



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, Zoning Administrator
Re: Agenda Packet for June 25, 2018
Date: June 18, 2018

The Town of Black Mountain Planning Board will meet on Monday, June 25, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue.

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

1. The proposed agenda;
2. Draft minutes from April 23, 2018;
3. Road Closure Request for a Portion of Carver Avenue; and
4. Road Closure Request for an Unopened Portion of First Street (off of Blue Ridge Assembly Drive)

Please let Jennifer Tipton know if you are unable to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

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) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director



PUBLIC NOTICE

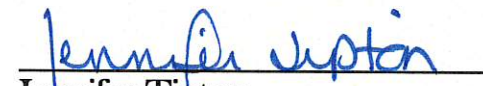
BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING

Monday, June 25, 2018 at 6:00 p.m.

The Black Mountain Planning Board will meet for their monthly meeting on **Monday, June 25, 2018 at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to consider a petition to close a portion of Carver Avenue and to consider a petition to close a portion of First Street (off of Blue Ridge Assembly Drive).

The meeting is open to the public.


Jennifer Tipton
Zoning Administrator

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Posted to the Town Bulletin Board 06/11/18

www.townofblackmountain.org



**Planning Board Regular Meeting
June 25, 2018**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Roll Call

II. ADOPTION OF AGENDA

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

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of April 23, 2018 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Right-of-Way Closure Request for Carver Avenue
- Right-of-Way Closure Request for First Street (off of Blue Ridge Assembly Dr)
- Resolution of Appreciation for John Schaff
- Resolution of Appreciation for Lynn Telford

VI. COMMUNICATION FROM PARTNERING AGENCY

VII. COMMUNICATION FROM PLANNING BOARD

VIII. COMMUNICATION FROM STAFF

IX. ADJOURNMENT

PLANNING BOARD STAFF REPORT

Agenda Item: Right-of-Way Closure Request

Meeting Date: June 25, 2018

Request:

To close a portion of Carver Avenue (approximately 239' long).

Town Staff:

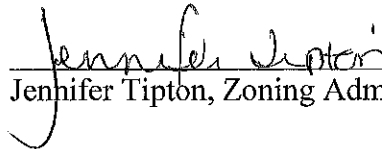
Jessica Trotman – Planning Director

Jennifer Tipton – Zoning Administrator

Staff Recommendation:

To recommend the right-of-way closure to the Board of Aldermen.

Jessica Trotman, Planning Director


Jennifer Tipton, Zoning Administrator

Contents of the Report:

Report Detail

Exhibit 1 – Petition for Street Closing Request

Exhibit 2 – Survey of Right-of-Way

Exhibit 3 – Aerial Map

I. SUMMARY OF REQUEST

The owners of 115, 119, 121, 120 and 126 Carver Avenue are petitioning the town to close a portion of Carver Avenue that runs between 115 and 121 Carver Avenue. The owners are asking to close the right-of-way so that they may then re-subdivide the property into lots for each of the homes rather than what is shown on the existing plat.

II. PROCESS

Planning Board reviews the road closure request and then makes a recommendation to the Board of Aldermen to either approve or deny the road closure request.

III. ZONING

The description of the road closure is as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar marking the northeast corner of Lot 3 as shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry; thence from said Beginning South 53°55'49" East 25.07 feet to a No. 5 rebar marking the southwest corner of Lot 26 as shown on the aforesaid plat; thence with the eastern boundary of the 25 foot wide easement shown on said plat North 30°48'29" East 239.00 feet to a No. 5 rebar marking the northwest corner of Lot 27 as shown on said plat; thence South 82°34'42" West 31.66 feet to No. 4 rebar in the western boundary of said 25 foot wide easement; thence with the western boundary of said easement South 30°50'00" West 217.11 feet to the BEGINNING, and being a portion of that easement shown on that plat recorded in Plat 6 at Page 109, Buncombe County Registry.

Per Chapter 3, Section 3.6.2 – Dedication and closures of rights-of-way or land to the town, the Planning Board shall consider any or all of the following criteria in making a recommendation for closure of a right-of-way:

- Right-of-way identified is not part of adopted town plans.
- Right-of-way is not necessary for current or future utilities.
- Right-of-way in its current condition poses a hazard to public health, safety or welfare.
- Right-of-way is along a drainage that is part of a stormwater management plan.
- Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.
- Abutting property owners have signed the petition in favor of the closure.

