



TOWN OF BLACK MOUNTAIN
Building, Planning and Zoning Department

160 Midland Avenue • Black Mountain, North Carolina, 28711
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MEMORANDUM

To: The Town of Black Mountain Planning Board
From: Elizabeth Teague, AICP, Planning Director
Re: January 25, 2010 Regular Meeting of the Planning Board
Date: January 19, 2010

The Planning Board will hold its regular meeting on Monday, January 25, 2010, at 7:00pm in the Town of Black Mountain's Town Hall at 160 Midland Avenue. On the agenda you will see that we will be discussing concerns raised at previous meetings by John Rountree on density and the slope ordinance. For your information I have attached:

- Minutes from the November 23, 2009 Regular Meeting (December Meeting was cancelled); and
- The latest edition of Planning Commissioners Journal.

Please contact me or Rosa Hilbert by email or phone (419-9370) if you have any questions or will be unable to attend the meeting.

Cc: Marcy Onieal, Town Manager
Rea Eberhardt, Zoning Administrator

TOWN OF BLACK MOUNTAIN PLANNING BOARD
MINUTES OF REGULAR MEETING
November 23, 2009

The **Black Mountain Planning Board** held its regular monthly meeting on **Monday, November 23, 2009 at 7:00 p.m.** in the Town Hall Building at 160 Midland Avenue, Black Mountain, N.C.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Ames Tryon, Chair
Richard Yeatman, Vice Chair
John Rountree, Secretary
Ronald Collins
Nathan Pennington
M. Ryan Stone

Absent:

Jesse Gardner

Staff Present:

Elizabeth Teague, AICP, Planning Director
Rebecca Eberhardt, Zoning Administrator
Rosa B. Hilbert, Senior Administrative Assistant

Others present:

Mark Vanderhoff, Black Mountain News
Bill Allen John Garrett
Mike Baldwin Ray Lamm
Bobby Ammons Ruth Brandon
Peggy Garrett Elaine Loutzenheiser

Chair Tryon declared a quorum present and the meeting was duly constituted and opened for business.

II. ADOPTION OF AGENDA

Vice Chair Yeatman made a motion to adopt the agenda as written. The Board unanimously passed the motion.

III. ADOPTION OF MINUTES

The current minutes of October 26th, 2009 were not available at this time for approval.

IV. BUSINESS

1. Continuation of Preliminary Review of Major Subdivision Plat for Linwood Landing and possible determination of Vested Rights

Ms. Teague recapped discussions from the last meeting in her staff report. She said there is an opportunity under the Slope Ordinance for a density of 9 usable lots; the length of the road exceeds 500 feet and the Board would need to discuss the possibility of a waiver; and the sidewalk issues are open for further review. Ms. Teague said that according to the Town Attorney, it is this Board's prevue to determine Vested Right. The Board's determination can be appealed to the Board of Aldermen.

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Mr. Allen discussed the changes since the last sketch plan. He said the plan shows that the number of lots have been reduced to nine; creates a cul-de-sac for the road which is approximately 1100 feet long; and builds a pedestrian pathway instead of sidewalks around the units.

He said the road is at 14% slope and the surveyors were trying to keep the road within the Towns specifications of less than 15%. By recombining the lots, the road can be established where it needs to go in order to meet the grade requirements of the Town.

Nathan Pennington inquired whether a variance to a development standard was needed rather than vested rights if there was no development plan. Ms. Teague said the developer is asking whether the Board could work with him if the number of lots and density were reduced and consider a variance in terms of lot size.

The Board had a lengthy discussion concerning Vested Rights. Vice Chair Yeatman feels that there is no Vested Rights because there was not a preliminary plat approved and no permits have been issued by the Town. Vice Chair Yeatman made a motion that Vested Rights be denied in this case. Nathan Pennington seconded the motion. The motion passed with a unanimous vote.

The Board discussed possible conditions under which a variance could be recommended to the ZBA. The Board discussed that the developer must provide water to lots of 2500 feet in elevation or above and comply with the Black Mountain Fire Department regulations that the proposed roads are 26 feet wide and 96 feet in the proposed cul-de-sac.

