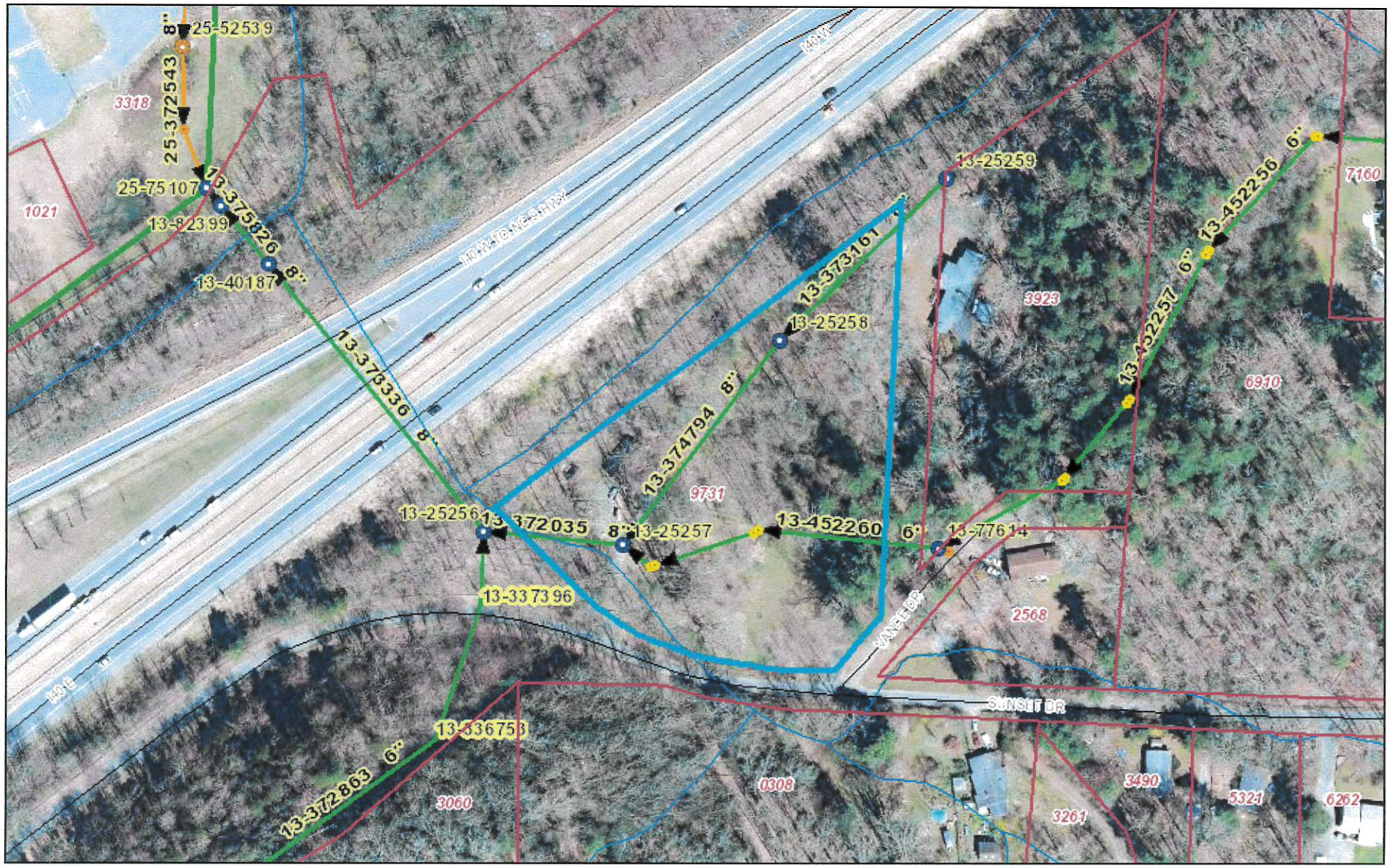
1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

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

Ruby B Begley property off Sunset Dr/Vance Dr



September 2, 2020

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

MSD GIS Staff

BUNCOMBE COUNTY ASSESSMENT PROPERTY RECORD SEARCH

061954392300000
6 VANCE DR

BEGLEY RUBY
200 TABERNACLE RD #A4, BLACK MOUNTAIN, NC, 28711

Total Appraised Value
$208,700

Key Information

Zoning	R-20	Neighborhood	R8YS
Land Use Code	RES	Municipality	CBM
Fire District	-	Special District	-
Present Use	-	Appraisal Area	4
Exemption	DIS		
Legal Description	Deed Date: 04/06/1990 Deed: 0713-0432 Subdiv: MRS KATE T VANCE PROP Block: Lot: LOTS E THIRD AVE Section: Plat: 0154-0086		
Plat Reference	154-86		

Assessment Details

Land Value	$67,400
Building Value	$140,500
Features	$800
Total Appraised Value	$208,700
Deferred Value	$0
Exempt Value	$45,000
Total Taxable Value	$163,700

LAND INFORMATION

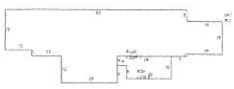
ZONING	LAND USE CODE	SIZE	NEIGHBORHOOD	ASSESSED VALUE	FLOODPLAIN
R-20	RES	2.43 acres	R8YS	$67,400	NO

BUILDING INFORMATION

Building(s)

▼ Building (1)

Quality	FAIR	Condition	NORMAL
Building Type	RANCH	Year Built	1955
Full Baths	2	Half Baths	1
Fireplaces	1	Story	1.00
Heat Type	HEAT WITH A/C	Green Certification	
Style	RANCH	Base	2205
Bedrooms	4	Deck	216
Patio	0	Carport	0
Garage	0	Utility	0
Unfinished Basement	1103	Finished Basement	0
Porch	0	Building Value	$135,800



▶ Building (2)

Features

TYPE	YEAR BUILT	QUANTITY	SIZE	ASSESSED VALUE
1 ST UB OR BARN	1980	1	136 sqft	$300
1 ST UB OR BARN	1980	1	476 sqft	$500

TRANSFER HISTORY

No data to display

VALUE CHANGE HISTORY

DATE OF VALUE CHANGE	EFFECTIVE TAX YEAR	REASON FOR CHANGE	NEW VALUE
2017-01-27	2017	RAPP REAPPRAISAL NOTICE	$204,100
2020-03-19	2020	GENERAL PARCEL REVIEW	$208,700