IV. ANALYSIS

1. The subject right-of-way is not part of the following adopted plans:

- * Recreation and Parks Master Plan
- * Pedestrian Transportation Plan

- * Bike Plan
- * Greenways Master Plan
- * Veteran's Park Master Plan
- * Stormwater Master Plan
- * Wellhead Protection Plan
- * Comprehensive Plan

2. The subject right-of-way has a portion of a private sewer line that runs through it as well as a portion of some overhead utilities that connect to 115 Carver Avenue. The subject right-of-way is not identified for any future utilities.

3. The subject right-of-way does not currently pose a hazard to public health, safety or welfare.

4. The subject right-of-way is not part of any drainage (current or future) that is part of a stormwater management plan.

5. The subject right-of-way is not a current corridor for a greenway nor is it a corridor for a future greenway, alley or roadway. All houses use Carver Avenue for access.

6. All property owners have signed the petition.

7. The current uses within the right-of-way are:

- * Overhead utilities connection to 115 Carver Avenue
- * Gravel driveway
- * Culvert that runs underneath the gravel driveway that serves 119 and 121 Carver Avenue
- * Part of a private sewer line
- * Fence
- * Portion of a shed

V. STAFF RECOMMENDATION

Based upon the information and materials provided in the staff report, the Town of Black Mountain Planning staff recommends that the Planning Board recommend the road closure to the Board of Aldermen for a public hearing.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as

Carver Ave
located off of Shelton St, N. Blue Ridge Rd

do hereby petition the Black Mountain Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE

PROPERTY/MAILING ADDRESS

1. Danna Boyd

115, 119, 120, 121, 126 Carver Ave

Danna Boyd

mailing: 101 W Saxe Ct Morrisville, NC 27560

2. Equity Trust FBO Danna Boyd

115, 119, 120, 121, 126 Carver Ave

Danna Boyd

mailing: 101 W Saxe Ct Morrisville, NC 27560

3. W.H. Weatherbee

115, 119, 120, 121, 126 CARVER AVE

W.H. Weatherbee

mailing: 126 Kelsa St CARY NC 27511

4. _____

5. _____

6. _____

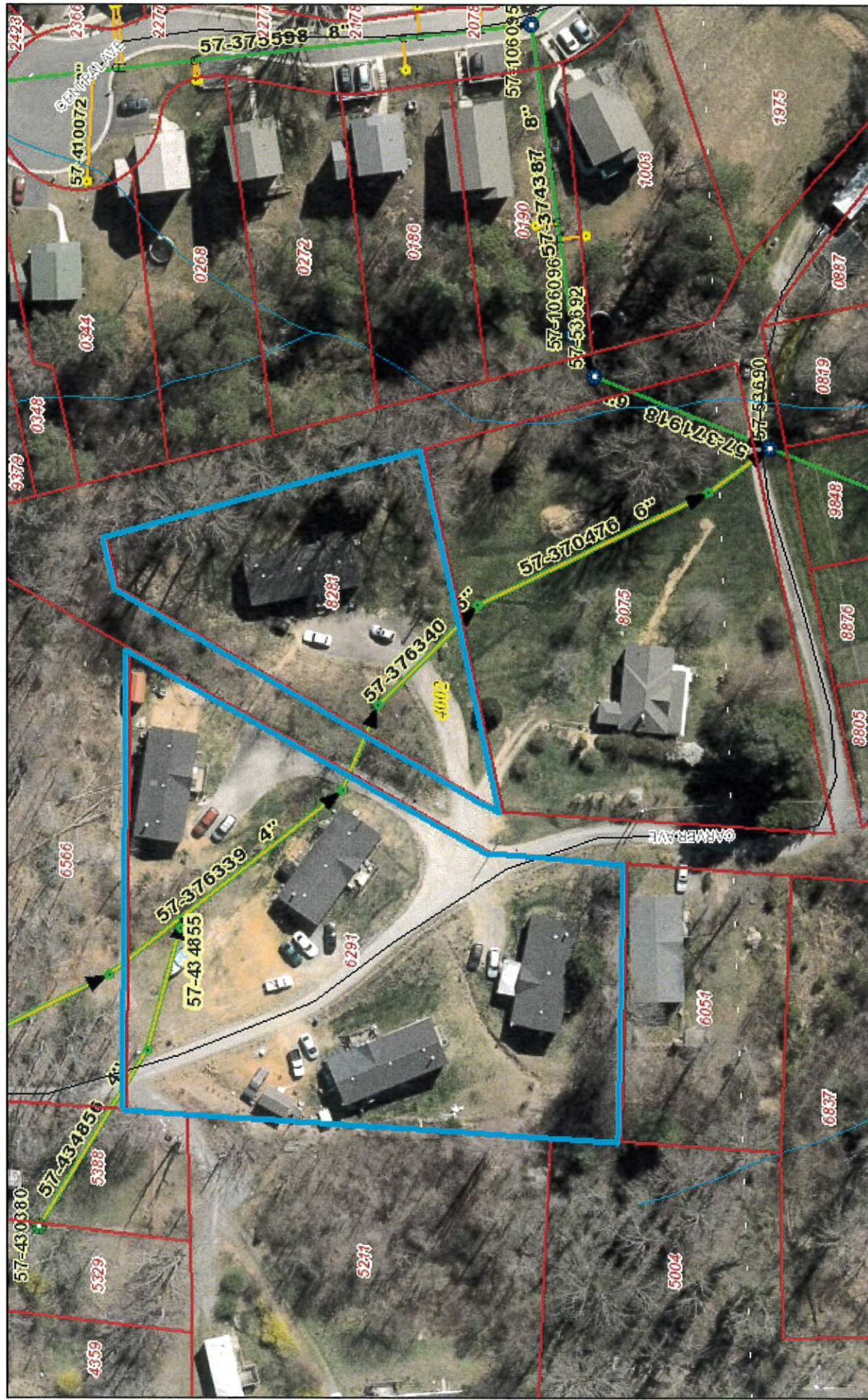
7. _____

8. _____

Date Request Received at Town Hall: _____

by: _____

Buncombe County



June 8, 2018

1:1,128

MSD GIS Staff

PLANNING BOARD STAFF REPORT

Agenda Item: Right-of-Way Closure Request

Meeting Date: June 25, 2018

Request:

To close an unopened portion of First Street (off of Blue Ridge Assembly)

Town Staff:

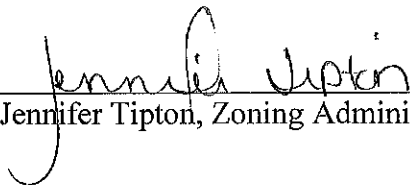
Jessica Trotman – Planning Director

Jennifer Tipton – Zoning Administrator

Staff Recommendation:

To recommend the right-of-way closure to the Board of Aldermen.

Jessica Trotman, Planning Director



Jennifer Tipton, Zoning Administrator

Contents of the Report:

Report Detail

Exhibit 1 – Petition for Street Closing Request

Exhibit 2 – Survey of Right-of-Way

Exhibit 3 – Aerial Map

I. SUMMARY OF REQUEST

The owners of 32 Blue Ridge Assembly are petitioning the town to close an unopened portion of First Street, which is off of Blue Ridge Assembly Drive, and is between 32 Blue Ridge Assembly Drive and 38 Blue Ridge Assembly Drive. The owners are asking to close the right-of-way so that the property can be split and used for a driveway to get to the second lot of 32 Blue Ridge Assembly Drive. The length of right-of-way is approximately 274 feet long.

II. PROCESS

Planning Board reviews the road closure request and then makes a recommendation to the Board of Aldermen to either approve or deny the road closure request.

