



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 July 26, 2021
Date: July 16, 2021

The **Town of Black Mountain Planning Board** will meet on **Monday, July 26, 2021, at 6:00 p.m.** in Town Hall at 160 Midland Avenue and via Zoom.

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

1. The proposed agenda;
2. Draft minutes from June 28, 2021;
3. Election of Officers;
4. Old Toll Road Preliminary Plat;
5. Village Way Preliminary Plat; and
6. Right-of-Way Closure – Alexander Street.

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

The Black Mountain Planning Board will meet for their regular meeting scheduled on **Monday, July 26, 2021, at 6:00 p.m.** in the Council Meeting Room at Town Hall, 160 Midland Avenue, Black Mountain, NC 28711. A Zoom link is also provided for anyone wishing to participate but is not able to attend in-person.

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

1. **Attend the meeting in-person at Town Hall.**
2. **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/88113806170>

Meeting ID: 881 1380 6170

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.

3. **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: 881 1380 6170 followed by the Pound sign (#)

Jennifer Tipton
Senior Admin

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

Posted to the Town Bulletin Board 07/01/2021
www.townofblackmountain.org



AVISO PÚBLICO

JUNTA DE PLANIFICACIÓN DE BLACK MOUNTAIN

La Junta de Planificación de Black Mountain se reunirá para su reunión regular programada el **lunes 26 de julio de 2021, a las 6:00 p.m.** en la Sala de Reuniones del Consejo en Town Hall, 160 Midland Avenue, Black Mountain, NC 28711. También se proporciona un enlace de Zoom para cualquier persona que desee participar pero no pueda asistir en persona.

Hay tres formas en que el público puede participar en la reunión:

1. **Asistir a la reunión en persona en el Ayuntamiento.**
2. **Únase a la reunión a través de Zoom en su computadora o dispositivo inteligente.**
***Las transmisiones de video ciudadanas no estarán habilitadas. No hay contraseña.**

<https://us02web.zoom.us/j/88113806170>

ID de reunión: 881 1380 6170

Si no ha utilizado Zoom antes en una computadora o dispositivo inteligente, le recomienda descargar la aplicación desde su sitio web en [Zoom.us/download](https://zoom.us/download) y probarla antes de la reunión. No hay ningún costo asociado con el software o asistir a la reunión y hay opciones de número gratuito para marcar para escuchar solo en vivo.

3. **Únase a la reunión por teléfono (solo escuchar).**

Simplemente llame al **número gratuito 1-877-853-5247** o al **número gratuito 1-888-788-0099**

ID de reunión: 881 1380 6170 seguido del signo de libra (#)

Jennifer Tipton
Administrador senior

La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton o por correo electrónico a Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 07/01/2021
www.townofblackmountain.org



**Planning Board Regular Meeting
July 26, 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 June 28, 2021 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Election of Officers
- Old Toll Road Preliminary Plat
- Village Way Preliminary Plat
- Right-of-Way Closure – Alexander Street

VI. PUBLIC COMMENT

VII. COMMUNICATION FROM PLANNING BOARD

VIII. COMMUNICATION FROM STAFF

IV. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, June 28, 2021, at 6:00 p.m. in 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 (arrived late)
Lauronda Teeple
Rick Earley
Chas Fitzgerald
Kathy Phillips
Shawn Slome

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner
Anna Stearns, Town Attorney

The meeting was called to order at 6:05 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

II. ADOPTION OF AGENDA

Jennifer Tipton made several changes to the agenda. The right-of-way closure for Buckeye Street and the preliminary plat for Old Toll Road were removed from the agenda and discussion of the unified development ordinance was added. Chris Collins made a motion to adopt the agenda as amended. The motion was seconded by Shawn Slome and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Kathy Phillips had one change to note under recommendation of new members that she had also voted for Joe Laudenslayer. Chas Fitzgerald noted several typos. Lauronda Teeple made a motion to adopt the minutes as amended. The motion was seconded by Kathy Phillips and approved by a vote of 6-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Village Way Major Subdivision Sketch Plan

Jake D'Sabatino said that is looking to do a ten lot major subdivision off of Flat Creek Road. There are currently homes on four of the lots, so six would be available for development. The stormwater plan is being created by the engineer and the turnaround has been preliminarily approved by Charlie Russell. Mr. D'Sabatino said that they received small feedback from staff during the technical review and all of that has been addressed. Chas Fitzgerald asked about two of that lots that appear to overlap the underground storm vault and Jessica Trotman said that it will be reviewed by an outside engineer but doesn't think that there are any current rules

Planning Board Regular Meeting
June 28, 2021

prohibiting building over an underground stormwater vault. Mr. Fitzgerald said that staff might want to take a look at providing some language that would prohibit that. Mr. D'Sabatino said that he will request that the road be taken over by the Town. Kathy Phillips asked about lot number six and the proximity to the floodplain. Ms. Trotman explained that there are no current regulations that would prohibit building within the floodplain and it would not require a flood development permit if not within the floodplain. There may be a requirement for a base flood elevation but that is a building code matter and will be addressed at the time of permitting. The floodplain area will be designated on the final plat. Chas Fitzgerald asked about the common area and the bike trail and if there is a public easement. Mr. D'Sabatino said it is his understanding that it is a public right-of-way and there is not a specific easement in place but would grant one to the town in perpetuity. There will be curb and gutter on the south side of the road due to the length of the road and the sidewalk requirements. Staff will compile the feedback and send that to Mr. D'Sabatino for the preliminary plat.

2. Proposed Text Amendment – Subdivision Cooling Off Period

Jessica Trotman said that the purpose of the proposed text amendment for a cooling off period between minor subdivisions is to help prevent the circumvention of the major subdivision requirements. Most jurisdictions have a time period of two to three years and Anna Stearns noted that ten years might be more cumbersome for staff to go back and verify. There is not a legal rule on the timeframe. Chas Fitzgerald noted that most banks tend to lend in two year increments and felt that two or three years would be sufficient but that three years would allow for an economic downturn or delay. The board decided to delete item number two from the amendment and change ten years to three years in item D. Chris Collins made a motion to recommend the text amendment as amended. The motion was seconded by Chas Fitzgerald and approved by a vote of 7-0. Chris Collins made a motion to amend his motion and the new motion be to recommend the text amendment as amended and that the amendment is consistent with the Town's comprehensive plan and is reasonable and in the public interest because it keeps development from sidestepping the regulations that are in place and will in the future be in place and promote said plans. The motion was seconded by Chas Fitzgerald and approved by a vote of 7-0.

3. Discussion of Proposed Sign Ordinance Amendments

Jessica Trotman begin by saying that the existing sign ordinance is out of date with regards to a US Supreme Court ruling but staff has been applying the ordinance in compliance with the ruling. The existing sign ordinance is difficult to read and is poorly organized and part of the changes from the Reed v. Gilbert ruling are that signs are to be governed on time, manner, and location only. Jake Hair has worked diligently on taking the existing sign ordinance and making the necessary changes and it has now gone to Anna Stearns for a final draft. Anna Stearns told the Planning Board to be thinking about what signs Black Mountain currently has and what challenges have been seen with regards to signs. Ms. Stearns also noted that there may be signs that need more flexibility, such as yard sale signs and political signs. Ms. Stearns told the board to focus on the purpose for regulating signs, such as safety issues. Pam Norton said that the board had made some changes to the sign ordinance several years ago and Ms. Trotman noted that these changes are specific to the court case ruling. Shawn Slome said that it might be a good idea to limit temporary retail signs, such as those for a sidewalk sale, to a specific period of time so that it will allow the businesses to draw attention to themselves but not abuse the regulations. Staff will send out a PowerPoint on Reed v. Gilbert.

Planning Board Regular Meeting
June 28, 2021

4. Discussion of Returning to In-Person Meetings

Jennifer Tipton said that it is up to the board if they are ready to go back to in-person meetings. We will continue to offer a hybrid meeting to allow for board members, staff, or public who may not be comfortable returning to in-person meetings. There is the possibility of keeping the hybrid meetings, which would be very beneficial in the winter during inclement weather. The board will begin hybrid meetings at their July meeting.

5. Discussion of Unified Development Ordinance (UDO)

Jessica Trotman announced that the creation of a unified development ordinance has been funded in the budget over the next two fiscal years. The request for proposals has been posted and is expected to close on August 10th. Ms. Trotman explained that a unified development ordinance combines all development ordinances into one document and makes them more organized and easier to read. Unified development ordinances are also very pictorial and read like a magazine in some ways in that anybody should be able to pick up the ordinances and be able to understand them. The current ordinances are scattered through the code of ordinances and the land use code, they are aged, and there are multiple inconsistencies. It is also a great timing coming off of the adoption of Elevate Black Mountain. The Planning Board will serve as the steering committee for this project and Ms. Trotman will send articles to everyone about unified development ordinances.

VI. COMMUNICATION FROM PLANNING BOARD

Shawn Slome asked about public comment during the Planning Board meetings and it has been handled in different ways. Written comments have been provided and the board has also voted to allow public comment during agenda items. Anna Stearns suggested having a public comment section, similar to the one that Town Council has, where the public comment on whatever is on their mind or on any of the agenda items. Jennifer Tipton said that she will add a public comment section to the agenda beginning in July.

VII. COMMUNICATION FROM STAFF

Jennifer Tipton said that there are three openings on the Planning Board and seven applicants. Per the new appointment policy, board members are allowed to review the applications and make recommendations for appointments. Several board members said that they did not receive all of the applications and Ms. Tipton offered to put the applications up on the screen for review. Ms. Tipton also noted that David Barley had also applied for the Board of Adjustment and has been recommended by them for the first alternate seat. Rick Earley made a motion to recommend Kathy Phillips, Chas Fitzgerald, and Pam Norton to fill the three vacant seats. The motion was seconded by Chris Collins and approved by a vote of 6-1 with Shawn Slome abstaining.

VIII. ADJOURNMENT

Rick Earley made a motion to adjourn at 7:29 p.m. The motion was approved by consensus.

