

**TOWN OF BLACK MOUNTAIN  
PLANNING BOARD**

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The Black Mountain Planning Board held its regular meeting on Monday, March 22, 2021, at 6:00 p.m. electronically via Zoom.

**I. CALL TO ORDER**

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

Chris Collins, Chair  
Pam Norton, Vice Chair  
Chas Fitzgerald  
Rick Earley  
Lauronda Teeple  
Kathy Phillips  
Jesse Gardner

Staff:

Jennifer Tipton, Senior Admin  
Jessica Trotman, Planning Director  
Jake Hair, Planner  
Ron Sneed, Town Attorney

The meeting was called to order at 6:02 p.m. and duly constituted and opened for business with a quorum of seven (7) regular members.

**II. ADOPTION OF AGENDA**

Jesse Gardner made a motion to adopt the agenda as presented. The motion was seconded by Chas Fitzgerald and approved by a vote of 7-0.

**III. ADOPTION OF MINUTES**

Chas Fitzgerald made two changes to the minutes of February 22, 2021. Chas Fitzgerald made a motion to adopt the minutes as amended. The motion was seconded by Kathy Phillips and approved by a vote of 6-0 with Chris Collins abstaining.

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

**1. Voluntary Annexation Request for 201 and 207 Old Toll Road**

Brownie and Elizabeth Newman purchased the properties at 201 and 207 Old Toll Road. The parcels currently have a single-family residence and an old commercial garage that has been vacant for the past ten years. The property is currently served by Town water, but Mr. Newman is wanting to add additional structures to the property and per the ordinance, is required to request voluntary annexation. The parcels total 3.44 acres and have access off of Old Toll Road. The property does have an easement to Brooks Cove Road but the easement will be used for the MSD sewer line and not any type of access. Mr. Newman said there are pros and cons to annexing and the biggest con is the timeframe to get through the process. Mr. Newman said that while taxes would be higher being located in the town, they would be given additional services. Mr. Newman said that even if the annexation is denied, they can still have water but will have to

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pay a differential rate so in terms of the financial tradeoffs, he would be fine either way. Jesse Gardner asked about looking at larger areas to annex rather than having patchwork areas such as this where it may be hard to provide services. It was explained that in order to look at annexing a larger area, there would have to be a legislative referendum and a super majority of the property owners in the proposed area. Ms. Trotman did say that the Town will meet all legislative requirements if the property is annexed. This development is not connected to the Brooks Cove Road development. There was also a question about water availability and it was explained that during technical review of development applications is when demonstrated water capacity will be determined. The Town has also implemented system development fees which go into an enterprise account and will fund the demand and expansion of water service. The board said they were okay with the annexation as the parcel is comparable in size and generally a good fit for the area.

**2. Rezoning Request for 201 and 207 Old Toll Road**

In conjunction with the voluntary annexation request, Mr. Newman is also seeking a Town zoning designation of UR-8. The adjacent parcels that are inside the town limits are currently zoned UR-8 and the uses are comparable to the R-1 zoning district of Buncombe County. Chas Fitzgerald asked about the possibility of providing a buffer between this property and Old Toll Road and it was explained that the adjoining zoning districts are more similar than not so there is not a need for a buffer or transition area. Jesse Gardner made a motion to recommend the UR-8 zoning designation to the Town Council because the parcel is reasonably sized compared to adjacent parcels, it is consistent with the comp plan, there is no impact to the adjacent neighbors, and it falls in line with uses that are allowed. The motion was seconded by Chris Collins and approved by a vote of 7-0.

**3. Proposed Text Amendment – Open Space Requirements for Major Subdivisions**

Jessica Trotman said that this text amendment comes from working on the Elevate Black Mountain Plan and community input for more open and greenspace. The proposed amendment is to increase open space requirements in major subdivisions from five percent to fifteen percent, which would make them consistent with PUD requirements. Ms. Trotman said that now stream buffers can be used as part of the open space. Chas Fitzgerald had a question about a sentence on the last page that talks about easements and access. To clarify the sentence, Mr. Fitzgerald recommended adding access in front of easement and adding a period after width and deleting the rest of the sentence. There were some questions about the twenty foot width requirement for easements and it was clarified that the width would only be required if dedicating the easement to the Town and there would not be a width requirement if the easement were to remain private. Jesse Gardner made a motion to recommend the text amendment as amended to the Town Council because the amendment is consistent with the comp plan of providing additional open and greenspace and is reasonable and in the public interest because the amendment incorporates feedback from the community for subdivisions to provide more greenspace. The motion was seconded by Chris Collins and approved by a vote of 7-0.

**VI. COMMUNICATION FROM PLANNING BOARD**

None.

**VII. COMMUNICATION FROM STAFF**

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Jessica Trotman announced that the final draft of Elevate Black Mountain has been posted for public comment.

Jessica Trotman said that she will sending out short-term rental information to everyone and that staff will be attending a webinar on regulation and taxation of short-term rentals and will share that PowerPoint after the webinar.

**VIII. ADJOURNMENT**

Jesse Gardner made a motion to adjourn at 7:10 p.m. The motion was seconded by Chas t and approved by a vote of 7-0.

Prepared by:

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Chris Collins, Chair

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Jennifer Tipton, Senior Admin