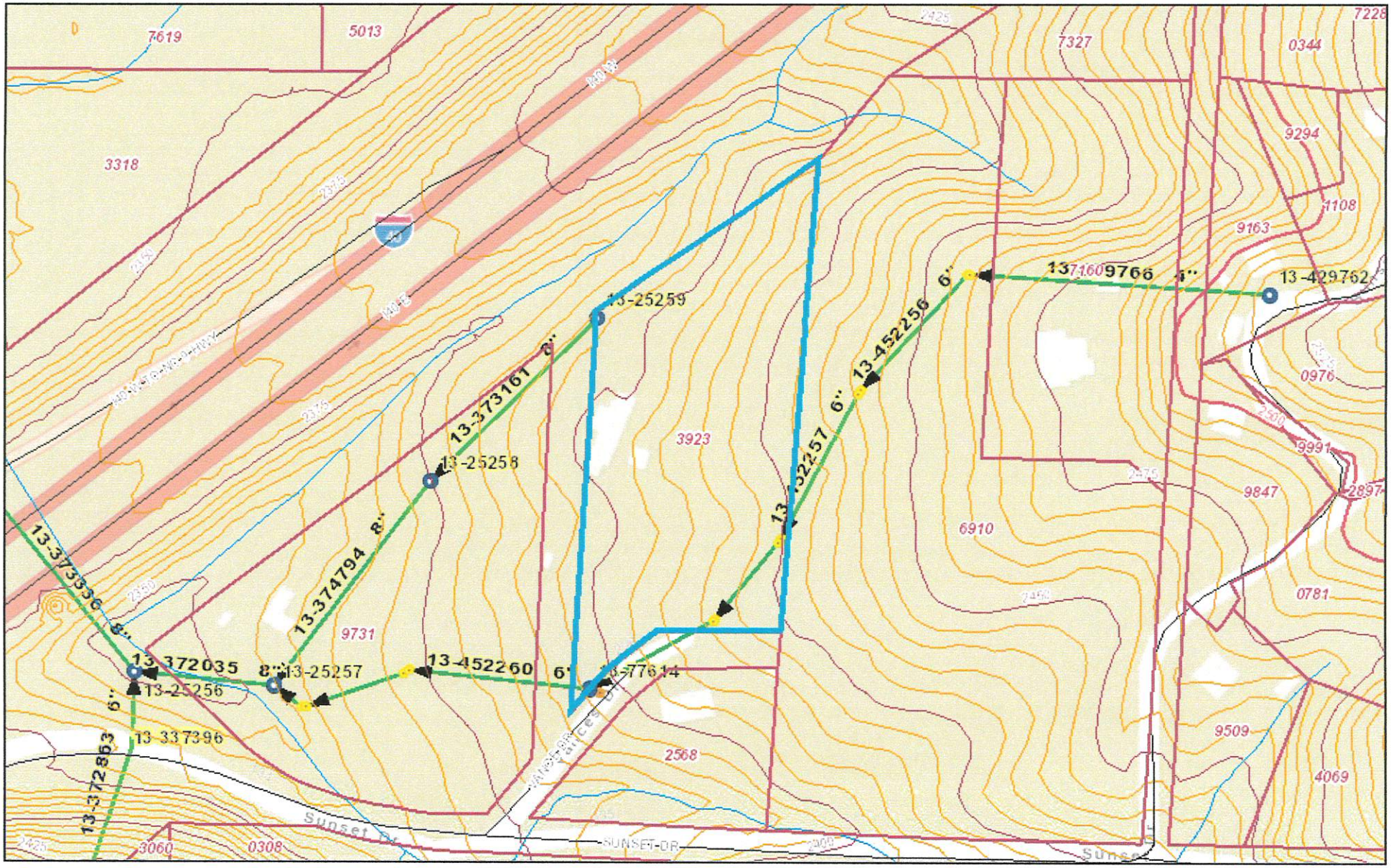
RECENT PERMIT ACTIVITY

No data to display

Developed for Summit County Assessment Property Record Site data by

Data last updated: 09/02/2020

Ruby B Begley property off Sunset Dr/Vance Dr



September 2, 2020

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

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

Ruby B Begley property off Sunset Dr/Vance Dr

September 2, 2020

1:2,257

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MSD GIS Staff

BUNCOMBE COUNTY ASSESSMENT PROPERTY RECORD SEARCH

0619546910000000
VANCE DR

BEGLEY RUBY
200 TABERNACLE RD #A4, BLACK MOUNTAIN, NC, 28711

Total Appraised Value
$75,400

Key Information

Zoning	**R-20**	Neighborhood	**R8YS**
Land Use Code	**RES BLDG LOT**	Municipality	**CBM**
Fire District	-	Special District	-
Present Use	-	Appraisal Area	**4**
Exemption	-		
Legal Description	**Deed Date: 03/07/1990 Deed: 1014-0149 Subdiv: Block: Lot: Section: Plat: 0000-0000**		
Plat Reference	**0-0**		

Assessment Details

Land Value	**$75,400**
Building Value	**$0**
Features	**$0**
Total Appraised Value	**$75,400**
Deferred Value	**$0**
Exempt Value	**$0**
Total Taxable Value	**$75,400**

LAND INFORMATION

ZONING	LAND USE CODE	SIZE	NEIGHBORHOOD	ASSESSED VALUE	FLOODPLAIN
R-20	RES BLDG LOT	5.80 acres	R8YS	$75,400	NO

BUILDING INFORMATION

Building(s)