Prepared by:

Chris Collins, Chair

Planning Board Regular Meeting
June 28, 2021

Jennifer Tipton, Senior Admin

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION PACKET

Sketch Plan Submittal Requirements:

- 7 – 11” x 17” plats (hard copy or digital) containing the following information:
 - The name of the subdivision and the proposed use and the name, address, and phone number of the owner
 - A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses
 - The boundaries of the tract
 - Total acreage of the tract and the portion to be subdivided
 - Location of significant features such as water courses, ponds, rock outcroppings or forest
 - Topography of five-foot intervals and the location of existing drainage or swales
 - Location of flood hazard areas from FIRM map
 - Location of existing or proposed utilities
 - Existing street and lot layout and dimensions, including rights-of-way
 - Proposed new lot layout and dimensions and any rights-of-way or driveways to be built
 - Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract
 - Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road
 - A statement from the Town of Black Mountain or City of Asheville Water Department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from Buncombe County Environmental Health must be included that the created lots have septic or are appropriate for septic systems.
- Completed Major Subdivision Application
- Affidavit of Ownership

Preliminary and Final Plat Submittal Requirements:

- 1 – 18” x 24” plat (hard copy and digital copy)
- 7 – 11” x 17” plats (hard copy and digital copy)
- Completed Checklist (hard copy and digital copy)

Review Process:

- Technical Review Committee (TRC) reviews sketch plan for development standard compliance (meets as necessary).
- Planning Board reviews sketch plan for development standards compliance (meets the 4th Monday of every month).
- Planning Board reviews preliminary plan for development standards compliance.
- Final plat is submitted to Subdivision Administrator for signature.
- **All plats will be processed and made available to the applicant within fifteen (15) business days.**

Checklist Information: X = information is required on pl

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

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Information	Preliminary Plat		Final Plat	
Title Block Containing:				
• Property title, PIN #, subdivision name or designation	X	☒	X	☐
• Name of owner of record	X	☒	X	☐
• Location (township, county, state)	X	☒	X	☐
• Date(s) of survey and plat preparation	X	☒	X	☐
• Name, address, registration number and seal of surveyor	X	☒	X	☐
Drawn Streets:				
• Proposed streets and their linear feet	X	☒	X	☐
• Connecting streets and platted streets on adjoining properties	X	☒	X	☐
• Rights-of-way, location and dimensions	X	☒	X	☐
• Approximate or final grades	X	☐		☐
• Street Names	X	☐	X	☐
Information and Location of Utilities:				
• Utility and other easements of record	X	☒	X	☐
• Transmission lines	X	☐		☐
• Natural gas lines	X	☐		☐
• Sanitary sewers, location and size	X	☒		☐
• Water lines, location and size	X	☒		☐
• Stormwater facilities, either in place or proposed	X	☐	X	☐
• Plans for individual water supply and sewerage disposal	X	☒	X	☐
Site Features:				
• North Point	X	☒	X	☐
• Graphic Scale	X	☒	X	☐
• Vicinity Map	X	☒		☐
• Existing buildings or other structures, railroads, bridges	X	☒		☐
• Existing property lines to be subdivided or recombined	X	☒	X	☐
• Exact lot lines, bearings, distances and lot/block nos.	X	☒	X	☐
• Minimum building setback lines	X	☒	X	☐
• Topography at 5' intervals, elevations, and slope calculations	X	☒		☐
• Zoning classification of tract and adjoining property	X	☒		☐
• Natural features	X	☒		☐
• Exact location of floodplain, flood fringe, and floodway	X	☐	X	☐
Site Calculations:				
• Acreage in total tract to be subdivided	X	☒	X	☐
• Total number of lots	X	☒	X	☐
• Area of each lot in square feet	X	☒		☐

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION

Application Date: 05-13-2021 Zoning District: UR-8 N S E W C

Owner Name: Brownie W. and Elizabeth D. Newman

Subdivision Name: Old Toll Road Subdivision

Property Location/Street: 201 & 207 Old Toll Road, Black Mountain, NC 28711

PIN #: 0619-87-7613 & 0619-87-6495 Deed Book/Page: 1475 / 264

Total Site Area: +/-148,540 square feet 3.41 acres

Max. Allowable Lot Density Standard: 1/8 acre (5,446 SF) 8 DUA

Max # of Lots Allowable: 27 Proposed # of Lots: 10

Min. Allowable Lot Area: 5,446 SF Proposed Min. Lot Area: 8,994 SF

Average Lot Area: 12,580 SF / 0.29 acres

Min. Allowable Lot Width: 40' (15' at street) Proposed Min. Lot Width: 50.03' (22.5' at street)

Min. Open Space Area: 7,427 Proposed Open Space Area: 7,668

Proposed Open Space Use: Recreation

Proposed Future Development Site Area: NA

Proposed Impervious Surface Area: 28,300 SF / 0.65 acres

Proposed Impervious Surface Coverage (isa/site area x 100): 19 %

Site Area within Area of Special Flood Hazard Area: NA within Floodway: NA

Slope of Site: +/- 17.8%

Names of Access Street(s) and Number of Access Points along Each:

Name of Access or Adjacent Street	Right-of-Way Width (ft)	Pavement Width (ft)	No. of Lanes	Traffic Volume	Est. Traffic Generated
Old Toll Road	60	20	2	NA	NA

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Owner Name: Brownie W. & Elizabeth D. Newman Phone: 828-243-0107

Address: 285 Montford Avenue City: Asheville State: NC Zip: 28801

Email Address: newmanasheville@gmail.com Mobile #: 828-243-0107

Developer: Brownie W. & Elizabeth D. Newman Phone: 828-243-0107

Address: 285 Montford Avenue City: Asheville State: NC Zip: 28801

Email Address: newmanasheville@gmail.com Mobile #: 828-243-0107

Engineer/Consultant: Advantage Civil Engineering, PA
Contact: Brad Howell Phone: 828-712-9904

Address: 34 Big Bear Trail City: Asheville State: NC Zip: 28805

Email Address: bhowell@aceasheville.com Mobile #: 828-712-9904

Registered Surveyor: Cole Surveying & Design, PA
Contact: Wes Cole, PLS Phone: 828-251-7025

Address: 549 Elk Park Dr., Suite 707 City: Woodfin State: NC Zip: 28804

Email Address: wes@colesurveydesign.com Mobile #: 828-251-7025

As owner, developer, agent, or engineer of this property, it is requested that the proposed subdivision, as described within this application, be given approval by the Town of Black Mountain Planning Board in accordance with the Town of Black Mountain Subdivision Ordinances. I, Brownie Newman, hereby certify that I have legal authority to submit this application for subdivision and I enclose the required application materials listed herein.

Brownie Newman 5-13-2021
Signature Date

FOR OFFICE USE ONLY

Plat Review Fees: \$375.00 Date Paid: _____ Payment: _____

Project Number: _____ Entry by: _____ Date: _____

Plat Approval Date: _____ Plat Book/Page: _____

Subdivision Administrator _____ Date _____

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

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

OWNER AFFIDAVIT

THE UNDERSIGNED, being first duly sworn, deposes and says:

1. That he/she is the owner of that real property located at 201 and 207 Old Toll Rd.
_____, in the Town of Black Mountain, which property is shown on the tax
maps for Buncombe County as PIN# 0619-87-7613 and 0619-87-6495.

2. That as the owner of the described property he:

✓

Is applying for subdivision approval.

Is authorizing _____ to apply for
subdivision approval.

This the 13 day of May, 2021

ELIZABETH D. NEWMAN

Brownie Newman

Property Owner (individual)

OR

Property Owner (entity)

Elizabeth Newman

By: Brownie Newman

NORTH CAROLINA NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)

State of North Carolina }

County of Buncombe

I, JoAnne Young, Notary Public, do hereby certify that Brownie Newman/Elizabeth D. Newman
[Name of Individual(s) Whose Acknowledgment is Being Taken] personally appeared before me
this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 13 day of May, 2021.

(Official Seal)

Jo Anne Young
Notary Public-North Carolina
Buncombe County
My Commission Expires 05-19-21

JoAnne Young
Official Signature of Notary
JoAnne Young
Notary's Printed or Typed Name

My Commission Expires: 5-19-21

Notary Public



34 Big Bear Trail
Asheville, NC 28805
Phone: 828-545-5393
NC Firm # C-2849

June 03, 2021

Jennifer Tipton
Town of Black Mountain Planning & Development
160 Midland Avenue
Black Mountain, NC 28711

RE: Old Toll Road Subdivision
ACE Project #20046

Dear Jennifer,

We have addressed the comments from your review dated May 28, 2021 for the above referenced project as follows: **(Responses are bold and in red)**

- Setbacks need to be amended to read: Front 20'; Side 10'; Rear 15'. **The setbacks in the project data block have been amended.**
- Sewer easement needs to be shown. **The 20' wide MSD sewer easement is now shown.**
- Turnaround needs to be 70' in length to meet Appendix D of the NC Fire Code. **The turnaround shown reads 60' to the center of the road. Per Appendix D of the Fire Code the 70' dimension is measured from the opposite edge of pavement. I have added a measurement to show we are in compliance.**
- Notes pertaining to the private road needs to say "built to Town of Black Mountain standards and specs and Appendix D of the North Carolina Fire Code". **The note pertaining to the private drive has been updated.**
- Bituminous concrete needs to be changed to asphalt. **This note has been updated.**
- The proposed fire hydrant assembly needs to be an actual fire hydrant. **The call out for a "fire hydrant assembly" includes the fire hydrant and gate valve. I have revised the note for clarity.**
- Suggested Comment: Provide an access easement to Brooks Cove Road – please note that this is a suggestion only and is not required for preliminary plat approval. **At this point the developer has opted to leave an access easement off of the plat.**

If you should have any questions or need any additional information please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Howell".

Brad Howell

SURVEYOR: COLE SURVEYING & DESIGN, P.A.
549 ELK PARK DRIVE, SUITE 707
WOODFIN, NORTH CAROLINA 28804

CONTACT: WES COLE, PLS
(828) 251-7025

STREAM BUFFER — SB — SB —
 EXISTING TBM WATER MAIN — W — W —
 PROPOSED TBM WATER MAIN — **W** — **W** —
 PROPOSED MSD SEWER MAIN — **SS** — **SS** —
 PROPOSED SEWER MANHOLE (2)
 PROPOSED OPEN SPACE — — — —

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF BLACK MOUNTAIN, NC DOTD AND NCDOT STANDARDS AND SPECIFICATIONS. ENGINEER MUST CERTIFY THAT ALL CONSTRUCTION WAS COMPLETED IN ACCORDANCE WITH THE TOWN OF BLACK MOUNTAIN AND NCDOT STANDARDS AND SPECIFICATIONS AT COMPLETION OF CONSTRUCTION.

ALL EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE TOWN OF BLACK MOUNTAIN AND NCDOT STANDARDS AND SPECIFICATIONS.

SINGLE PHASE CONSTRUCTION.

ALL PROPOSED DRY UTILITIES WILL SERVE SUBDIVISION FROM OLD TOLL ROAD (PHONE, CABLE, POWER).

ALL WORKS TO BE PRIVATE.

ALL ROADS SHALL BE PERFORMED BY A NORTH CAROLINA LICENSED UTILITY CONTRACTOR.

CONTRACTOR TO CORRECT ANY EXACT LOCATION OF PROPOSED AND EXISTING UTILITIES.

ALL PROPOSED TOLLS WILL BE SERVED BY MSD JARVIS SEWER & TOWN OF BLACK MOUNTAIN PUBLIC UTILITIES.

CONTRACTOR & RESPONSIBLE FOR INSTALLING, MAINTAINING, AND REMOVING ALL NECESSARY EROSION AND SEDIMENTATION MEASURES.

CONTRACTOR TO FIELD VERIFY ALL PIPES AND DEPTHS PRIOR TO ORDERING MATERIALS AND CONSTRUCTION.

PROJECT LIES OUTSIDE 100-YEAR FLOOD PLAIN.

CONTRACTOR RESPONSIBLE FOR KEEPING ACCURATE LOG OF SITE CONDITIONS IN ACCORDANCE WITH NPDES PERMIT.

SOIL TYPE "B".

CABLE TO BE PROVIDED BY CHARTER COMMUNICATIONS. POWER TO BE PROVIDED BY DUKE ENERGY.

NATURAL GAS TO BE PROVIDED BY FSNIC ENERGY (OPTIONAL). THE TOTAL NUMBER OF PROPOSED LINES EQUALS 10.

THE SITE IS CURRENTLY PARTIALLY WOODED.

THE TOTAL LINEAR FEET ROAD: +/533'

CONSTRUCTION SHALL BE COMPLETED WITHIN APPROXIMATELY 6 MONTHS FROM START DATE.

ALL SIGNS AND PAVEMENT MARKINGS ARE TO BE PROVIDED AND INSTALLED IN ACCORDANCE WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S (NCDOT) MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

THE PAVEMENT MARKING CONTRACTOR AND THE SIGNING CONTRACTOR SHALL BOTH BE PRE-APPROVED TO PERFORM WORK FOR THE NCDOT. A COPY OF THEIR CERTIFICATE OF QUALIFICATION SHALL BE SUBMITTED TO THE NCDOT DISTRICT OFFICE PRIOR TO THE WORK BEING PERFORMED.

NO PARKING, STORAGE, FENCING, ETC. ALLOWED ON THE NCDOT RIGHT OF WAY.

NO SIGNAGE REQUIRING EQUIPMENT OR PERSONNEL CLOSER THAN 5' FROM THE OUTSIDE EDGE OF THE TRAVEL LANE SHALL REQUIRE A LANE CLOSURE IN ACCORDANCE WITH THE LATEST MUTCD. NO LANE CLOSURES BEFORE 8:30 AM OR AFTER 4:30 PM.

NO SIGNS OR OBSTRUCTIONS SHALL BE ERECTED OR MAINTAINED ON THE NCDOT RIGHT OF WAY.

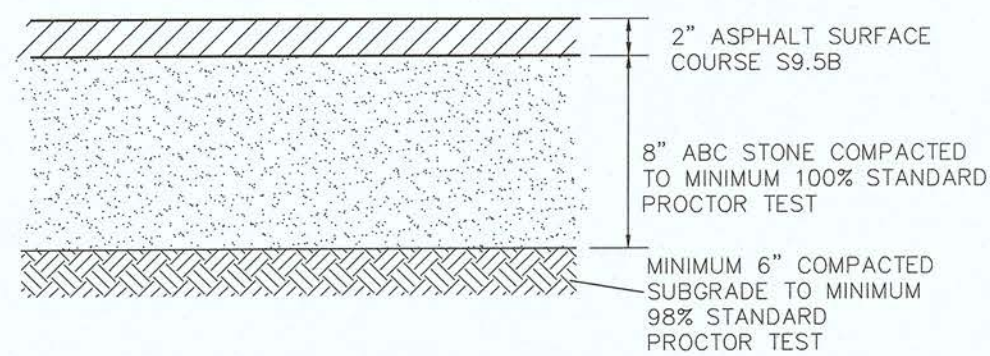
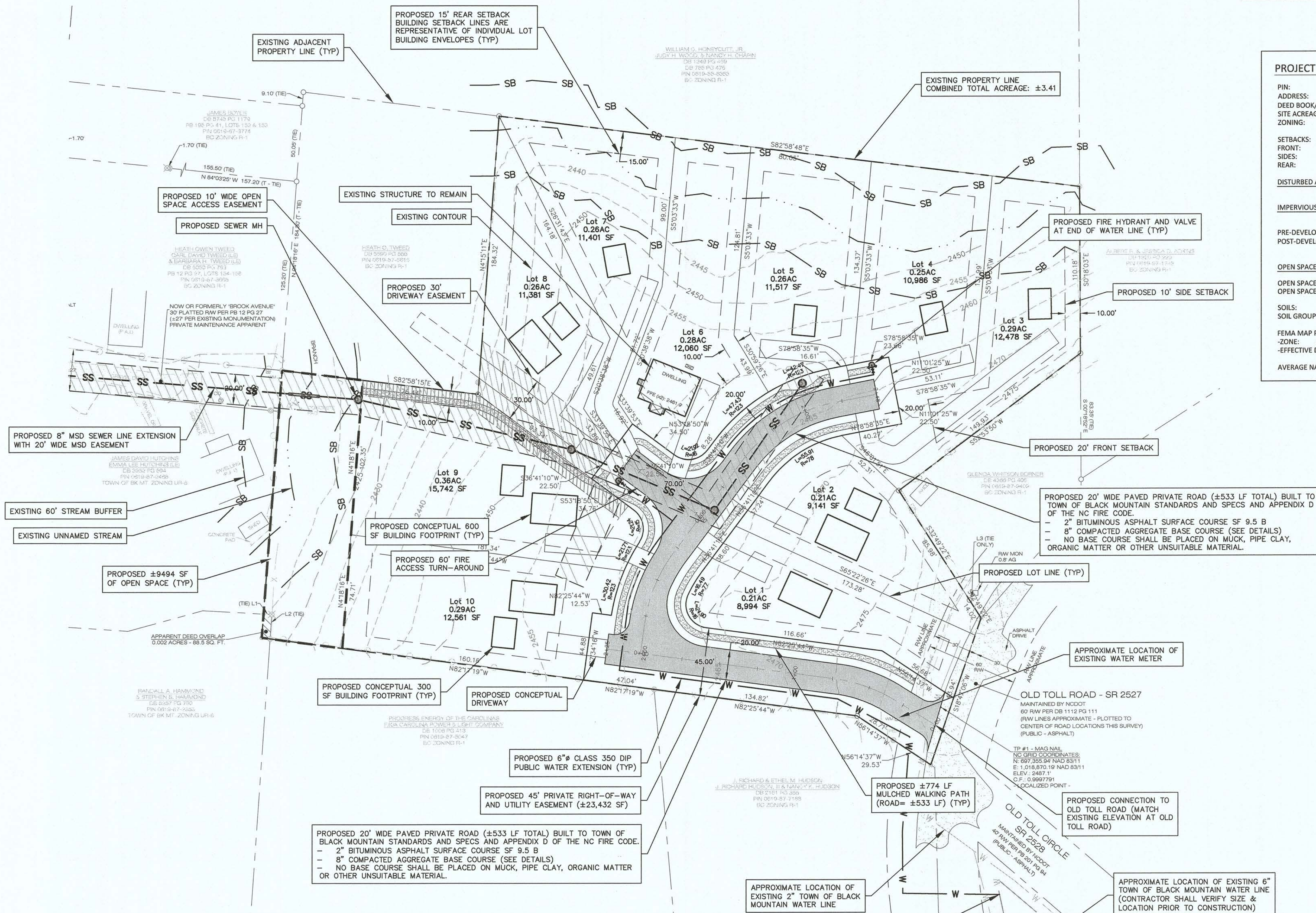
CONTRACTOR IS TO NOTIFY REPRESENTATIVES FROM NCDOT AND TOWN OF BLACK MOUNTAIN PRIOR TO ANY CONSTRUCTION BEGINS.

CONTRACTOR RESPONSIBLE FOR VERIFYING AND MANAGING ANY CONFLICTS AND/OR RELOCATION OF ANY EXISTING UTILITIES SUCH AS POWER, TELEPHONE, CABLE, FIBER OPTICS, AND GAS.

NO LOT OR PERMANENT CLOSURE TO THE PROPOSED ROAD OR EXISTING ROAD EXCEEDS 18%.

NO BASE COURSE SHALL BE PLACED ON MUCK, PIPE CLAY, ORGANIC MATTER OR OTHER UNSUITABLE MATTER, AND A MINIMUM COMPACTION RATE ON SUBGRADE SHALL BE 95% OF THE STANDARD SHALL NOT BE LESS THAN 95% BY STANDARD PROCTOR METHOD AND CERTIFIED BY A PROFESSIONAL ENGINEER.

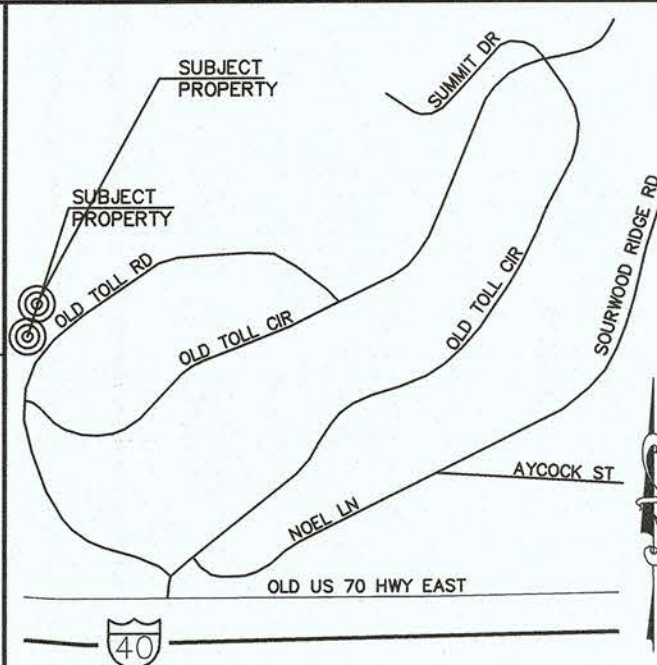
THERE ARE NO AREAS OF ROAD CONSTRUCTION IN AREAS OF EXCESS OF 30% NATURAL SLOPE OR AREAS OF HIGH GRADE OR MODERATE GRADE ON THE BUNCOMBE COUNTY STABILITY INDEX MAP FOR PHASE ONE.



(IN FEET)
1 inch = 40 ft.



Know what's **below**.
Call before you dig.

VICINITY MAP
(NOT TO SCALE)

PIN: 0619-87-6495, 0619-87-7613
ADDRESS: 201/207 OLD TOLL RD
DEED BOOK/PAGE: 1475/0264
SITE ACREAGE: 3.41 ACRES
ZONING: UR-8

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	0.24 ACRES (7%)	3.17 ACRES (93%)
POST-DEVELOPMENT:	0.65 ACRES (19%)	2.76 ACRES (81%)

OPEN SPACE REQUIRED: 7,427 SF
OPEN SPACE PROVIDED: 9,404 SF

SOILS: TaC Fa

SOIL GROUP: B B

-ZONE: X

Parcel Table		
PARCEL	AREA	ACRES
1	8993.94	0.21
2	9140.86	0.21
3	12478.49	0.29
4	10985.54	0.25
5	11516.94	0.26
6	12059.63	0.28
7	11400.55	0.26
8	11381.14	0.26
9	15742.00	0.36
10	12560.88	0.29

OLD TOLL ROAD SUBDIVISION
PRELIMINARY PLAT

A circular professional engineer seal for the State of North Carolina. The outer ring contains the text "NORTH CAROLINA" at the top and "MICHAEL D. LOYOY" at the bottom. Inside the ring, the words "PROFESSIONAL" and "ENGINEER" are written in a semi-circle. The center of the seal features the date "6-03-21" and the license number "SEAL 29938". A blue ink signature is written across the bottom half of the seal.

BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY

201 OLD TOLL ROAD
BLACK MOUNTAIN, NORTH CAROLINA 28711

1	INITIAL MSD SEWER SUBMITTAL	03-03-21
2	MSD REVISIONS PER COMMENTS DATED 04-06-21	05-13-21
3	SLOCH PLAN SUBMITTAL TO THE TOWN OF BLACK MOUNTAIN	05-13-21
4	PRELIMINARY PLAT SUBMITTAL TO THE TOWN OF BLACK MOUNTAIN	06-03-21
REVISION #	DESCRIPTION	DATE

PROJECT NO.:	20046
--------------	-------

DRAWN BY: BAH

DATE: 09-01-2020

TBM PROJECT NO.:	TBD
------------------	-----

MSD PROJECT NO.: 2020182

C2.0
SHEET

ACE.
Advantage Civil Engineering, PA
(828) 545-5393

MICHAEL LOVOY, P.E.
34 BIG BEAR TRAIL

MICHAEL LOVOY, P.E.
34 BIG BEAR TRAIL
ASHEVILLE, NC 28805
(828) 545-5393
mlovoy@aceasheville.com

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION PACKET

Sketch Plan Submittal Requirements:

- 7 – 11” x 17” plats (hard copy or digital) containing the following information:
 - The name of the subdivision and the proposed use and the name, address, and phone number of the owner
 - A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses
 - The boundaries of the tract
 - Total acreage of the tract and the portion to be subdivided
 - Location of significant features such as water courses, ponds, rock outcroppings or forest
 - Topography of five-foot intervals and the location of existing drainage or swales
 - Location of flood hazard areas from FIRM map
 - Location of existing or proposed utilities
 - Existing street and lot layout and dimensions, including rights-of-way
 - Proposed new lot layout and dimensions and any rights-of-way or driveways to be built
 - Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract
 - Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road
 - A statement from the Town of Black Mountain or City of Asheville Water Department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from Buncombe County Environmental Health must be included that the created lots have septic or are appropriate for septic systems.
- Completed Major Subdivision Application
- Affidavit of Ownership

Preliminary and Final Plat Submittal Requirements:

- 1 – 18” x 24” plat (hard copy and digital copy)
- 7 – 11” x 17” plats (hard copy and digital copy)
- Completed Checklist (hard copy and digital copy)

Review Process:

- Technical Review Committee (TRC) reviews sketch plan for development standard compliance (meets as necessary).
- Planning Board reviews sketch plan for development standards compliance (meets the 4th Monday of every month).
- Planning Board reviews preliminary plan for development standards compliance.
- Final plat is submitted to Subdivision Administrator for signature.
- **All plats will be processed and made available to the applicant within fifteen (15) business days.**

Checklist Information: X = information is required on pl

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

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Information	Preliminary Plat		Final Plat	
Title Block Containing:				
• Property title, PIN #, subdivision name or designation	X	[X]	X	[]
• Name of owner of record	X	[X]	X	[]
• Location (township, county, state)	X	[X]	X	[]
• Date(s) of survey and plat preparation	X	[X]	X	[]
• Name, address, registration number and seal of surveyor	X	[X]	X	[]
Drawn Streets:				
• Proposed streets and their linear feet	X	[X]	X	[]
• Connecting streets and platted streets on adjoining properties	X	[X]	X	[]
• Rights-of-way, location and dimensions	X	[X]	X	[]
• Approximate or final grades	X	[X]		[]
• Street Names	X	[X]	X	[]
Information and Location of Utilities:				
• Utility and other easements of record	X	[X]	X	[]
• Transmission lines	X	[X]		[]
• Natural gas lines	X	[X]		[]
• Sanitary sewers, location and size	X	[X]		[]
• Water lines, location and size	X	[X]		[]
• Stormwater facilities, either in place or proposed	X	[X]	X	[]
• Plans for individual water supply and sewerage disposal	X	[X]	X	[]
Site Features:				
• North Point	X	[X]	X	[]
• Graphic Scale	X	[X]	X	[]
• Vicinity Map	X	[X]		[]
• Existing buildings or other structures, railroads, bridges	X	[X]		[]
• Existing property lines to be subdivided or recombined	X	[X]	X	[]
• Exact lot lines, bearings, distances and lot/block nos.	X	[X]	X	[]
• Minimum building setback lines	X	[X]	X	[]
• Topography at 5' intervals, elevations, and slope calculations	X	[X]		[]
• Zoning classification of tract and adjoining property	X	[X]		[]
• Natural features	X	[X]		[]
• Exact location of floodplain, flood fringe, and floodway	X	[X]	X	[]
Site Calculations:				
• Acreage in total tract to be subdivided	X	[X]	X	[]
• Total number of lots	X	[X]	X	[]
• Area of each lot in square feet	X	[X]		[]

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION

Application Date: June 10, 2021 Zoning District: NMU-8 N S E W C

Owner Name: Lot 2 - Village Way Holdings Lot 1 - Ann Best, Thomas Wright, Bradley Best

Subdivision Name: Village Way

Property Location/Street: 103 Flat Creek Road

PIN #: Lot 2 - 0619-47-8797 & Lot 1- 0619-47-8992 Deed Book/Page: 211/164

Total Site Area: 87,019 SF square feet 2.0 acres

Max. Allowable Lot Density Standard: 8 Units Per Acre

Max # of Lots Allowable: 16 Proposed # of Lots: 10

Min. Allowable Lot Area: 5,446 SF Proposed Min. Lot Area: 5500 SF

Average Lot Area: 7073 SF

Min. Allowable Lot Width: 50 Ft. Proposed Min. Lot Width: 50 Ft.

Min. Open Space Area: 4,351 SF (5%) Proposed Open Space Area: 4,366 SF

Proposed Open Space Use: Greenway

Proposed Future Development Site Area: N/A

Proposed Impervious Surface Area: 16,744 SF

Proposed Impervious Surface Coverage (isa/site area x 100): 20 %

Site Area within Area of Special Flood Hazard Area: 2908 SF within Floodway: 100 Year

Slope of Site: 1%

Names of Access Street(s) and Number of Access Points along Each:

Name of Access or Adjacent Street	Right-of-Way Width (ft)	Pavement Width (ft)	No. of Lanes	Traffic Volume	Est. Traffic Generated
Flat Creek Road	45	20	2	N/A	N/A
Village Way	30	12	1	N/A	N/A

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Owner Names: Village Way Holdings, A. Best, T. Wright, B. Best **Phone:** (828) 989-5636

Address: 144 Rabbit Ridge Road **City:** Fletcher **State:** NC **Zip:** 28732

Email Address: villagewayholdings@gmail.com **Mobile #:** (828) 989-5636

Developer: Village Way Holdings **Phone:** (828) 989-5636

Address: 144 Rabbit Ridge Road **City:** Fletcher **State:** NC **Zip:** 28732

Email Address: villagewayholdings@gmail.com **Mobile #:** (828) 989-5636

Engineer/Consultant: John Kinnaird **Phone:** (828) 232-4700

Address: 15 Arlington Street **City:** Asheville **State:** NC **Zip:** 28801

Email Address: jkinnaird@brooksea.com **Mobile #:** (828) 545-9569

Registered Surveyor: Don Blankenship - High Country Surveyors **Phone:** (828) 665-0091

Address: 403-B West State Street **City:** Black Mountain **State:** NC **Zip:** 28711

Email Address: don@highcountrysurveyors.net **Mobile #:** N/A

As owner, developer, agent, or engineer of this property, it is requested that the proposed subdivision, as described within this application, be given approval by the Town of Black Mountain Planning Board in accordance with the Town of Black Mountain Subdivision Ordinances. I, Jacob DiSabatino, hereby certify that I have legal authority to submit this application for subdivision and I enclose the required application materials listed herein.

 06/10/2021
Signature Date

FOR OFFICE USE ONLY

Plat Review Fees: \$375.00 **Date Paid:** _____ **Payment:** _____

Project Number: _____ **Entry by:** _____ **Date:** _____

Plat Approval Date: _____ **Plat Book/Page:** _____

Subdivision Administrator Date

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

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

OWNER AFFIDAVIT

THE UNDERSIGNED, being first duly sworn, deposes and says:

1. That he/she is the owner of that real property located at 103 Flat Creek Rd.
Lot 2, in the Town of Black Mountain, which property is shown on the tax
maps for Buncombe County as PIN# 0619478797.

2. That as the owner of the described property he:

X

Is applying for subdivision approval.

Is authorizing _____ to apply for
subdivision approval.

This the 7th day of June, 2021

Property Owner (individual)

OR

Village Way Holdings

Property Owner (entity)

By: Jacob M. Disabatino

Jacob M. Disabatino

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

OWNER AFFIDAVIT

THE UNDERSIGNED, being first duly sworn, deposes and says:

1. That he/she is the owner of that real property located at 103 Flat Creek Rd.
Lot 1, in the Town of Black Mountain, which property is shown on the tax
maps for Buncombe County as PIN# 0619478992.

2. That as the owner of the described property he:

 Is applying for subdivision approval.

 X Is authorizing Village Way Holdings to apply for
subdivision approval.

This the 7th day of June, 2021

DocuSigned by:

Ann Best

73C4C0578180434...

- Ann Best

Property Owner (individual)

OR

Property Owner (entity)

By: _____

SINGLE FAMILY DEVELOPMENT

TOWN OF BLACK MOUNTAIN

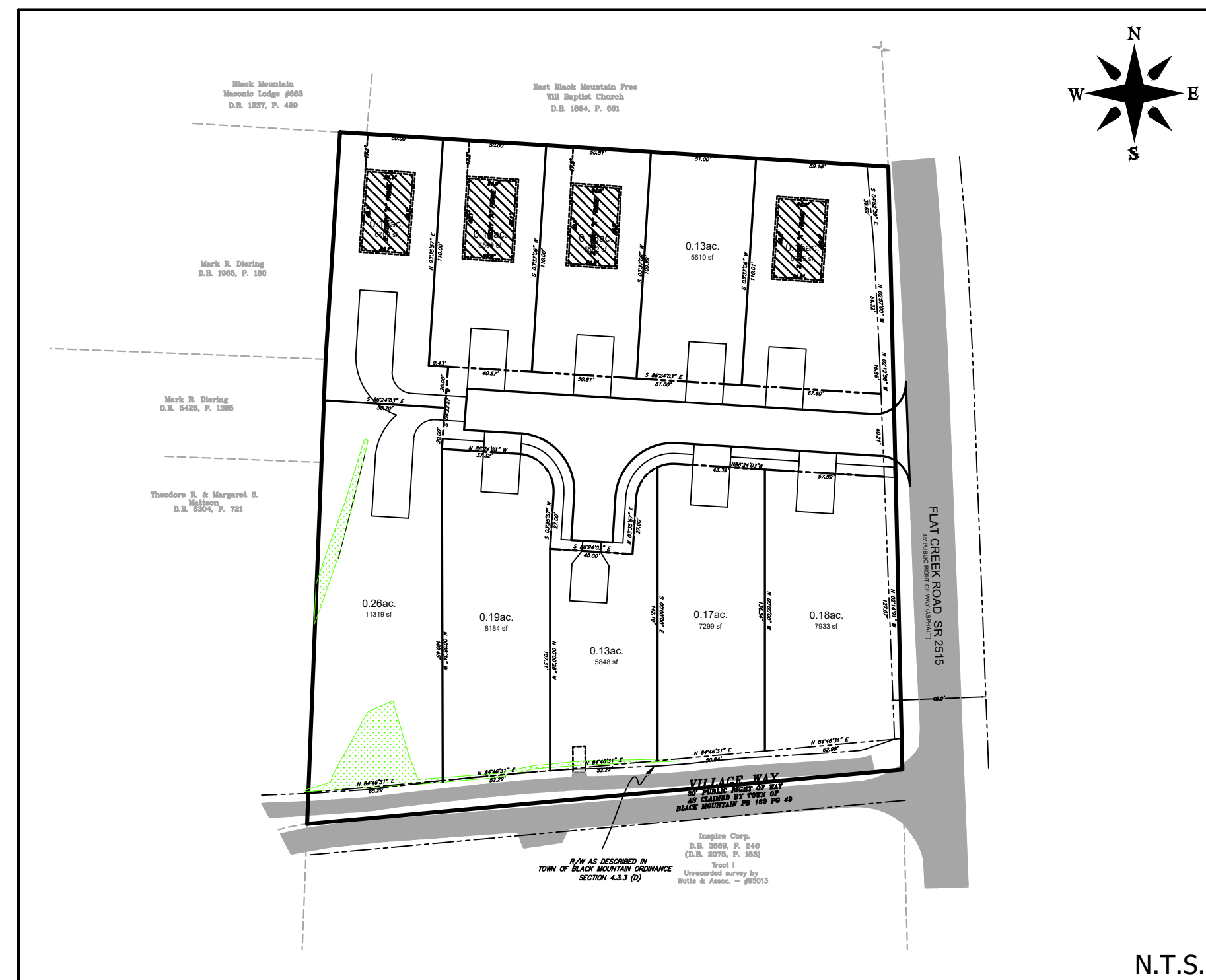
PROJECT MAP

CONTACTS

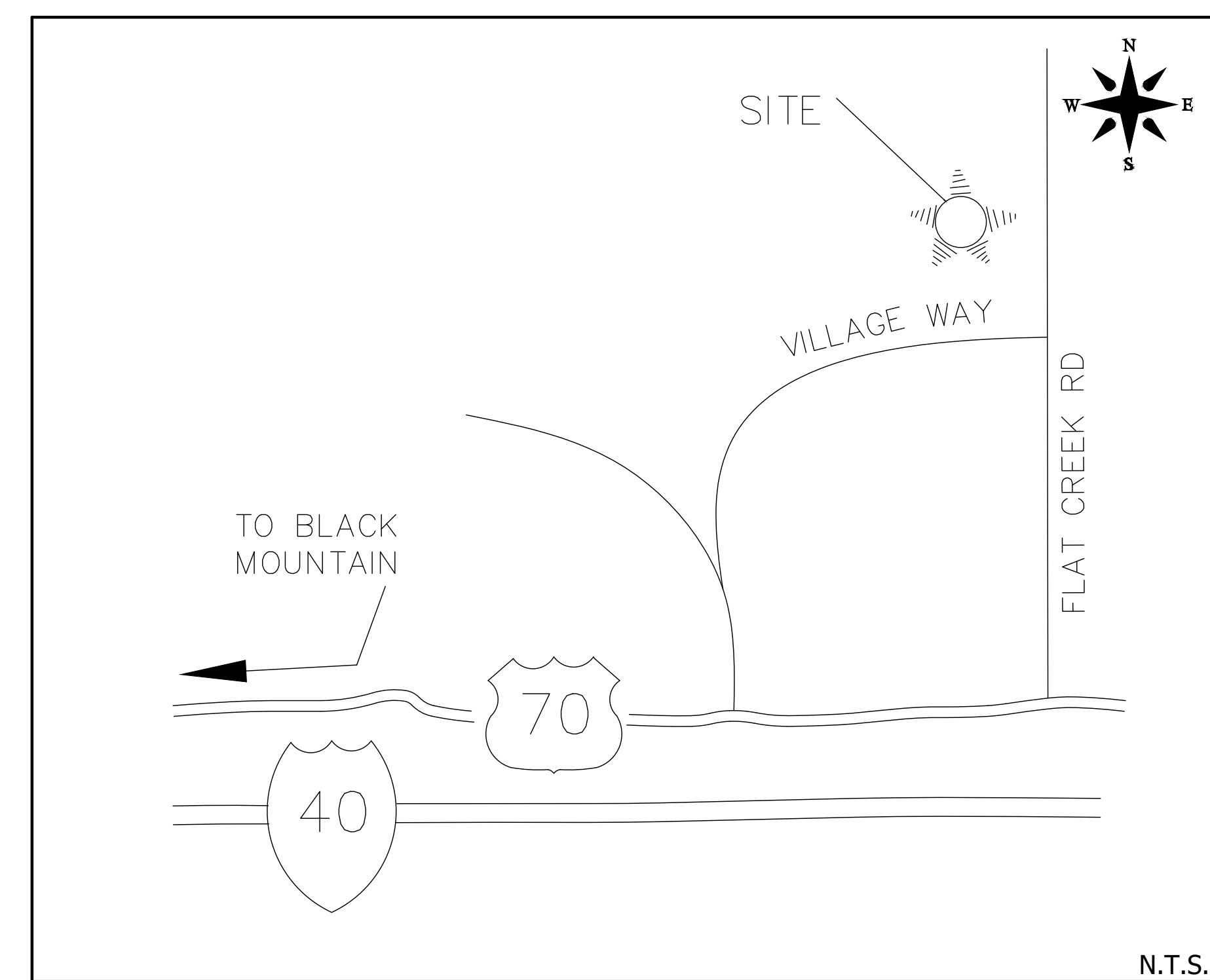
1. PROJECT ADDRESS: 103 FLAT CREEK ROAD
2. TOTAL ACREAGE: 2.0 AC
3. ZONING: TOWN OF BLACK MOUNTAIN
4. PROJECT PIN NUMBER(S): 0619-47-8797 & 0619-47-8992
5. EXISTING TOPO INFO SHOWN WAS PROVIDED BY: HIGH COUNTRY SURVEYORS, INC
6. EXISTING BOUNDARY INFO PROVIDED BY: HIGH COUNTRY SURVEYORS, INC
7. FEMA FLOOD PANEL: 3710061900J 01/06/2010
8. RECEIVING STREAM: FLAT CREEK
9. SOIL TYPE(S): DrB, IoA, Ud, UfB, Ux
10. DEED BOOK / PAGE: 5959/0421 PB 211/0164
11. LATITUDE / LONGITUDE: 35.622179, -82.315323
12. DISTURBED ACREAGE: ----
13. EROSION CONTROL REVIEW: BUNCOMBE COUNTY
14. STORMWATER MANAGEMENT REVIEW: TOWN OF BLACK MOUNTAIN

1. CONTRACTOR SHALL PROTECT ADJACENT PROPERTIES, THE GENERAL PUBLIC, AND ALL OF THE OWNER'S FACILITIES AND SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGES WHICH OCCUR DURING CONSTRUCTION.
2. LOCATION OF ALL EXISTING UTILITIES, AS SHOWN HEREON, ARE APPROXIMATE ONLY. NO GUARANTEE IS MADE OR IMPLIED BY THE LOCATION REFLECTED IN THE PLANS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE TYPE, SIZE AND LOCATION OF ALL UTILITIES AND OTHER FEATURES WHICH MAY AFFECT CONSTRUCTION OR THE INTENDED FUNCTION OF THE DESIGN. CONTRACTOR SHALL NOTIFY DESIGNER PRIOR TO CONSTRUCTION IF EXISTING CONDITIONS DIFFER FROM THAT INDICATED IN THE PLANS.
3. NO STREAM OR WETLAND DISTURBANCE SHALL OCCUR WITHOUT AN ARMY CORPS OF ENGINEERS PERMIT.
4. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND DISTURBING ACTIVITIES.
5. ANY EXCESS CUT MATERIAL DEVELOPED IN THE CONSTRUCTION OF THIS SITE SHALL BE DISPOSED OF IN AN APPROPRIATELY PERMITTED SPOIL SITE. CONTRACTOR TO PROVIDE PROOF OF PERMITS PRIOR TO CONSTRUCTION.
6. ANY ALTERATION TO THE PLANS MUST BE APPROVED BY THE PROJECT ENGINEER, OR APPROPRIATE AGENCY PRIOR TO THE COMMENCEMENT OF WORK.
7. THE CONTRACTOR SHALL OBTAIN, AND PAY FOR, PRIOR TO BEGINNING ANY WORK, ALL PERMITS AND LICENSES NECESSARY TO ACCOMPLISH THE WORK.
8. CONTRACTOR(S) SHALL BE RESPONSIBLE FOR ADEQUATE SUPERVISION TO PREVENT DAMAGE AND MOVEMENT FROM EQUIPMENT WORKING AROUND CONSTRUCTION STAKES. THESE CONSTRUCTION STAKES SHALL REMAIN IN PLACE AND BE PROTECTED UNTIL OWNER APPROVES THEIR REMOVAL. ANY STAKES THAT HAVE BEEN DISPLACED AS A RESULT OF CONSTRUCTION ACTIVITY ARE TO BE REPLACED BY A LICENSED LAND SURVEYOR ENGAGED BY THE CONTRACTOR AT NO COST TO THE OWNER.
9. THE ENGINEER WILL NOT BE CONTINUOUSLY PRESENT IN THE FIELD. IT IS SPECIFICALLY UNDERSTOOD THAT HE DOES NOT UNDERTAKE NOR ASSUME ANY OBLIGATION FOR SUPERVISION OF CONSTRUCTION, SAFETY MEASURES TAKEN DURING THE COURSE OF CONSTRUCTION, RESPONSIBILITY FOR SCHEDULING THE WORK FOR INSURING COMPLETE COMPLIANCE WITH THE CONTRACT DOCUMENTS AND/OR ALL CODE REQUIREMENTS, RULES AND REGULATION OF ANY PUBLIC OR PRIVATE AUTHORITY HAVING JURISDICTION OVER THE WHOLE OR ANY PART OF THE WORK. IN ADDITION, THE ENGINEER NEITHER UNDERTAKES, ASSUMES, NOR GUARANTEES THE WORK AND/OR PERFORMANCE OF THE CONTRACTOR.

1. NO CONSTRUCTION SHALL COMMENCE PRIOR TO A PRECONSTRUCTION MEETING WITH THE OWNER, THE CONTRACTOR, THE ENGINEER, AND A REPRESENTATIVE OF BUNCOMBE COUNTY.
2. ALL SHOP DRAWINGS SHALL BE SUBMITTED AT OR PRIOR TO THE PRECONSTRUCTION MEETING.
3. ENGINEER TO BE CALLED FOR PERIODIC INSPECTIONS.
4. CALL ENGINEERING PRIOR TO COVERING UNDERGROUND STRUCTURES FOR FINAL INSPECTIONS.
5. REFER TO MANUFACTURER'S SPECIFICATION MANUAL AND STATE AND LOCAL STANDARDS FOR ADDITIONAL REQUIREMENTS AND STANDARDS.



VICINITY MAP



VILLAGE WAY HOLDINGS, LLC

JAKE DISABATINO
144 RABBIT RIDGE RD
FLETCHER, NC
(828) 989-5636
villagewayholdings@gmail.com

VILLAGE WAY HOLDINGS, LLC

JAKE DISABATINO
144 RABBIT RIDGE RD
FLETCHER, NC 28732
(828) 989-5636
villagewayholdings@gmail.com

BROOKS ENGINEERING ASSOCIATES, PA

JOHN KINNAIRD
17 ARLINGTON STREET
ASHEVILLE, NC 28801
828-232-4700
jkinnaird@brooksea.com

