

**Buncombe County Planning Board
May 18, 2015**

Buncombe County Planning Board met May 5, 2015 in the meeting room at 30 Valley Street. Members present were Nancy Waldrop, Thad Lewis, Dusty Pless, Joan Walker, Gene Bell, David Rittenburg, Parker Sloan, Robert Martin and Bob Taylor. Also present were Michael Frue, Staff Attorney; Debbie Truempy, Zoning Administrator; Jon Creighton, Assistant County Manager/Planning Director; and Gillian Phillips, Planning staff.

Call to Order (Michael Frue)

Mr. Frue called the meeting to order 9:31 am.

Election of Officers

Mr. Pless nominated Gene Bell to be Chairman. Ms. Waldrop seconded the motion and the motion passed unanimously. Mr. Lewis nominated Nancy Waldrop to be Vice-Chair. Mr. Pless seconded the motion and the motion passed unanimously.

Approval of Minutes (May 4, 2015)

Ms. Walker made a motion to approve the minutes as submitted. Mr. Rittenburg seconded the motion and the motion passed unanimously.

Public Comment

No one present wished to make public comment.

Approval of Agenda

Mr. Taylor made a motion to approve the revised agenda, with an addition at the end of the agenda to discuss the role of the Planning Board and procedure. Mr. Rittenburg seconded the motion and the motion passed unanimously.

SUB2015-00128: Aaron Banks was seeking preliminary approval of Ivy Meadows Subdivision, Phase 2, which is located off of Ivy Meadows Drive and Ivy Knoll Lane (PINs 9756-72-1951, 9756-72-2418, and 9756-72-2639).

The Board was provided with the submitted site plan (Attachment A) and proposed staff conditions (Attachment B) prior to the hearing. Ms. Truempy reviewed the case for the Board. No one was present to represent the application. The Board discussed the proposal. There were concerns raised regarding the existing road and the proposed private shared driveways. The Board raised concerns regarding the septic evaluation being a condition of approval. Staff indicated that the subdivision was currently under a Notice of Violation and that they had been working with the applicant for over a year to bring the subdivision into compliance. The Board further discussed the proposal. Mr. Pless made a motion to grant preliminary approval with staff conditions. Mr. Lewis seconded the motion. The motion passed 8 to 1 with Mr. Rittenburg opposing the motion.

Public Hearing (Zoning Map Amendment)

ZPH2015-00014: *Thomas Montgomery applied to rezone tax lot PIN 9678-68-9411 (located to the East of 1860 US 70 Hwy) and a portion of tax lot PIN 9678-78-0100 (located to the Northwest of the intersection of Sylvester Way and US 70 Hwy, which are currently zoned Residential District R-2 to Commercial Service District CS.*

The Board was provided the GIS map (Attachment C) and staff recommendations (Attachment D) prior to the meeting. Ms. Truempy reviewed the proposal for the Board. The Board asked why removing a small portion of the upper section of the subject property changed the staff's recommendation. Ms. Truempy indicated that the applicant removed the steepest portion of the property from the previous map amendment request and created a buffer between the proposed commercial zone and the residential development to the north. The Board asked the applicant what he wished to do with the property. The applicant indicated that he had no specific plans for the property at this point. The Board further discussed the proposal. There was discussion regarding the processes in place to notify the public and when the Buncombe County Land Use Plan had last been updated. Chairman Bell asked for public comment. Carl Lalle indicated that he owned property in the area and supported increased commercial development along US Highway 70. Chairman Bell closed the public hearing. Mr. Pless made a motion to recommend approval of the recommendation with the consistency statement provided in Attachment D. Mr. Sloan seconded the motion, and the motion passed 8 to 1, with Mr. Taylor voting against it.

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

The Board was provided with draft language (Attachment E). Ms. Truempy reviewed the proposal, and indicated that the Blue Ridge Parkway had indicated that they did not have any issues with regulation of land use along the Blue Ridge Parkway in regards to Buncombe County. Ms. Truempy indicated that the staff from the Parkway were most concerned with screening, and as such staff had revised the proposal to just reflect increased standards regarding screening. The Board discussed the proposal and raised concerns regarding no language being added about reflectivity. There was discussion regarding what was discussed at the Board of Commissioners meeting in regards to the Blue Ridge Parkway. The Board discussed with staff presenting two versions of the draft language to the Board of Commissioners one from staff and one from the Board. There was discussion regarding lighting and the viewshed of the Parkway. Mr. Frue indicated that the Board had not been directed to look into viewshed regulations and he did not believe that was in the preview of the Board or the zoning ordinance. Staff indicated that Chairman Gantt had requested that the overlay be strengthened. The Board and staff discussed tax incentives, conservation easements, and regulations within Roanoke, Virginia.

Role of Planning Board

The Board then discussed with staff what the role of the Planning Board and staff were respectively, and the direction the Board of Commissioners wished them to go in. The Board discussed when and how they met, and what laws regulated them meeting. The Board decided to ask the Board of Commissioners to send a representative in order to be able to gauge what the Commissioners' would like to see from the Board. Mr. Creighton reminded the Board that the staff had a number of things they would like to bring before them for review.

Adjournment

Mr. Rittenburg made a motion to adjourn the meeting. Ms. Walker seconded the motion and the meeting was adjourned at 10:45 am.

I, AARON R. BANKS, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 4912 PAGE 523, 4999-176 & 3876-325); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM ADJOINER INFORMATION AS SHOWN ON THE FACE OF THIS PLAN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) & GS47-30.

PRELIMINARY
NOT FOR
RECORDATION
CONVEYANCE
OR SALES

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____, A.D. 2015.

THE ROADS WITHIN THIS SUBDIVISION ARE CONSIDERED PRIVATE. THE ROAD MAINTENANCE AGREEMENT IN ACCORDANCE WITH G.S. 136-102.6 IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY IN:

DEED BOOK _____
AT PAGE _____

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER (OWNERS) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL ROAD RIGHT-OF-WAY AND OTHER EASEMENTS TO PUBLIC USE AS NOTED IN THE DISCLOSURE OF PRIVATE ROADWAYS, WHERE APPLICABLE.

DATE _____
OWNER SIGNATURE(S) _____

I, _____, DIRECTOR OF THE BUNCOMBE COUNTY PLANNING BOARD, CERTIFY THAT THE PLANNING BOARD APPROVES THIS FINAL PLAN.

DATE _____
DIRECTOR, PLANNING BOARD _____

SUCH APPROVAL SHALL BE VOID UNLESS THE FINAL PLAN IS OFFERED FOR FILING AND RECORDING IN THE BUNCOMBE COUNTY REGISTER OF DEEDS WITHIN 180 DAYS FROM THE DATE OF APPROVAL.

I CERTIFY THAT THE PLAN SHOWN HEREON COMPLIES WITH THE WATERSHED PROTECTION ORDINANCE AND IS APPROVED FOR RECORDATION.

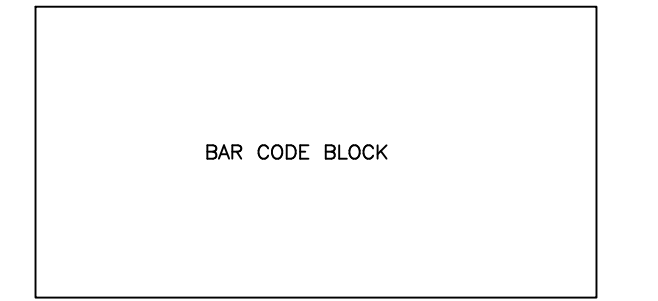
WATERSHED ADMINISTRATOR _____
DATE _____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
FILE FOR REGISTRATION ON THE _____ DAY OF _____, 2015, AT _____ AND RECORDED IN PLAT BOOK _____