No data to display

TRANSFER HISTORY

No data to display

VALUE CHANGE HISTORY

DATE OF VALUE CHANGE	EFFECTIVE TAX YEAR	REASON FOR CHANGE	NEW VALUE
2017-01-27	2017	RAPP REAPPRAISAL NOTICE	$75,400

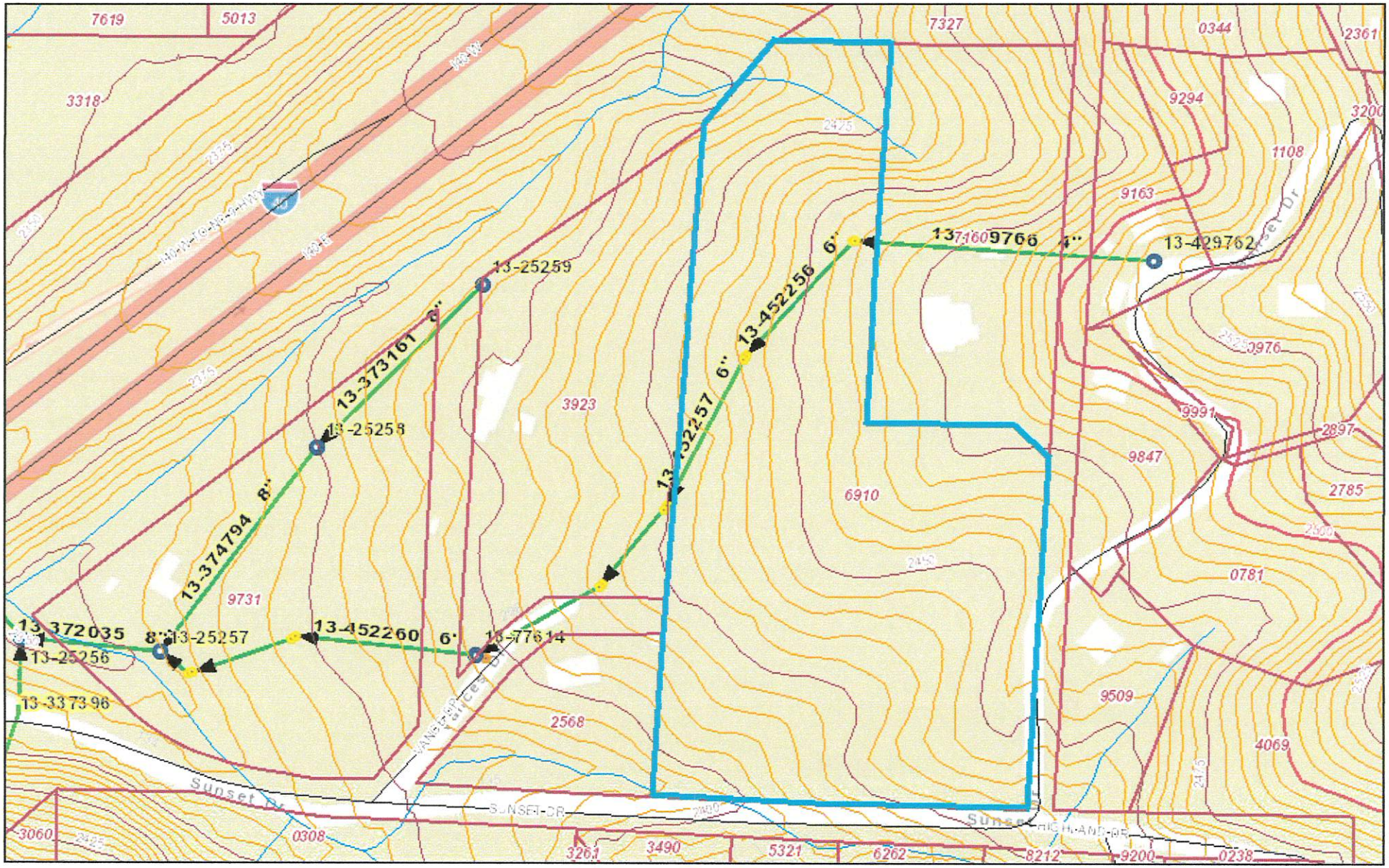
RECENT PERMIT ACTIVITY

No data to display

No Photo Available

Data last updated 04/02/2020

Ruby B Begley property off Sunset Dr/Vance Dr



September 2, 2020

