



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
Re: Agenda Packet for March 22, 2021
Date: March 15, 2021

The **Town of Black Mountain Planning Board** will meet on **Monday, March 22, 2021, at 6:00 p.m.** electronically via Zoom.

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

1. The proposed agenda;
2. Draft minutes from February 22, 2021;
3. Old Toll Road Voluntary Annexation Petition and Rezoning Request; and
4. Text Amendment – Open Space Requirements for Major Subdivisions;

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
Jake Hair, Planner
Ron Sneed, Town Attorney
Anna Stearns



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, March 22, 2021, 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/81081589195>

Meeting ID: 810 8158 9195

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](https://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: 810 8158 9195 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
Senior Admin

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Posted to the Town Bulletin Board 03/01/2021
www.townofblackmountain.org



**Planning Board Regular Meeting
March 22, 2021**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of February 22, 2021 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Old Toll Road Voluntary Annexation Petition and Rezoning Request
- Text Amendment – Open Space Requirements for Major Subdivisions

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, February 22, 2021 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:

Pam Norton, Vice Chair
Jesse Gardner
Lauronda Teeple
Kathy Phillips
Chas Fitzgerald
Rick Earley

Absent:

Chris Collins, Chair

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner
Anna Stearns, Sneed Law

The meeting was called to order at 6:11 p.m. and duly constituted and opened for business with a quorum of six (6) members.

II. ADOPTION OF AGENDA

There was one change to the agenda to add the sketch plan review of Brooks Cove Road subdivision to item three under new business. Chas Fitzgerald made a motion to adopt the agenda as amended. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Chas Fitzgerald made a motion to adopt the special call minutes from January 15, 2021, as written. The motion was seconded by Jesse Gardner and approved by a vote of 6-0.

Chas Fitzgerald made a motion to adopt the minutes from January 22, 2021, as written. The motion was seconded by Jesse Gardner and approved by a vote of 6-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Elevate Black Mountain Final Draft

Jessica Trotman said that the consultants have incorporated the Planning Board's comments into the final draft and she is comfortable with the draft as it now is. Ms. Trotman said that she has given the draft to Chris Collins as the Chair for his comments but due to a death in the family, he has not had a chance to complete his review of the draft. Ms. Trotman said that she hopes that the board will make a broad recommendation to go to public comment. Ms. Trotman said that the plan will be revised one more time after public comment before it is sent to the Board of Aldermen for adoption. Ms. Trotman said that board members are welcome to continue to make

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comments as individuals as the comments from the Planning Board are a consensus of the board. Chas Fitzgerald asked if there was a way to see the edits that have been made and Ms. Trotman said that she has been working off of a checklist format of items that the Planning Board voted on at their last meeting. Ms. Trotman did say that there were two instances where the Planning Board asked for the elimination of policies that were redundant and upon conversation with the consultant it was decided to better clarify those policies rather than eliminating them. Ms. Trotman said that there will be a video and survey to go along with the draft plan when it goes to public comment. Ms. Trotman reminded the board that not every comment will make it into the plan as all comments have to be weighed against what is legal, is it out of range for implementation, is it out of the scope of the plan, etc. Ms. Trotman said that she will address any of these comments in a memo so that all comments will be addressed one way or the other. Jesse Gardner said that he had sent comments in after the last meeting and would like to talk about them as a board to get consensus.

Mr. Gardner started with the Future Land Use Map (FLUM) and the area to the west of Grovestone Road that is outside of city limits but is part of the study area. Mr. Gardner said that he feels that the areas fronting Old US 70 Hwy and US 70 Hwy should be changed to commercial, the area of Charles D. Owen Middle School should be changed to institutional campus, and the residential area to the east of the middle school area should remain complete residential and the area to the west of the middle school area should be changed to complete residential. Ms. Trotman did say that she is working with Buncombe County and their planning department as they undertake their comprehensive plan update process to look at opportunities to collaborate with Buncombe County. Mr. Gardner said that it made sense to then align more with County zoning in this area and that this is a high density area. Jesse Gardner made a motion to recommend that the area west of Grovestone Road that is outside of the city limits be changed to commercial for the areas fronting US 70 Hwy and Old US 70 Hwy, the area of Charles D. Owen Middle School be changed to institutional campus, and the area to the west of the middle school area be changed to complete residential. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-1 with Pam Norton abstaining.

Mr. Gardner then moved to the area of N Blue Ridge Road and Old US 70 Hwy and said that there should be a link to the existing commercial area. Mr. Gardner also said the area of Oaken Hill Place should be changed to complete residential and the area of the Swannanoa Valley Medical Center on Old US 70 Hwy should be changed to commercial. Lauronda Teeple suggested neighborhood mixed use from the area of N. Blue Ridge Road to where Old US 70 ends at US 70 Hwy to the east. This would allow a transitional buffer but also would not limit someone to one use or another. The area is already walkable with sidewalks. Ms. Trotman said that the goal is to make US 70 Hwy walkable to Swannanoa with sidewalks and multi-modal transportation opportunities. Jesse Gardner made a motion to change the area from N. Blue Ridge Road to the area of where Old US 70 Hwy terminates at US 70 Hwy to the east to mixed use one parcel deep, to change the area of Oaken Hill Place to complete residential, and to change the area of the Swannanoa Valley Medical Center on Old US 70 Hwy to commercial. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

Mr. Gardner then moved to the area of Cragmont Road, Mount Allen Heights, Carver Avenue, and Roselyn Way. Mr. Gardner said that the area already has sufficient utilities and topography

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and has the Carver Community Center and feels that the FLUM shows it being more pastoral than urban. The current zoning for the majority of the area is UR-8 with Tudor Croft being zoned NMU-8. Mr. Gardner said that he feels that if the area were to be rezoned based on the FLUM it would lose density. Mr. Gardner referenced Tudor Croft, the Roselyn Way townhomes, the Mountain Housing development, the Locust Springs Development, the Blue Ridge Apartments and said that the area has complete elements with sidewalks and established neighborhoods. Jesse Gardner made a motion that the area north of the recently requested mixed-use area on Old US 70 Hwy to the town boundary north and Hilltop Road be changed to complete neighborhood. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

Mr. Gardner then moved to the area of Pearl Street, Avena Road, and Brandon Road. Ms. Trotman did remind the board that the FLUM reflects the tenor from the community and that in recent meetings, citizens in this area have expressed concern about density. Mr. Gardner said he is open to the area being changed to complete neighborhood but leave it as valley residential and just make a note about the complete neighborhood. Chas Fitzgerald asked if this area is predominately the African-American community and asked that the town make sure that they have all of the same development opportunities as everyone else. Ms. Trotman reminded the board that even if the area is changed to complete residential, they still have the opportunity to develop under the criteria of valley residential. Jesse Gardner made a motion to change the area of Pearl Street, Avena Road, and Brandon Road to complete neighborhood. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

Mr. Gardner then moved to the Hemphill property. Mr. Gardner said that he would like to see the area changed to downtown edge along with the BI-LO property. Ms. Trotman said that since the town has obtained the Hemphill property it is to be retained as a park. There is a sixteen acre parcel behind BI-LO owned by Black Mountain Ventures that would make a good mixed-use project. Chas Fitzgerald made a motion to change the town parcel on Hemphill Road to green and to change the Black Mountain Ventures parcels to downtown edge. The motion was seconded by Jesse Gardner and approved by a vote of 6-0.

Mr. Gardner then moved to the area of Cheshire. Mr. Gardner said that the area of Jacobs Cottages that backs up to Old Lakey Gap Road should be complete neighborhood, which is what the rest of Cheshire is shown as and feels that this was just an oversight. Jesse Gardner made a motion to change the area from Jane Jacobs Road to Old Lakey Gap Road to complete neighborhood. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

Mr. Gardner then went to the text section of the institutional area and asked that the number of stories be changed to one to four stories. Mr. Gardner said that there is a difference between industry and warehouse and institutional and that you are likely to see several stories in an institutional building rather than a warehouse that may only be one story but may be forty feet in height. Jesse Gardner made a motion to change the number of stories in the institutional area to one to four stories. The motion was seconded by Kathy Phillips and approved by a vote of 6-0.

Mr. Gardner then went to the text section of the core residential area and said that it should be changed to high density since valley residential is shown as medium density. There was discussion of if valley residential should be changed to moderate density. Lauronda Teeple made

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a motion to change core residential from medium density to medium to high density. The motion was seconded by Jesse Gardner and approved by a vote of 6-0.

Rick Earley asked that Kathy Phillips be added to the acknowledgements and that Scott Reed be removed. Ms. Trotman said that she had already sent this change to the consultant.

Jesse Gardner made a motion to recommend approval of the FLUM to the Board of Aldermen and to release the FLUM for public comment with the revisions agreed upon by the Planning Board. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

Jesse Gardner made a motion to recommend approval of Elevate Black Mountain to the Board of Aldermen and to release for public comment with the minor modifications agreed upon by the Board of Aldermen. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

2. Goldmont Street/W College Street Right-of-Way Closure

Jake Hair briefly went over the staff report for the proposed right-of-way closure. The proposed closure area runs from north Goldmont Street to the intersection of Central Avenue and Ash Street. The right-of-way is approximately nine hundred feet in length and fifteen feet wide. The property would divide down the middle if the closure is granted and taxes would be assessed to property owners for that portion. Homeowners can choose to have their property resurveyed but it is not the responsibility of the town to have that done. Anna Stearns spoke about a section of the right-of-way that was never actually created in the original plat but at some point when the parcel was subdivided, a right-of-way was shown. This area is between 206 W. College Street and 99999 W. College Street. There would be additional steps for these property owners such as trust deeds and they could possibly talk to the tax department about closing up those parcel numbers. There would be no downside to closing the right-of-way and property owners do have the right to tell the tax department to not shift the lines. Chas Fitzgerald made a motion to recommend vacating the unimproved right-of-way from Goldmont at the north end to the Central Avenue/Ash Street intersection south. The motion was seconded by Kathy Phillips and approved by a vote of 5-1 with Jesse Gardner voting against.

3. Brooks Cove Road Subdivision Sketch Plan

Jesse Gardner presented his sketch plan for the Brooks Cove Road subdivision. The sketch plan shows the stream buffer requirement and Mr. Gardner said he will not be putting in buildings into the stream buffer but will need to install a culvert for the roads. The proposed roads also show several T-turnarounds which are for the fire turnarounds. The roads will be twenty feet wide with some type of curbing. The pink lines on the sketch plan are potential retaining walls. The parcel is sixteen acres and the current sketch plan shows forty-seven lots so the density comes out to just under three units per acre. There will be a homeowner's association who will jointly own the common space. Mr. Gardner said he does plan to install a trail system along the stream. The roads will be turned over to the town. There will be two entrances and Mr. Gardner said he does plan to widen Brooks Cove Road along the lots frontage, approximately seven hundred feet. Mr. Gardner has spoken with the neighbors and is looking at potential buffer opportunities. Mr. Gardner said that he has moved one stormwater BMP so that the water will not take the sharp turn at Brooks Cove Road and will instead flow more directly to the stream.

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Mr. Gardner said there will be fill in some areas to help with slope and there will be cut slopes as well. Mr. Gardner said that he is placing the house sites above the stream, even though the property is not currently in a floodplain, he is planning for the potential that it might be one day. Mr. Gardner said he and his client are still looking at what infrastructure will be needed and the cost of said infrastructure as well as doing continuing market research on what the Black Mountain market is looking for so the number and size of lots could change. The board expressed appreciation that there is ample open space and the creek has not been disturbed. Mr. Gardner said that his goal is to bring the preliminary plan to the Planning Board in March.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 8:37 p.m. The motion was seconded by Rick Earley and approved by a consensus vote.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin

TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: March 22, 2021

SUBJECT: Petition for voluntary annexation for the properties located at 201 & 207 Old Toll Road.

BRIEF SUMMARY: Brownie and Elizabeth Newman have put in a request for voluntary annexation for their properties at 201 & 207 Old Toll Road.