PAGE _____

BY: _____ REGISTER OF DEEDS

BY: _____ DEPUTY



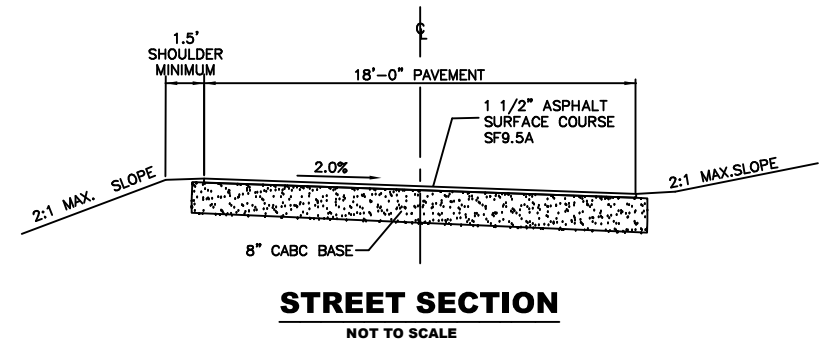
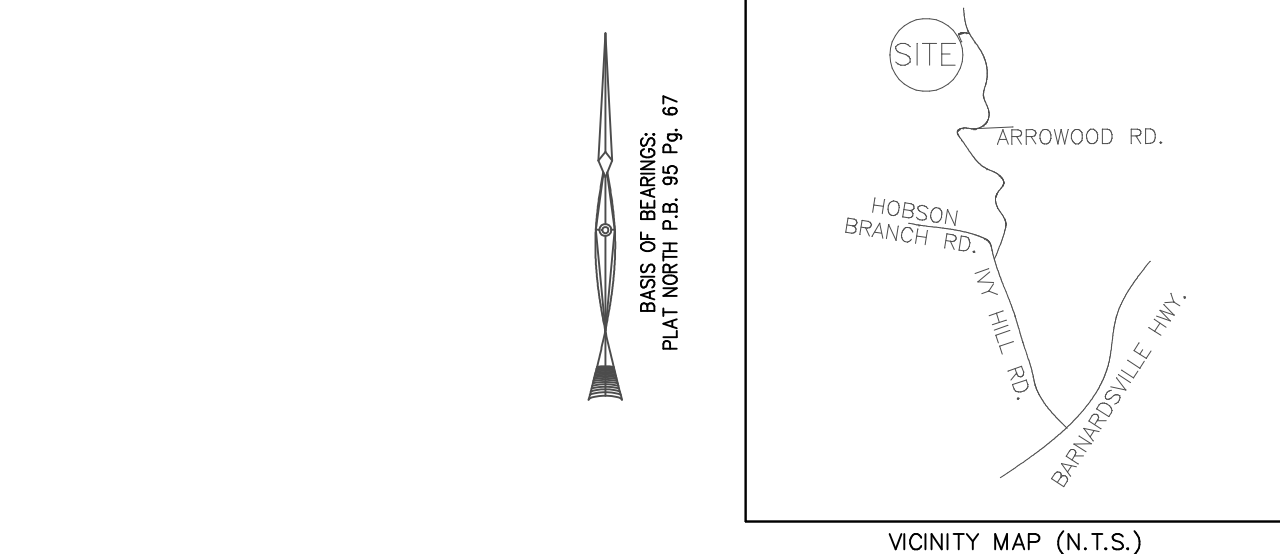
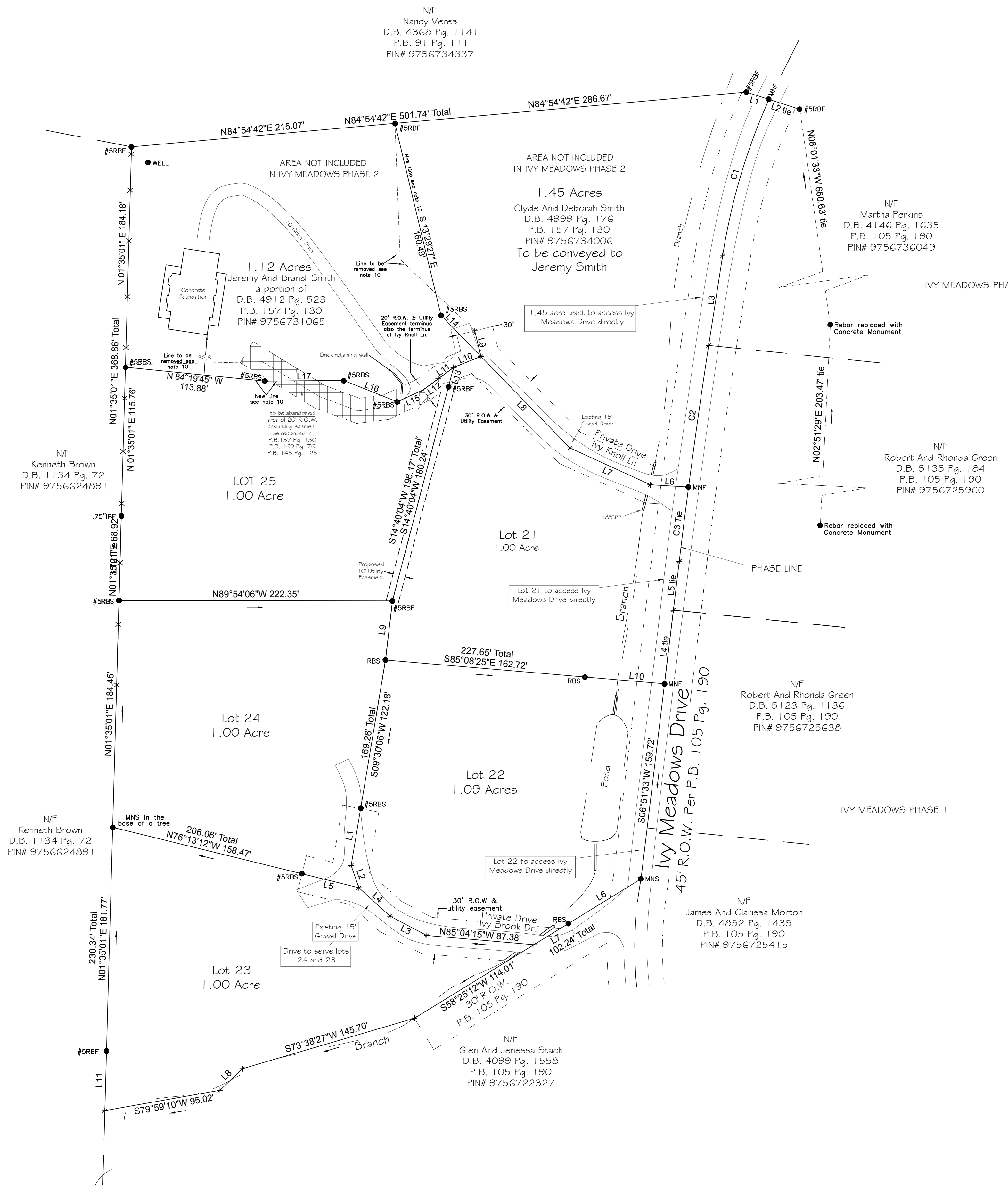
GENERAL NOTES:

- All new corners are 5/8" rebar unless otherwise noted.
- Property subject to all easements and restrictions of record.
- Lines not surveyed are shown as broken lines from information referenced on the face of this plat.
- The area shown hereon was computed using the coordinate computation method.
- Subject property is not located within a flood hazard area according to flood insurance rate map 370031 Panel 9756 Suffix K, dated Jan 6, 2010.
- Location of utilities, whether public or private, is based upon field location of visible appurtenances.
- All distances are horizontal ground.
- This plat has been prepared in conformity with North Carolina standards, G.S.47-30, and requirements of law, but a North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by the title examination.
- No geodetic monuments were found within 2000 feet of the subject property.
- The current titles of record must be revised between Clyde & Deborah Smith and Jeremy & Brandi Smith and the lenders involved in the current title. This must take place before the advertisement or sale of any parcel bordered by the lines noted "to be removed" and "new lines".
- This subdivision is not a Drastic Variation Hillside Development.
- The total area of Ivy Meadows Phase 2 being (3) lots 21-25 totals 5.09 Acres.

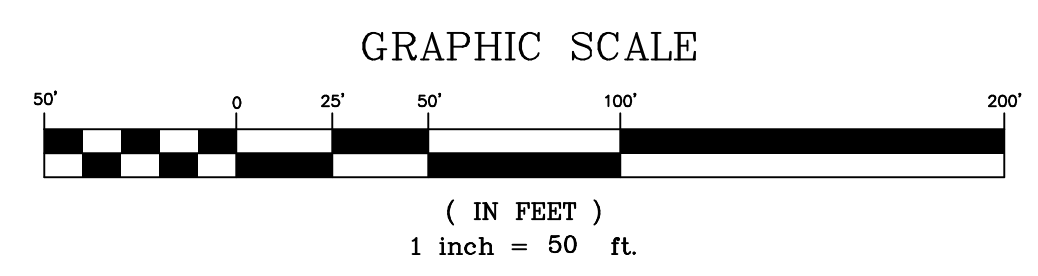
PROPERTY INFORMATION:
PIN Numbers: 9756721951
Current Owners: Clyde And Deborah Smith
Deed Reference: 3876-325, 3019-135, 4999-176
Property Address: Ivy Meadows Dr. Weaverville NC 28787

Developer Information
Clyde Smith
38 Hidden Forks Drive
Weaverville NC 28787
828-779-4039

attachment a



LINE TABLE		
LINE	BEARING	LENGTH
L1	S09°30'06"W	47.88'
L2	S19°01'15"E	18.18'
L3	N62°12'23"W	33.68'
L4	N47°48'50"W	34.43'
L5	N76°13'12"W	47.59'
L6	S68°25'12"W	69.27'
L7	S68°25'12"W	32.97'
L8	S46°13'40"W	25.40'
L9	S06°41'06"W	48.33'
L10	S85°08'25"E	64.93'
L11	N01°35'01"E	48.57'
L12 Tie	N01°35'01"E	68.92'



Legend	
Rebar Found	Rebar Set
Iron Pipe Found	Dead Book
Dead Book	Plot Book
Plot Book	Parcel Identification Number
Power pole	Right of Way
Right of Way	Overhead Power
Overhead Power	Calculated point
Calculated point	Fence line
Fence line	None or Formerly
None or Formerly	Not to Scale

MAJOR SUBDIVISION SURVEY
IVY MEADOWS PHASE II
IVY TOWNSHIP, BUNCOMBE COUNTY, N.C.
PROPERTY OWNER N/F: Clyde and Deborah SmithSmith