III. ZONING

The description of the road closure is as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar marking the northern edge of First Street as said street is shown on that plat recorded in Plat Book 19 at Page 45, Buncombe County Registry, said rebar also marking the southeast corner of Tract 2 as described in that deed recorded in Book 5169 at Page 1476, Buncombe County Registry; thence from said Beginning and with the northern boundary of said street North $86^{\circ}23'05''$ West 90.42 feet to a 3/4ths inch iron pipe marking the southern common corner of Tract 2 and Tract 1 as described in Book 5169 at Page 1476; thence continuing with the northern boundary of said street North $85^{\circ}39'47''$ West 185.37 feet to a rebar set in the western edge of the right of way of Blue Ridge Assembly Drive; thence with the edge of the right of Blue Ridge Assembly Drive South $02^{\circ}32'07''$ West 40.00 feet to an iron pin; thence leaving Blue Ridge Assembly Drive and running with the southern boundary of First Street South $86^{\circ}24'28''$ East 181.91 feet to a No. 5 rebar; thence South $86^{\circ}24'35''$ East 15.00 feet to a point; thence South $84^{\circ}38'20''$ East 75.00 feet to a No. 5 rebar marking the northeast corner of that property described in Book 1940 at Page 54, Buncombe County Registry; thence leaving the southern boundary of First Street and running almost due north approximately 40 feet to the No. 5 rebar marking the southeast corner of Tract 2 as described in Deed Book 5169 at Page 1476, Buncombe County Registry.

Per Chapter 3, Section 3.6.2 – Dedication and closures of rights-of-way or land to the town, the Planning Board shall consider any or all of the following criteria in making a recommendation for closure of a right-of-way:

- Right-of-way identified is not part of adopted town plans.
- Right-of-way is not necessary for current or future utilities.
- Right-of-way in its current condition poses a hazard to public health, safety or welfare.
- Right-of-way is along a drainage that is part of a stormwater management plan.

- Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.
- Abutting property owners have signed the petition in favor of the closure.

IV. ANALYSIS

1. The subject right-of-way is not part of the following adopted plans:

- * Recreation and Parks Master Plan
- * Pedestrian Transportation Plan
- * Bike Plan
- * Greenways Master Plan
- * Veteran's Park Master Plan
- * Stormwater Master Plan
- * Wellhead Protection Plan
- * Comprehensive Plan

2. The subject right-of-way is currently wooded and unobstructed and does not have any utilities running through it. The sewer line may or may not be extended into the right-of-way for the back lot depending on where the owner can make a connection.

3. The subject right-of-way does not currently pose a hazard to public health, safety or welfare.

4. The subject right-of-way is not part of any drainage (current or future) that is part of a stormwater management plan.

5. The subject right-of-way is not a current corridor for a greenway nor is it a corridor for a future greenway, alley or roadway. There are not any houses that use this right-of-way for access.

6. All property owners have signed the petition.

7. The current uses within the right-of-way are:

- *wooded area

V. STAFF RECOMMENDATION

Based upon the information and materials provided in the staff report, the Town of Black Mountain Planning staff recommends that the Planning Board recommend the road closure to the Board of Aldermen for a public hearing.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as First Street,
located off of Blue Ridge Assembly Drive,
do hereby petition the Black Mountain Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE	PROPERTY/MAILING ADDRESS
1. <u>Andrew J. Bobilya / Kirsten Dewitt-Bobilya</u>	<u>32 Blue Ridge Assembly Dr.</u>
<u>Andrew J. Bobilya / Kirsten Dewitt-Bobilya</u>	<u>Black Mtn NC 28711</u>
2. <u>Charles N. Clegg / Katherine U. Clegg</u>	<u>"Montreat Cottage Rentals"</u>
<u>Katherine U. Clegg / Katherine</u>	<u>38 Blue Ridge Assy Dr</u>
3. <u>Charles N. Clegg / Katherine U. Clegg</u>	<u>"Charles N. & Katherine U. Clegg"</u>
<u>Katherine U. Clegg / Katherine</u>	<u>38 Blue Ridge Assy Dr -</u>
4. _____	<u>MAILING ADDRESS -</u>
_____	<u>Charles N. Clegg</u>
5. _____	<u>PO Box 185</u>
_____	<u>Montreat NC</u>
6. _____	<u>28757</u>
_____	_____
7. _____	_____
_____	_____
8. _____	_____
_____	_____

Date Request Received at Town Hall: 6/6/18

by: Jennifer Jipten

pd \$300⁰⁰
check # 2059
6/6/18

Adopted 12/11/84
Revised 7/02

Buncombe County



June 11, 2018

