

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held a special called meeting on Tuesday, December 15, 2020, at 5:30 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
Lauronda Teeple
Jesse Gardner
Rick Earley
Chas Fitzgerald
Kathy Phillips, new member (not yet sworn in)

Staff:

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

The meeting was called to order at 5:30 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

II. ADOPTION OF AGENDA

No agenda available for adoption.

III. ADOPTION OF MINUTES

No minutes available for adoption.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Rezoning Request for 99999 Laurel Road (Brooks Cove Road) from R-1 to UR-8

Jennifer Tipton began by reading comments received from adjacent property owners. All of the emailed comments are attached and are a part of these minutes.

Jake Hair presented the staff report to the Planning Board. Mr. Hair explained that the rezoning request is in conjunction with the proposed voluntary annexation request that the board heard at their November meeting. The property is currently zoned R-1 by Buncombe County and allows ten units an acre. Some of the uses allowed in the R-1 zoning district include single-family residences, two-family residences, subdivisions, places of worship, family care homes, private utility stations, and governmental recreation use. The UR-8 zoning district allows eight units an acre and some of the permitted uses are single-family residences, two-family residences, places of worship, public utilities, and government facilities. At this time no development plan has been received. There is a stream running through the property and the property does have access to sewer and is requesting Town water with the annexation request. The board spoke to the fact that the UR-8 designation is less dense and intense than the current zoning designation of R-1. It was

Planning Board Special Call Meeting
December 15, 2020

also stated that if the property is annexed and rezoned, the Town has a stream buffer ordinance that would factor in and require a thirty foot buffer from the top of the bank on both sides of the stream.

Jesse Gardner recused himself as he is a representative for the applicant. Mr. Gardner said that his client is looking at doing fifty units or less. Mr. Gardner said that they would look at the possibility of widening the portion of Brooks Cove Road that the subject property fronts.

Jennifer Tipton said that the process would be that the Board of Aldermen will consider the annexation first. If the property is approved for annexation, then the Board of Aldermen will consider the rezoning request. If the property is not annexed, then the rezoning will not go forward. The public hearing for both the annexation and the rezoning will be on January 11th.

The board feels that the UR-8 district is reasonable as it is already surrounded by UR-8 and is a developable piece of property.

Chas Fitzgerald made a motion to recommend the zoning designation of UR-8 for the 16.45 acre tract because it is appropriate. The motion was seconded by Rick Earley.

Chas Fitzgerald made an amended motion to recommend the zoning designation of UR-8 for the 16.45 acre tract because it is reasonable for the for the district being sought, the parcel is relatively flat and rectangular, and is adjacent to a roadway; it is consistent with the comprehensive plan and with the immediately adjacent town properties to the north and west; the impact to adjacent properties is reasonable as compared to being developed in the County and there is a greater certainty of road improvements and creek protection and lower impact to the creek by annexation and town zoning; and the allowed uses are similar to surrounding properties. The motion was seconded by Rick Earley. The motion passed with a vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 6:24 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

Jennifer Tipton

From: Tressy Mundy <tressymundy@hotmail.com> on behalf of Tressy Mundy
Sent: Tuesday, December 15, 2020 9:45 AM
To: jennifer.tipton@townofblackmountain.org
Subject: Reference to 99999 Laurel Drive Development

PIN #: 0619-88-6353.00000
Property Address: 99999 Laurel Drive
Date: December 15, 2020

To whom it may concern,

I am writing my concerns regarding an urban development project on Brooks Cove Road.

My family has owned a home across the road from the proposed development since the early 1920's. I am the third generation to live at my current address.

Over the last almost half a century, I have become very familiar with the woods where the proposed development is to transpire.

Over the last 70 years, the property in question has been undeveloped and largely undisturbed. The timber has returned as well as wetlands, springs, wildlife, and flora that once were common in the Black Mountain area before residential development and population increased.

This is now one of the last remaining ecosystems of this type left in Black Mountain and, once it is gone, it will disappear forever.

The land, although under twenty acres, is home to: lady slippers, various types of ferns and ground covers, wild apple, rhododendron, mountain laurel, mature oak, maple, pines, and river birch, as well as various aquatic life due to the numerous springs and pristine creeks such as: crayfish, minnows, red salamanders, toads, frogs, tadpoles, and river snails. All of which can only survive in the clearest and cleanest of water. Also in the property are probably some of the last remaining muskrat families in the valley. Other mammals such as the grey fox, the only native fox in the area, den on that property. Deer, bear, raccoons, opossum, coyotes, chipmunks, and grey squirrels all live there as well. Red squirrels, which are rare this low also have been sighted. Barred Owls have also been nesting in those wood the last five years.

All of the animals mentioned above rely on the trees or burrows to den in or shelter under. All the aquatic animals rely on fresh clean and cold water to survive. The canopy above is necessary to keep the water cold enough. The ground cover keeps it filtered.

If a development is approved at the density of 4-8 houses an acre, that means practically a logging operation that amounts to a clear cut. If that happens, one of the last remaining environmental treasures in the Black Mountain area is lost forever. The habitat for all the animals mentioned above will be completely decimated. The pristine creek will forever be dirty and warmed.

Black Mountain must draw the line somewhere. How many more developments can we take before Black Mountain is no longer a small town?

I implore the town and the county to try to protect what wooded area we have left. To the powers that be who mention environmental concerns, greenways, and controlled growth, well now is an opportunity to implement those ideas.

-David Mundy

Jennifer Tipton

From: Nathan Padgett <nathan.padgett@bcsemail.org> on behalf of Nathan Padgett
Sent: Tuesday, December 15, 2020 11:07 AM
To: planningboard@townofblackmountain.org
Cc: Jennifer.tipton@townofblackmountain.org
Subject: RE: Rezoning request for a parcel identified as 99999 Laurel Drive in Buncombe County (located off of Brooks Cove Road).

Good morning planning board members and Ms. Tipton.

As a native and current resident of Black Mountain, I grew up on Brooks Cove Road (formerly Laurel Drive when I was a child) and my family still owns property there that borders the mentioned property that is being considered for rezoning. First, I would like to say the families that live on this road, have lived there for over 40+ years and even longer. My grandfather's house is located at 150 and it was built over 100 years ago. It is the epitome of a small-town country road where everyone knows everybody and their family. This is what has made Black Mountain so special to me growing up and why I still live here.

I understand development is inevitable especially now in Black Mountain. I personally would love to see the land undeveloped and preserved.

However, a few concerns should be considered by the planning board before rezoning this property:

1. Road concerns: Will Brooks Cove Road handle potentially 256 more cars daily (8 houses per acre x 16 acres = 128 houses x 2 cars per household)? No, it would not unless the town is willing to spend a great deal of money and widen the road leading to property. This will greatly impact the traffic on McCoy Cove road as well.
2. Water/sewer concerns: Will development on this property put a strain on the infrastructure of the current water and sewer system? I would think yes and directly impact those around the potential development.
3. Water/Storm runoff concerns: How will this development affect the surrounding neighborhood with water and storm runoff? There is a creek that runs through the middle of this property. It routinely floods with a moderate amount of rainfall and spills out on Brooks Cove Road. The houses at the beginning of Brooks Cove Road will likely be heavily impacted by water and storm runoff if this land is developed. Major drainage and infrastructure would need to be installed to accommodate and prevent this from happening. This would be an extreme cost to the town of Black Mountain.

These are just a few concerns the planning board should reconsider before rezoning this property. I am opposed to the rezoning of this property.

I look forward to hearing from the planning board on how they would address these issues if rezoning is considered and approved for this property. Please protect the growth and development of our small town.

Respectfully,

Nathan Padgett - 154 Brooks Cove Road

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Nathan Padgett
Head Football Coach & Physical Education Teacher
Charles D. Owen High School
99 Lake Eden Road
Black Mountain, NC 28711
nathan.padgett@bcsemail.org
828.686.3852
828.686.8442 Fax

Jennifer Tipton

From: Nan Barker <nanhbarker@hotmail.com> on behalf of Nan Barker
Sent: Tuesday, December 15, 2020 11:08 AM
To: jennifer.tipton@townofblackmountain.org
Subject: Zoning

Please keep controlled zoning on Brooks Cove Rd. Too much development will be detrimental to this area. Thank you.