Bankscreek
Professional Land Surveying

278 Tipton Hill Road
Leicester, North Carolina 28748
Telephone: (828)779-4039
E Mail: bankscreek@bellsouth.net

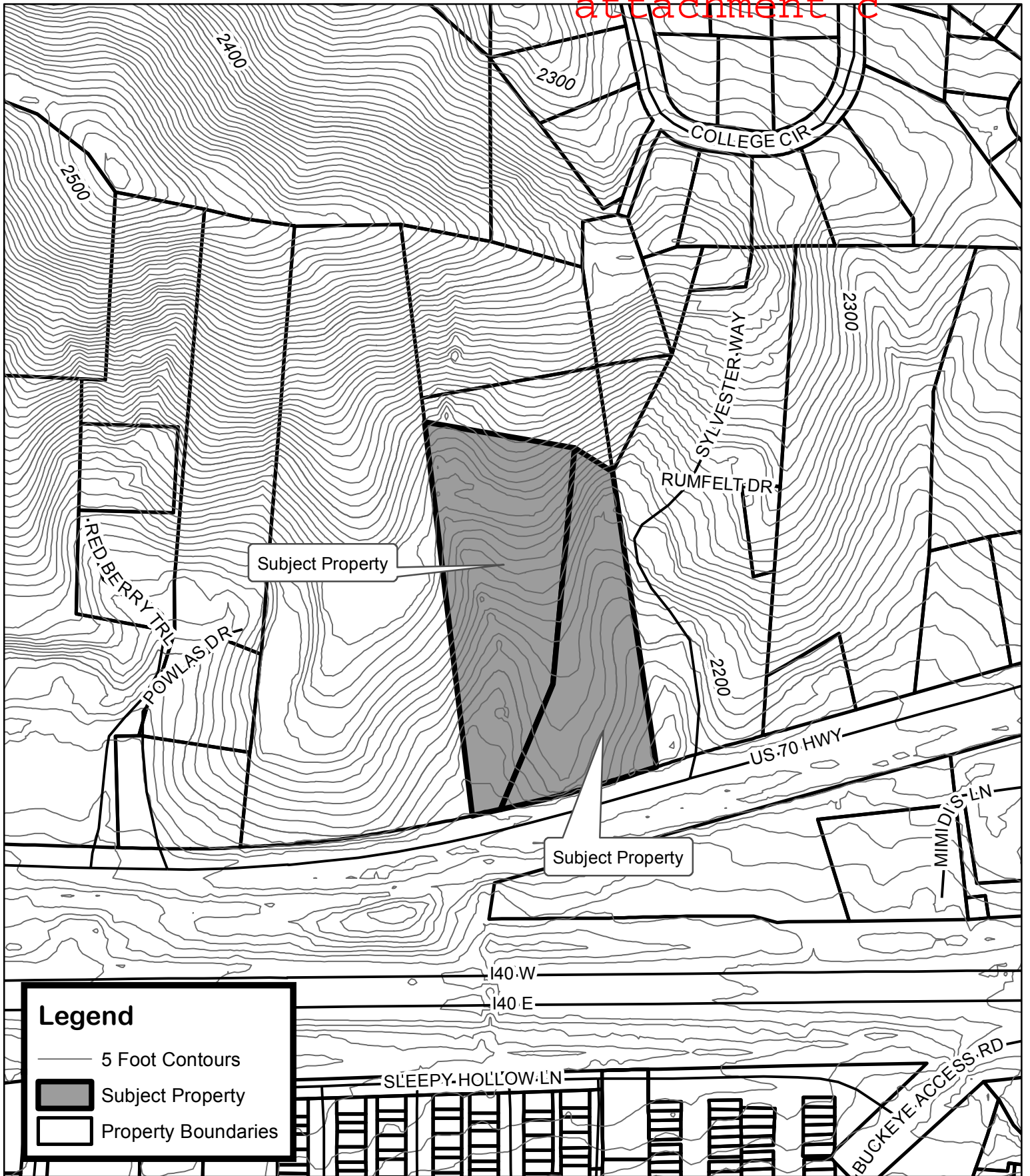
Drawn By: AB	Date: 4-13-2015	Job No: 9-119
Surveyed By: AB, JM, DG	Scale: 1" = 50'	Drwg. No: 1 of 1
Checked By: ARB		
File Name: 9-119 Major Subdiv.DWG		

Buncombe County Planning Board Meeting
Recommended Staff Conditions
SUB2015-00128
May 18, 2015
Ivy Meadows Phase II Subdivision

SUB2015-00128

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. Submit a slope analysis map with all required information.
3. Proof of a preliminary soils investigation that evaluates the feasibility of developing a subdivision served by individual septic systems, done by a professional such as a soils engineer or soils scientist.
4. Indicate provisions for utilities, or indicate that no such provisions will be provided.
5. Indicate site specific topographic data on the submitted plans.
6. Indicate the existing use of the land within and abutting the subdivision.
7. Indicate lot slope perpendicular to the road, or indicate that the lot slope perpendicular to the road is less than 18%.
8. Provide proof of Buncombe County Fire Marshal approval.
9. Indicate that the shared driveways are less than 20% grade.

