



**Town of Black Mountain Planning Board  
Recommendations for Agreement Points and Design Issues  
for a Development Agreement for the Robert's Farm Property  
August 31, 2009**

**A. Development Use Specifications for Agreement**

*Density*

- Town policy is to allow staff to approve a change to a Master Plan or subdivision if the total number of units is reduced, but not if a unit is added.
- RJH's proposed plan has a density of 250 units (combination of condos, townhomes, cottages, and single family units). Similar to concerns with Goodson Cove, the Planning Board may want to specify that 250 units is the maximum for the 34.6 acres.
- **Agreement Recommendation:** Allow developer to provide density within various buildings as presented in the Master Plan. While density may be reduced by type of building and within the overall plan, density may not exceed 250 units for the entire property.

*Uses Permitted*

- In the proposed Land Use Code the NMU-8 District allows commercial uses which serve residential neighborhoods. The permitted use list for this district includes Laundromats, restaurants, small supermarkets, and professional offices.
- RJH is proposing commercial uses not to exceed 10,000 sf within the development plan and as such could apply the same uses as allowed in the neighborhood mixed-use district to be consistent with Town Ordinances and other mixed use areas of the community.
- **Agreement Recommendation:** Adopt the Use Table for NMU-8 as the allowed commercial uses within the development. A maximum limit of 10,000 s.f. of commercial space shall be allowed within the development. Other business enterprises undertaken by individual property owners within the development would fall under the "home-based" business regulations provided in the Land Use Code.

*Conservation Area*

- The designation of 18 acres as a conservation area, allows the development to fall below the threshold for the steep slope guidelines and to protect a steep wooded area from further development and erosion.
- **Agreement Recommendation:** The developer shall provide legal documentation that places this area into conservation in perpetuity either through a neighborhood association, deed restriction, or agreement with a land conservancy. Passive recreational use for trails within this area shall be allowed.

## B. Design Specifications for Agreement

### *Perimeter Setbacks*

- Property owners along Hilltop Road have expressed concern about a 20' setback for the development along their property boundary. The 10' setback on the south side of the property means that some of the cottages will have small backyards and be very close to the boundary line.
- **Agreement Recommendation:** RJH shall be allowed to provide the following setbacks along the perimeter of the property:
  - 20' Front (East)
  - 15' Rear (West)
  - 15' Side (South)
    - with fencing along cottage lots adjacent to the church property.
  - 20' Side (North)
    - with additional landscaping along boundary with Hilltop residences.

### *Roads*

- Roads shall be public and shall not exceed 18%. Road width is proposed as 18' wide and 40' r-o-w for two-lane roads and 12' wide and 20' r-o-w for one-way roads. This is consistent with proposed LUC standards. Parking lots and driveways serving three units or less shall be private.
- **Agreement Recommendation:** Allow for variation of road grade up to 18%; Require that Final design and engineering of roads must be approved by the town Fire Inspector and Public Works Director (see attached comments from Fire Inspector).

### *Building Height*

- LUC proposes that building height be measured as an average taken at the corners with no single side to exceed 10' above the maximum (or 45 feet for any single side of the structure in residential districts).
- RJH is requesting a Building Height not to exceed 40 feet instead of the 35 foot maximum in other residential and mixed-use districts. The increase in height is requested to accommodate structures in certain locations where the downslope side of the structure would present a façade of greater than 35 feet.
- **Agreement Recommendation:** Approve allowance for average height of 40' for structures designed along slope of the land.

### *Parking*

- Ordinance requires 2 units per residential unit.
- RJH is requesting 1.5 spaces per unit for the multi-family structures (townhomes and condominiums). Single family structures would still have 2 parking spaces/unit. This is consistent with guidance from the Transportation Engineers Parking Generation Manual and with their experience at two similar developments already in operation. Additionally, this allows for reduced parking area/impervious surface within the development, especially at the lower side of the development where run-off is a major concern.
- 10,000 sf of commercial space is proposed but the actual use is not yet known.

- **Agreement Recommendation:** Allow 1.5 parking spaces per unit for multi-family structures and allow parking for commercial space to be developed as drawn (36 spaces). Single family structures shall have two off street parking spaces per unit.

#### *Slope and Disturbance*

- The average slope of the disturbed area is not to exceed 25% and the threshold for the slope guidelines. Steeper areas will be placed into 18 acre site of conservation and be removed from the average slope calculation for the entire parcel. Site disturbance will not exceed 55% of the entire parcel.
- This will place 250 units on 16.6 acres in a compact form, leaving 18 acres of area undisturbed.
- **Agreement Recommendation:** Allow land to be placed in conservation and building sites to be clustered in order to minimize disturbance.

#### *Structures*

- RJH proposes Cottage lots to be “zero-lot line” setbacks and a minimum width of 35’. This is similar to the proposed cottage development option in the proposed LUC. All buildings will have to comply with State building and fire safety codes for separation.
- Multi-family structures will be either condominiums or townhomes and common areas and maintenance requirements will be established through a neighborhood association.
- Treehouses will be sold fee-simple as single family homes.
- Ordinance allows 2 accessory structures per residential lot and structures have to be in the side or rear yard and 5’ off the boundary line. Public comment raised concern about accessory structures on perimeter lots – especially on cottage lots and along Hilltop.
- **Agreement Recommendation:** Design as proposed should not allow any further residential development in the future (ie, no garage apartments or secondary dwellings to be added later).
- **Agreement Recommendation:** Allow structure design as proposed with cap for density and building and fire code compliance. Accessory Building regulations will be applied to this development in a modified form, allowing only one accessory unit per residential lot (other specifications of accessory buildings still apply: 5’ off of boundary line, located in side or rear yard, etc.)

#### *Pedestrian Connectivity Requirements*

- Internal pedestrian connectivity to be accomplished with a mixture of sidewalks and mulched trails but will not serve lots on upper portions of the property.
- RJH has requested that the Town construct a pedestrian connection to Lake Tomahawk from site entrance 48 months of development commencement. At this time the Town has an adopted pedestrian plan that lays out priorities for pedestrian improvements and expenditures. This area is not a priority area for the Town at this time, however we would be willing to work with the Developer to plan work for a future sidewalk when funding becomes available.
- **Agreement Recommendation:** Allow internal pedestrian plan as proposed. Further discussion on exterior sidewalk as part of Comprehensive Pedestrian Plan. Pole adjacent properties along Upper Byrd Road on possibility of a bike/ped connection within right-of-way.

*Byrd Road right-of-way and entrance to the property*

- RJH requests approval to close west half of Byrd Road Right of Way which is currently not in use – essentially preserving the upper part of Byrd Road as a one-way alleyway as it currently is, or as a pedestrian/bicycle facility or greenway. Space will be used for landscape and stormwater management and could lend itself to a greenway connection to Tomahawk Park.
- Entrance will include improvements along right-of-way to Hiawasee.
- **Agreement Recommendation:** Agree to close portion of right-of-way along Byrd Road and allow improvements to row from Byrd Road through to Hiawasee. Town research community desire to use portion of upper Byrd Road for greenway.

*Affordable housing Development Fee incentive*

- Town already has a rebate program for homes sold at price points deemed affordable for Buncombe County. MSD also has an incentive program
- RJH is requesting additional development fee reduction for affordable/work-force housing units.
- **Agreement Recommendation:** Additional fee waiver for development in expectation that units are sold at price points below AMI affordability range.

Note: some of these Agreement Points will be expanded with the completion of the Planning Board minutes from the August 31<sup>st</sup> Meeting and incorporated into the draft Development Agreement.