

Buncombe County Planning Board
August 7, 2017

The Buncombe County Planning Board met on August 7, 2017 in the meeting room at 30 Valley Street. Members present were Gene Bell, Nancy Waldrop, David Rittenberg, Robert Martin, Parker Sloan, Billy Taylor, and Thad Lewis. Also present were Michael Frue, Staff Attorney; Jon Creighton, Planning Director; and Debbie Truempy and Shannon Capezzali, Planning staff.

Call to Order

Gene Bell called the meeting to order at 9:30am.

Approval of Agenda

David Rittenberg made a motion to approve the agenda. The motion was seconded by Nancy Waldrop and passed unanimously.

Approval of Minutes (July 17, 2017)

David Rittenberg made a motion to amend the July 17, 2017 meeting minutes with the items requested by Joan Walker in a prior email to staff. The motion was seconded by Nancy Waldrop and passed unanimously.

Subdivision Variance Request (SUB2017-00253) and Manufactured Home Park Variance Request (ZPH2017-00046)

Debbie Truempy stated that a minimum of 4/5 of the Board (eight members) is required to hear a variance request. Nancy Waldrop made a motion to move SUB2017-00253 and ZPH2017-00046 to the September 11, 2017 meeting. The motion was seconded by Parker Sloan and passed unanimously.

Public Hearing – Zoning Map Amendment:

ZPH2017-00044: *Brad Howell applied to rezone a portion of one (1) parcel further described as tax lot PIN # 9667-46-2555 and located to the north and east of 50 Hemphill Knoll Road which is currently zoned Residential District (R-1) to Residential District (R-3).*

Debbie Truempy presented the Zoning Map Amendment application, staff recommendations, and answered questions from the Board. Mike Lovoy with Advantage Civil Engineering represented the application and provided information to the Board about potential development plans, existing site slope, and Blue Ridge Parkway impacts.

Gene Bell opened the meeting to public comment.

- Ian McGavock stated that he has seen homes built on top of hills and they are ugly. He is opposed to any roof line that is higher than the ridge crest.
- Jane Hargreaves of Hemphill Knoll stated that the access road is private, steep and narrow. She expressed concern about road damage, neighbors being blocked in, health and safety, and potential stormwater issues that would be caused by the proposed

development. The access road is 10' to 15' wide and is owned and maintained by the local property owners. The right of way is 20' wide.

- Keith Levi, an adjacent property owner, stated his objection to the rezoning on the basis that zoning is a contract between the government and the people, and to change the zoning violates those expectations. As a result of the limited access, heavy wooding, and steep slope, he stated that the rezoning is not appropriate.
- Lorraine Dotson, of Hemphill Knoll Road, stated that she lives in a log cabin in the R-3 zoned area and opposes higher density development. She has experienced issues with developers dumping construction debris on her property.
- Patrick Gallagher, President of Cedar Wood Homeowners Association, stated that their covenants have strict requirements for minimum lot size and tree clearing. The development site may be visible from the Parkway, and he expressed concern about wind damage from tree clearing.
- John Adams, President of Cedar Wood Condo Association, stated that his neighborhood is lower than this property and residents would be able to see it. He encouraged the Board to review visibility from the Blue Ridge Parkway and expressed concern about future road access issues.
- Kay Galvin, of Hemphill Knoll, stated that the neighbors maintain the paved section of the road, and beyond that is an abandoned logging trail which does not have enough width to allow two cars to pass.
- David Nache, adjacent resident, stated that Hemphill Knoll Road is a narrow road, and he purchased his property because it was an R-1 zoned property. R-3 developments are not appropriate for the area.
- Chris Sussex, resident of Cedar Estates, stated his concern that the developer does not have a plan, and the current proposal is for clear cutting the mountaintop for parking.
- John Scroggs, resident of Cedar Summit Road, expressed concern about traffic on the nearby roads.
- Dede Styles, resident of Swannanoa, stated that in Lytle Cove they also tried to take a logging road up to a development site and they have had many maintenance problems with it.
- Vicki Brucker, resident of the area, stated that she uses the road in question and has experienced traffic and access issues with the one way in and out.
- Ernest Polly, resident of Cedar Wood Estates, stated that there has been an increase in traffic. He expressed concern about mud slides from the development.

Mike Lovoy stated that the current R-1 zoning of the site allows for a major subdivision development and clear cutting of the site, however, that is not what the developer wants to do. The developer can arrange for access directly from the main road on Highway 74 to bypass Hemphill Knoll Road, and is willing to make that a condition of approval. A new access road would be less than 15% in grade.

Julia Attarian, resident of Cedar Wood Estates, disagreed with the applicant that trees have already been removed from the site. In Marine County California, they ruined the area by putting condos on top of the hills.

The Board discussed the rezoning request. David Rittenberg stated that the 25% slope, Moderate Hazard Slope Stability, and existing R-1 zoning surrounding the property makes this rezoning inconsistent with the Land Use Plan. Robert Martin expressed concern with carving out a smaller portion of a property for a rezoning and stated his opposition.

Robert Martin made a motion to recommend to the Board of Commissioners denial of the rezoning application as it is inconsistent with the Land Use Plan due to the steep slope area and Moderate Hazard Slope Stability. The motion to deny the request was seconded by Parker Sloan and the rezoning was unanimously denied. The Board of Commissioners will hold a public hearing and make the final decision about the rezoning request.

Public Hearing – Subdivision Text Amendment:

ZPH2017-00031: *The proposed amendment would modify Chapter 70 of the Subdivision Ordinance of Buncombe County based on the North Carolina General Assembly's recent adoption of Session Law (SL2017-10) as follows: Modify §70-5, Definitions, Subdivision, to clarify the types of subdivisions which are exempt from the subdivision ordinance pursuant to SL2017-10.*

Debbie Truempy provided information about the legislative changes that required the Subdivision Text Amendments. Gene Bell asked for public comment. There was no public comment.

Robert Martin made a motion to recommend approval of the text amendments. The motion was seconded by Parker Sloan and passed unanimously.

Public Hearing – Zoning Text Amendment:

ZPH2017-00045: *The proposed amendment would modify Chapter 78 of the Zoning Ordinance of Buncombe County as follows: Modify §78-641(a), Permitted use table (Table 1), as follows: Add Travel trailers (no more than 180 days per calendar year) as a permitted use within the PS zoning district. Add Travel trailer parks as permitted with special requirements use within the PS zoning district.*

Debbie Truempy provided information about the Zoning Text Amendment application, consistency with the Land Use Plan, and staff recommendation for approval. There was no public comment.

David Rittenberg made a motion to approve the text amendment as it is consistent with the Land Use Plan. The motion was seconded by Billy Taylor and passed unanimously.

Discussion

Jon Creighton asked the Board to discuss/consider future development goals. He said that the public's opposition to development conflicts with affordable housing needs. The Board agreed to discuss zoning and development issues at the September 11, 2017 meeting.

Debbie Truempy distributed proposed text amendments to the Zoning Ordinance. The amendments are to Sec. 78-719 Purposes in View due to Session Law (SL2017-10); to Sec. 78-645 Protected Ridge Overlay District; and to Sec. 78-650(c)(1)(a) Community Oriented Development. Staff will discuss the text amendments at the next meeting.

Public Comment

None

Adjourn

The meeting was adjourned at 11:00 a.m.