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

Ruby B Begley property off Sunset Dr/Vance Dr

September 2, 2020

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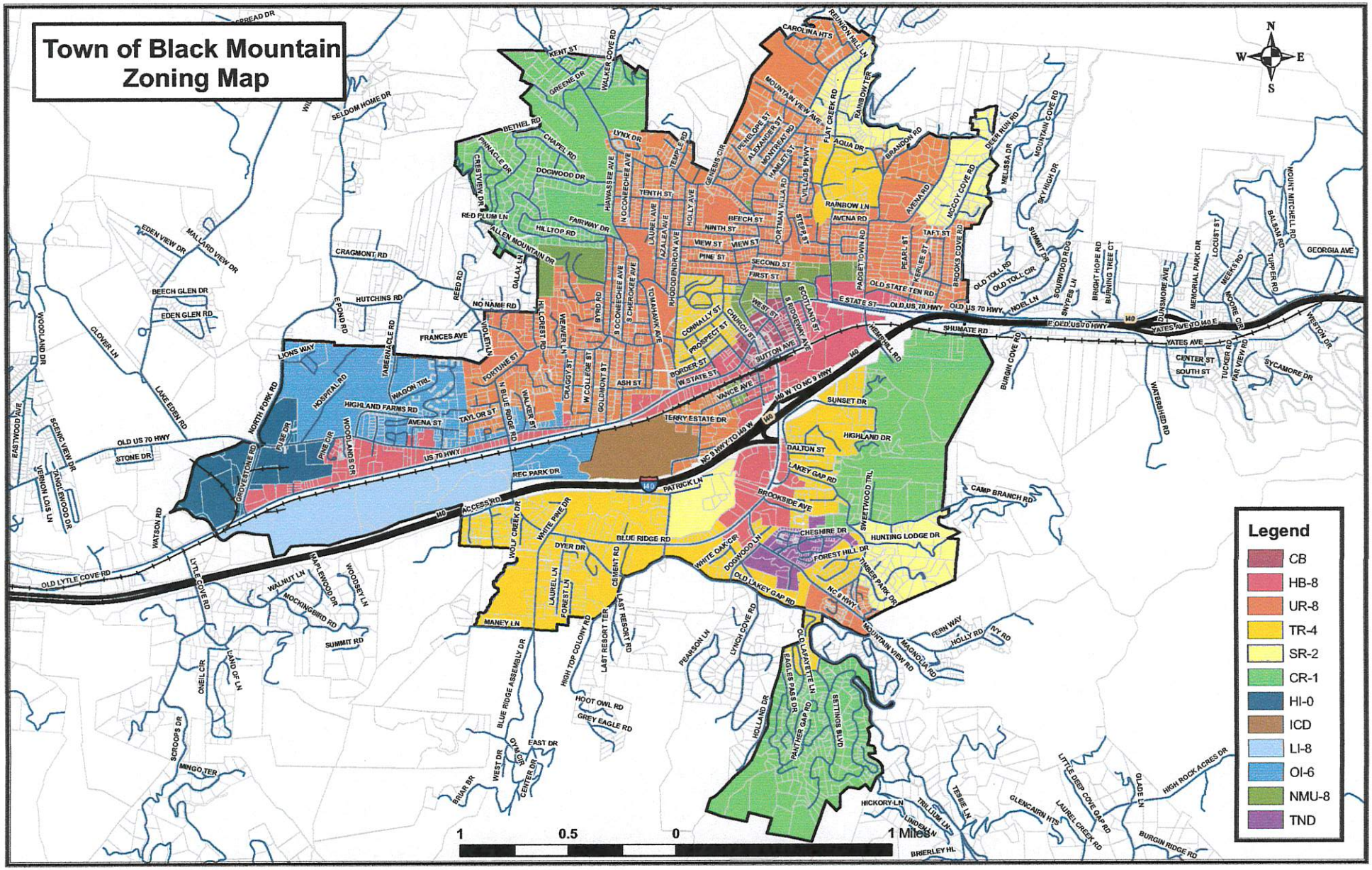
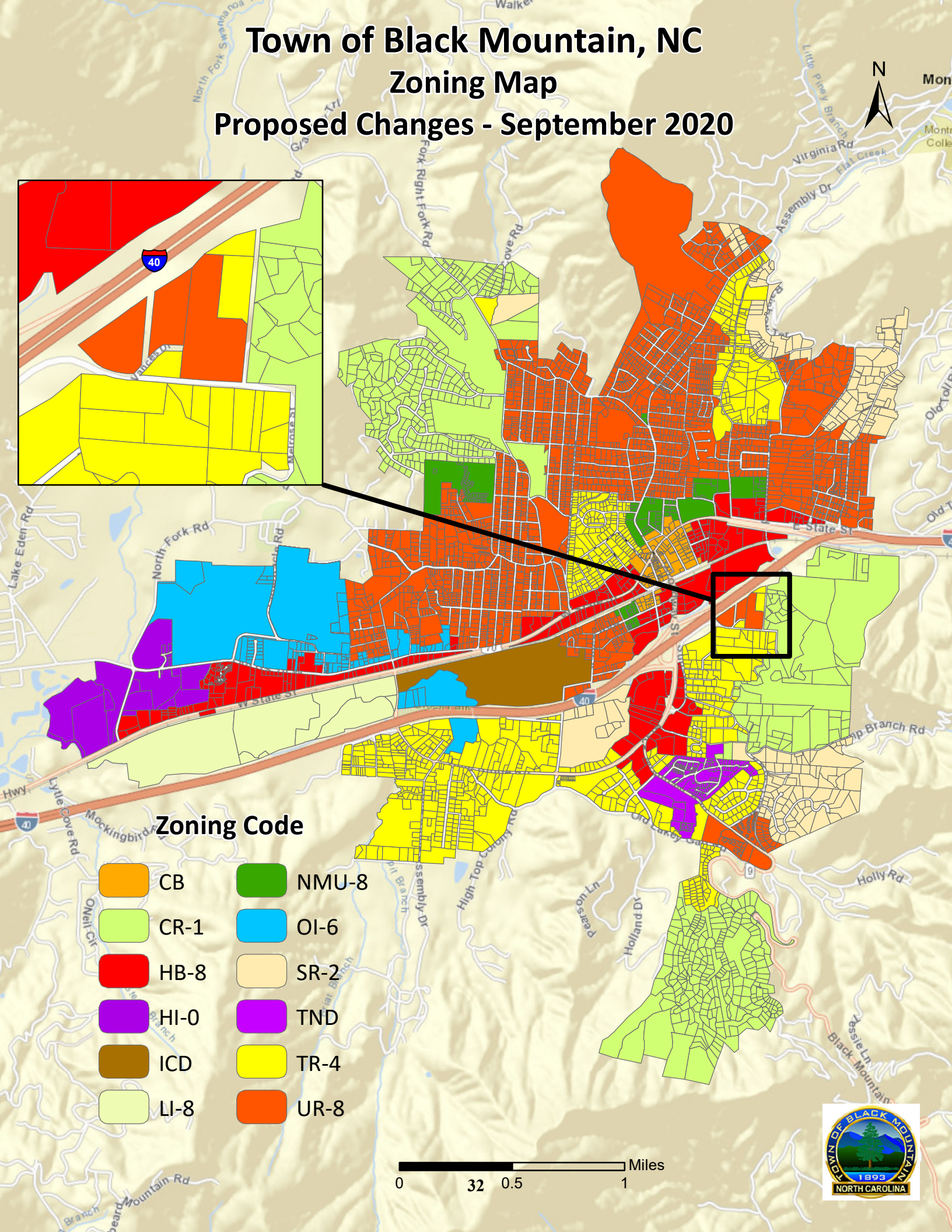
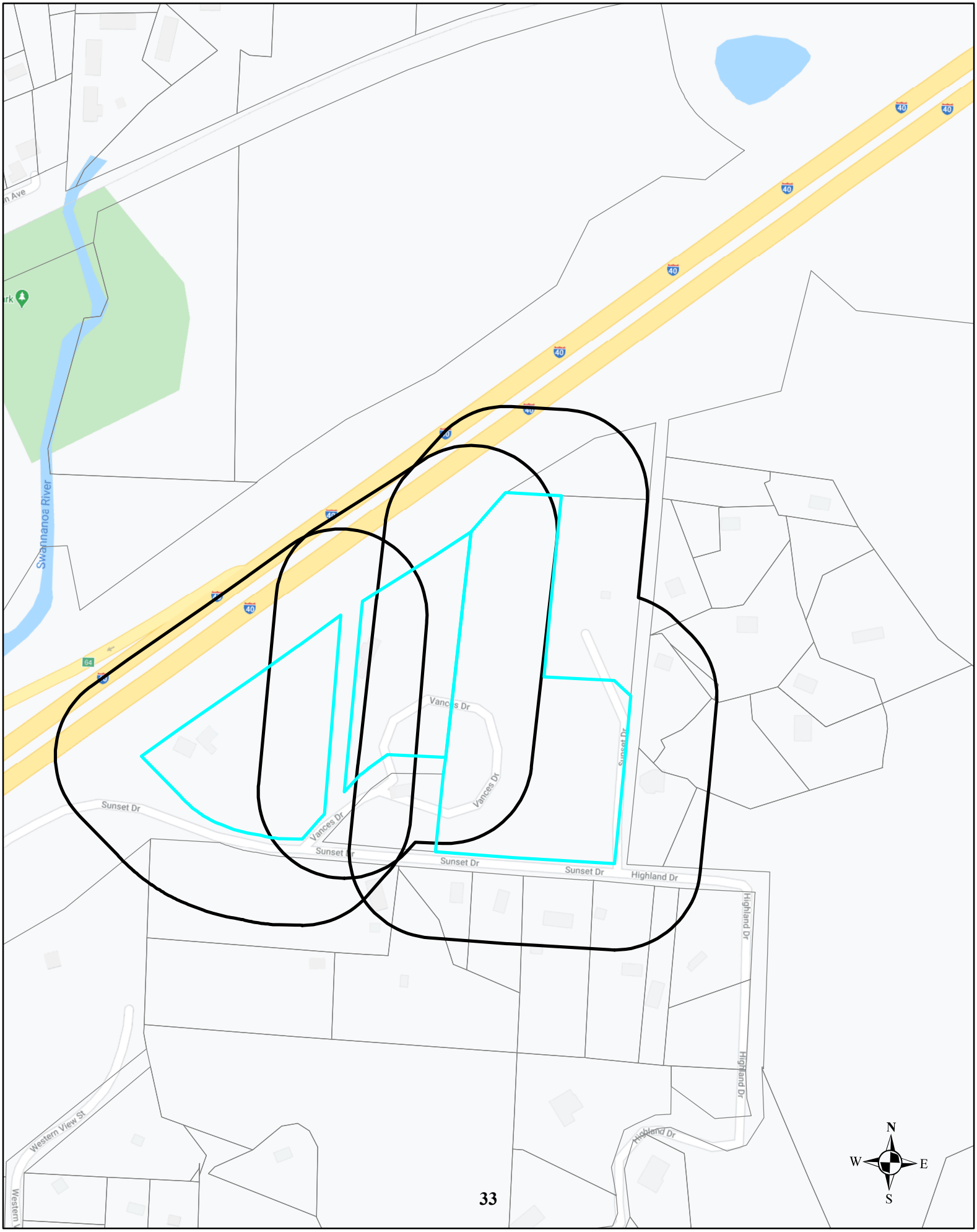
MSD GIS Staff


Town of Black Mountain
Zoning Map
N
W
E
S
Legend
CB
HB-8
UR-8
TR-4
SR-2
CR-1
HI-0
ICD
LI-8
OI-6
NMU-8
TND
1
0.5
0
1 Miles

Town of Black Mountain, NC
Zoning Map
Proposed Changes - September 2020



Sunset Drive and Vance Avenue Rezoning Buffer Map



Name	Address	City	State	Zip	PIN #
Ruby B Begley	200 Tabernacle Rd #A4	Black Mountain	NC	28711	0619-44-9731
Ruby B Begley	200 Tabernacle Rd #A4	Black Mountain	NC	28711	0619-54-3923
Ruby B Begley	200 Tabernacle Rd #A4	Black Mountain	NC	28711	0619-54-6910
Mary R Hemphill	110 N Dougherty St	Black Mountain	NC	28711	0619-55-7327
Paul A Midkiff; Julie M Midkiff	178 Sunset Dr	Black Mountain	NC	28711	0619-55-7160
Jesse T Hollifield	110 Beechtree Dr	Black Mountain	NC	28711	0619-55-9163
Jessica Lynn Korn	211 Sunset Dr	Black Mountain	NC	28711	0619-64-0976
Jesse T Hollifield	110 Beechtree Dr	Black Mountain	NC	28711	0619-54-9991
Elizabeth Garrison; Shaun K Boyd	100 Meadowbrook Dr	Black Mountain	NC	28711	0619-64-0781
Randal Frazer (Trustee); Sally B Frazer (Trustee)	711 Stone Mountain Farm Rd	Black Mountain	NC	28711	0619-54-9847
Elizabeth W Parrott Living Trust	1317 N Rendon St	New Orleans	LA	70119	0619-54-9509
Pensco Trust Company FBO David M Begley; Black Mountain Savings Bank SSB 401K Plan M Wendell Begley	PO Box 173859	Denver	CO	80217	0619-64-4069
Charlian Enterprises LLC	55 Mica Hill Rd	Swannanoa	NC	28778	0619-64-0238
Tammy H Smith	PO Box 44	Ridgecrest	NC	28770	0619-54-9200
David Lewis Hall	8 Hall Family Dr	Black Mountain	NC	28711	0619-54-8212
Harold D Wilson; Deborah A Wilson	153 Sunset Dr	Black Mountain	NC	28711	0619-54-6262
Lori E Sutphin Norris; Jason D Sutphin Norris	147 Sunset Dr	Black Mountain	NC	28711	0619-54-5321
Kathy C Ledbetter	141 Sunset Dr	Black Mountain	NC	28711	0619-54-3490
Marjorie E Godfrey (LE)	PO Box 871	Black Mountain	NC	28711	0619-54-3261
Marjorie E Godfrey (LE)	PO Box 871	Black Mountain	NC	28711	0619-54-0308
Sharon S Allison	PO Box 847	Black Mountain	NC	28711	0619-44-3060
Irene N White	9 Vance Dr	Black Mountain	NC	28711	0619-54-2568

c/o Kathy L Mundy

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: **September 14, 2020**

TO: **Property Owner**

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

APPLICANT NAME:
Ruby Begley
200 Tabernacle Road, Apt. A4
Black Mountain, NC 28711

PROPERTY ADDRESS:
134 Sunset Drive
6 Vance Drive
99999 Vance Drive

PIN #:
0619-44-9731 (134 Sunset Drive)
0619-54-3923 (6 Vance Drive)
0619-54-6910 (99999 Vance Drive

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

REQUESTED ZONING CLASSIFICATION: **UR-8 (urban residential)**

CURRENT LAND USE:
single-family residence (134 Sunset Drive)
single-family residence (6 Vance Drive)
vacant (99999 Vance Drive)

SIZE OF PARCEL:
3.03 acres (134 Sunset Drive)
2.43 acres (6 Vance Drive)

5.80 acres (99999 Vance Drive)

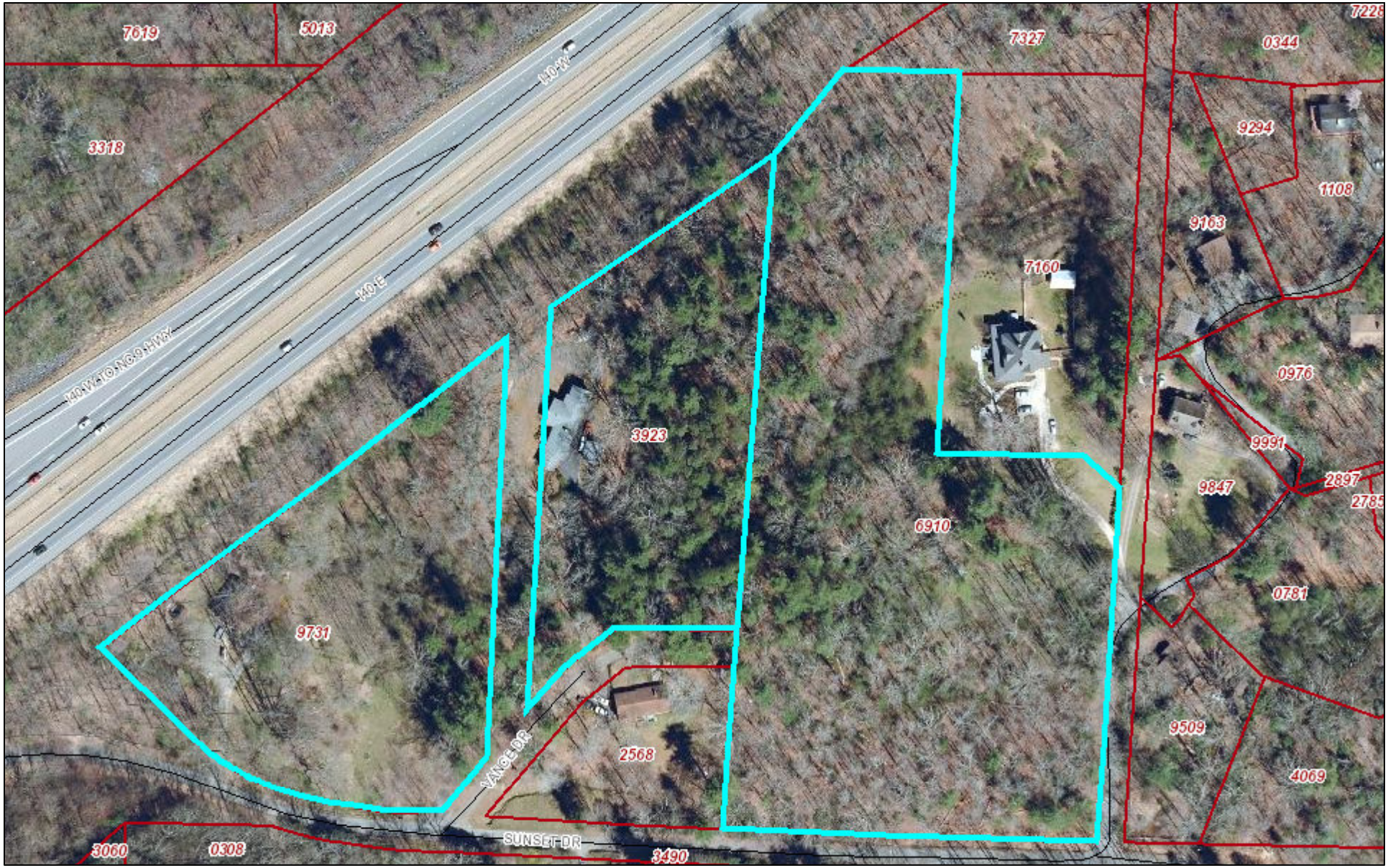
REASON FOR REQEUSTED REZONING:

Because of the location next to I-40, higher density is more reasonable use and allows for more affordable housing that's in high demand and suits market better by serving those who want to be within walking distance of the downtown area.