MOTION FOR CONSIDERATION: The Newman's are needing to be annexed as they are wanting to develop their land and need town water to do so.

ATTACHMENTS: Voluntary annexation application.

PLANNING STAFF COMMENTS AND RECOMMENDATIONS:



Brownie & Elizabeth Newman
Parcels: 0019-87-7013
0019-87-0495

TOWN OF BLACK MOUNTAIN

VOLUNTARY ANNEXATION SUBMITTAL REQUIREMENTS

Only complete submittals will be processed. The following items are required to be submitted to the Planning and Development Department in order for your application to be deemed complete:

- ☒ Original Petition Form Signed by ALL Owners of the property
- ☒ Legal Description of the area to be annexed in both hard and digital (Word) format
- ☒ A complete copy of the last deed of record for each parcel of property to be annexed
- ☒ 3 paper copies of the draft annexation plat prepared by a registered land surveyor including the following information:

- Title block:
Annexation File #: _____
- Vicinity map showing location of property in relation to the primary corporate town limits (indicate where corporate limits are adjacent to the property or the location of the closest point of the primary Town Limits)
- Surveyor's certificate
- The following review officer's certificate:
Review Officer's Certificate
State of North Carolina
Buncombe County
I, _____, Review Officer of Buncombe County, certify that the plat or map to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

After the draft annexation plat is approved by Town staff, one (1) mylar and two (2) paper copies of the Annexation Plat as well as ten 11x17 paper copies will be required to be submitted prior to the Public Hearing and official action by the Board of Aldermen.

Received by: Jennifer Dapkin
Application Complete: ☒ Yes ☐ No

Date: February 19, 2021

Completed annexation petition form certified by: Jennifer Dapkin
Date: February 24, 2021

VOLUNTARY ANNEXATION PETITION FORM

To: **The Town of Black Mountain Board of Aldermen**

Date: 2-2-2021

We, the undersigned, being all of the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☒ **contiguous** ☐ **non-contiguous** to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): 0619 8776 1300000 and 06198764950000

Current County Zoning District: Buncombe County R-1

Town Zoning District designation requested: UR-8

Buncombe County property tax valuation: \$187,100 and \$81,300

Do you declare vested rights*? ☐ yes ☒ no

*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

Are you requesting water service from the Town of Black Mountain? ☒ yes ☐ no

Number of existing residential dwelling units: 1 Number of commercial units: 1

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Board of Aldermen in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

Property Owner(s): Address: Signature: Date:

All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

Brownie and Elizabeth Newman

285 Montford Ave., Asheville NC 28801

Brownie Newman
2-2-2021

Elizabeth Newman 2-2-2021

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.

NOTES:

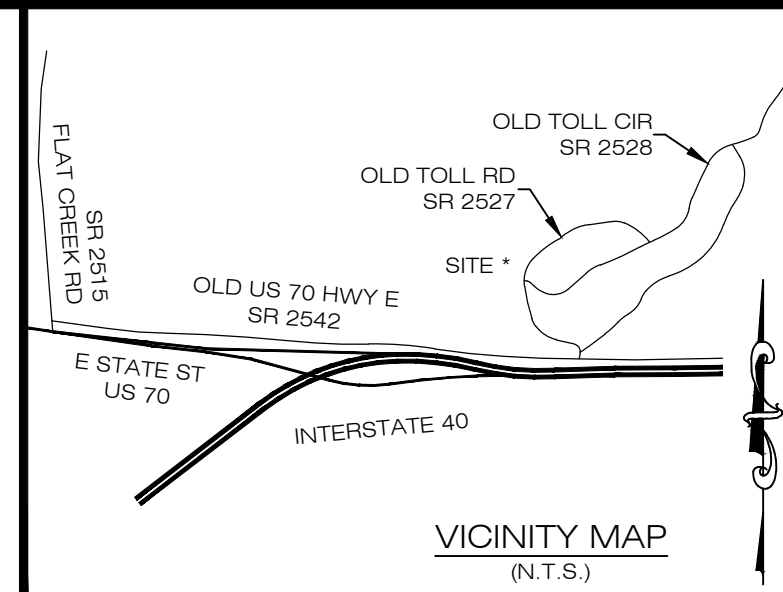
1. THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
2. ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE BUNCOMBE COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
3. AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
4. ALL DISTANCES ARE HORIZONTAL. GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
5. THIS PROPERTY IS ZONED R-1 BY BUNCOMBE COUNTY HAVING SETBACKS AS FOLLOWS: 10' FRONT, 7' SIDE, & 15' REAR (WITH PUBLIC SEWER) (SETBACKS NOT PLOTTED) *PLEASE REFER TO THE BUNCOMBE COUNTY ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
6. BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3710061900J, EFFECTIVE DATE 1/6/2010.
7. THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. DIAL B11 BEFORE DIGGING.
8. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
9. NOTED TAX PARCEL LINES PER BUNCOMBE COUNTY GIS ARE APPROXIMATE, NOT SURVEYED. NO DEED OF RECORD FOUND OR PLAT NOTED TAX PARCEL LINES.
10. REVISION 217/21 UPDATES OWNERSHIP INFORMATION FOR SUBJECT & ADJOINING PROPERTIES, AND PREPARES ANNOTATION OF PLAT FOR VOLUNTARY ANNEXATION BY THE TOWN OF BLACK MOUNTAIN. NO ADDITIONAL FIELD LOCATIONS PERFORMED THIS SURVEY, REVISION IS ANNOTATIVE ONLY.

