The Buncombe County Planning Board met on June 15, 2015 in the meeting room at 30 Valley Street. Members present were Nancy Waldrop, David Rittenberg, Thad Lewis, Dusty Pless, Joan Walker, Robert Martin, Gene Bell, Parker Sloan, and Bob Taylor. Also present were Curt Euler, Staff Attorney; Jon Creighton, Planning Director/Assistant County Manager; Debbie Truempy, Zoning Administrator; and Gillian Phillips, Planning staff.

**Call to Order**
The meeting was called to order at 9:34 am.

**Approval of Revised Agenda**
The Board voted to approve the revised agenda as submitted.

**Public Comment**
No one present wished to make public comment.

**Terry Gentry, Deputy Fire Marshal**
Terry Gentry was present to discuss Emergency Management review of proposed subdivision access point. The Board discussed with Mr. Gentry when he required two entrances for a subdivision. Mr. Gentry discussed topography in the County and how this sometimes made two access points to a subdivision impractical. The Board discussed alternative means of fire protection with Mr. Gentry, and the lack of authority he had over roads that were in the purview of the North Carolina Department of Transportation (NCDOT). Mr. Gentry indicated that he worked with local Fire Chiefs and Planning staff in regards to the review of road construction in the county.

**SUB2015-00005: Drew Norwood of Windsor Aughsy is seeking approval for a revision to the approved preliminary plan of Maple Trace Subdivision, which is located off of Reems Creek Road Southwest of the intersection with Parker Cove Road (PINs 9752-34-6142 and 9752-33-9212).**

The Board was provided with the submitted site plan (Attachment A), approved NCDOT driveway permit (Attachment B), and proposed staff conditions (Attachment C) prior to the hearing. Ms. Truempy reviewed the case for the Board. Will Buie was present and discussed the proposed change for the Board. Mr. Buie reviewed the change in access and reviewed the approved NCDOT driveway permit. Jason Peltz, a local attorney, was present to represent Windsor Aughsy, and reviewed the purview for which the Board approves or denies a preliminary subdivision plan. The Board discussed the proposal and asked questions regarding access, the location of the proposed waterline and sewer lines, the NCDOT requirements for the driveway permit, and the required flood development permit. Ms. Truempy reviewed the staff proposed conditions for the Board. Chairman Belle asked if anyone would like to make public comment. The following people spoke regarding the proposed development:

- Janet Polosy raised concerns regarding traffic and the existing NC DOT bridge.
- Phyliss Ray indicated that it would destroy the rural nature of the area, and raised concerns regarding NCDOT approval of the driveway permit.
- Ken Young raised concerns regarding traffic.
• Eileen Pullus indicated that she thought there should be two entrances, and raised concerns regarding safety.
• George Patalia indicated that he thought there should be two entrances.
• Nancy Nehls Nelson raised concerns regarding safety, and the erosion of the rural character of the area.
• Jeff Ballard raised concerns regarding the bridge and road safety.
• State Representative John Ager was present and indicated that he would speak to the NCDOT regarding their review process.

The Board further discussed the application including how the proposed open space was evaluated. Mr. Lewis made a motion to approve the application as submitted. Mr. Pless seconded the motion. Mr. Wietenberg amended the motion to send a letter to the NCDOT stating the Board’s preference that the bridge be upgraded prior to the second or third phase. The Board further discussed the purview of the Planning Board and the concerns the neighborhood had raised. The Board then granted the revised plans preliminary approval with the conditions recommended by staff.

**Public Hearings (Zoning Map Amendments)**

ZPH2015-00029: Harry Coates & Ricky L. Coates applied to Modify §78-641. Table 1. Permitted Use Table, to permit travel trailers and travel trailer parks in the Commercial Service (CS) District.

The Board was provided with and the proposed staff prepared Land Use Plan Consistency Statement (Attachment D) prior to the meeting. Ms. Truempy reviewed the proposal for the Board and indicated that staff recommended denial of the text amendment request. Mr. Coates indicated that there were many appropriate spots for a travel trailer park in the community. The Board discussed the proposal with staff. Chairman Bell asked for public comment. Jim Hues and Sherri Parham were present and indicated that they opposed the proposal. Chairman Bell closed the public hearing. Mr. Sloan made a motion to deny the application pursuant the consistency statement provided by staff. Ms. Walker seconded the motion and the motion passed with a vote of eight to one, with Mr. Pless voting against it.