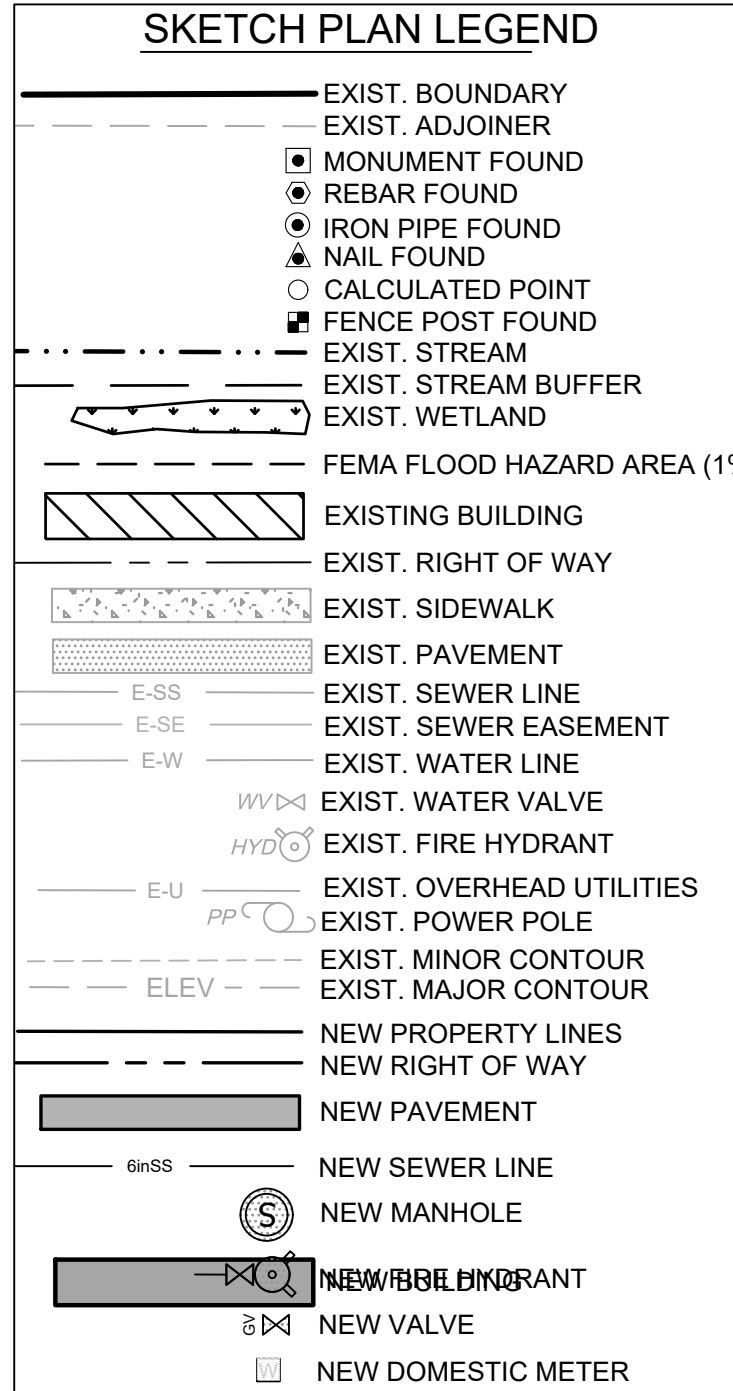
HIGH COUNTRY SURVEYORS, INC

DON BLANKENSHIP
(828) 664-0091
don@highcountrysurveyors.net

SHEET INDEX

[illegible]

Project No: 522820		VILLAGE WAY FLAT CREEK RD			Designed: JHK Drawn: MEH Checked: JHK	Reviewed: MCB Scale: AS NOTED Date: 06-09-21				No. 1 2 <
-----------------------	--	---------------------------	--	---	--	---	---	--	--	--



ZONING NOTES

EXISTING PROPERTY : 2.0 ACRES
MINIMUM LOT SIZE: 5,446 SF (0.125 ACRE)
AVERAGE LOT SIZE: 7073 SF (0.16 ACRE)
FLOOD HAZARD AREA: 1735 SF (0.04 ACRE)
MINIMUM LOT WIDTH: 50'
SETBACKS
FRONT: 25'
SIDE: 10'
FRONT: 10'
SLOPE OF SITE: 1% GRADE
MINIMUM OPEN SPACE: 4351 SF -5%
OPEN SPACE PROVIDED: 4366 SF -5%

EXISTING IMPERVIOUS

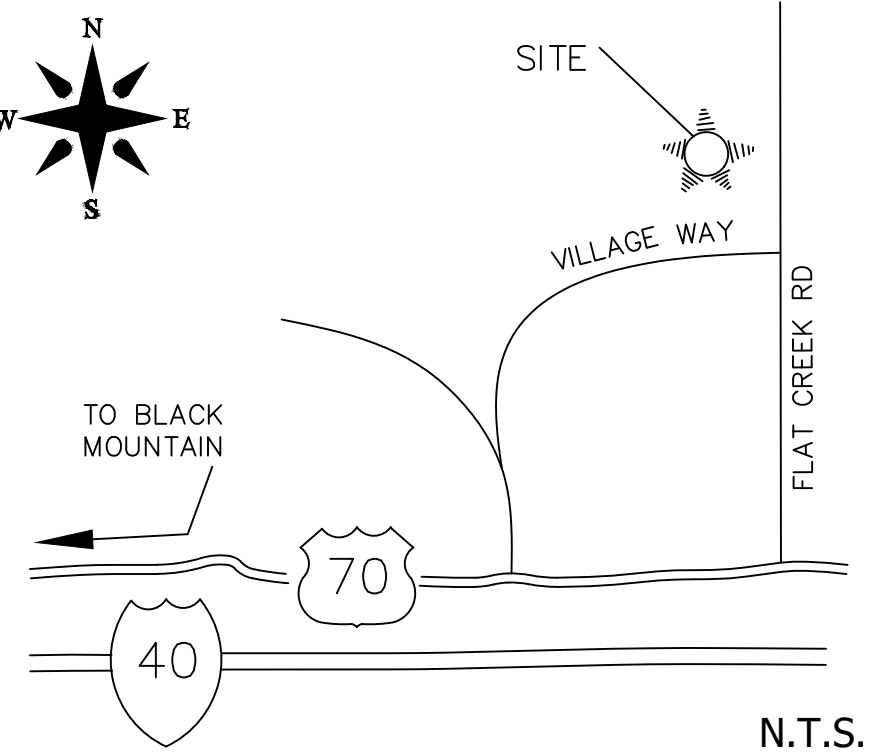
SITE COVERAGE	SQ. FT.	PERCENTAGE
BUILDINGS :	3673	4%
CONCRETE :	351	0.4%
GRAVEL :	4848	6%
TOTAL IMPERVIOUS	8872	10%
TOTAL PROJECT AREA :	87019	100%
OPEN SPACE :	78147	90%

PROPOSED IMPERVIOUS

SITE COVERAGE	SQ. FT.	PERCENTAGE
BUILDINGS :	4377	5%
ASPHALT :	5727	6.5%
CONCRETE :	7510	8.5%
TOTAL IMPERVIOUS	17614	20%
TOTAL PROJECT AREA :	87019	100%
OPEN SPACE :	69405	80%

TOTAL IMPERVIOUS CHANGE 8742 SF 10%

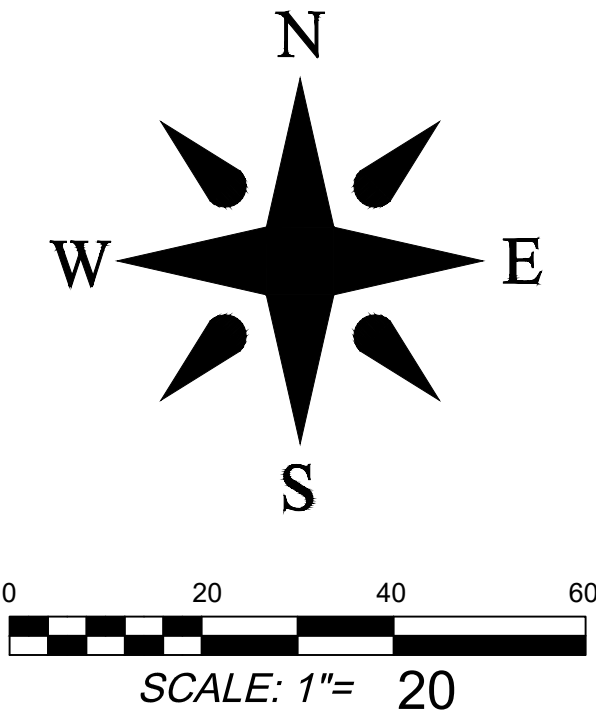
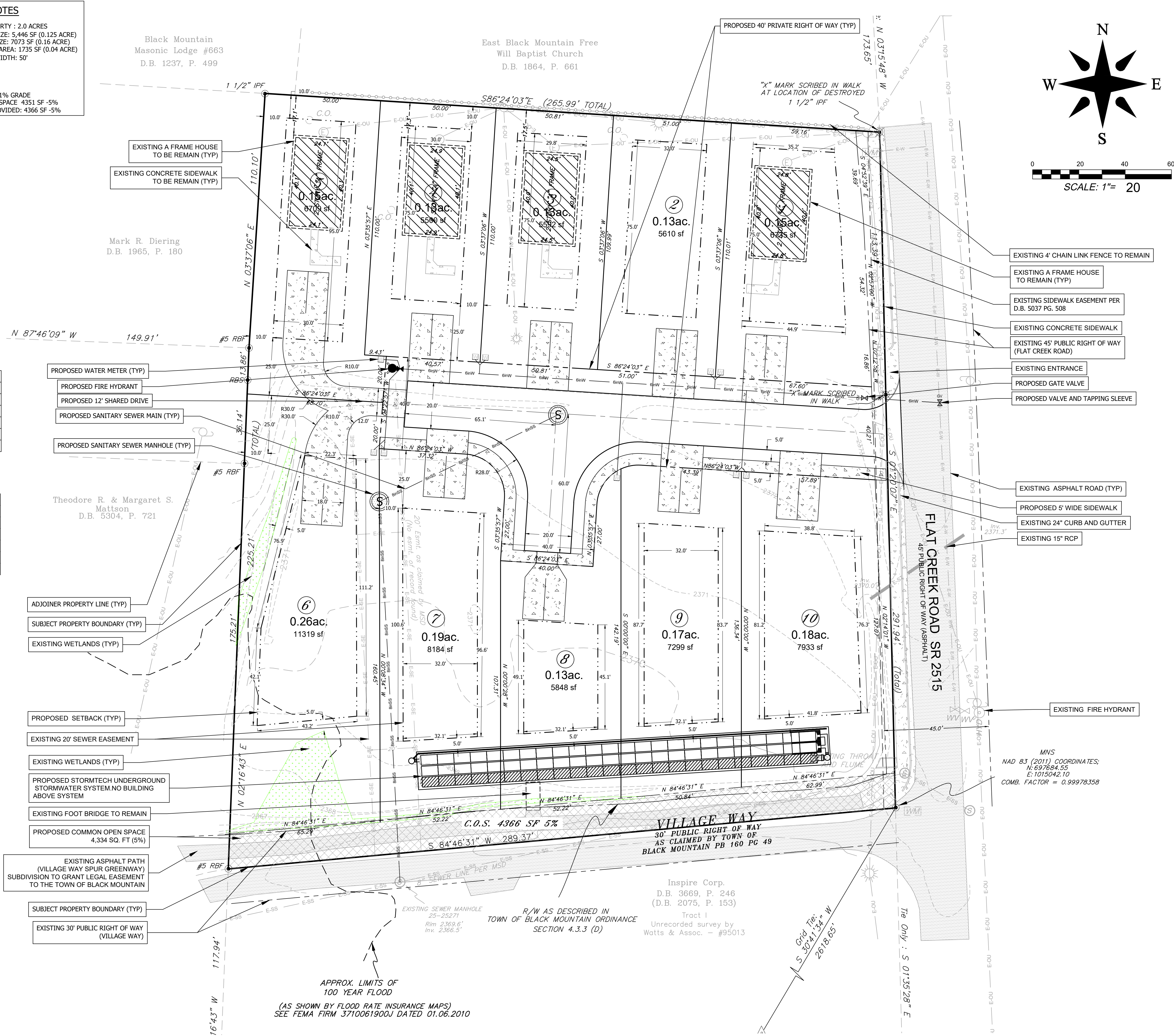
VICINITY MAP



N.T.S.

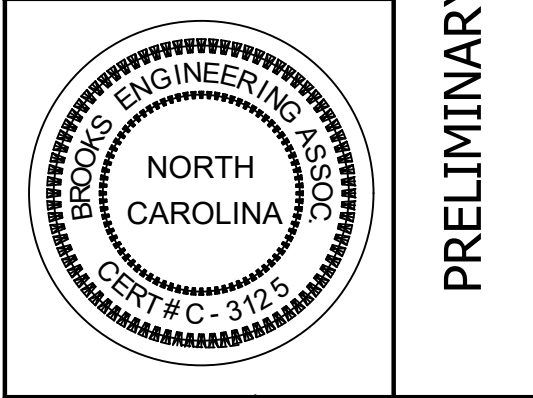
DEVELOPMENT DATA

PROPERTY ADDRESS: 103 FLAT CREEK ROAD
PIN NUMBER: 0619-47-8797 & 0619-47-8992
PROPERTY SIZE: 2.0 AC
ZONING REVIEW: TOWN OF BLACK MOUNTAIN
EROSION CONTROL REVIEW: BUNCOMBE COUNTY
STORMWATER REVIEW: TOWN OF BLACK MOUNTAIN
ZONING CLASSIFICATION: NMU-8 Neighborhood mixed use
PROPOSED NUMBER OF UNITS: 10
PROPOSED DENSITY: 5 units / acre
OPEN SPACE PROVIDED: 4366 SF - 5%
PROPOSED LINEAR FEET OF ROAD: 270'
PROPERTY OWNER: VILLAGE WAY HOLDINGS, LLC
CONTACT: JAKE DISABATINO
ADDRESS: 144 RABBIT RIDGE RD
ADDRESS 2: FLETCHER, NC 28732
EMAIL: VILLAGWAYHOLDINGS@GMAIL.COM
PHONE: (828) 989-5636
DEVELOPER: VILLAGE WAY HOLDINGS, LLC
CONTACT: JAKE DISABATINO
ADDRESS: 144 RABBIT RIDGE RD
ADDRESS 2: FLETCHER, NC
EMAIL: VILLAGWAYHOLDINGS@GMAIL.COM
PHONE: (828) 989-5636
ENGINEER: BROOKS ENGINEERING
CONTACT: JOHN KINNAIRD
ADDRESS: 17 ARLINGTON ST
ADDRESS 2: ASHEVILLE, NC 28801
EMAIL: JKINNAIRD@BROOKSEA.COM
PHONE: 828-232-4700

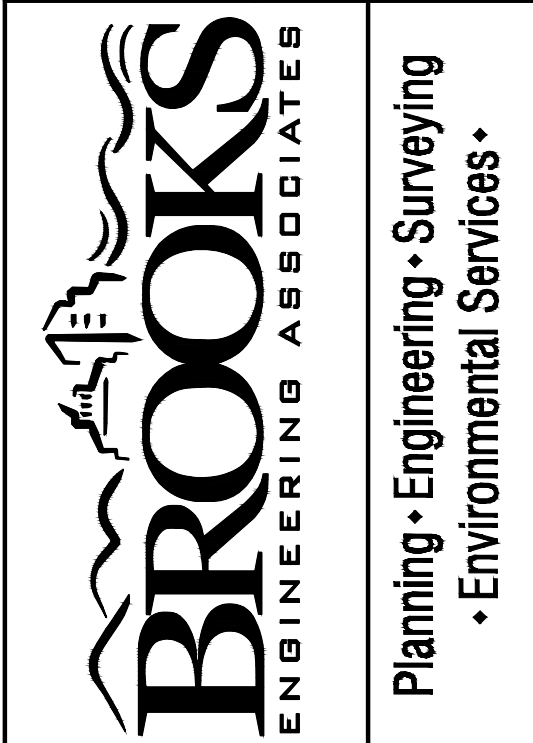


Date	REVISIONS/SUBMISSIONS
06/09/21	1 SKETCH PLAN TO BLACK MOUNTAIN
07/06/21	2 PRELIMINARY PLAT TO BLACK MOUNTAIN

No.	1	2
1	SKETCH PLAN TO BLACK MOUNTAIN	PRELIMINARY PLAT TO BLACK MOUNTAIN



Designed:	JHK	Reviewed:	MCB
Drawn:	MEH	Scale:	AS NOTED
Checked:	JHK	Date:	06-09-21
17 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brooksea.com			

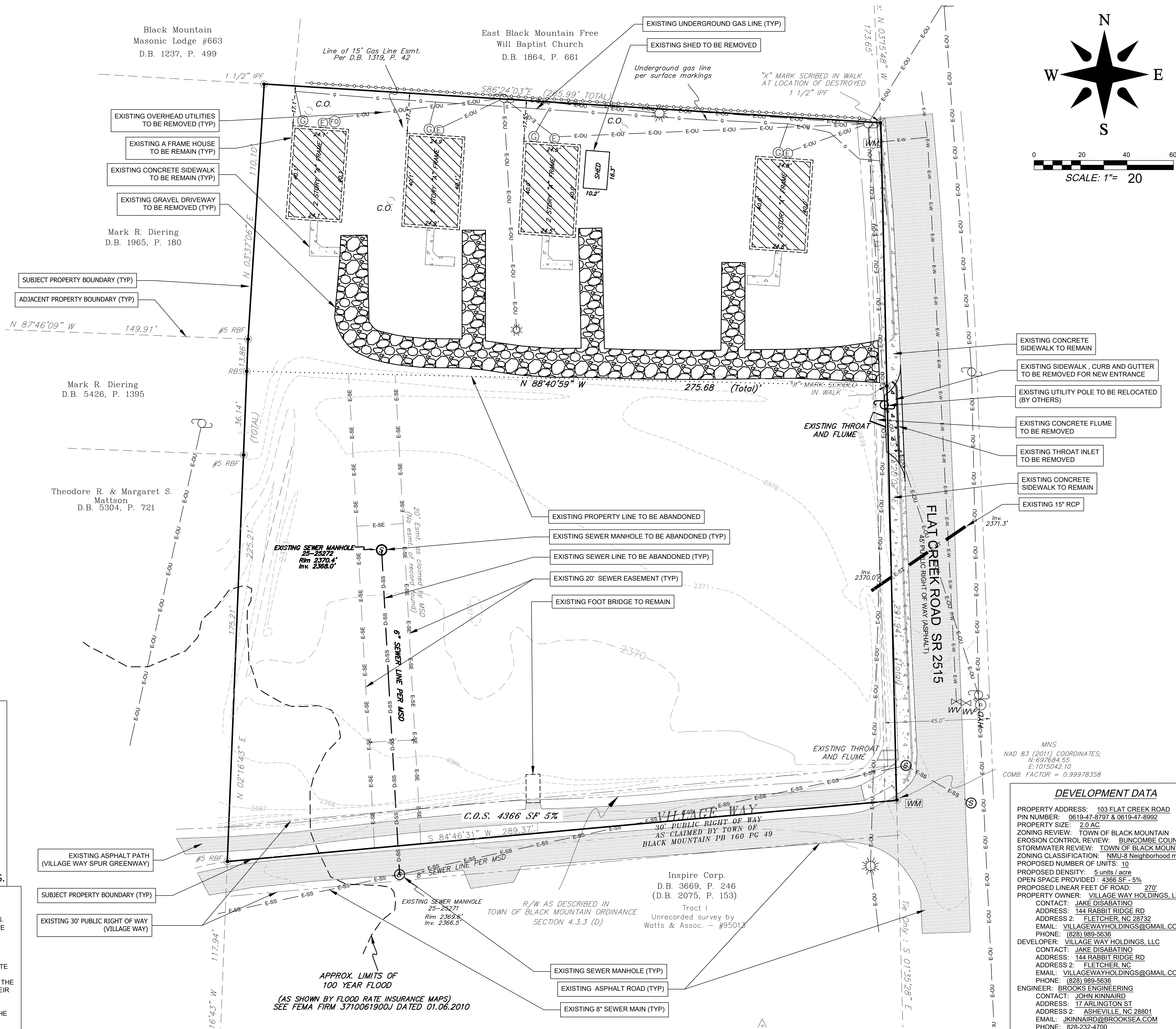


Project No:	522820	C-1.0
Drawing Title:	PRELIMINARY PLAT	

	EXIST. BOUNDARY
	EXIST. ADJOINER
	MONUMENT FOUND
	REBAR FOUND
	IRON PIPE FOUND
	NAIL FOUND
	CALCULATED POINT
	FENCE POST FOUND
	EXIST. STREAM
	EXIST. STREAM BUFFER
	EXIST. WETLAND
	FEMA FLOOD HAZARD AREA (1%)
	EXIST. RIGHT OF WAY
	EXIST. EASEMENT
	EXISTING BUILDING
	EXISTING GRAVEL ROAD
	EXISTING PAVEMENT
	EXIST. EDGE OF PAVING
	EXIST. MANHOLE
	EXIST. SANITARY SEWER
	EXIST. SEWER CLEAN OUT
	EXIST. WATER LINE
	EXIST. WATER METER
	EXIST. FIRE HYDRANT
	EXIST. WATER VALVE
	EXIST. OVERHEAD UTILITIES
	EXIST. POLE POLE
	EXIST. UNDERGROUND UTILITIES
	EXIST. STORM DRAIN
	EXIST. CATCH BASIN
	EXIST. JUNCTION BOX
	EXIST. DROP INLET
	EXIST. MINOR CONTOUR
	EXIST. MAJOR CONTOUR
	ABANDON EASEMENT
	DEMO BUILDING
	DEMO CONCRETE
	DEMO PAVEMENT
	DEMO GRAVEL
	DEMO CURB
	D-SS DEMO SANITARY SEWER
	D-W DEMO WATER LINE
	D-U DEMO OTHER UTILITIES
	D-ST DEMO STORM DRAIN
	EXIST. FENCE

EXISTING PROPERTY : 2.0 ACRES
MINIMUM LOT SIZE: 5,446 SF (1/8 ACRE)
MINIMUM LOT WIDTH: 50'
SETBACKS
FRONT: 25'
SIDE: 10'
FRONT: 10'

1. CONTRACTOR TO ACQUIRE ALL NECESSARY PERMITS FOR THE DEMOLITION OF BUILDINGS AND EXISTING SITE IMPROVEMENTS. NO WORK SHALL COMMENCE UNTIL THE PROPER PERMITS HAVE BEEN ACQUIRED.
2. CONTRACTOR SHALL NOTIFY APPROPRIATE UTILITY LOCATION SERVICE FOR THIS AREA AND HAVE THE EXISTING UTILITIES LOCATED PRIOR TO BEGINNING WORK.
3. ALL DEMOLITION MATERIALS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN AN APPROPRIATE MANNER.
4. CONTRACTOR TO COORDINATE ANY UTILITY DEMOLITION WITH THE APPROPRIATE UTILITY PROVIDER AND DEMO UTILITIES PER THEIR SPECIFICATIONS AND STANDARDS.
5. EXCESS EXCAVATION TO BE USED A LATER DATE SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DETERMINED BY THE OWNER, AND STABILIZED WITH PERMANENT SEEDING.