Nan Barker

Sent from my iPad

Jennifer Tipton

From: Savannah Parrish <savannah.parrish@townofblackmountain.org> on behalf of Savannah Parrish
Sent: Tuesday, December 15, 2020 11:35 AM
To: Jennifer Tipton; Jessica Trotman
Subject: Fwd: Denying of the Brooks Cove Road Rezoning

Savannah M. Parrish, MPA

Assistant to the Manager | Town Clerk

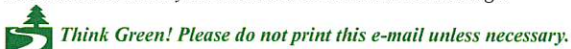
Town of Black Mountain, NC

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----- Forwarded message -----

From: **Matthew Turner** <coachmtturner@yahoo.com>
Date: Tue, Dec 15, 2020 at 11:30 AM
Subject: Denying of the Brooks Cove Road Rezoning
To: Savannah Parrish <savannah.parrish@townofblackmountain.org>

Good Morning Planning Board Members and Town officials,

I am writing this email opposing the annexing and rezoning of the property off Brooks Cove Road. I live just up the road from there on McCoy Cove Road, and the traffic on that lower part of McCoy Cove is already very busy. And as far as Brooks Cove Road is concerned, it being a very small road, cannot handle that much traffic volume from that many new units. As of now, the school bus doesn't even go down this street. It picks any children up at the intersection with McCoy Cove Road. The City Trash trucks are backing down the road when picking up trash because of the lack of turn around space on the road. We also have a large population of Wildlife. The more we build in these places, more they are pushed into people backyards, which over time can cause problems. There is also a stream that runs down this road that during the heavy rains that we have more and more often, and it breaches its banks and makes a big mess. The Annexing of this property will make it zoned as TR-4. Which in my opinion is more than enough if the choice is made to annex this property. But changing the zoning to UR8 is way too much, especially in this area of town. I know most all of the residents and land owners around this property, inside the city and county property, and I believe they stand with me in saying that we ask that you deny the request to annex and rezone this piece of property.

Thank you for your Time,

Matthew Turner
Resident at 423 McCoy Cove Road

Jennifer Tipton

From: Meagan Morris <megmorr1984@yahoo.com> on behalf of Meagan Morris
Sent: Monday, December 14, 2020 7:56 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Planning board meeting re:99999laurel rd

To whom it may concern

I own a home on Brooks Cove Road And just received a notice of the rezoning meeting today December 14,2020for a meeting planned tomorrow December 15,2020. With such short notice I am sure that people who live on this road and want to attend might not have enough notice to plan to do so.

I have lived on the road for eleven years and my husband has lived on this road for 37 years. This is a small road and two cars can not pass one another one has to pull over, trash trucks, fed ex and ups trucks have to turn around in people's driveways and school buses will not even go down the road. This small road can barely handle the amount of traffic that is on it now. The road floods almost every rain and the town has already dug a ditch in our front yard that does not even help that out .This road is doing all it can to handle the day to day traffic from its surrounding home owners who I know have all lived on this road numerous years and have its best Interest in mind .

Concerned Resident,
Meagan Barry
20 Brooks Cove Rd

[Sent from Yahoo Mail for iPhone](#)

Robert S Padgett
152 Brooks Cove Road
Black Mountain NC 28711

Public Notice:
PIN#: 0619-88-6353.00000
Meeting ID: 845 1740 5322

These comments and concerns are regarding rezoning request for property 99999 Laurel Drive from R-1 to UR-8. This property is located off Brooks Cove Road and is adjacent to my property.

Brooks Cove Road is a single lane dead end road with no turn around that runs off McCoy Cove Road. The road infrastructure will not accommodate this rezoning request and does not meet standards for this type of development. This will impact our neighborhood and environment in a negative manner.

Urban residential zoning means high-density and traffic will increase substantially. Brooks Cove Road is not wide enough for two cars to pass and poses safety concerns and issues. We must be good stewards of our town and have reasonable and controlled growth.

I strongly disagree with this request and urge you to disapprove the proposed rezoning. Thank you for your service and support of our communities.

Jennifer Tipton

From: K Hall <kbhall2007@hotmail.com> on behalf of K Hall
Sent: Tuesday, December 15, 2020 4:54 PM
To: savannah.parrish@townofblackmountain.org
Cc: Jennifer Tipton
Subject: McCoy Road and Brooks Cove Road Special called meeting

To the members of the Black Mountain Planning Board,

I hope you will deny annexing the property owned by William Honeycutt. We hope it will not achieve the 8 units per acre he is seeking.

I have read many statements from people who live in this area and I hope they are listened to. These are by no means new concerns or complaints. This town keeps allowing developers to build dense housing in locations that cannot support current infrastructure, stormwater runoff or traffic among other issues.

This needs to stop at this location and other proposed locations. We can do better, smarter town planning.

Thank you,
Weston and Kiersten Hall

Jennifer Tipton

From: Leslie Temme <ljtbreathe@gmail.com> on behalf of Leslie Temme
Sent: Tuesday, December 15, 2020 4:04 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning Proposal of 99999 Laurel Drive

Hi Jennifer,

I am writing in opposition to the rezoning of 99999 Laurel Drive.

