

Buncombe County Planning Board  
May 6, 2013

The Buncombe County Planning Board met May 6, 2013 in the meeting room at 30 Valley Street. Members present were Jim Young, Bud Sales, Josh Holmes, Bernie Kessel, Michelle Wood, Chairman Tom Alexander, and Catherine Martin. Also present were Curt Euler, Assistant County Attorney; Jon Creighton, Planning Director/Assistant County Manager; and, Gillian Phillips and Debbie Truempy, Planning staff.

**Call to Order**

Chairman Alexander called the meeting to order at 9:31 am.

**Approval of Agenda**

Ms. Wood made a motion to approve the agenda. Ms. Martin seconded the motion and the motion passed unanimously.

**Approval of Minutes (April 15, 2013)**

Mr. Holmes made a motion to approve the minutes as submitted. Mr. Kessel seconded the motion, and the motion passed unanimously.

**Discussion of the provision of conditional use standards for motor sports facilities in reference to the application by Stacy Ogle to amend §78-641, Permitted Use Table, of the Zoning Ordinance of Buncombe County, to make “motor sport facility” a conditional use in the Commercial Service (CS) and Employment (EMP) Districts**

Mr. Alexander reminded those present that, while the public would have a chance to speak, the discussion regarding potential conditional use standards for a motor sports facility was not a public hearing and the Planning Board would not make a recommendation regarding this application. He indicated to those present that the public hearing would probably be scheduled for the first meeting in June.

Ms. Truempy reminded the Board that the Planning Department had recommended denial of Mr. Ogle’s proposed text amendment and was providing the Board with proposed standards for the Conditional Use Permit at their request. The Planning Board was provided with staff recommendations (Attachment A) and a series of maps related to the proposed recommendations (Attachment B).

Albert Sneed, an attorney representing Mr. Ogle, was present. Mr. Sneed described why Mr. Ogle had requested the proposed text amendment, and indicated that a motor sports facility would be appropriate in both the CS and EMP district as the areas already allowed uses with increased traffic and noise. Mr. Sneed discussed how the applicant already had a particular site in mind. He stated that Mr. Ogle had already discussed the proposal with the neighbors surrounding the property in question, and that the neighbors had signed a petition indicating they were in favor of the proposal (Attachment C), and he additionally had a letter from the Ingle’s distribution center regarding truck traffic in the area (Attachment E). Mr. Sneed

indicated that he and his client had reviewed the proposed language and that they would like to present one change to the Board (Attachment F) regarding the required buffers. The Board discussed the proposed change to the language staff had presented (Attachment A). Mr. Kessel raised concerns regarding the buffering of streams in c of Attachment A. There was further discussion regarding the proposed changes. Ms. Wood raised concerns regarding the requirement for evergreen trees in e of Attachment A. Chairman Alexander indicated that the Board would at this point take public comment.

The following individuals made public comment regarding the proposal:

- Derek Allen reminded the Board that the staff had recommended denial of the requested text amendment. Mr. Allen raised concerns regarding noise and indicated that the use would be more appropriate in areas that were less densely populated.
- Jeff Lewis, the owner of Harley Davidson of Asheville, supported the proposal it was good for motor sport sales and questioned whether that staff as had visited a motor sports facility.
- Stephe Roush indicated that she had lived near the previous motor sports track on Lytle Cove Road and that the site had caused issues for the surrounding neighbors. She indicated that the track created a large amount of noise and dust. She indicated that people with asthma who lived near the track were affected due to the dust. Ms. Roush indicated that people had trouble selling their homes due to the track.
- Doug Thigpen suggested conditions be added to protect residential properties.
- Sophia Papadodoulos, the chair of the Friends and Neighbors of Swannanoa Association, was present. She raised concerns regarding noise and how a motor sports facility would affect the Swannanoa area.
- Stacy Ogle, the applicant, indicated that he had discussed the proposed track with the neighbors surrounding the property that they were interested in placing the track on and that those neighbors were ok with the proposal.
- Cydney Pruett indicated that she raced dirt bikes and that they were not that loud.
- Ryan Beasley was in support of the proposal and indicated that the track would be for the children who participated in the sport and that buffering would reduce the noise.
- Dede Stiles indicated that she did not live close to the track that had been on Lytle Cove Road but could still hear it from her home.

- Ms. Beasley indicated that her grandchildren participated in the sport and she supported the proposal.
- Jane Hansle was present and raised concerns regarding the proposal.

The Board discussed the proposal after those wishing to make public comment had finished. Chairman Alexander poled the Board regarding the proposal with the staff's recommended conditions. Jim Young and Josh Holmes were against the proposal, while the rest of the Board indicated they were in favor of it. There was discussion regarding how the proposed language would affect people who wished to locate a motor sports facility in Open Use. The Board discussed the proposed language and indicated that Mr. Sneed's proposed change should be added, that there was a reference to plant that needed to be changed dust should be added to condition i, and e(3) should add species to be approved by the Board of Adjustment. Chairman Alexander then asked staff to advertise the public hearing for the first meeting in June.

#### **Discussion of the ramifications of State Law 2013-30 regarding the Extraterritorial Jurisdiction (ETJ) of Asheville**

The Board was provided with a copy of State Law 2013-30 (Attachment F). Ms. Truempy indicated to the Board that jurisdiction regarding land development would be removed from the City of Asheville, and give to Buncombe County. Ms. Truempy then described the initial zoning process for the Board. She indicated that staff was currently looking at the City of Asheville's zoning within the ETJ and comparing it to County zoning districts. Ms. Truempy described how projects within the ETJ, which had received permits through the City, would finish those projects through the City's permitting process. She indicated that a similar bill was currently working its way through the legislature for the town of Weaverville's ETJ as well. Ms. Truempy indicated to the Planning Board that staff needed direction from the Planning Board to bring the proposed maps to them to review for the next meeting. There was further discussion regarding the process and the proposed maps, including the proposed timetable for implementation of zoning within the ETJ.

#### **Adjournment**

There being no further business on the agenda and, no one wishing to make public comment, Mr. Holmes made a motion for adjournment of the meeting. Ms. Martin seconded the motion, and the meeting was formally closed at 11:02 am.

# ATTACHMENT A

(12) *Motor Sports Facility.* Standards for motor sports facility shall be as follows:

- a. The parcel on which the facility is located shall be set back at least 2,640 feet from any parcel where a hospital; hospice facility; licensed nursing home; licensed adult care home; licensed family care home; drop-in or short term child care center providing care to at least 10 preschool children; licensed child care center; private or public elementary, middle or high school; publicly accessible state or federal land (to include the Blue Ridge Parkway); or municipal or county park or recreation facility is located.
- b. The facility must comply with the Buncombe County Flood Damage and Prevention Ordinance. But in no case shall production facilities or storage of hazardous materials (to include bulk fuels) be located in the Special Flood Hazard Area.
- c. The area of operations shall be set back from all perennial waters, as shown on the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and from all wetlands, as defined by G.S. 143-212(6) for a distance sufficient to protect surface and groundwater from spills and leaks. Said setback shall be a vegetative buffer no less than 100 feet in width, with no less than the first 50 feet from the stream or wetland being undisturbed and the remaining area consisting of managed vegetation.
- d. There shall be sufficient access to a major highway so as to minimize facility-related travel through residential neighborhoods.
- e. A buffer strip along all property lines shall be required that is sufficient in height, density, and foliage at all times of the year to minimize the visual impact to persons and motorists not on the property and to maximize the buffering of noise and particulate matter. Said buffer strip shall not extend into the established setback along any street. The required buffer shall be placed according to one or a combination of the following methods, as approved by the board of adjustment as fitting for the use and surrounding areas:
  1. A continuous, natural and undisturbed 100 foot buffer strip of trees, shrubbery, and other natural vegetation.
  2. A 100 foot planted buffer strip consisting of at least three rows of evergreen trees, whose species shall be approved by the board of adjustment, which at the time of planting shall be at least six feet in height, and which at maturity, shall be at least fifteen feet in height. In

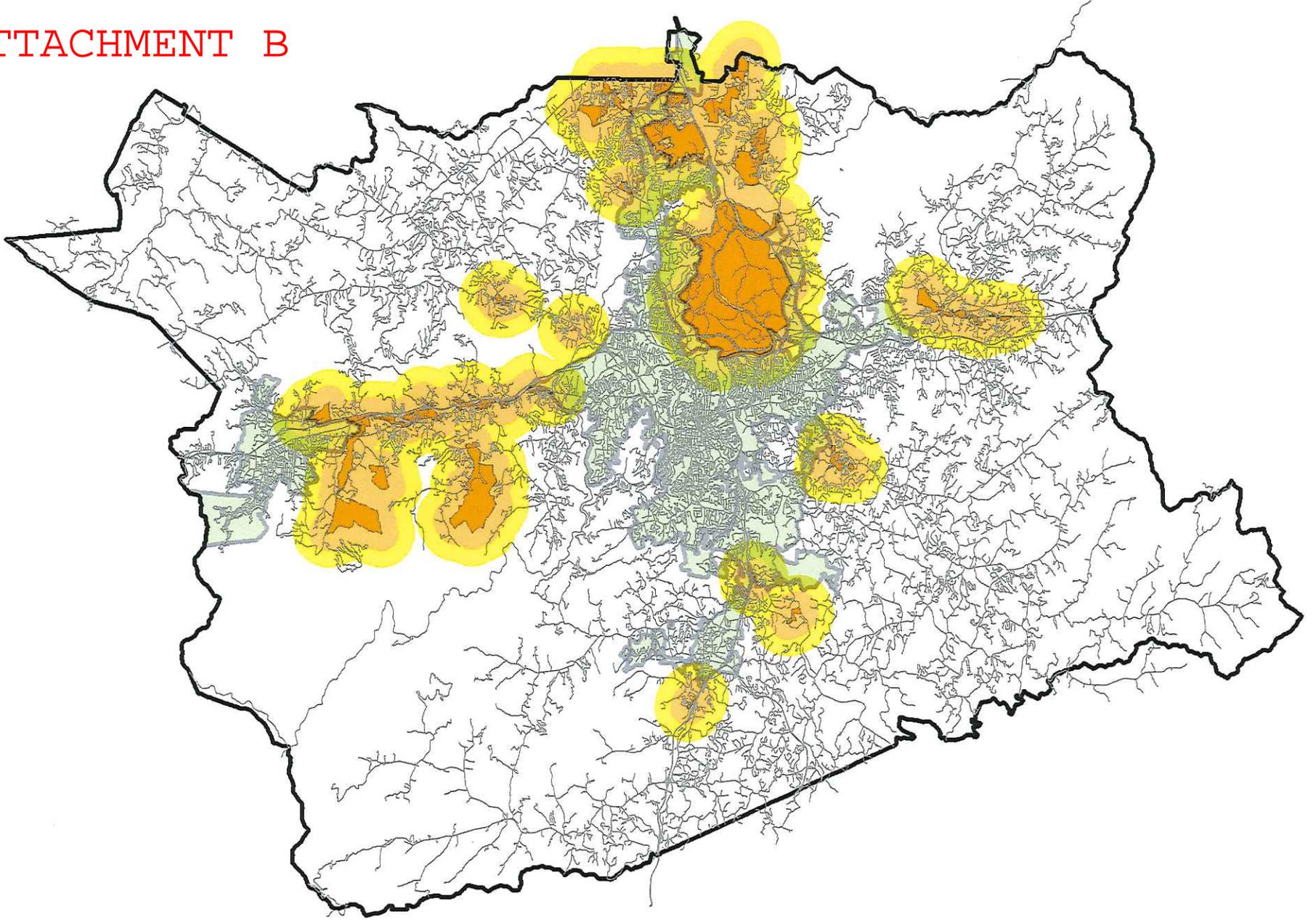
each row the trees shall be spaced no more than ten feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) five feet. The rows shall be no more than thirty feet apart and centered within the buffer strip. The buffer strip shall also contain at least two evergreen shrubs for every one tree and the shrubs shall be intermixed between the trees.

3. An earthen berm landscaped with evergreen shrubs and topped with a row of evergreen trees. The berm shall be a minimum of eight feet in height and shall have slopes that do not exceed one foot in height to three feet horizontal. The row of evergreen trees shall be at least five feet in height at the time of planting and which at maturity shall be at least ten feet in height. The trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at the time of planting. No less than two evergreen shrubs for every tree shall be planted in two rows; the first row shall be planted at the base of the berm. The second row shall be planted at the midpoint of the berm and shall be offset (staggered) from the first row.

The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Unhealthy or dead plants shall be promptly removed and replaced within one planting season.

- g. A security fence shall surround the entire motorsports area and any associated maintenance facilities, shall be a minimum of six feet in height, and shall be located between the motorsports area and the required buffer strip. Driveways or entranceways shall be gated during the hours when the plant is not open and operating.
- h. The facility shall maintain adequate parking for all events. Parking must be contained on-site, with parking prohibited in any setbacks. Parking must be in designated parking areas and shall ensure adequate passage of emergency vehicles throughout the site at all times.
- i. Hours of operation, signs and exterior lighting shall be evaluated for economic, noise, vibration, glare and odor effects and shall be compatible and in harmony with surrounding properties.

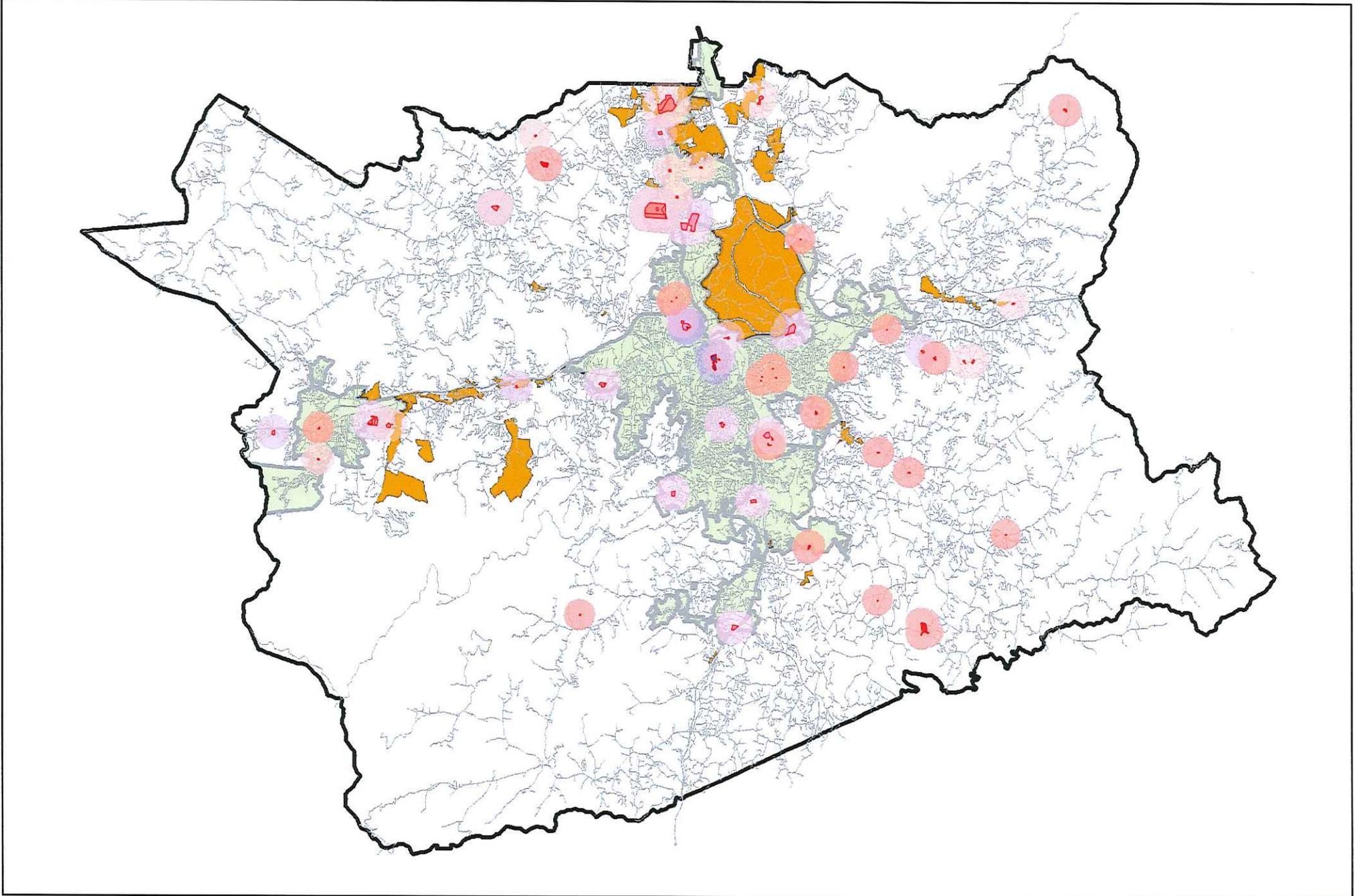
# ATTACHMENT B



**EMP & CS Districts with Buffers**

- EMP & CS Districts
- One-half Mile Buffer
- One Mile Buffer
- CITY OF ASHEVILLE; TOWN OF BILTMORE FOREST; TOWN OF BLACK MOUNTAIN; TOWN OF MONTREAT; TOWN OF WEAVERVILLE; TOWN OF WOODFIN

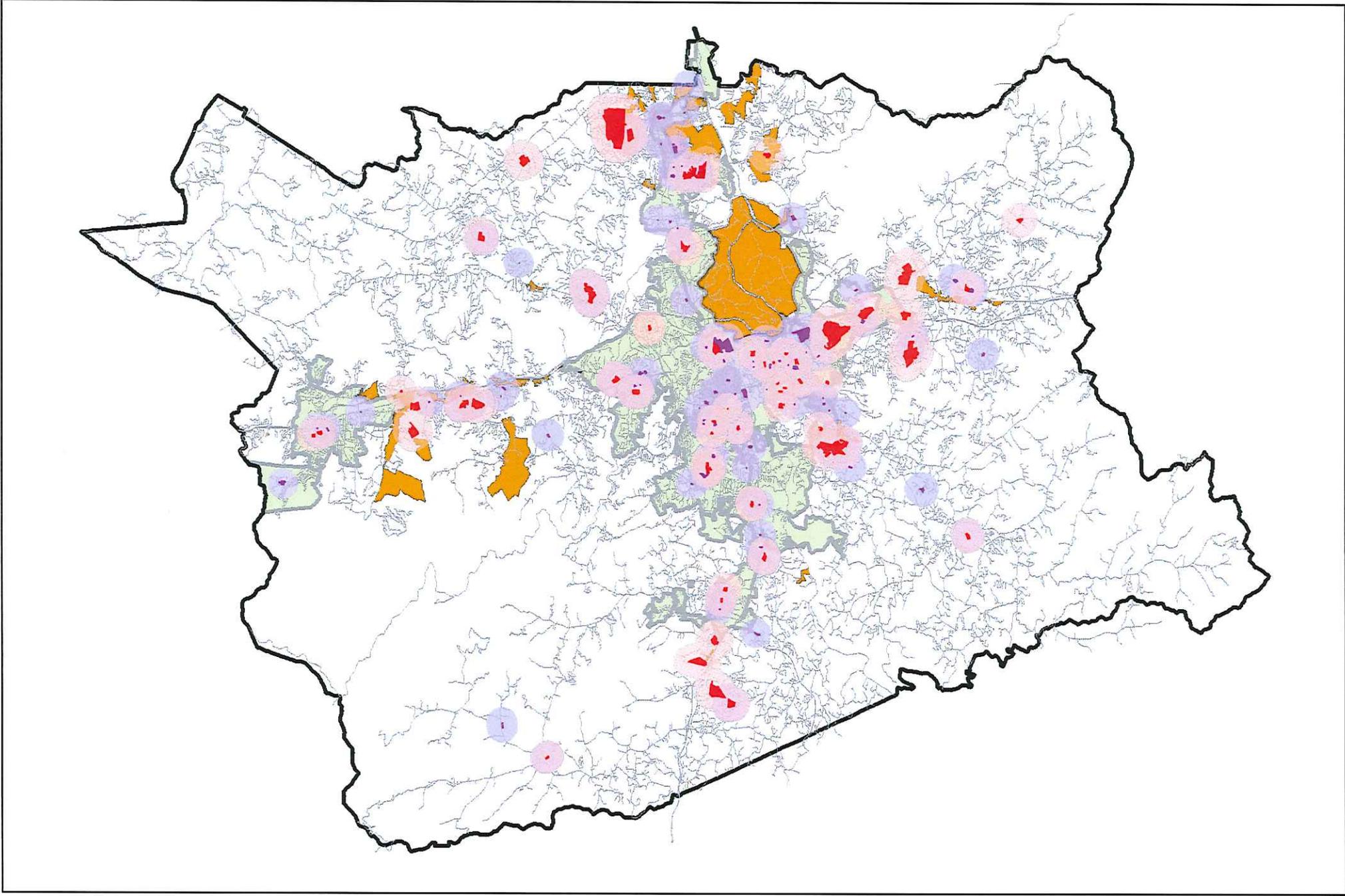




- Adult Care Homes
- Family Care Homes
- Nursing Homes
- Hospice Facilities
- Hospitals

EMP & CS Districts  
 Health Care Facilities with One-half Mile Buffers

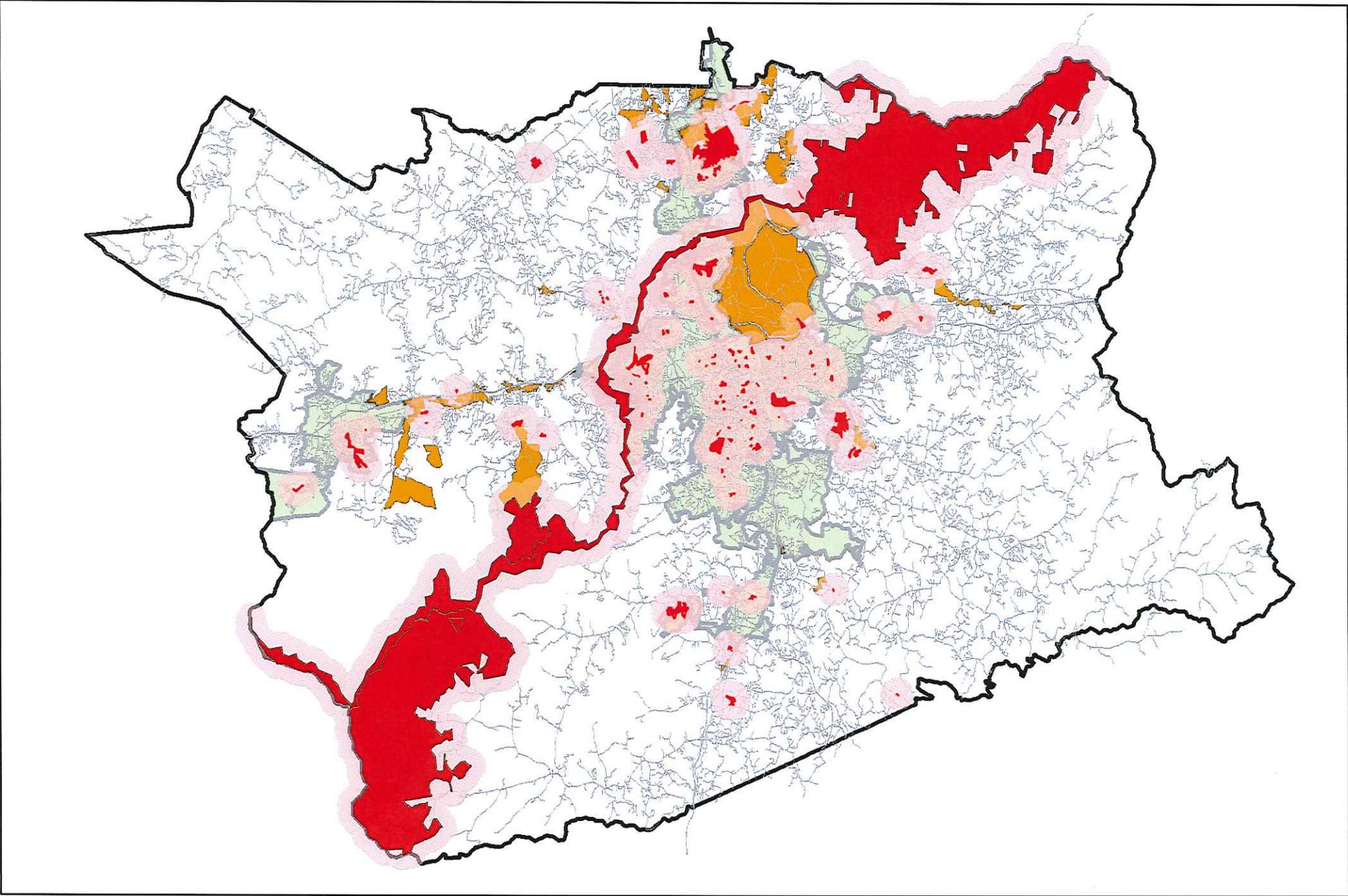




EMP & CS Districts  
Schools & Day Care Facilities with One-half Mile Buffers

Schools  
Day Care Facilities





Parks and Recreation Facilities

EMP & CS Districts  
Parks & Recreation Facilities with One-half Mile Buffers



ATTACHMENT C

Business: AN EYE FOR DETAIL

Sign: Jan Clark

Date: 4-30-13

Email: Clarkjcat@att.net

Phone: 828-230-3740

Business: Cut-N-Up Barber Shop

Sign: Dennia Pressley

Date: 4-30-13

Email: \_\_\_\_\_

Phone: 828-669-7959

Business: Valley Truck Serv. INC.

Sign: [Signature]

Date: 4-30-13

Email: KETH@ValleyTruckServ.net

Phone: 828-273-0055

Business: Rhodes Heavy Equip

Sign: Michael Rhodes

Date: 4/30/13

Email: Rhodesrepair@ATT.net

Phone: 828-669-0001

Business: Appalachian Tool

Sign: Eddie Fingell

Date: 4/30/13

Email: Platwoodsman@yahoo.com

Phone: 828 669 0142

Business: Allstate

Sign: Susie Tolley

Date: 5-3-13

Email: Sblankenship2@allstate.com

Phone: 828-686-9422

Business: Appakchian Ink Tattoo Parlor - Lowell

Sign: [Signature]

Date: 4-20-13

Email: appakchian Ink@ROCKETmail.com

Phone: 828-707-7679

Business: Mountain View men's Park

Sign: [Signature]

Date: 4-28-13

Email: Wtracywilson@gmail.com

Phone: 828-669-8121

Business: RUSSELL'S PAINT & BODY, LLC.

Sign: [Signature]

Date: 4-22-13

Email: RUSSELL@RUSSELLSPAINANTANDBODY.COM

Phone: 828-686-1313

Business: Boutie Rods & Customs

Sign: [Signature]

Date: 4-30-13

Email: Boutiecustoms7@yahoo.com

Phone: (828) 702-5050

Business: Wilson Family Funeral Svc

Sign: [Signature]

Date: 4-28-13

Email: Wtracywilson@gmail

Phone: 828 216-4058

Business: Pazz Mart

Sign: [Signature]

Date: 4/30/13

Email: BSnyder85@me.com

Phone: 828-318-3929.