Project No: 522820		VILLAGE WAY FLAT CREEK RD SINGLE FAMILY DEVELOPMENT TOWN OF BLACK MOUNTAIN NORTH CAROLINA				Designed: JHK Drawn: MEH Checked: JHK Reviewed: MCB Scale: AS NOTED Date: 06-09-21		17 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brookssea.com		No. 1 2 3 4 5 6 7 8 9 10 11 12		REVISIONS/SUBMISSIONS SKETCH PLAN TO BLACK MOUNTAIN PRELIMINARY PLAT TO BLACK MOUNTAIN 06/09/21 07/06/21		Date 06/09/21 07/06/21	
Drawing Title: EXISTING CONDITIONS / DEMO PLAN				Planning • Engineering • Surveying • Environmental Services •								PRELIMINARY DRAWINGS			



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: July 26, 2021

To: Black Mountain Planning Board

From: Planning Staff

RE: North End of Alexander Street Alleyway Closure Request

Please find pertinent information attached.

Summary:

Residents along Alexander and Penelope Street have filed a petition to close the North end of Alexander Street where the road is unimproved. The properties that abut the street are 36 & 37 Alexander Street and 51 & 57 Penelope Street.

Definitions:

The land use defines the following terms:

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

Adjacent: Either abutting or being directly across a street.

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

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

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

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

Does not apply.

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

Gregg & Mary Bartlett Jellison submitted a petition for an alleyway closing request on June 30, 2021. The petition was signed by Elizabeth & Gary Hamlin, owners of 51 Penelope Street, Carolyn Morris, owner of 37 Alexander Street, Lindsay Jellison Barnwell, owner of 57 Penelope Street, and Gregg & Mary Bartlett Jellison, owners of 59 Penelope Street. The Jellison's submitted their payment of \$300.00 for the petition. A copy of the petition is attached.

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

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way (if any utilities, etc.), information on possible future uses from any of the town's adopted plans, and comments from the fire department and place the issue on the next planning board agenda, if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.
 - *The requested alleyway closure for Alexander St is approximately 150' in length and 40' wide per a survey recorded in Plat Book 0198, Page 0051 and per Buncombe County GIS (map attached).*
 - *The alleyway currently contains trees and fencing in the portion being requested to close.*
 - *The alleyway does not contain any sewer lines or water lines (maps of both are attached).*
3. Notice of the request and pursuant review of the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.

Notice was sent to all property owners abutting the alleyway on July 12, 2021 by first class mail. A copy of the notice and a list of property owners is attached.

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

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

- (b) Alleyway is not necessary for current or future utilities.

There are no utilities located in the sections proposed for closure.

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

The alleyway does not pose any hazard to public health, safety or welfare.

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

There are no drainage areas or stormwater plans or systems along or in the alleyway.

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

The alleyway is not identified on the Pedestrian Master Plan or Greenway Master Plan for any type of access.

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

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

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

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

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

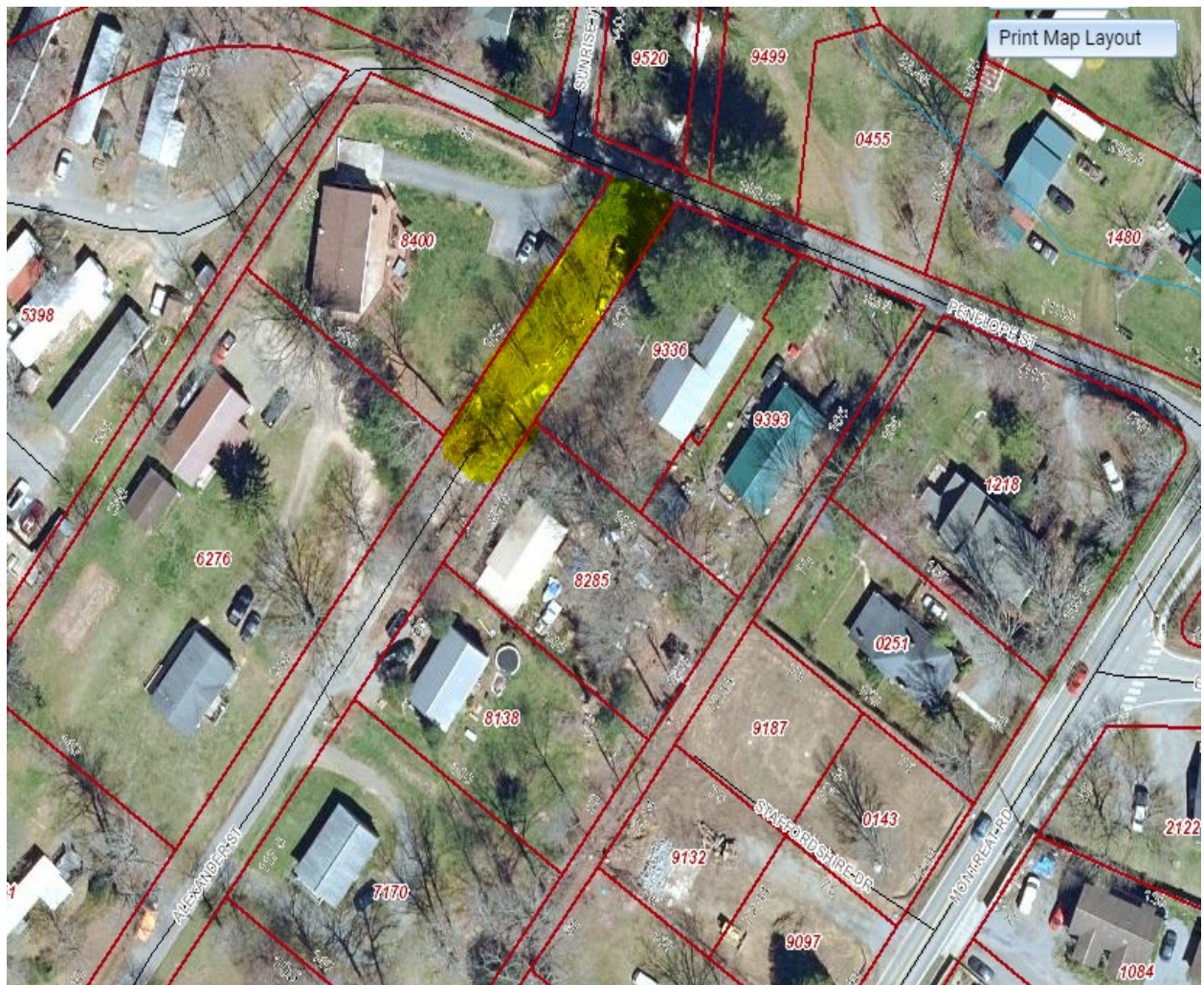
If the planning board recommends the closure, then the next step would be a call for public hearing.

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

Staff will take care of this portion.

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

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



Highlighted portion is section being proposed for closure.

Town of Black Mountain
North Carolina

Date: June 25, 2021

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

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

The north end of Alexander Street,
section is unimproved and 35 Feet wide
and at least 127 Feet long

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

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

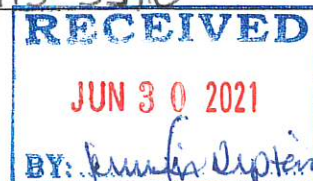
<u>NAME</u>	<u>ADDRESS</u>
<u>Don H. L. Gary Hamblin</u>	<u>51 Penelope St Black Mt 28711</u>
<u>Carolyn Morris</u>	<u>37 Alexander Street - Black Mt 28711</u>
<u>Lindsay Jellison Bannell</u>	<u>57 Penelope St Black Mt 28711</u>
<u>Gregg + Mary Bartlett Jellison</u>	<u>59 Penelope St Black Mt 28711</u>

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

Witness our signatures the day and year first above written.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
<u>Don H. L. Gary Hamblin</u>	<u>51 Penelope St Black Mt NC 28711</u>	<u>828-251-9102</u>
<u>Carolyn Morris</u>	<u>37 Alexander St. Black Mt NC 28711</u>	<u>828-669-8308</u>
<u>Lindsay Jellison Bannell</u>	<u>57 Penelope St Black Mt NC</u>	<u>828-777-5987</u>
<u>Gregg Jellison</u>	<u>59 Penelope St Black Mt 28711</u>	<u>828-713-5356</u>
<u>Mary Bartlett Jellison</u>	<u>59 Penelope St Black Mt 28711</u>	<u>828-713-5310</u>

#300 po 01/30/21
check #072804



[illegible]

1:1,128



<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>PIN #</u>
Gary E Hamlin; Elizabeth A Hamlin	51 Penelope Street	Black Mountain	NC	28711	0710-31-8400
Walter J Ballew; Christie R Ballew	36 Alexander Street	Black Mountain	NC	28711	0710-31-6276
Gary Hamlin	51 Penelope Street	Black Mountain	NC	28711	0710-31-5151
Paul M Hadley; Samantha L Hadley	20 Alexander Street	Black Mountain	NC	28711	0710-31-4092
Thelma W Dotson	PO Box 514	Black Mountain	NC	28711	0710-30-4924
Michael P Riley; Amanda W Riley	10 Alexander Street	Black Mountain	NC	28711	0710-30-3878
Michael P Riley; Amanda W Riley	10 Alexander Street	Black Mountain	NC	28711	0710-30-3832
Janice M Poret	16 W Cotton Avenue	Black Mountain	NC	28711	0710-30-2775
Jeffrey Dono; Elisabeth Sabol-Dono	611 18th Ave N	Lake Worth	FL	33460	0710-30-1599
D D P Investments LLC	1086 Old US Hwy 70	Black Mountain	NC	28711	0710-30-1502
James F McKimpson; Janet I McKimpson	15 Lake Avenue	Black Mountain	NC	28711	0710-30-4570
D D P Investments LLC	1086 Old US Hwy 70	Black Mountain	NC	28711	0710-30-1483
Breckany T Eckhardt	1547 Fountain Ridge Rd	Chapel Hill	NC	27517	0710-30-2582
Penny R Rose	12 W Cotton Avenue	Black Mountain	NC	28711	0710-30-3696
Barbara W Cordts; Bernhard Cordts III	24 Wandering Ridge Dr	Black Mountain	NC	28711	0710-30-4783
Barbara W Cordts; Bernhard Cordts III	24 Wandering Ridge Dr	Black Mountain	NC	28711	0710-30-5728
Joan F Miller	1910 Nottingham Dr	Florence	SC	29505	0710-30-5858
Marilyn K Raper	PO Box 1522	Asheville	NC	28802	0710-31-6071
Walter H Morris	12 Concourse Dr., Apt. F	Jupiter	FL	33469	0710-31-7170
William Mark Benison	513 Old Mars Hill Hwy	Weaverville	NC	28787	0710-31-8138
Jerry L Morris; Carolyn Morris	37 Alexander Street	Black Mountain	NC	28711	0710-31-8285
Lindsay Marie Jellison	85 Amywood Lane	Mills River	NC	28759	0710-31-9336



**Town of Black Mountain
Planning & Development**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

July 15, 2021

Dear Owner,

This correspondence is to notify you that a property owner has initiated a petition to close a portion of the unopened right-of-way of Alexander Street. The petition is to close approximately 150' of the unopened right-of-way of Alexander Street.

A map has been enclosed to show the portion of the unopened right-of-way that the petitioner is requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, July 26, 2021 at 6:00 p.m. in-person and electronically via Zoom.

The details to access the meeting are below:

Join Zoom Meeting

<https://us02web.zoom.us/j/88113806170>

Meeting ID: 881 1380 6170

OR

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 881 1380 6170 and then press the pound sign (#)

If you have questions you may contact Jake Hair at (828) 419-9373 or
jake.hair@townofblackmountain.org.

Respectfully,

Jennifer Tipton
Senior Admin
Enclosure (1)