Rezoning would have a damaging environmental effect on the area and overall not in the best interest of our community.

Thank you for all that you do.

Leslie

Leslie J. Temme PhD, LCSW, RYT
109 Pleasant Drive
Black Mountain, NC 28711
Clinical Assistant Professor, ETSU, Asheville Site
Light A Path Recovery Programs
Yoga Teacher and Educator
www.leslietemme.com
828-772-7099

Each day is a gift. May you treasure it.

Jennifer Tipton

From: Joe Marks <joemarks1950@gmail.com> on behalf of Joe Marks
Sent: Tuesday, December 15, 2020 3:38 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning proposal.

The rezoning proposal of 9999 Laurel would be a huge mistake. I believe environmentally and esthetically it would be the wrong move.

Leave the zoning the way it is.

Sincerely,

Joe

Joe Marks
109 Pleasant Dr
Black Mountain, NC 28711
828-850-6541
joemarks1950@gmail.com

Jennifer Tipton

From: Nathan Padgett <nathan.padgett@bcsemail.org> on behalf of Nathan Padgett
Sent: Tuesday, December 15, 2020 5:11 PM
To: Jennifer Tipton
Subject: Addendum to previous email regarding Laurel Drive/Brooks Cove Road

I would like to also add a few more questions to the board tonight on the record.

1. How has this special meeting been called when said property is not in the city limits of Black Mountain? How can the board discuss rezoning when the property is not inside the town limits?
2. Residents within 200 feet of this property should have been notified of this special meeting before 12/14 that came via US mail. Why was this not done before? I believe there is a 25 day notification period.
3. In addition, not being allowed to publicly comment on the zoom or in person is an infringement on the rights of the people on this street.

Please add these to the record for tonight's meeting.

Respectfully,

--

Nathan Padgett
Head Football Coach
Charles D. Owen High School
99 Lake Eden Road
Black Mountain, NC 28711
nathan.padgett@bcsemail.org
828.686.3852
828.686.8442 Fax

Jennifer Tipton

From: Tressy Mundy <tressymundy@hotmail.com> on behalf of Tressy Mundy
Sent: Tuesday, December 15, 2020 5:11 PM
To: jennifer.tipton@townofblackmountain.org

We have already sent an email this morning but felt it was important to add that #1 we feel our rights have been violated since it is listen only and we can't speak and #2 how can the town even rezone property that isn't even in the city limits?

David Mundy

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Jennifer Tipton

From: Heath Tweed <htweed@budofasheville.com> on behalf of Heath Tweed
Sent: Tuesday, December 15, 2020 5:17 PM
To: jennifer.tipton@townofblackmountain.org
Subject: Rezoning Meeting Dec 15 Dec of 99999 Laurel Drive

To Whom it may concern for today's rezoning meeting of Pin # 0619-88-6353.00000 Hunneycutt Property.

I would like my questions and concerns read aloud during this meeting , I will be watching.

My property joins the subject property to the south as does my parents. I am also speaking for elderly that live on the road with their permission as they are not tech savvy .

Concerns:

*The notice given for this meeting was insufficient and per guidelines incomplete. No mention of wanting to be annexed which would be necessary for the town to rezone as ETJ no longer exist or would be valid.

*The road it to narrow for a subdivision and it is not 16' wide in all locations and cars frequently have to pull over to pass especially in the (3) curves . Has or will a Traffic study been completed?

*Ingress , Egress? Would need two separate ways in for a large subdivision that this zoning would allow for ,which currently is not available.

*Flooding is already becoming an issue for this small community due to building that has been ongoing in the communities up stream, this would take the last remaining buffer/ wetlands that control the water flow and stormwater runoff ! What precautions would be put in place to **Guarantee** those who live down stream would have no further flooding issues?

*This particular wooded parcel is home to endangered species of wild life including but not limited to the Hellbender Salamander which less than 1% are still surviving! This species is particularly sensitive to changes in its environment . Have studies been completed as to the impact on wildlife?

I have many more issues with this development and know MANY more community members that are opposed but with such short notice have not had time to give input!

Thank you for your time. I would hope as the town has new board members that say they are for only controlled growth these concerns will not fall on deaf ears!

Heath Tweed
Craft Brand Manager
Budweiser of Asheville,INC.

Email: htweed@budofasheville.com
Cell: 828.777.5720