LINE	BEARING	DISTANCE
L1	S 87°47'49" E	5.48'
L2	S 04°00'12" W	16.30'
L3	N 39°56'47" E	6.10'
L4	N 84°16'04" W	5.60'
L5	S 84°03'25" E	1.71'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	133.76'	53.56'	N 21°19'24" E	53.20'
C2	15.50'	24.96'	N 04°45'19" W	22.35'
C3	15.50'	24.35'	N 84°07'24" E	21.92'
C4	122.50'	90.42'	N 60°16'06" E	88.38'
C5	77.50'	57.20'	S 60°16'06" W	55.91'
C6	77.50'	38.99'	S 24°42'34" W	38.58'

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: 0.04' (H) & 0.02' (V) @ 95% CONFIDENCE
3. TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
4. DATES OF SURVEY: 9/8/2020
5. DATUM/EPOCH: NAD 83 (NSRS 2011) EPOCH 2010.00 (H) & NAVD 88 (V)
6. PUBLISHED/FIXED-CONTROL USED: VRS NETWORK
7. GEOD MODEL: GEOD 18
8. COMBINED GRID FACTOR(S): 0.9997791 (@ LOCALIZED POINT)
9. UNITS: US SURVEY FOOT

AREA OF SURVEY
3.443 ACRESBEING
DB 5982 PG 1073
PB 213 PG 41
PIN 0619-87-6495 & 0619-87-7613

REFERENCES:

DB 5982 PG 1073
DB 1475 PG 264
DB 1112 PG 111PB 12 PG 27
PB 196 PG 41
PB 213 PG 41

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR) OR ROD (IROD)
- ⊗ EXISTING IRON PIPE (EIP)
- ⊗ OTHER BOUNDARY MONUMENTATION AS NOTED
- ⊗ EXISTING CONCRETE RIGHT OF WAY MONUMENT (RW MON)
- #5 NEW IRON REBAR W/ ID CAP (NIR)
- ▲ C.S.D. TRAVERSE STATION
- ⊗ EXISTING SANITARY SEWER MANHOLE (SMH)
- ⊗ NEW PROPOSED SANITARY SEWER MANHOLE (NMH)
- ⊗ SANITARY SEWER CLEAN-OUT (CO)
- ⊗ WATER METER (WM)
- ⊗ WATER VALVE (WV)
- ⊗ UTILITY POLE
- ⊗ LIGHT POLE
- ⊗ GUY WIRE
- ⊗ ELECTRIC METER
- ⊗ TELECOMMUNICATIONS PEDESTAL (TPED)
- ⊗ HEATING & AIR UNIT (HVAC)

LINE LEGEND:

- SURVEYED BOUNDARY LINE
- - - ADJOINERS DEED LINE (NOT SURVEYED)
- - - EXISTING RIGHT-OF-WAY LINE
- - - EXISTING EASEMENT LINE
- BLACK MOUNTAIN TOWN LIMITS (PER BUNCOMBE COUNTY GIS)
- SS — SS — SS — EXISTING SANITARY SEWER LINE
- S — S — S — NEW PROPOSED SANITARY SEWER LINE
- TIE LINE ONLY
- CENTERLINE OF BRANCH
- CENTERLINE OF STORM DITCH
- OVERHEAD UTILITY LINE
- BOARD FENCELINE
- CHAIN LINK FENCELINE
- WIRE FENCELINE
- WOODEN GUARD RAIL
- STORM PIPE

ABBREVIATIONS:

NTS...NOT TO SCALE
(T)...TOTAL
DB...DEED BOOK
PB...PLAT BOOK
PG...PAGE
PIN...PARCEL IDENTIFICATION NUMBER
NAD...NORTH AMERICAN DATUM
NAVD...NORTH AMERICAN VERTICAL DATUM
NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
AG...ABOVE GRADE
BG...BELOW GRADE
RW...RIGHT OF WAY
P.A.I...PER AERIAL IMAGERY (LOCATION APPROXIMATE)
ID...SURVEYOR'S IDENTIFICATION CAP
HCS...HIGH COUNTY SURVEYORS
LE...LIFE ESTATE
M.S.D...METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

TOWN OF BLACK MOUNTAIN VOLUNTARY
ANNEXATION OF THE PROPERTY OF:BROWNIE W. & ELIZABETH D. NEWMAN
ANNEXATION FILE # XXXX

BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY, NC

549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052EXEMPT FROM THE BUNCOMBE COUNTY LAND DEVELOPMENT AND
SUBDIVISION ORDINANCE.

DATE _____ COUNTY PLANNER _____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBEI, _____ REVIEW OFFICER
OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO
WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____

PRELIMINARY: NOT FOR
RECORDATION, SALES OR
CONVEYANCES

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED
DESCRIPTION RECORDED IN DEED BOOK 5982 PAGE 1073). THAT THE RATIO OF
PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED. MY ORIGINAL SIGNATURE,
REGISTRATION NUMBER AND SEAL ON THIS DATE _____I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES
AS DESCRIBED IN G.S. 47-30(1)(10): THAT THE SURVEY IS OF ANOTHER
CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A
COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE
DEFINITION OF SUBDIVISION.

PRELIMINARY

JOHN WESLEY COLE, P.L.S. L-4561

DATE OF PLAT: 9/16/2020	NO.	DATE	REVISIONS	BY
DATE OF SURVEY: 9/8/20 - 9/14/20	1.	2/17/21	VOLUNTARY ANNEXATION	ADW
PROJECT NO.: 20-147				
FIELD WORK: CHBM				
DRAWN BY: ADW				
SCALE: 1" = 30'				
PIN: 0619-87-6495 & 0619-87-7613				

