

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, November 23, 2020, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

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

Chris Collins, Chair
Pam Norton, Vice Chair
Jesse Gardner
Rick Earley
Chas Fitzgerald
Lauronda Teeple (arrived later in the meeting)

Staff:

Jennifer Tipton, Senior Admin
Jake Hair, Planner
Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

Jennifer Tipton said that Cheshire text amendment needed to be added to the agenda under new business as item three. Jesse Gardner made a motion to adopt the agenda as amended. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Chas Fitzgerald made a motion to adopt the minutes of October 26, 2020, as written. The motion was approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Road Closure Discussion

The board had asked Jamey Matthews to join the meeting so that they could ask some questions about future use of alleyways for utilities, particularly in the Goldmont and W. College Street are, as that is where the road closure request for last month was from.

Mr. Matthews was not able to attend the meeting so the board decided to make a list of comments and questions to relay back to Mr. Matthews.

Ron Sneed explained that in regards to the alley closure between Goldmont Street and W.

College Street, that the plat that was recorded had roads and access easements, meaning that the alleyway in question was for access only and not utilities. Therefore, the Town cannot reserve an easement or utilities that do not exist but could reserve an easement if there are existing utilities.

Jesse Gardner asked about a greenway easement and Mr. Sneed explained that a greenway is a walking path so that it could go into the alleyway and an easement could be reserved for that.

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Mr. Sneed also mentioned that stormwater would soon become a utility so that would not allow an easement if stormwater facilities do not already exist in the alleyway.

Mr. Sneed further explained that a plat, when recorded, creates streets and alleys and those are offered by recording of the plat to the public for fifteen years for public use. The Town can accept these but the street closure is the rejection of this outstanding offer. The Town can accept the offer and open the street, but once a street is closed, it cannot later be re-opened and accepted.

Jesse Gardner said that he believes that there are some City of Asheville water lines in parts of the alleyway and he would still like to talk to Mr. Matthews about those lines. The board also said that they would like a map of lines in the area, if there are any stormwater facilities in the area or the possibility of future stormwater facilities, and the existing utilities in the entire length of the alleyway.

Jesse Gardner made a motion to continue the discussion to the January meeting. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

2. Proposed Annexation – Brooks Cove Road

Jesse Gardner recused himself as he represents the client requesting the annexation.

Jake Hair explained that the voluntary annexation request is for a sixteen and a half acre parcel off of Brooks Cove Road. The parcel is currently zoned R-1 by Buncombe County which is their residential district allowing single and two-family structures. Mr. Hair said that this is their low density district. The applicant is William Honeycutt and if the annexation is approved, he would like to be considered for the UR-8 zoning district. There is water available on Brooks Cove Road as well as sewer, which is also located on Brooks Cove Road. Mr. Hair said that the zoning surrounding this parcel is UR-8 and there are some SR-2 zoned parcels to the north but those do not touch this parcel.

Rick Earley asked if the annexation and the rezoning would be done at the same time and Ron Sneed explained that until the property is annexed into the Town, the Town does not have jurisdiction to establish zoning, however, the applicant can request a zoning district so as to get an idea of what the board is thinking.

Jesse Gardner, speaking on behalf of the client, said that in order to get Town water, which they need, they have to voluntarily ask for annexation. The client is looking to develop a single-family development with around forty-five structures. Mr. Gardner said that there is some slope to the back of the lot, but they do not plan on developing that portion. Mr. Gardner said that sewer and water are available. The entrance would be off of Brooks Cove Road. There is a stream on a portion of the property so the Town would require a stream buffer if the property is annexed. Mr. Gardner said that the client would be fine either way on if the property is annexed or not. The County zoning would allow lots to be 7,000 square feet and allow some PUD development so there would be a little more freedom. If the property is annexed into the Town, then it would be a major subdivision and would follow all of the UR-8 requirements.

Chas Fitzgerald said that he was in support of the annexation.

Chris Collins said that he felt it was a good addition and a developable lot near existing UR-8 zoning.

Rick Earley asked about the stream buffer and Jessica Trotman explained that the buffer would be thirty feet from the top of the bank on both sides, but the buffer could count towards the open space requirements. Mr. Earley said he was comfortable with the request but did ask who would be responsible for improving the roads.

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Mr. Gardner said the client would develop the property but they would not do anything to the existing road. Ms. Trotman explained that the Town does have a traffic impact analysis ordinance that, if triggered, would identify any updates that would need to be made to the road. Pam Norton expressed concern about the existing road and the narrowness of the road. Ms. Norton said she wants to make sure that the infrastructure is looked at closely when considering these larger developments.

Lauronda Teeple said that she did not have any initial concerns with the request.

The comments will be relayed to the Board of Aldermen as they consider the request at their next meeting.

3. Cheshire Text Amendment

Jesse Gardner recused himself as he represents the client requesting the text amendment.

Jake Hair first mentioned that he had made a mistake in the staff report and the requested lot size is actually twenty-eight feet by forty feet rather than twenty-eight feet by fifty feet.

Mr. Hair gave a brief overview of the background of the TND district. Mr. Hair then went through the schedule of events from when Jacobs Cottages was first added to the master plan. Sikes Ragan made a request in 2015 to add Jacobs Cottages to the Village of Cheshire Master plan. In 2016, Mr. Ragan purchased an adjacent parcel and had the property rezoned to TND. Mr. Ragan then requested an additional six lots be allowed, which was approved. In 2020, Mr. Ragan came back to the Town wanting to turn the six lots into eight lots with significantly smaller lot sizes. Upon researching all files, minutes, and agenda packets, the Town could not find any documentation that was submitted or approved to allow the smaller lot sizes. As such, the amendment has to be approved to allow the smaller lot sizes. Mr. Hair explained that the actual text amendment is to add the one page Cottage Court design requirements to the Village of Cheshire Master Plan.

Jesse Gardner, speaking on behalf of the client, said that the original parcel was rezoned in 2013. Mr. Gardner then presented the pocket village development (also known as Jacobs Cottages) to the Planning Board in May of 2015 and said that he had provided a conceptual plan with grading and stormwater plans as well as the design requirements. Mr. Gardner said that four houses have been constructed to those standards. Mr. Gardner said that he feels the document got lost in translation between the Planning Board and the Board of Aldermen so the document was never fully adopted and they are just trying to make this right at this time. Mr. Gardner did say that the initial concept was to do a primary dwelling with a smaller secondary dwelling, however, that design has changed to now do eight smaller units. Mr. Gardner said that all of the infrastructure has been sized for what is there.

After some discussion, the board felt that this was an oversight on the document not being adopted in 2015 and felt comfortable with recommending the text amendment.

Chris Collins made a motion to recommend the text amendment applicable only to the Jacobs Cottages development and that the amendment is consistent with the comprehensive plan and reasonable because it allows adequate density development on existing infrastructure and is keeping with the compatibility of the existing Jacobs Cottage neighborhood. The motion was seconded by Rick Earley and approved by a vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

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VII. COMMUNICATION FROM STAFF

Jessica Trotman said that the final draft of the Comprehensive Plan update will be coming out in the next couple of weeks and the board will have the opportunity to review the plan and provide comments to the consultants.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:09 p.m. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

Prepared by:

Chris Collins
Chris Collins, Chair

Jennifer Tipton
Jennifer Tipton, Senior Admin