ZPH2015-00030: Ricky L. Coates applied to rezone tax lot PINs 8697-44-0610 (located in between 5 Stone Valley Ln and 25 Stoneridge Dr) and 8697-34-8516 (5 Stone Valley Ln), which are currently zoned Single Family Residential District R-1 to Residential District R-3.

The Board was provided the GIS map (Attachment E) and staff recommendations (Attachment F) prior to the meeting. Ms. Truempy reviewed the case for the Board. Mr. Coats then withdrew the map amendment.

ZPH2015-00021: Continued discussion of possible revisions to the text of the Blue Ridge Parkway Zoning Overlay District

The Board and staff discussed the proposed changes. The Board was provided with recommended language from staff (Attachment G). The Board discussed lighting standards, height limitations, and adding suggestive language to the existing overlay standards.

**Adjournment**
The meeting was adjourned to 11:35 am.
April 27, 2015

Windsor Built Homes, Inc.
C/O WGLA Engineering, PLLC
Hendersonville, NC 28792

SUB 2015 - 0 0 0 0 5

Subject: Driveway Permit Approval – Buncombe County Access to: SR 2106 for a proposed 134 lot subdivision. (Maple Trace)

Drive #1: 400 feet southeast of the intersection of SR 1003 and SR 2106 toward dead end.

Dear Applicant:

We are attaching hereto your copy of a driveway permit and provisions approved by this office. Please contact us when the job is completed so that we may inspect the same to ensure that all work has been done according to specifications.

Permit approved subject to the following conditions:

- Developer/owner is required to widen the existing NCDOT Bridge #231 to accommodate two lanes of traffic between Phases 3 and 4 of Construction estimated to be $125,000 plus or minus.
- A reimbursable agreement will be required to accomplish this work. Please contact Division Bridge Engineer at 828-298-1128 to facilitate this agreement before work begins.
- A paved turnout is required for the access point.
- No parking, storage, fencing, etc. allowed on NCDOT Right of Way
- The driveway shall be graded with a low point that is located directly over the driveway pipe to prevent water from being shed on to the NCDOT maintained roadway.
- The developer shall provide and install all signs and pavement markings within this project.
- All signs and pavement markings provided and installed by the developer on State maintained roadways, within State maintained intersections, and on any private driveway approach to a State maintained roadway shall be manufactured and installed in accordance to the Department’s standard specifications. This includes the Manual on Uniform Traffic Control Devices, traffic signal plans, roadway plans, and approved...
developer plans.

- The developer's pavement marking contractor shall be pre-approved to perform work for the Department and must submit a copy of their certification card to the District office.

- The developer's signing contractor shall be pre-approved to perform work for the Department.

- The developer shall be required to ensure adequate sight distance on both approaches to the driveway meets minimum MUTCD requirements for stopping sight distance.

If you have any questions concerning this permit, please call Greg Benton of this office at (828) 298-2741.

Sincerely,

JL Willis
District Engineer

JLW: GEB

Attachments
cc: J. J. Swain, Jr., P.E., Division Engineer w/atts
    County Maintenance Engineer w/atts
Buncombe County Planning Board Meeting
Recommended Staff Conditions
SUB2015-00005
PREVIOUS CASE: SUB2014-00278
June 12, 2015
Maple Trace

If approved by the Buncombe County Planning Board, the applicant shall provide the following information (on a revised set of plans if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Provide proof of approval of E-911 addressing or indicate approved addresses and road names on final plat.

2. Proof of acceptance of the water lines into the Town of Weaverville’s water system will be required prior to recordation of a final plat or release of a financial guarantee.

3. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.

4. Final plat shall not be recorded or guarantee of improvement shall not be released until flood development permit is finalized.

5. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until a Buncombe County Erosion Control permit is obtained.*

6. Provide a written statement from the Buncombe Stormwater Ordinance Administrator stating that a Stormwater Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Stormwater Control permit is obtained.*

7. Indicate linear feet of roads on submitted plans.

8. Indicate approximate delineation of wooded and open spaces areas.

10. Provide list of updated PINs.

11. Provide recommendations from a geotechnical engineer for road construction in areas of a tract in excess of 30 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map. *No grading shall occur on the site until the report is provided.* Certification by the geotechnical engineer shall be required certifying that the recommendations were followed during construction.
Inconsistency with the Comprehensive Land Use Plan

Planning Department Recommendation of Denial:

- The proposed amendments to permit travel trailers and travel trailer parks in the Commercial Service (CS) District are inconsistent with the Buncombe County Comprehensive Land Use Plan and updates, as:
  - the 2006 update (Section VII. Implementation Strategies) recommended that:
    - “The CS commercial service district is primarily intended to provide suitable locations for clustered commercial development and to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for suitable noncommercial land uses.” By expanding the allowed uses in the CS District to include the provision of travel trailers and travel trailer parks, recreational and seasonal residential uses may be allowed to take up areas of the County which are designated as higher-traffic sites prime for commercial and mixed-use development.

- The proposed amendments to the text are neither reasonable nor in the public interest as in no case should travel trailers be used as a permanent dwellings, as these homes do not meet NC Building Code. Through the addition of districts where travel trailers and travel trailer parks are allowed, the use of travel trailers as longer-term housing solutions is promoted, in spite of the hazards to health and public safety that their construction may pose.
Case Number: ZPH2015-00030
Approximate Property Size: 5.12 acres
Application Date: May 15, 2015
Planning Board Hearing Date: June 15, 2015

Created By: Buncombe County Planning
Date: May 27, 2015
Ricky L. Coates
Map Amendment

Case Number: ZPH2015-00030
Approximate Property Size: 5.12 acres
Application Date: May 15, 2015
Planning Board Hearing Date: June 15, 2015

Created By: Buncombe County Planning
Date: May 27, 2015
Ricky L. Coates

Map Amendment
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Approximate Property Size: 5.12 acres
Application Date: May 15, 2015
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Created By: Buncombe County Planning
Date: May 27, 2015
Ricky L. Coates
Map Amendment

Case Number: ZPH2015-00030
Approximate Property Size: 5.12 acres
Application Date: May 15, 2015
Planning Board Hearing Date: June 15, 2015

Created By: Buncombe County Planning
Date: May 27, 2015
BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER: ZPH2015-00030
PROPOSED ZONING CHANGE: R-1 TO R-3
LOCATION: 5 STONE VALLEY LANE
PINS: 8697.34.8516 & 8697.44.0610

APPLICANT/OWNER: RICKY L COATES
103 S BEAR CREEK ROAD
ASHEVILLE, NC 28806

DEPARTMENT RECOMMENDATION: DENIAL

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING ANALYSIS: The applicant is requesting the rezoning of two (2) parcels comprising approximately 5.12 acres from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property is currently vacant and maintained as pasture land. The subject property is located along Stoneridge Drive/Stone Valley Lane to the south of Justice Ridge Road (SR 1208). The properties to the north, east and west are characterized by single family residential development, zoned R-1. The subject property is located to the north of two properties zoned CS (Commercial Service District) along Smokey Park Highway which are currently utilized for mobile home sales, outdoor storage and retail/service uses. The subject property shares little relationship with the commercially zoned properties along Smokey Park Highway and is largely separated/buffered from these properties and the Smokey Park transportation corridor by topography and dense existing vegetation. An existing unimproved driveway appears to access the subject property from the commercially zoned properties to the south; however, primary access to the property is provided from Stone Valley Lane via Stoneridge Drive.

The proposed map amendment is inconsistent with Section 78-640(d) Residential District (R-3) of the Zoning Ordinance of Buncombe County which states that the R-3 District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services (not available to the subject property - see below). Those areas without these services will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. The current zoning designation of the subject property (R-1) is intended to protect existing single-family subdivisions from encroachment of incompatible land uses, and the district does not allow manufactured home parks. Section 6 of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that denser development be directed to areas with existing infrastructure. The Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update illustrate the following conclusions regarding the subject property:

- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).
- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property is not located within the combined water/sewer service area as indicated on the applicable land use constraint maps. Public water is available along Justice Ridge Road and Smokey Park Highway, however; public sewer does not extend to this area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within areas that have a combined water/sewer service area. Further, the Plan “suggests” that multi-family development be separated from low-density residential uses. The proposed map amendment would be detrimental to the adjacent neighbors, and surrounding community as it is inconsistent with the zoning of surrounding properties and would allow the encroachment of a higher density zoning district within an existing low density residential area. Therefore the proposed map amendment is not appropriate.

Given, that the proposed map amendment would represent an intensification to allowable residential density where combined water and sewer utilities are not available and the application of the R-3 Zoning District would be inconsistent with the surrounding single-family residential development pattern in the area, the Buncombe County Department of Planning and Development recommends denial of the request.
LAND USE PLAN CONSISTENCY STATEMENTS

Inconsistent: The proposed map amendment is inconsistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).
- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property is not located within the combined water/sewer service area as indicated on the applicable land use constraint maps. Public water is available along Justice Ridge Road and Smokey Park Highway, however; public sewer does not extend to this area.

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Consistent: The proposed map amendment is consistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property has reasonable proximity to a transportation corridor.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within areas that have a reasonable proximity to major transportation corridors. The proposed map amendment would not be detrimental to the adjacent neighbors, and surrounding community as it is consistent with the zoning of surrounding properties. Therefore, the requested zoning would be reasonable and in the public interest.
Blue Ridge Parkway Overlay Overlay Draft

Sec. 78-643. Blue Ridge Parkway Overlay District.

(a) Purpose. Realizing the importance of the Blue Ridge Parkway to the economy of Asheville, Buncombe County, and western North Carolina, the Blue Ridge Parkway Overlay District is created to protect and preserve the unique features of this asset to the city, the county, and the region. The standards established in this district will protect the scenic quality of the Blue Ridge Parkway and reduce encroachment on its rural setting.

(b) Applicability. The provisions set forth in this section for the Blue Ridge Parkway Overlay District shall apply to all properties within 1,320 feet of the centerline of the Blue Ridge Parkway located within Buncombe County's zoning jurisdiction. Both privately and publicly owned property shall be subject to the requirements set forth herein.

(c) Development standards.

(1) Setback requirements.

a. Principal buildings. Principal buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 50 feet from the boundary of property owned by the United States government and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.

b. Accessory buildings. Accessory buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 30 feet from the boundary of property owned by the United States government and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.

(2) Building heights. No building or structure shall be constructed with a height in excess of 40 feet within 1,000 feet of the centerline of the Blue Ridge Parkway, if visible from the centerline of the Blue Ridge Parkway roadway.

(3) Buffering requirements. A buffer for development of any type, other than single-family residential, which is to be located adjacent to the Blue Ridge Parkway within 1,000 feet of the centerline of the Blue Ridge Parkway and which will be visible between April and October from the Blue Ridge Parkway roadway, shall be provided according to the following specifications:

a. A minimum buffer width of 30 feet measured from the property line is required and shall be located within the required setback.

b. Total number of plants: Ten plants per 100 linear feet are required, of which five should be evergreen trees (min. six feet at planting), three should be large deciduous trees (min. two-inch caliper, ten to 12 feet at planting), and two should be small deciduous trees (min. 1.5-inch caliper, eight to ten feet at planting). The preservation of existing trees within the bufferyard is encouraged.

(6) Screening standards. The following screening regulations shall be required within the Blue Ridge Parkway Overlay District for all new structures and any
modification to an existing structure exceeding 50 percent of the appraised value of the structure, if the buildings and structures are visible from the Blue Ridge Parkway roadway.

The surfaces of the structure which are oriented to the Blue Ridge Parkway must be screened at a ratio of one tree of 1.5 inch diameter measured 6 inches above the root ball for every 200 square feet of planar surface. Planar surface is defined as the combined exterior surface area of all vertical surfaces within a single face of the structure. Trees planted to achieve the required ratio must be planted no greater than 50 feet from the furthest extending portion of the structure (measured perpendicularly). Trees must be of varying, native species, as defined by the Natural Resource Conservation Service of the United States Department of Agriculture, and no single species shall comprise more than 50 percent of the trees planted. Trees shall be spaced no less than 10 feet but no greater than 30 feet apart.

Existing trees within the area of allowed disturbance which are left intact and that appear in good health can be credited toward the required ratio. The following credit system will be observed:

<table>
<thead>
<tr>
<th>Tree Dimensions</th>
<th>Credits</th>
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<tbody>
<tr>
<td>2.5&quot; to 4&quot; DBH (minimum 8' tall)</td>
<td>1 tree</td>
</tr>
<tr>
<td>4&quot; to 6&quot; DBH (minimum 15' tall)</td>
<td>1.5 trees</td>
</tr>
<tr>
<td>6&quot; to 10&quot; DBH (minimum 20' tall)</td>
<td>2 trees</td>
</tr>
<tr>
<td>10&quot; to 16&quot; DBH (minimum 25' tall)</td>
<td>2.5 trees</td>
</tr>
<tr>
<td>16&quot; or greater (minimum 30’ tall)</td>
<td>3 trees</td>
</tr>
</tbody>
</table>

Trees to be credited shall be marked using flagging tape prior to site disturbance in order to ensure their health throughout site development.

(d) Notice of proposed development. The planning department shall assure that the National Park Service is notified and given an opportunity to make recommendations concerning major subdivisions, rezonings, conditional uses, and variances proposed within the Blue Ridge Parkway Overlay District.