

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, February 25, 2019 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

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

Peter Vazquez, Chair
Pam Norton, Vice Chair
Lisa Milton
Jesse Gardner
Michael Raines
Scott Reed

Absent:

Jennifer Willet

Staff:

Jennifer Tipton, Zoning Administrator
Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

II. ADOPTION OF AGENDA

Pam Norton made a motion to adopt the agenda as presented. The motion was seconded by Michael Raines and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Chair Peter Vazquez made one change to the minutes regarding a typographical error. Jesse Gardner made a motion to adopt the minutes of January 28, 2019 as amended. The motion passed by consensus with a vote of 6-0.

IV. OLD BUSINESS

1. Right-of-Way Closure Petition for Portion of Campbell Street

Jennifer Tipton gave a brief overview of the petition for closure of a portion of Campbell Street that the board heard last month. Ms. Tipton explained that the board could choose to make a complimentary application to close the remaining portion of Campbell Street and could ask the petitioner if they would be willing to wait an additional thirty days to be able to line up the public hearings.

Lisa Milton made a motion to recommend the requested portion be closed and moved on to the Board of Aldermen. The motion passed by consensus with a vote of 6-0. Michael Raines made a motion to make a complimentary application to close the remaining portion of Campbell Street. The motion passed by consensus with a vote of 6-0.

Ms. Tipton said that she would check with the petitioner to see if he would be willing to wait and additional thirty days.

V. NEW BUSINESS

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1. Proposed Text Amendments for Bed and Breakfast Homes and Inns

Ms. Tipton gave a brief overview of a citizen request for changes to the definitions of a bed and breakfast home and a bed and breakfast inn. Ms. Tipton explained that the request is to make the current definitions be in line with the definitions from the state statutes. The request involves allowing additional rooms than what is currently allowed.

Theresa Fuller, 207 Rhododendron Avenue, owns and operates Arbor House Bed and Breakfast and said that she currently has four rooms and is operating her fifth room as a short term rental since five rooms are not allowed by the current ordinance. Ms. Fuller expressed that she wishes to operate under the requirements of the state statute and be allowed to rent out her fifth room as part of the bed and breakfast.

Susan Leive, 119 Louisa Street, said she is concerned about Air B and B's which do not currently have any regulations and is concerned about the potential for one in her neighborhood that could potentially cause parking problems. Ms. Leive said she hopes the board will address short term rentals in the future.

Ms. Fuller stated there are over five hundred short term rentals in Black Mountain. Ms. Fuller said that she does pay occupancy tax to the County and Jessica Trotman clarified that Air B and B also pays occupancy tax. Discussion began about parking requirements and if the number of rooms are increased there is concern that there will be not be available parking on site.

There were also concerns expressed about the difference between a resident manager and an owner. Some other issues brought forth by the discussion were the conditions of existing roads being too narrow and how the character of the residential districts might be changed.

Peter Vazquez made a motion to not recommend the amendments at this time. The motion was seconded by Michael Raines and the motion passed with a vote of 4-2 with Jesse Gardner and Scott Reed voting against the motion.

During the discussion of Chair Vazquez's motion, it became apparent that there was still discussion about allowing an increase in the number of rooms for a bed and breakfast home. Jesse Gardner made a motion to amend the amendments for bed and breakfast homes to no more than six rooms. The motion was seconded by Pam Norton and passed with a vote of 4-2 with Peter Vazquez and Lisa Milton voting against the motion. The board recommended the following text amendments and the subsequent statement of consistency:

Bed and breakfast home: a private, owner-occupied residence with ~~one to four~~ ***no more than six*** guest rooms where overnight accommodations and a morning meal are provided to transients for compensation, and where the bed and breakfast use is subordinate and incidental to the main residential use of the building. The home owner shall reside on site and employment shall not exceed the equivalent of one full-time employee in addition to the owner.

Bed and breakfast inn: a private, owner-occupied business with ~~five to twelve~~ ***at least seven but not more than 12*** guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business. The home owner shall reside on site and employment shall not exceed the equivalent of three full-time employees in addition to the owner.

The zoning amendment is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest because it helps support local businesses and encourages regulated businesses in residential districts and maintains the integrity of neighborhoods.

VI. COMMUNICATION FROM PLANNING BOARD

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Lisa Milton expressed a desire to look at addressing regulating short term rentals. Some members agreed while others would opt to not regulate the short term rentals unless directed by the Board of Alderman.

VII. COMMUNICATION FROM STAFF

Jessica Trotman thanked everyone for their participation and discussion. Ms. Trotman then handed out the updated Greenway Master Plan for the board to review. Leslee Temple, member of Greenways Commission, has worked on the update and will do a presentation in March for recommendation to the Board of Aldermen. Ms. Trotman explained that there are no new items in the update but that some items that were in the County were removed and some of the language was cleaned up. Ms. Trotman asked that the board review the plan and be ready in March for any comments or questions.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:34 p.m. The motion passed by consensus with a vote of 6-0.

Prepared by:

Peter Vazquez, Chair

Jennifer Tipton, Zoning Administrator