

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, December 20, 2021, at 6:00 p.m. at Town Hall and 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
Kathy Phillips
Lauronda Teeple
Shawn Slome
Rick Earley
Chas Fitzgerald

Staff:

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

The meeting was called to order at 6:04 p.m. and duly constituted and opened for business with a quorum of seven (7) members.

II. ADOPTION OF AGENDA

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Shawn Slome and approved by a vote of 7-0.

III. ADOPTION OF MINUTES

Shawn Slome made a motion to adopt the minutes of October 25, 2021, as written. The motion was seconded by Chas Fitzgerald and approved by a vote of 7-0.

Chas Fitzgerald made a motion to adopt the minutes of November 22, 2021, as written. The motion was seconded by Rick Earley and approved by a vote of 7-0.

IV. NEW BUSINESS

1. Rezoning Request – 713 NC 9 Hwy (TR-4 to HB-8)

Jake Hair presented the rezoning application for 713 NC 9 Hwy. The owner is Steve Holland and he is requesting to rezone the property from TR-4 to HB-8 to allow for commercial uses. The structure is currently used as a residential structure. The HB-8 zoning district would require stricter setbacks as the property abuts a residential zone and would allow an additional five feet in height. The HB-8 zoning district also allows a wide variety of commercial uses. The property is not in an overlay district and currently does not have any sidewalks but the main access is off of NC 9 Hwy.

Scott McDonald, 55 High Bluff, is the co-owner of 713 NC 9 Hwy and they are looking to rehab the structure as it is and use as a small office. The structure has handicap accessible ramps which is required for commercial. The structure is currently forty-one feet from the rear setback.

Planning Board Regular Meeting
December 20, 2021

Ms. Trotman reminded the board that they cannot hold the applicant to the intended use as they would be allowed to pursue any use in the assigned district, however, there are site constraints that would make some of the uses impossible. The site constraints include topography, size of the lot, and parking requirements. Ms. Trotman said that the request is typical of what we would see for this area as it abuts commercially zoned properties, is along a highway, and the change in conditions that will coming from the interchange project and the continuing Cheshire development support commercial along this area.

Chris Collins made a motion to allow for public comment. The motion was seconded by Rick Earley and approved by a vote of 7-0.

Kevin Melton, 115 Hill Street, said that he thought in the drawings he had seen of the roundabout project that it would take part of the subject property. Mr. Melton said that the traffic is terrible and he has been hit trying to pull out of Hill Street because there is a blind curve and people fly down NC 9 Hwy. Mr. Melton said he is also worried about his views if the owners were to add to the structure. Mr. Melton asked if there was any way that the hill on the south property of Hill Street could be trimmed down to provide better visibility.

The current plans shows that part of the property will be used for easements only and shows that there will be no taking of any of the property.

Ms. Trotman said that parking requirements would be looked at for any proposed use but typically, the applicant has already done their due diligence and gone through the requirements and will know what they won't be able to do. Ms. Trotman did say that DOT has a complete streets policy so they will include some sidewalk component in the areas of the proposed project. Chas Fitzgerald said that Cheshire is advocating for a sidewalk along NC 9 Hwy. Ron Sneed said that the town has been looking to get easements from property owners along NC 9 Hwy for a sidewalk but didn't want to put in a sidewalk for DOT to come and tear it out so that process will resume once the DOT project is finished. Ms. Trotman also said that she has asked the MPO for a corridor plan along Blue Ridge Road. Ms. Trotman will also send the visibility concerns to the project manager for the interchange project.

Joe Tyson, 309 N Dougherty Street, said that he eventually sees all of the properties in this area being commercial but that the access is dangerous. Mr. Tyson said that there is an increased traffic risk and he agrees with Mr. Melton and would not put additional traffic onto Hill Street from his commercial property.

Ms. Trotman said that she does have a DOT engineer coming out to look at another project and that maybe they could look at this area while they are here and see if there might be an interim solution until the roundabout is completed.

Kevin Melton, 115 Hill Street, asked if sewer lines would be extended because it was his understanding that commercial projects had to have sewer. Ms. Trotman said that this project is for surface transportation only and would have to check with MSD about any sewer projects. Ms. Trotman also said that MSD is the one who will determine the capacity based on the use and they will issue a permit. The due diligence of this is on the applicant.

Scott McDonald, 55 High Bluff, said he feels that this would not negatively impact the neighbors because of the site constraints and it would give a business access to the highway.

Rick Earley asked about postponing the decision until staff could talk to DOT. Ms. Trotman said that DOT will look at traffic counts and there is plenty of capacity for the road, however, the conditions are not great. Traffic from an office building will not be significantly greater than current traffic. Rezoning applications cannot ask for a traffic impact analysis. Ms. Trotman said

Planning Board Regular Meeting
December 20, 2021

that it is a valid concern but this would not make it any worse because the conditions already exist.

Chris Collins said that the future land use map shows this area as being walkable mixed-use and that Hill Street will have the same problems regardless of the use of the structure on the subject property.

Kevin Melton, 115 Hill Street, spoke about the Bush restaurant on S. Ridgeway Avenue and how there are parking issues and traffic problems there. Ms. Trotman said that she has requested a parking and traffic study for that area that will look at parking, intersection safety and other elements in that area. Ms. Trotman said that changing conditions prompt a change in transportation needs and factors.

Pam Norton said that we need to put the needs of the residents first and that the area is not commercial now and should stay residential until after the Blue Ridge Road Interchange project.

Chris Collins said that while it is unlikely, rezoning the property would open it up to all uses within the HB-8 zoning designation and he has seen some unconventional developments.

Scott McDonald, 55 High Bluff, said that the structure would be limited to a small office space due to the size, location, and the steep driveway. The structure currently has two full baths and one half bath and had heard that at one time it was a church.

Chris Collins made a motion to not recommend the rezoning request because the impact to the neighbors is unknown, there is a problematic traffic situation, there are unknowns about the DOT project, and there is the possibility of unconventional development. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-1 with Kathy Phillips voting against.

Jennifer Tipton reminded the applicant and the audience that this will go to the Town Council for public hearing. If the request is denied by the Town Council, the applicant may apply for a conditional rezoning with a specific site plan proposal.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

Jessica Trotman said that Kendig Keast is almost done with diagnostics for the UDO and that the backend of the website is ready.

Ms. Trotman also reminded everyone that we have options when it comes to meeting formats due to the ongoing pandemic and those meetings can remain in a hybrid form or they can go back to all virtual. Staff will poll the board for the January meeting.

VX. ADJOURNMENT

Chris Collins made a motion to adjourn at 7:47 p.m. The motion was approved by consensus.

Planning Board Regular Meeting
December 20, 2021

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin