

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, April 26, 2021, 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:

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

Staff:

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

The meeting was called to order at 6: 04 p.m. and duly constituted and opened for business with a quorum of five (5) regular members. Member Kathy Phillips arrived late to the meeting.

II. ADOPTION OF AGENDA

Chas Fitzgerald made a motion to adopt the agenda as presented. The motion was seconded by Lauronda Teeple and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Chris Collins made a motion to adopt the minutes of March 22, 2021 as written. The motion was seconded by Lauronda Teeple and approved by a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Brooks Cove Road Preliminary Plat

Jesse Gardner presented the preliminary plat for Brooks Cove Road. Mr. Gardner noted that there was a typo on the plat and it should say single-family and not multi-family for the proposed use. There are forty-seven lots, which comes out to about 2.8 units an acre. Mr. Gardner did say that an environmental assessment has been done and they have drilled for earthworks.

Chas Fitzgerald asked about the density number being rounded up but the number for open space being exact and Jessica Trotman explained that the Town currently does not have a density calculation in place. The creek will stay in its natural bed and will only be impacted where it needs to be crossed for a road. The stream buffer will be in place on lot twenty-four. Mr. Fitzgerald asked about a fire access turnaround for lots 42-47 and Mr. Gardner explained that they can have one hundred and fifty feet of road before a turnaround is required and they have exactly that and then the last three lots are served by a private driveway. Mr. Fitzgerald asked

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about looping the dead-end hiking trail on the east side of the property and Mr. Gardner said that the trail goes up to an overlook and they wanted to keep it long and gradual due to the terrain but they can look at the possibility of looping the trail.

Lauronda Teeple asked about open space and Mr. Gardner explained that the majority of the open space is shown on the bottom edge of the property, south of roads A and B. The gray areas are the stormwater BMP's. Ms. Teeple asked about the possibility of having an arborist come in and check to see if there are any noteworthy trees or flora before clearing the property. Ms. Teeple suggested this due to the amount of public comment received regarding the trees and preserving the natural vegetation. Mr. Gardner said that he feels that is part of the engineer's job to look at when walking the land and making a conscious effort of preserving what they can. They do flag the limits of disturbance and that will be closer to time of construction.

Rick Earley asked about the widening of Brooks Cove Road and if it would be widened all the way to the curve. Mr. Gardner said that they will be adding pavement to the parts of Brooks Cove Road that front their property only. Mr. Gardner said that they do not control the rest of the right-of-way and the right-of-way also varies as the road continues and that it presents legal issues and becomes more difficult if they try to widen areas that they do not control.

Chas Fitzgerald made a motion to approve the preliminary plat with the commitment of looping the trail. The motion was seconded by Rick Earley and approved by a vote of 6-0.

2. Central Avenue/W. College Street/Goldmont Street Right-of-Way Closure Request

Jake Hair said that Mary Griffin Dodd has petitioned the town to close the Central Avenue right-of-way and additional right-of-way between Goldmont Street and W. College Street. The right-of-way for Central Avenue measures approximately three hundred and fifty feet in length and approximately fifty feet wide and the right-of-way between W. College Street and Goldmont Street is approximately one hundred and fifty feet in length and approximately fifteen feet wide. There are no utilities in either right-of-way, neither is designated on any of the master plans for greenways or recreation, there are no drainage areas, and there are no stormwater areas within the rights-of-way.

Chas Fitzgerald expressed concerns over the Central Avenue right-of-way because it is greater than twenty feet and could potentially provide pedestrian access in the future. Chris Collins echoed Mr. Fitzgerald's concerns.

Mary Griffin Dodd, 132 W. College Street, said that all of the neighbors are in agreement of closing both rights-of-way and it currently has fences and is mostly wooded.

Rick Earley said he was also not in favor of giving up the Central Avenue right-of-way. Pam Norton asked if a greenway would really run beside the road and then just stop and said that she was in favor of closing the Central Avenue right-of-way.

Ms. Dodd said that closing the Central Avenue right-of-way would give peace and mind to the neighbors because people wouldn't be walking through there.

The board discussed that issue of pedestrian connection and that it is a long block with no pedestrian connection and it could provide a good connection in the future to the recreation facilities on Swannanoa Avenue.

Chris Collins made a motion to open public comment. The motion was seconded by Pam Norton and approved by a vote of 6-0.

Mike Crowe, 130 Brooks Cove Road, asked about the pavement width for Brooks Cove Road. Due to feedback issues, staff will contact Mr. Crowe regarding his question.

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Chris Collins made a motion to close public comment. The motion was seconded by Rick Earley and approved by a vote of 6-0.

Chris Collins made a motion to not recommend the closure of the Central Avenue right-of-way. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-1 with Pam Norton voting against.

Chris Collins made a motion to not recommend the closure of the right-of-way between W. College Street and Goldmont Street. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0 with Pam Norton abstaining.

Chris Collins made a motion to initiate a petition to close the remainder of the right-of-way between W. College Street and Goldmont Street from the Central Avenue intersection south to US 70 Hwy. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

3. 160D Changes

Jessica Trotman began by saying that staff had worked on the amendments for several months and then sent the amendments to the Town Attorney for them to look at. Ann Stearns said that the purpose of 160D is to consolidate and clarify development regulations for cities and counties and the deadline for compliance is July 1. Ms. Stearns said that there are some changes that were made that are not mandatory but recommended by legal to conform to other law changes or to clarify language. Anna Stearns presented a PowerPoint presentation, which is hereby attached and made a part of these minutes, and the yellow pages are changes that are not related to 160D. Chris Collins made a motion to recommend approval of the suite of amendments presented to promote consistency with 160D as the zoning amendment is consistent with the comprehensive plan and is reasonable and in the public interest and is mandated by the State of North Carolina government that we become consistent with this and it is consistent with the comprehensive plan and reasonable and in the public interest as it aligns our code definitions between building and zoning and creates a scenario wherein our development regulations are more consistent and easier to apply. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

Jessica Trotman reported that the public comment period for the comprehensive plan has ended and the plan has been tweaked slightly based on the comments received. The Town received five or six written comments and about eight responses to the survey. Ms. Trotman said this is pretty typical when you have heavy community involvement during the first part of the process. The Town Council will be holding a special call meeting in May to have a presentation from the consultant on the plan before the public hearing in June.

VIII. ADJOURNMENT

Pam Norton made a motion to adjourn at 7:26 p.m. The motion was approved by consensus.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin