

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: July 12, 2010

SUBJECT: Public hearing on a requested zoning map amendment to change the following properties from Town Residential (TR-4) to Highway-Business (HB-8):

1. 410 Blue Ridge Road, PIN 0609-91-8520-00000 (also known as Bud Halls Automotive)
2. 410 Blue Ridge Road, PIN 0609-91-6453-00000 (also known as Bud Halls Automotive)
3. 410 Blue Ridge Road, PIN 0609-91-5276-00000 (also known as Bud Halls Automotive)
4. 412 Blue Ridge Road, PIN 0609-91-5417-00000 (also known as Bud Halls Automotive)
5. 414 Blue Ridge Road, PIN 0609-91-4501-00000 (residence)
6. Empty Lot, PIN 0609-91-2458-00000 (pasture)
7. Empty Lot, PIN 0609-91-1563-00000 (pasture)
8. 498 Blue Ridge Road, PIN 0609-81-9567-00000 (stables and riding ring)
9. 500 Blue Ridge Road, PIN 0609-81-7394-00000 (residence)

AGENDA INFORMATION

Agenda Location: Public Hearings
Item Number: 8-B
Department: Planning & Development Services
Contact: Elizabeth Teague, Planning & Development Services Director
Presenter: Jeff Hall/Don Collins, Applicants

BRIEF SUMMARY: The Planning Board considered the applicant's rezoning request at its regular meeting of March 22, 2010, and voted 5 to 1 ***not*** to support the request. The Planning Board revisited the application at Mr. Hall's request in April to consider a less impactful designation as a commercial district, reflecting his desire ***not*** to continue pursuing a yard and wood waste recycling facility for his site, but to allow his automotive business/storefront to become a conforming use. The rezoning request is also being supported by adjacent business operator Don Collins, who has expressed interest in a potential retail operation at his equestrian facilities. By consensus, Planning Board members determined not to change their original recommendation, nor to alter the zoning map in that location from residential to other commercial districts. However, discussion was limited because the applicant was not present at the meeting. Planning Board minutes from both meetings reflect discussion that the area surrounding these lots is predominantly residential, noting that commercial uses would change the residential character of the area. It was also noted that the applicant has long operated a valued commercial business within the area, and was present prior to Town annexation and zoning, and much of the residential development which now surrounds these businesses.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

- Motions 1 & 2: To open/close the public hearing;*
Motion 3: To approve [or deny approval]of the applicant's request to re-zone the nine requested parcels fromTR-4 to Highway Business
Motion 4: [If motion 3 is adopted] To adopt the attached Statement of Consistency

FUNDING SOURCE: N/A.

ATTACHMENTS:

Map of properties involved in re-zoning request;
Zoning Map;
Letter of notice to adjacent property owners;
Draft Statement of Consistency;

MANAGER’S COMMENTS AND RECOMMENDATIONS: This public hearing should not be confused with the public hearing regarding Wood and Yard Waste Recycling operations. Mr. Hall originally had intended to rezone his property to Light Industrial in order to accommodate a potential recycling business for yard waste and other materials. The Planning Board did not support his original request. The temporary wood recycling operation, conducted on his property as part of the NCDOT winter storm clean up, proved controversial because of its impacts on adjacent residences. Additionally, NCDENR verified that the agency could not permit a permanent operation of this type at this location because of its relationship to the floodplain.

Mr. Hall and Mr. Collins are interested nonetheless in pursuing a zoning reclassification that would allow potential commercial uses on their properties, particularly retail and automotive services. In subsequent discussions, the Planning Board determined that any commercial reclassification would introduce business activities along Blue Ridge Road which might be objectionable to area residents, given the residential character of the Blue Ridge Road area that currently predominates (despite the fact that prior to annexation, this area was considered a light industrial and primarily agricultural zone). If not rezoned, the current uses on these properties can continue to exist as “pre-existing non-conformances” to the new Land Use Code. This status limits future expansion of current non-conforming uses or of new commercial uses, both of which would be expressly prohibited by the town’s land use code.