A public meeting of the Planning Board on this matter will be held Monday, September 28, 2020 @ 6:00 p.m. virtually via Zoom. A link to the meeting is included on the enclosed notice.

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



September 4, 2020

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: September 28, 2020

SUBJECT: Text Amendments for Road Designs

BRIEF SUMMARY: This collection of text amendments reflect edits for consistent language and references for the Standards & Details Manual. This manual includes the construction methods from the NCDOT Subdivision Manual, NC Fire Code, and NC Fire Code Appendix D which will go to the Board of Aldermen at the November meeting. There are no new standards proposed. The edits in the Land Use Code are limited to work choice, clarity, and consistency.

MOTION FOR CONSIDERATION: To accept all edits as presented.

ATTACHMENTS: Proposed text amendments.

PLANNING DIRECTORS COMMENTS AND RECOMMENDATIONS: To recommend all edits as presented.

Section 1.2.3 – Definitions.

Fire apparatus access road: A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Private **road** ~~street~~: A non-public road for vehicular traffic, serving four or more lots.

Chapter 3 – Subdivisions

Section 3.2.2 – No subdivision without approval.

D. No street shall be accepted and maintained by the town nor shall any street lighting, water or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the town for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved unless and until the requirements set forth in this article **and the Town of Black Mountain Standards and Details Manual** have been complied with and the same has been approved by the board of aldermen.

Section 3.3.3 – Major subdivision

Step 4: Applicant submits construction drawings and supporting documentation.

Subdivider shall submit engineer sealed construction drawings and supporting documentation for each individual phase or phases of development. The public works director and fire **inspector** ~~chief~~ shall review and approve the construction drawings for all public roads**, private roads** and water infrastructure.

Step 5: Infrastructure/improvements installed or guaranteed

C. Following the completion of the improvements and infrastructure, the subdivider shall provide as-built construction drawings to the public works director **and the fire inspector**.

Step 7: Subdivision administrator review and approval of final plat

A. The subdivision administrator shall review the final plat for compliance with the approved preliminary plat and ensure that the final plat meets the requirements of section 3.4. The town shall verify that all required infrastructure improvements have been completed by conducting an on-site visual inspection of such improvements. Otherwise the improvements shall be guaranteed in accordance with section 3.5.7.

Section 3.4.1 – Sketch plans.

A. Minor subdivision sketch plans.

9. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Minimum driveway right-of-way shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be 12 feet~~.

B. Major subdivision sketch plans.

10. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Road specifications **are indicated in the Town of Black Mountain Standards and Details Manual** ~~may vary according to the type of development and zoning district~~.

Section 3.5 – Subdivision Design Standards

Section 3.5.2 – Streets

A. Unless a lot is set aside for conservation in perpetuity, all lots to be platted shall have access to a street and all proposed streets shall be installed or financially guaranteed prior to final plat approval. Access roads for both major and minor subdivisions shall traverse a surveyed right-of-way centerline showing calls and distances and its beginning and ending points in relation to adjoining properties.
B. No more than three lots may be served with a single driveway. The minimum width of deeded and recorded driveway or right-of-way shall be **as indicated in the Town of Black Mountain Standards and Details Manual** ~~15 feet~~. All lots served by shared driveways must have parking provided for a minimum of two cars on the lot itself and off of the driveway.
C. Any access serving more than three lots shall be considered a road. Roads providing access to more than four lots must be constructed to **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town standards for a public street~~ and **may** ~~shall~~ be dedicated to the town **upon a written street dedication request** ~~or unless as part of a conservation subdivision or special or conditional use approval (see also conservation subdivisions and 4.3.2 lot access)~~.
D. ~~All streets shall be dedicated with a minimum 40-foot right-of-way and shall meet the minimum design standards for drainage and roadways of the town. Streets must have a graded travel surface of at least 20 feet or have two separated travel surfaces of 14 feet in width as part of a bifurcated roadway and shall be in compliance with the current North Carolina Fire Code including Appendix D~~.
E. One-way roads shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be dedicated within a minimum 20-foot right-of-way and must have a graded travel surface of at least 14 feet. The graded travel surface shall be in compliance with the current North Carolina Fire Code including Appendix D~~.
F. **The** fire **inspector** ~~department~~ and public works **director** ~~staff~~ may authorize a variance up to 20 percent (up to eight feet variation on right-of-way, and up to four-foot variation on total travel surface), based on topography, landscape context, traffic and public safety needs.

G. Every street shall be designed to accommodate ~~a 25-year, hour~~ storm drainage **standards as indicated in the Town of Black Mountain Standards and Details Manual**.

H. The grade of streets shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code including Appendix D~~.

I. The town **may** ~~shall~~ accept streets for ownership and maintenance one year after the completion date of the final road surfacing **upon a written street dedication request** and upon approval by the public works director **and fire inspector** ~~upon written request~~.

J. All roads, including **private** streets, cul-de-sacs and T-turnarounds within a major subdivision shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be paved in accordance with NCDOT "Subdivision Road Minimum Construction Standards" Pavement Design 1 (E), current edition and the current North Carolina Fire Code including Appendix D. Subdivision plans must specify soil conditions and which combination of base and pavement design (see DOT guidance) will be used~~. Final plans will include statement by licensed professional engineer that road is in compliance with **the Town of Black Mountain Standards and Details Manual** ~~DOT and local standards~~.

1. In a conservation subdivision, rights-of-way that cannot meet the road standards **as indicated in the Town of Black Mountain Standards and Details Manual** ~~for a subdivision~~ without compromising performance goals of the conservation subdivision requirements (see 7.5.4) and which access more than three lots must meet the approval of the public services director and fire inspector for the purpose of waste collection, snow removal and maintenance, as well as emergency vehicle access.
2. In a special ~~or conditional~~ use permit, the design of any shared parking and loading areas which are also serving to access more than three residential units must be in compliance with the **Town of Black Mountain Standards and Detail Manual** ~~current North Carolina Fire Code including Appendix D~~.

K. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall **be as indicated in the Town of Black Mountain Standards and Details Manual** ~~not be less than 95 percent by standard proctor method, as appropriate,~~ and certified by a licensed engineer.