2. Review and possible recommendations on additional comments & amendment requests:

Public Comment was taken at this time regarding the items listed:

- a. Mixed-Use Zoning along Montreat Rd.
- b. Other Zoning Map areas
 1. Upper Montreat Rd and Carolina Heights
 2. SR-2 area south of East Street and Camp Merrimac
 3. The Lynx Condominiums
- c. Others (?)

Mixed-Use Along Montreat Road

John Garrett, 300 Montreat Road feels that safety is a big concern and is not in favor of re-zoning Montreat Road to Mixes-Use. Restaurants should not be included.

Mike Baldwin, 300 New Bern Avenue is not in favor of Montreat Road as a Mixed-Use District. He feels that the district already contains enough commercial uses and the potential of the Mixed-Use will allow more potential commercial uses.

Bobby Ammons, 403 Montreat Road feels that one or two people with special interests get preference and the rest of the community interests are not heard. He feels that the property owners in that area would agree with him. He said that someone had a petition with 93 signatures of folks against the re-zoning of Montreat Road.

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Upper Montreat Rd and Carolina Heights

Ms. Teague said that Jane Brisco, who owns a parcel right above Camp Merrimac questioned why SR2 ended where it does on the map. Camp Merrimac requested that the area stay consistent with the area as it is now to be zoned UR8. Ms. Teague pointed on the map and said that there are some smaller lots above Camp Merrimac and Carolina Heights Mobile Home Park. The Board reviewed the map, discussed boundary lines. Vice Chair Yeatman made a motion to continue UR8 all the way from the Camp up the gate along the west side of the Montreat Road because the little area up there has already been built out so it makes no difference at all, it is UR8 currently. The Board unanimously approved the motion.

SR-2 area south of East Street and Camp Merrimac

Ms. Teague pointed to the area on the map. Jesse Gardner suggested that the SR2 area on the map be rezoned to TR4 because it is flat there is some slope along the back side of it as you go north. John Rountree made a motion that the Board allow properties south of East Street, West of Padgettown Road be changed from SR2 to TR 4. The Board unanimously approved the motion.

The Lynx Condominiums

Ms. Teague pointed to the area of subdivision on the map which is the Lynx and an adjacent area to the east of it. Nathan Pennington made a motion to make the change on the map to make the area SR2. The Board unanimously approved the motion.

Other Comments

Nathan Pennington, 19 Walker Cove Road recommended that Ingles add a stop sign at the main entrance and reconfigure the traffic markings.

John Rountree, 29 Cotton Creek recommended that the ordinance include language that any parking lot that accommodates 20 cars or more include signage indicating that pedestrian have the right of way.

V. PUBLIC COMMENT (note: Public Comment may also be accepted during deliberation of business items at the direction of the Board)

Mike Baldwin, 300 New Bern Avenue, spoke about the Survey of Recommended Draft changes Item 3B (water meter cutoff) and recommended that the Public Works Director consider a distance of 12 feet instead of 3 feet because in some areas the water meter for the Town can be in the right-of-way, road or middle of a driveway. He suggested looking at the 12 foot distance either from the meter or from the dwelling.

Chair Tryon said that traditionally the Planning Board has not met in the month of December because of the holidays. The Board came to a consensus to schedule a tentative meeting on December 21, 2009 if needed.

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VI. ADJOURNMENT

John Rountree made a motion to adjourn the meeting at 8:30 p.m. Nathan Pennington seconded the motion and it passed unanimously.

Ames Tryon, Chair

John Rountree, Secretary

Rosa B. Hilbert
Senior Administrative Assistant



**Town of Black Mountain Planning Board
Regular Meeting
January 25, 2010 7:00 p.m.
PROPOSED AGENDA**

I. CALL TO ORDER

II. ADOPTION OF AGENDA

III. ADOPTION OF MINUTES

1. November 23, 2009 Regular Meeting

IV. BUSINESS

1. Steep Slope and Density Continued Discussion
2. Staff Updates
 - a. Update on Land Use Code Adoption and Implementation
 - b. Appeal of Monte Vista Hotel
 - c. Historic Preservation Commission work on two Historic District Nominations (Montreat Road Corridor and Church-Connally Street neighborhood).

V. PUBLIC COMMENT (note: Public Comment may also be accepted during deliberation of business items at the direction of the Board).

VI. ADJOURNMENT