LYING & BEING IN BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA; BEING THE 3.443 ACRE TRACT OF PLAT BOOK 213 PAGE 41, BEING THE PROPERTY DESCRIBED IN DEED BOOK 5982 PAGE 1073, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 1" IRON PIPE, BENT WITH NAIL AT BASE, SAID IRON PIPE HAVING NC GRID COORDINATES OF N: 697,349.35', E: 1,018,816.40' (NAD 83/11), AND BEING A COMMON CORNER OF THE J. RICHARD HUDSON, ET AL. PROPERTY AS DESCRIBED IN DEED BOOK 2161 PAGE 355; THENCE ALONG AND WITH THE HUDSON PROPERTY N 82°25'44" W, 134.82' TO A CAPPED EXISTING IRON PIPE, THE NORTH EAST CORNER OF THE PROGRESS ENERGY OF THE CAROLINAS PROPERTY (FORMERLY KNOWN AS CAROLINA POWER & LIGHT COMPANY) AS DESCRIBED IN DEED BOOK 1006 PAGE 413; THENCE ALONG AND WITH THE PROGRESS ENERGY OF THE CAROLINAS PROPERTY N 82°25'44" W, 255.24' TO AN EXISTING IRON PIPE IN THE EASTERN LINE OF THE STEPHEN SCOTT HAMMOND PROPERTY AS DESCRIBED IN DEED BOOK 5970 PAGE 811, AND BEING THE SOUTH EAST CORNER OF AN APPARENT DEED OVERLAP WITH SAID HAMMOND PROPERTY AND THE SUBJECT PROPERTY HEREIN DESCRIBED. THENCE ALONG AND WITH A LINE OVERLAPPING WITH THE HAMMOND PROPERTY N 82°25'44" W, 5.57' TO A POINT, THE SOUTH WEST CORNER OF AN APPARENT DEED OVERLAP WITH SAID HAMMOND PROPERTY AND THE SUBJECT PROPERTY HEREIN DESCRIBED; THENCE ALONG AND WITH A LINE OVERLAPPING WITH THE HAMMOND PROPERTY N 04°18'16" E, 15.78' TO A POINT, THE NORTH WEST CORNER OF AN APPARENT DEED OVERLAP WITH SAID HAMMOND PROPERTY AND THE SUBJECT PROPERTY HEREIN DESCRIBED, AND SOUTH EAST CORNER OF THE JAMES DAVID HUTCHINS PROPERTY AS DESCRIBED IN DEED BOOK 3952 PAGE 694, SAID POINT LYING N 87°47'49" W 5.48' FROM AN ANGLE IRON AT A LOCUST POST; THENCE ALONG AND WITH THE HUTCHINS PROPERTY N 04°18'16" E, 134.11' TO A POINT AT THE SOUTHERN MARGIN OF THE PLATTED RIGHT OF WAY SHOWN AS "BROOK AVENUE" PER PLAT BOOK 12 PAGE 27, AND NORTH EAST CORNER OF SAID HUTCHINS PROPERTY, SAID POINT LYING S 84°16'04" E 5.60' FROM AN EXISTING ¾" IRON PIPE WITH PINCHED TOP; THENCE ALONG AND WITH THE EASTERN MARGIN OF SAID PLATTED RIGHT OF WAY N 04°18'16" E, 27.17' TO AN EXISTING ¾" IRON PIPE, SOUTH WEST CORNER OF THE HEATH O. TWEED PROPERTY AS DESCRIBED IN DEED BOOK 5590 PAGE 556; THENCE ALONG AND WITH THE TWEED PROPERTY THE FOLLOWING TWO CALLS: S 82°58'15" E, 130.05' TO AN EXISTING #5 IRON REBAR, SAID IRON REBAR LYING S 00°38'39" W 8.00' FROM AN EXISTING ¾" IRON PIPE; THENCE N 04°15'11" E, 184.31' TO AN EXISTING #5 IRON REBAR WITH ½" IRON PIPE WITNESS IN THE SOUTHERN LINE OF THE WILLIAM C. HONEYCUTT, JR. ET AL. PROPERTY AS DESCRIBED IN DEED BOOK 1249 PAGE 459 & DEED BOOK 765 PAGE 475; THENCE ALONG AND WITH THE HONEYCUTT PROPERTY S 82°58'48" E, 385.32' TO AN EXISTING 1" IRON PIPE IN THE WEST LINE OF THE ALBERT R. & JESSICA D. ADKINS PROPERTY AS DESCRIBED IN DEED BOOK 1820 PAGE 229; THENCE ALONG AND WITH THE ADKINS PROPERTY S 00°18'03" E, 110.18' TO AN EXISTING #5 IRON REBAR WITH ID CAP "NIELSON & WATTS", NORTH WEST CORNER OF THE GLENDA WHITSON BORNER PROPERTY AS DESCRIBED IN DEED BOOK 4366 PAGE 408; THENCE ALONG AND WITH THE BORNER PROPERTY THE FOLLOWING THREE CALLS S 52°53'50" W, 149.93' TO AN EXISTING #5 IRON REBAR WITH ID CAP "NIELSON & WATTS" IN BETWEEN TWO CHAIN LINK FENCES; THENCE S 32°49'22" E, 85.98' TO AN EXISTING #5 IRON REBAR WITH ID CAP "NIELSON & WATTS"; THENCE S 32°49'22" E, 14.02' TO A POINT IN OLD TOLL ROAD (SR 2527); THENCE ALONG A LINE WITHIN OLD TOLL ROAD (SR 2527) S 18°47'06" W, 102.66' TO A POINT IN THE NORTH LINE OF THE J. RICHARD HUDSON ET AL. PROPERTY AS DESCRIBED IN DEED BOOK 2161 PAGE 355; THENCE ALONG AND WITH THE HUDSON PROPERTY THE FOLLOWING TWO CALLS N 56°14'37" W, 29.53' TO AN EXISTING ¾" IRON PIPE; THENCE N 56°14'37" W, 28.71' TO AN EXISTING 1" IRON PIPE, BENT WITH NAIL SET AT BASE, THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 3.443 ACRES.

THE FOREGOING DESCRIPTION IS BASED UPON A SURVEY BY JOHN WESLEY COLE, NC PLS #L-4561 OF COLE SURVEYING & DESIGN, PA, ENTITLED "TOWN OF BLACK MOUNTAIN VOLUNTARY ANNEXATION OF THE PROPERTY OF BROWNIE W. & ELIZABETH D. NEWMAN", REVISION DATE 2/17/2021, HAVING PROJECT #20-147.

ALL BEARINGS ARE REFERENCED TO NC GRID NORTH (NAD 83/11), AND ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET.

Type: CONSOLIDATED REAL PROPERTY
Recorded: 11/20/2020 4:07:42 PM
Fee Amt: \$646.00 Page 1 of 3
Revenue Tax: \$620.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5982 PG 1073 - 1075

Excise Tax \$ 620.00	Recording Time, Book and Page
Tax Map No.	Parcel Identifier No. 0619-87-7613-0000; 0619-87-6495-00000

Mail after recording to **Goosmann Rose Colvard & Cramer, PA BOX 81**

This instrument was prepared by **Barrett W. McFatter**, a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. This deed was prepared at the request of the Grantor based upon information provided by the Grantor and without title examination, survey, or verification of property description.