~~L. Roadways shall comply with the current North Carolina Fire Code including Appendix D.~~

M. Traffic impact studies may be required for subdivision roads connecting to the town or NCDOT system per **Section 3.5.8** ~~title IX: 100~~ of the Town of Black **Land Use Code** ~~Mountain's Code of Ordinances~~ or NCDOT guidelines.

N. Where curbs are provided on streets or where curbs and sidewalks are constructed within a subdivision, any construction shall be in full compliance with the provisions of G.S. 163-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.

O. Entrances into subdivisions which intersect with a major thoroughfare shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be at least 800 feet apart along the thoroughfare measured from center line to center line~~.

P. Property lines at street intersections shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be rounded with a minimum radius of 15 feet~~.

Q. Pre-existing roads which do not meet these standards may be incorporated into a subdivision plat only upon approval of the fire department and public works director. Where pre-existing roads do not have a designated right-of-way, right-of-way shall be established to cover at least the maintenance area of the roadway (back of ditch to back of ditch).

Section 3.6 – Dedication and Closures of Rights-of-Way or Easements to the Town

3.6.1 – Rights-of-way and easements.

A. The approval and recordation of a final plat constitutes an offering to the town and the public of the right-of-way of each public street, alley, greenway or utility or drainage easement shown on such plat.

B. The approval and recordation of a plat does not constitute acceptance of the right-of-way or easement or responsibility for its maintenance by the town, unless the town requires it as part of the development approval, or accepts any such offer of dedication by resolution of the board of aldermen at the time of final plat approval, by a separate, express action at a later time, or by actually exercising control over and maintaining such facilities.

C. Rights-of-way which are intended to remain private or which are not accepted by the town at the time of approval of the final plat, must be accompanied by a dedication to a neighborhood association and include a maintenance agreement for the right-of-way.

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

3.6.2.1 – Closures of Rights-of-Way

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

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 does 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.
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.

3. Notice of the request and pursuant review by the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion or all of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.
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.
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.
   (b) Right-of-way is not necessary for current or future utilities.
   (c) Right-of-way in its current condition poses a hazard to public health, safety or welfare.
   (d) Right-of-way is along a drainage that is part of a stormwater management plan.
   (e) Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.
   (f) Abutting property owners have signed the petition in favor of the closure.
   (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 required 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.
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.

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

3.2.6.2 – Dedication of Streets, Right-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 BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

B. The Board of Aldermen shall not accept as a public street, any street extension, new street or part thereof until preliminary plans have been approved by the Planning and Development Department, Public Works Director and Fire Inspector, and unless the street or part thereof has met the following requirements:

a. A street dedication petition is filed with the Planning Department and must be signed by all property owners.

b. The road must meet all requirements as indicated in the Town of Black Mountain Standards and Details Manual.

c. Where necessary, property owners must be willing to purchase approved culverts to install under new constructed driveways.

d. The road must be approved by the Public Works Director and the Fire Inspector upon inspection.

e. The Planning Department shall forward the street dedication request to the Board of Aldermen for approval.

Chapter 4 – Zoning District Requirements

Section 4.3 – Provisions Governing All Lots

4.3.2 – Lot access.

A. No building, structure or use of land for other than conservation purposes shall be established on a lot which does not have access to a ~~dedicated and accepted public~~ street directly or by means of an easement. Access shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be a strip of land with a minimum width of 15 feet~~ **and** connect~~ing~~ any lot that does not abut a street with the nearest reasonable accessible street to said lot. The strip shall be under the same ownership as the lot to which it provides access, or shall be an easement of record and appurtenant to the lot for which it provides access.

B. Up to three lots may share access of one right-of-way so long as each lot has off-street parking for two cars available in addition to and from the right-of-way. In cases where four or more lots share access through a common right-of-way, the right-of-way shall be considered and designed as a named roadway and meet the requirements of **the Town of black Mountain Standards and Details Manual** ~~a town street in accordance with the subdivision regulations~~.

1. In a conservation subdivision, rights-of-way that cannot meet the road standards for a subdivision without compromising performance goals of the conservation subdivision requirements (see 7.5.4) and which access more than three lots must meet the approval of the public works director and fire inspector for the purpose of waste collection, snow removal and maintenance, as well as emergency vehicle access.
2. In a special use ~~or conditional use~~ permit, the design of any shared parking and loading areas which are also serving to access more than three residential units **must meet the requirements of the Town of Black Mountain Standards and Details Manual and** be approved by the fire inspector.

C. If the street or road serving the proposed development does not meet the town street standards, the developer shall make the necessary improvements to bring the street or road up to **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town standards~~ or provide other improvements as determined by the board of aldermen as a result of a traffic impact analysis, or shall make a payment to the town to cover the cost of such improvements. The town board of aldermen may waive this requirement for street or road improvements if the town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.

4.6.11 – TND traditional neighborhood development (master planned)

4.6.11.5 – Design Standards

D. Streets, alleys and pathways:

1. Designs shall permit comfortable use of the street by motorists, pedestrians and bicyclists. Pavement widths, design speeds, and number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the overall town street network. All roads shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Detail Manual** ~~current North Carolina Fire Code including Appendix D~~.
2. Public **or private** streets shall provide access to all tracts and lots and shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** current North Carolina Fire Code including Appendix D.
3. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Culs-de-sac and dead-end streets are discouraged and should only occur where absolutely necessary due to natural conditions and shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code including Appendix D~~.
4. No block face should have a length greater than 500 feet without dedicated alley or pathway providing through access.
5. To prevent the build-up of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided.

6. A continuous network of rear alleys is recommended for all lots in a TND.
7. Utilities shall be underground and shall run along alleys wherever possible.
8. Streets shall be organized according to a hierarchy based on function, size, capacity and design speed. Streets and rights-of-ways are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master plan and each street type shall be separately detailed in the master plan.
9. Every street, except alleys, shall have a sidewalk on at least one side that is at least five feet wide. In shop front areas, sidewalks shall be at least ten feet wide.

4.6.12 – ICD institutional campus development (master planned)

4.6.12.3 – General requirements.

K. Street design standard. All campuses or institutions shall have two points of connection to a town maintained street. If the street accessing the campus or institution shall be private, **the street shall meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~such street shall be a minimum of 12 feet wide with a four-foot shoulder on each side and meet standards suitable for emergency service access. It shall also be the option of the school or institution to pave the streets which access the school or institution. Such unpaved streets that serve as the primary access to buildings or parking facilities shall have an approved surface treatment such as gravel. If the street is to be made public, such street shall be required to be 18 feet wide with a one-foot shoulder on each side, a 30-foot right-of-way, and developed to the Town of Black Mountain standards as outlined in section 3.5.2 of the Town of Black Mountain Subdivision Regulations [chapter 3 of the land use code].~~ However, such streets may, at the discretion of the planning staff in consultation with public works staff **and the fire inspector**, be allowed to remain unpaved with use of an approved surface treatment (gravel or other).