Business: SWANNANOVA Community STORE

Sign: Chin West

Date: 3-20-13

Email: Rodyslawko@Aok.com

Phone: (828) 450-9329

Business: 506 Tree

Sign: James J. He

Date: 3-20-2013

Email: James@SVFcd.net  
216-4383

Phone: 828-~~686~~

Business: Swannanoa Valley Animal Hosp

Sign: J. Kelly

Date: 3-21-13

Email: SVAN@SwannanoaVet.com

Phone: 828-299-1435

Business: Paul Whittam's LLC

Sign: Paul Whittam

Date: 3-22-13

Email: Whittam's Towing A/V/M/CO  
1620m

Phone: 828-779-0948

Business: All. Pinks Tire

Sign: Angie Dubois

Date: 3/27/13

Email: \_\_\_\_\_

Phone: 828-779-6417

Business: Appalachian Automotive

Sign: Joe Heff

Date: 4/19/2013

Email: Joe@appalachianperformance.com

Phone: 828 337 9703

Business: Beer City Tavern

Sign: Daniel Johnson

Date: 3-16-13

Email: DWIT@rogers.com

Phone: 828-686-3838

Business: TARWHEELS

Sign: Danny

Date: 16 MAR. 13

Email: \_\_\_\_\_

Phone: 828-298-6606

Business: Redmon's Automotive

Sign: Tom Redmon

Date: 3-16-13

Email: ~~redmon~~ redmonauto@yahoo.com

Phone: 828-686-5567

Business: Paul's Tavern

Sign: [Signature]

Date: 3/16/13

Email: N/A

Phone: 828-216-5257

Business: Breakfast Stoppe

Sign: Dave Lee

Date: 3/16/2013

Email: Breakfaststoppe@yahoo.com

Phone: 828-686-0001

Business: D & G Building

Sign: Chris S.

Date: 2.16.13

Email: GM777CARS@AOL

Phone: 828-778-4761

2-11-2013

To: whom it may concern

I own the Eye Scream Parlour at 2064 US Hwy 70 in Swannanoa, NC. I have listened to Kevins idea about the track and I feel it would have a positive impact on our families and youth. Families need more activities to be involved in. I do not have any concerns regarding noise as I am sure it would meet all county requirements. We in the Swannanoa Valley often hear noise from Hwy 40, Hwy 70 and the train tracks run right through our valley. I do not feel that the track would even be noticed.

Steve Moseley  
828-775-1616  
Moseley.2000@gmail.com

**The Ingles**  
**ADVANTAGE**

ATTACHEMNT E

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**Robert P. Ingle**  
*Chief Executive Officer*

**Jim Lanning**  
*President*

March 21, 2013

To Whom It May Concern:

For the week ending March 16, 2013; there were 1028 Ingles company trucks dispatched from our distribution center located on Highway 70 in Black Mountain, NC. Also, there were 855 other tractor trailers that visited our facility to make deliveries. All of these trucks traveled to and from the Ingles Distribution Center on Highway 70.

Sincerely,



Dan Smith  
Transportation Director

ZPH2013-00003

ATTACHMENT F

Depending on the size, scope and nature of the proposed facility and the reasonable requests of the adjacent property owners, the Board of Adjustment may require buffering up to the maximum of the following standards. In appropriate cases, buffering may be waived by adjacent landowners.

SUBMITTED AT THE 5/6/2013 PLANNING  
BOARD MEETING

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2013-30  
HOUSE BILL 224

AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 160A-360 is amended by adding a new subsection to read:

"(m) The City of Asheville shall have no authority to exercise any power under this section."

**SECTION 1.(b)** Relinquishment of authority by the City of Asheville shall be effective when this act becomes law. Upon relinquishment of the jurisdiction over an area that Asheville is regulating under Article 19 of Chapter 160A of the General Statutes, the city regulations and powers of enforcement shall remain in effect until (i) Buncombe County has adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of this act, whichever is sooner. During this period, Buncombe County may hold hearings and take other measures that may be required in order to adopt county regulations for the area.

**SECTION 2.** Notwithstanding Section 1 of this act, Buncombe County shall have the authority to continue to appoint residents of the County who reside within one mile of the municipal limits of the City of Asheville, as if G.S. 160A-362 applied, with two appointees to serve on the planning board of the City of Asheville and two appointees to serve on the board of adjustment of the City of Asheville.

**SECTION 3.(a)** The City of Asheville shall not complete, initiate, or otherwise begin any annexation proceeding under Part 7 of Article 4A of Chapter 160A of the General Statutes.

**SECTION 3.(b)** This section is effective when it becomes law and expires on December 31, 2025.

**SECTION 4.** This act applies only to the City of Asheville.

**SECTION 5.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of April, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