**NORTH CAROLINA
GENERAL WARRANTY DEED**

THIS DEED made this 19th day of November, 2020, by and between

GRANTOR

**Michael T. Reed and spouse, M. Louise Reed
107 W. Greenbriar Road
Black Mountain, NC 28711**

GRANTEE

**Brownie W. Newman and spouse, Elizabeth D. Newman
285 Montford Avenue
Asheville, NC 28801**



The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the city of _____, Black Mountain Township, Buncombe County, North Carolina, and more particularly described as follows:

SEE ATTACHED DESCRIPTION

All or a portion of the property herein conveyed _____ includes or x does not include the primary residence of a Grantor.

Submitted electronically by "Goosmann Rose Colvard & Cramer, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument in Book 1475, Page 264.

A map showing the above described property is recorded in Plat Book __, Page __.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomever except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years.

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.

Michael T. Reed (SEAL)
Michael T. Reed

M. Louise Reed (SEAL)
M. Louise Reed

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Personally appeared before me this day the said Michael T. Reed and spouse, M. Louise Reed, known to me personally or who produced satisfactory evidence of their identity in the form of a driver's license, and who acknowledged that they voluntarily executed the foregoing instrument for the purposes stated therein this the 19 day of November, 2020.

My Commission Expires:

08/02/2025

Barrett W. MCFatter
Notary Public

BARRETT W. MCFATTER
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires 08-02-2025

BARRETT W. MCFATTER
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires 08-02-2025

Description of property for transfer from Michael T. Reed and spouse, M. Louise Reed to Brownie W. Newman and spouse, Elizabeth D. Newman

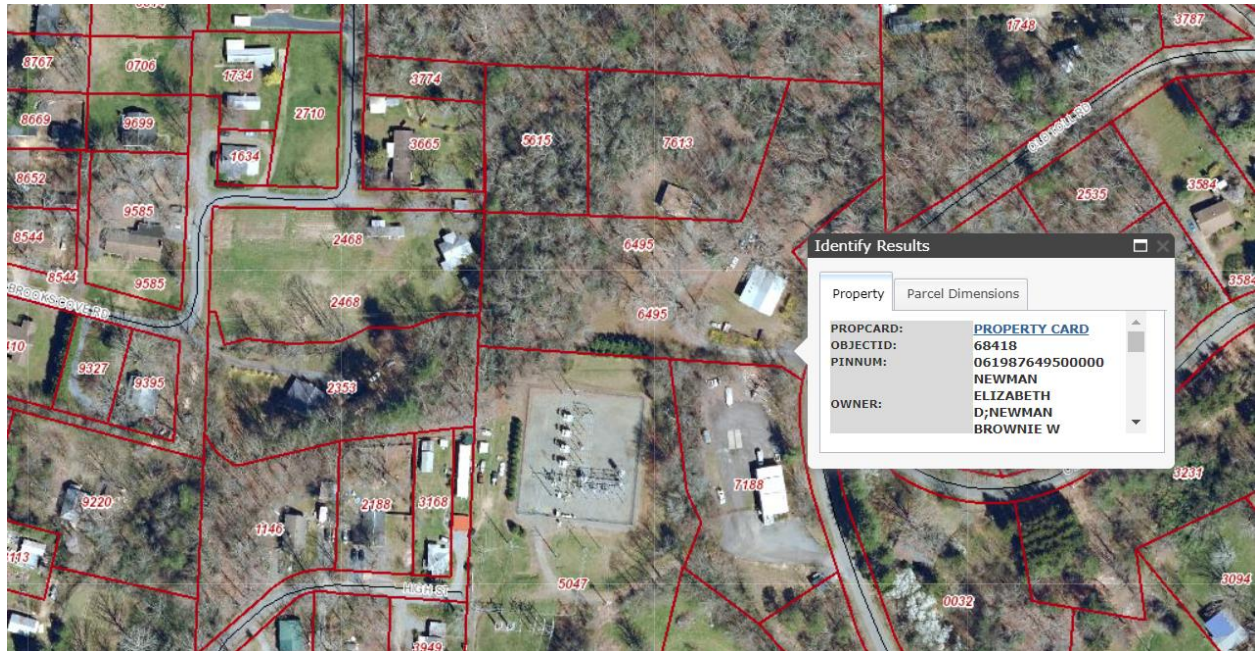
Being all of that certain 3.443 Acres Tract as shown on that plat recorded in Plat Book 213 at Page 41 of the Buncombe County, NC Register's Office; reference to which Plat is hereby made for a more particular description of said Property.

The above described property is all of that property described and conveyed by Deed duly recorded in the office of the Register of Deeds for Buncombe County, North Carolina in Book 1475, at Page 264.

Being further identified as Buncombe County Tax Pin #0619-87-7613-00000 and 0619-87-6495-00000.

INITIAL
BWN
BWN

The western boundary of parcel 061987649500000 is contiguous with the Town of Black Mountain municipal limits.



TOWN OF BLACK MOUNTAIN PLANNING BOARD
AGENDA ITEM INFORMATION
Meeting Date: March 22, 2021

SUBJECT: Rezoning at 201 & 207 Old Toll Road

BRIEF SUMMARY: Brownie and Elizabeth Newman have put in a request to rezone their properties at 201 & 207 Old Toll Road from R-1(Buncombe County) to UR-8.

MOTION FOR CONSIDERATION: The Newman's are needing this rezoning as they are petitioning to have their properties annexed into the town and need water for their development.

ATTACHMENTS: Rezoning application and staff report.

PLANNING STAFF COMMENTS AND RECOMMENDATIONS: The requested zoning district UR-8 conforms to the abutting district.



**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: March 22, 2021

GENERAL INFORMATION

APPLICANT:	Brownie & Elizabeth Newman
HEARING TYPE:	Rezoning Request
REQUEST:	R-1 Residential District (Buncombe County) to UR-8 (Urban Residential District)
CONDITIONS:	This rezoning is for a 2 parcels that are in the process of being annexed into the town.
LOCATION:	201 & 207 Old Toll Road
PARCEL ID NUMBER(S):	0619-87-6495-00000 & 0619-87-7613-00000
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). 18 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	3.44 acres
TOPOGRAPHY:	17% slope
VEGETATION:	Wooded

SITE DATA

EXISTING USE

Single family home and commercial shop (inactive)

SUMMARY OF DISTRICT PURPOSES

R-1 (Residential District)- Buncombe County	Purpose: The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.
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

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-1	UR-8
Max. Density:	10 units/acre	8 units/acre
Front Setback:	10'	20'
Side Setback:	10'	10'
Rear Setback:	20'	15'
Min. Lot Size:	8,000 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None

Permitted Uses:

- Single-family residential dwelling, including modular
- Two residential dwelling units (attached or detached)
- Community oriented developments
- Subdivisions
- Community Living Facilities
- Government facilities
- Places of worship
- Public utilities
- Single-Family Residences
- Two-Family Residences (duplex)

- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Places of worship
- Family care home
- Home occupations
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals

Additional Requirements:

- | | |
|---|---|
| <ul style="list-style-type: none"> • HUD-labeled manufactured homes Residential • Day nursery and private kindergarten (up to 8 students) | <ul style="list-style-type: none"> • 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:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Planned unit developments, level I • Private utility stations and substations, pumping stations, water and sewer plants, water | <ul style="list-style-type: none"> • Bed & Breakfast Homes & Inns • Cultural, Community Facilities • Educational facilities |
|---|--|

storage tanks (2
acres or greater in
total footprint)

- Public utility stations
and substations,
pumping stations,
water and sewer
plants, water storage
tanks (less than 2
acres in total
footprint)

Special Uses:

- Residential Special
Use Developments:
- Conservation
Subdivisions
- Cottage Housing
(CHD)
- Residential Planned
Unit Development
(PUD)
- Manufactured Home
Parks

Exclusions:

- 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 northern side of 207 Old Toll Rd
Utilities	
Water	N/A
Sewer	Closest sewer line runs along Brooks Cove Rd
Landscaping	N/A
Transportation	
Street Classification	Buncombe County Road – Old Toll Road
Site Access	Access is available from Old Toll Rd
Traffic Counts	N/A
Sidewalks	There are no sidewalks on Old Toll Rd
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 is the most similar town zoning district with the counties. UR-8 conforms to current zoning nearby.



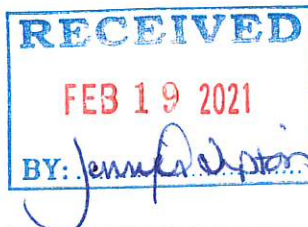
REZONING WORKSHEET

PIN #: 0619-87-6495-00000 & 0619-87-7613-00000

Current Zoning District: R-1 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 <u>Brownie and Elizabeth Newman</u>		
Applicant Address (Number, Street, City, State, ZIP) <u>285 Montford Ave, Asheville NC 28801</u>		
Home Phone <u>828-243-0107</u>	Cell Phone <u>828-243-0107</u>	Email Address <u>newmanasheville@gmail.com</u>
MAP AMENDMENT LOCATION AND REQUEST		
I request a rezoning for the following parcel(s): <u>0619 8764 95 00000</u>		
Property Address: <u>201 and 207 Old Toll Rd.</u> PIN #: <u>0619 8776 13 00000</u>		
Current Zoning Classification: <u>R1 - Buncombe County</u> Requested Zoning Classification: <u>UR-8</u>		
Current Land Use: <u>single family home and commercial shop (inactive)</u> Size of Parcel: <u>3.443 acres</u>		
Reason for Requested Rezoning: <u>Based on the Black Mountain town ordinances, I am required to file a voluntary annexation application as a condition of getting water service to my property. The UR-8 zoning most closely matches my current zoning with the county.</u>		
PROPERTY OWNER INFORMATION (If different from applicant)		
Property Owner Name		
Property Owner Address (Number, Street, City, State, ZIP)		
Phone Number	Email Address	
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 <u>Bonnie Newman</u>	Date <u>2/19/2021</u>	
OFFICE USE ONLY		
Date Received: <u>2/19/2021</u>	Fee: \$ 350.00 <u>375</u> Cash: ☐ Check: ☒ # <u>6350</u> Credit: ☐	
Vote: ____ to ____ For ☐ Against ☐	Planning Board Meeting Date: <u>3/22/2021</u>	
Vote: ____ to ____ For ☐ Against ☐	Board of Aldermen Meeting Date:	

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

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),

Newman Rezoning Property Owners within 200'

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>	
WM C Honeycutt Jr ETAL	PO Box 5601	Asheville	NC	28813	0619-88-6353	c/o Georgia Honeycutt
Elaine W Payne	PO Box 172	Black Mountain	NC	28711	0619-87-2710	
James Boyer	PO Box 1502	Black Mountain	NC	28711	0619-87-3774	
Carl David & Barbara H Tweed LE	115 Brooks Cove Road	Black Mountain	NC	28711	0619-87-3665	
Heath O Tweed	207 Old Toll Road	Black Mountain	NC	28711	0619-87-5615	
Elizabeth D & Brownie W Newman	285 Montford Avenue	Asheville	NC	28801	0619-87-7613	
Elizabeth D & Brownie W Newman	285 Montford Avenue	Asheville	NC	28801	0619-87-6495	
James David Hutchins	107 Brooks Cove Road	Black Mountain	NC	28711	0619-87-2468	
Stephen Scott Hammond	15 Brooks Cove Road	Black Mountain	NC	28711	0619-87-2353	
Timothy Sean & Elaine Ann Jennings	107 High Street	Black Mountain	NC	28711	0619-87-2188	
Dorothy P & Barry Wheeler LE	109 High Street	Black Mountain	NC	28711	0619-87-3168	
Progress Energy of the Carolinas	555 Brevard Road	Asheville	NC	28806	0619-87-5047	
J Richard & Ethel Hudson ETAL	118 W State Street	Black Mountain	NC	28711	0619-87-7188	
Glenda Whitson Borner	215 Old Toll Road	Black Mountain	NC	28711	0619-87-9409	
Albert R & Jessica D Adkins	225 Old Toll Road	Black Mountain	NC	28711	0619-97-1748	
Steve Traub	PO Box 5304	Asheville	NC	28813	0619-97-2535	
Theodore L Curto	230 Old Toll Road	Black Mountain	NC	28711	0619-97-0487	
Monte Vista of Black Mountain LLC	PO Box 500989	Malabar	FL	32950	0619-87-9394	
Adam & Julie Miller	374 Old Toll Circle	Black Mountain	NC	28711	0619-97-1330	
Ethel M & John Richard Hudson III ETAL	118 W State Street	Black Mountain	NC	28711	0619-97-0032	



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF REZONING REQUEST PUBLIC MEETING ONLY (REGARDING NEIGHBORS WITHIN 200 FEET OF PROPERTY)

DATE: **March 1, 2021**

TO: **Property Owner**

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

APPLICANT NAME: **Brownie & Elizabeth Newman**

PROPERTY ADDRESS: **201 and 207 Old Toll Road**

PIN #: **0619-87-6495 (201 Old Toll Road) and 0619-87-7613 (207 Old Toll Road)**

CURRENT ZONING CLASSIFICATION: **R-1 (residential district - Buncombe County Zoning)**

REQUESTED ZONING CLASSIFICATION: **UR-8 (urban residential – Black Mountain Zoning)**

CURRENT LAND USE: **single family home and inactive commercial shop**

SIZE OF PARCEL: **3.443 (both lots combined)**

REASON FOR REQUESTED REZONING:

Based on the Black Mountain town ordinances, I am required to file a voluntary annexation application as a condition of getting water service to my property. The UR-8 zoning most closely matches my current zoning with the County.

A public meeting of the Planning Board on this matter will be held Monday, March 22, 2021 @ 6:00 p.m. electronically via Zoom. The public notice is included with the Zoom link.

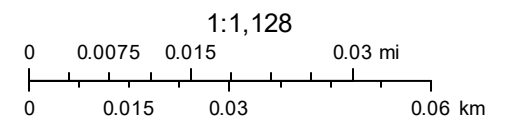
This is your notification for this request specified under 1.5.4 of the Land Use Code for the Town of Black Mountain. Section 1.5.4 (G) and (I) indicate that notice be provided to all property owners within 200 feet of the site's property lines. Notice of the time, date and place of the hearing will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

Note: This is not a public hearing. This is a meeting for the Planning Board to make a recommendation to the Board of Aldermen at which time the public hearing will be held.

Newman Rezoning Aerial Map



February 25, 2021



PUBLIC MEETING

Monday, March 22, 2021
6:00 PM

www.townofblackmountain.org

160 MIDLAND AVENUE
BLACK MOUNTAIN, NC 28711
FOR MORE INFORMATION CALL 419-9373



TOWN OF BLACK MOUNTAIN PLANNING BOARD

Meeting Date: March #, 2021

SUBJECT: Major Subdivision Open Space Requirements

AGENDA INFORMATION

Agenda Location: NEW BUSINESS

Item Number:

Department: Planning and Development Department

Contact: Jessica Trotman, Planning Director

Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: This text amendment increases the minimum open space requirements of major subdivisions from five-percent to fifteen-percent. The comprehensive plan supports increasing greenspace for purposes of environmental protection, stormwater infiltration, and passive recreational purposes.

ATTACHMENTS:

Proposed amendment

3.5.6 - Open space requirements (major subdivisions only).

A. All major subdivisions must dedicate the equivalent of ~~five~~ **15** percent of the total land area of the original parcel or combination of parcels used in the subdivision as dedicated, common open space.

B. Designation of easements to the town for parks or greenways according to the town's pedestrian plan, greenway master plan or recreation and parks plan may qualify for the dedicated open space requirements but must be approved by the planning board.

C. Land designated as open space on a final plat shall be dedicated to a neighborhood association or other entity, or shall be considered to be offered for dedication to the town. The town may accept control of the open space through:

1. Express action by the board of aldermen;
2. Approval of the final plat with areas specifically dedicated to the Town of Black Mountain for the purpose of open space, park and/or greenway development as accepted by the board of aldermen; or
3. Conveyance of fee simple marketable title (unencumbered financially and environmentally) to the property to the town at the time of final plat recordation, subject to approval by the board of aldermen.
4. Until such time as the dedication has been accepted, land so offered may be used for open space purposes and be maintained by the underlying or abutting property owner or similarly by an owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

D. Requirements concerning land dedicated to the town for recreational purposes. The board of aldermen must approve property dedications being offered to the town for parks and greenways facilities at the time of final plat approval. The board of aldermen may request review by the recreation and parks commission before making their determination. Dedications should meet the following criteria:

1. *Unity.* Dedicated area shall form a single parcel of land, except where the board of aldermen determines that two or more parcels or a linear easement across multiple parcels would be in the best interest of the public given the type and distribution of space needed to serve the development. In such cases, the board may require that such parcels be connected by a dedicated strip of land or easement be at least 20 feet in width or that an easement for access be granted.
2. *Usability.* At least one-half of the total land dedicated shall be located outside of areas of special flood hazard, alluvial soils, lakes or other water bodies, and at least 75 percent of the total land dedicated shall be located outside of wetlands. Land dedicated only for greenways need not follow the requirements of this subsection.

3. *Shape.* Dedicated land shall be sufficiently shaped and proportioned to be usable for proposed recreational facilities and activities, such as greenways, athletic fields, playground area, tennis courts, swimming pool, etc.
4. *Access.* Public access to dedicated land shall be provided by adjoining public street frontage or by a dedicated public easement which connects the dedicated land to a public street or right-of-way, or from adjacent property, as determined by the board of aldermen.
5. *Greenway* dedications shall be a minimum of 15 feet in width.