Chapter 7 – Special Use Permits

Section 7.5 – Special Use: Conservation Subdivisions

7.5.5 – General design requirements.

E. The subdivision development, including roads and buildings, shall be designed to meet the standards of the town's insurance rating as determined by the town's fire inspector.

F. All roads must follow pre-disturbance land contours in order to minimize cut and fill to the greatest extent possible. Designs with bifurcated, one-way, or variable travel widths may be included within the plan if periodic turnouts, one-way loops, bifurcations, or other designs are applied that allow for staging and passing of public vehicles.

G. Dead-end streets or cul-de sacs are allowed as long as turn-around areas are provided and **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~approved by the town fire inspector~~.

H. All rights-of-way must be established to allow for adequate drainage of road surface run-off **as indicated in the Town of Black Mountain Standards and Details Manual**.

Section 7.7 – Special Use: Manufactured Home Parks (MHP)

7.7.1 – Special Use: Manufactured home parks (MHP)

C. Manufactured home parks must meet the following requirements:

7. Must provide vehicle access that will accommodate emergency vehicle to all units within the park. Internal road system must be paved according to **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town specifications~~.

Section 7.8 – Special Use: Planned Unit Developments (PUD)

7.8.5 – PUD design.

7.8.5.2 – Access and streets.

A. Points of access and egress shall be located to maximize safety and minimize traffic hazards, inconvenience and congestion and may require additional traffic control devices if recommended in a traffic impact analysis.

B. The minimum amount of right-of-way necessary in order for the Town of Black Mountain to consider the dedication of streets within a PUD **must meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~is 30 feet with a minimum paved surface of 20 feet~~. Streets and parking areas to remain private must **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be designed and approved by the public safety and public works directors or their designees~~.

C. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs and dead-end streets should only occur where absolutely necessary due to natural conditions.

D. Designs shall permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the relationship of the street to the overall project and town street network **and meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual**.

E. If the street or road serving the proposed development does not meet **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town street standards~~ or the recommendations of the traffic impact analysis, the developer shall make the necessary improvements to the street or road, or shall make a payment to the town to cover the cost of such improvements. The town may waive this requirement for street or road

improvements if the town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.

F. Traffic and truck egress/ingress must be designed **per the requirements as indicated in the Town of Black Mountain Standards and details manual and** ~~so as~~ to minimize traffic hazards on public streets. All requirements for traffic safety improvements as identified in a traffic impact study or as recommended by staff as part of technical review shall be met. The proposed pattern of internal circulation and parking areas shall be provided.

G. The plan shall provide for internal pedestrian circulation with sidewalks or greenway trails. Sidewalks shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and connections to off-site pedestrian destinations such as sidewalks, greenways, or bus-stops external to the development. PUDs adjacent to transit routes must provide a pedestrian connection to, and a provision for, a public bus stop.

H. In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the town with a minimum eight-foot sidewalk right-of-way along any adjoining or abutting town dedicated street.

Section 7.9 – Special Use: Industrial Park Development (IPD)

Chapter 8 – Land Development and Environmental Regulations

Section 8.1 – Erosion Prevention and Slope Protection Ordinance

8.1.5 – Designation of steep slopes and hillside requirements.

D. In addition to the application requirements submitted for review, proposed projects which meet the standards of the hillside area definition must include the following information:

11. Streets, right-of-ways, pedestrian facilities and setbacks shall be designed to minimize impact on steep slope areas of the particular site without compromising the town's ability to provide connectivity, street maintenance, waste management, or fire protection, and must be designed **per the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~to the approval of the town's fire marshall and public works director~~. Street standards may be allowed a staff variance of up to 20 percent (up to eight feet variation on right-of-way requirements, and up to 4.8 feet variation on total travel surface requirements), based on topography, traffic and public safety needs. Subdivisions complying with the conservation subdivision plan requirements (chapter 13) do not have to meet the setback requirements for the zoning district. However, the location and lay-out of streets, lots buildings, and pedestrian facilities should minimize environmental impact.

Chapter 11 – Infrastructure

Section 11.1 – Streets, Driveways and Alleys

11.1.1 – Streets, driveways and alleys.

A. Streets proposed for construction as part of new development must **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual and** be approved by the town public works director and fire inspector.
B. Streets and driveways connecting to town roads must complete a driveway permit and meet the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~specifications of section 3.5.2~~ for approval. All streets must be designed and constructed in conformance with **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town and NCDOT standards for subdivision roads, including NCDOT stormwater requirements~~ unless otherwise approved as part of a special use permit or conservation subdivision and with approval by the public works director and fire inspector.

    1. Consideration of allowing narrower residential streets as part of new development shall be contingent upon special conditions which are beneficial to traffic flow and connectivity, minimize cut and fill slopes, or which preserve natural features, while still meeting the access needs for town emergency service vehicles. (See chapter 3 subdivision regulations and chapter 7 for information on conservation subdivisions).
    2. As a condition for variation from **the Town of Black Mountain Standards and Details Manual** ~~NCDOT subdivision road standards~~, the town may require additional shoulder, or paved staging locations for traffic management and emergency vehicle maneuvering.

C. Streets and driveways connecting to NCDOT maintained roads must complete an NCDOT driveway permit and get NCDOT approval prior to construction:

    District 2, Highways Division 13, Operations, Division of Highways

    11 Old Charlotte Highway

    Asheville, NC 28803

    (828)298-2741

D. Roads shall be designed in accordance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code and to provide fire apparatus access per Appendix D for Fire Apparatus Access Roads~~.
E. Arrangement of driveways should be related to adjacent driveways and street intersections. Driveways close to street intersections shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be at least 40 feet from corner of the nearest intersecting street unless otherwise specified in district regulations or special use permit~~.
F. Alleys may be utilized in commercial and residential zoning districts. The purpose of an alley is to provide utility and vehicular access to developments that cannot be adequately served by existing streets or as a means of reducing or eliminating individual driveway

accesses. All alleys are to be privately maintained with measures to ensure the travel-way is not obstructed in any manner, including parking, and should connect on both ends to public roads. Only three homes or less may also use an alleyway as a shared driveway **and must meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual**.

G. See chapter 3.6 for information regarding the dedication or closure of **streets,** easements, alleys and driveways.

TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: September 28, 2020

SUBJECT: Water Improvements Beyond Town Limits

BRIEF SUMMARY: The Town does not have extra territorial jurisdiction and therefore cannot apply any zoning regulations to parcels outside of city limits. Any water improvements will be addressed in the Code of Ordinances under utilities.

MOTION FOR CONSIDERATION: To remove the language regarding water improvements beyond town limits.

ATTACHMENTS: Proposed text amendment.

PLANNING DIRECTORS COMMENTS AND RECOMMENDATIONS: To recommend the text amendment as presented.

~~**3.2.3 Improvements beyond town limits.**~~

~~**Subdivisions located beyond town jurisdiction shall not have access to town public services or water unless such developments comply with town zoning regulations or unless part of an approved annexation or development agreement. (Ord., passed 9-11-85)**~~