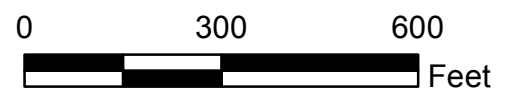


Legend

- 5 Foot Contours
- Subject Property
- Property Boundaries

**Thomas Montgomery
Map Amendment**

Case Number: ZPH2015-00014
 Approximate Property Size: 7.9 acres
 Application Date: March 15, 2015
 Planning Board Hearing Date: May 18, 2015

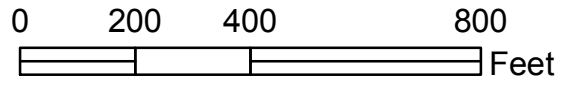


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 Date: May 4, 2015

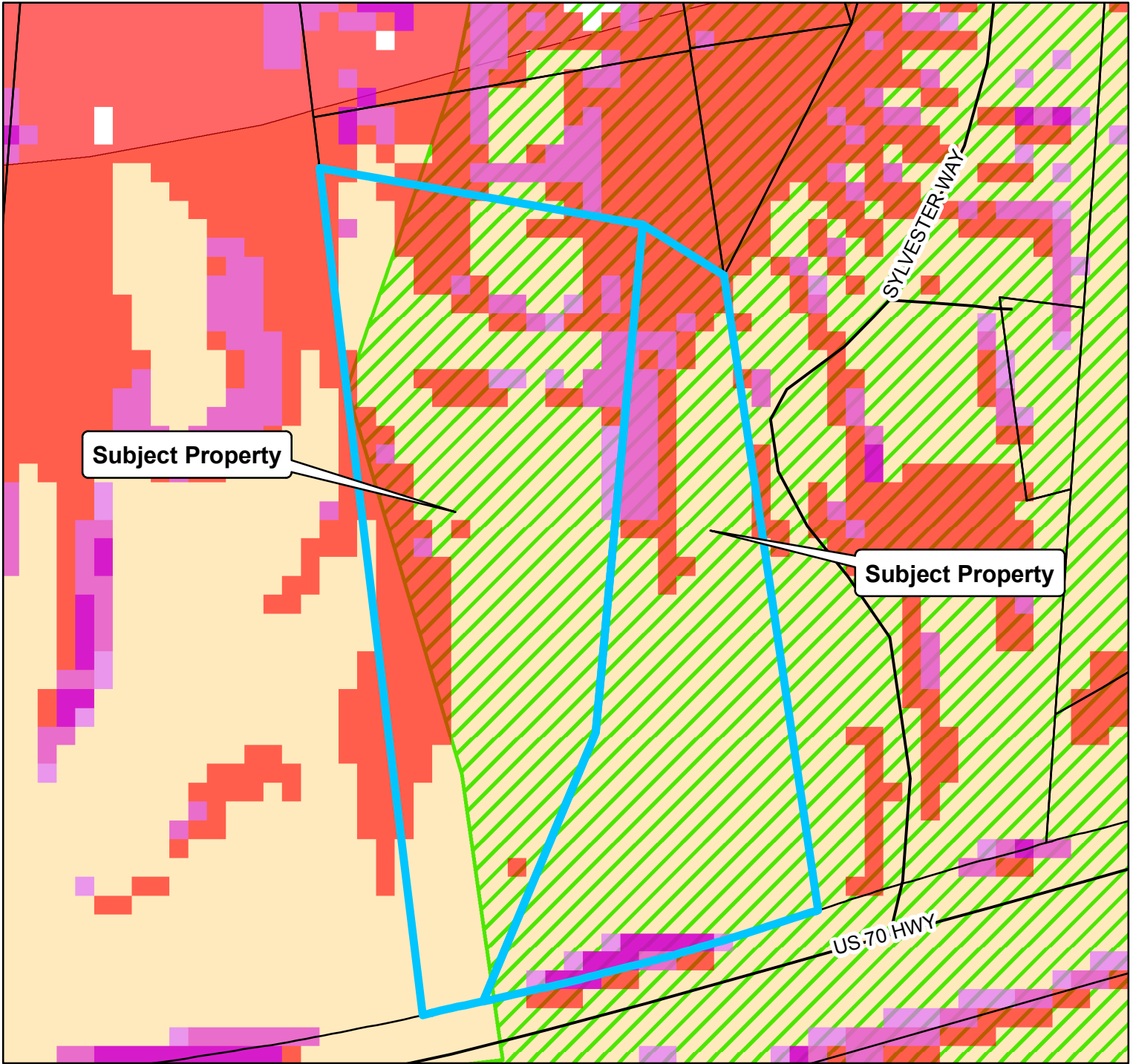
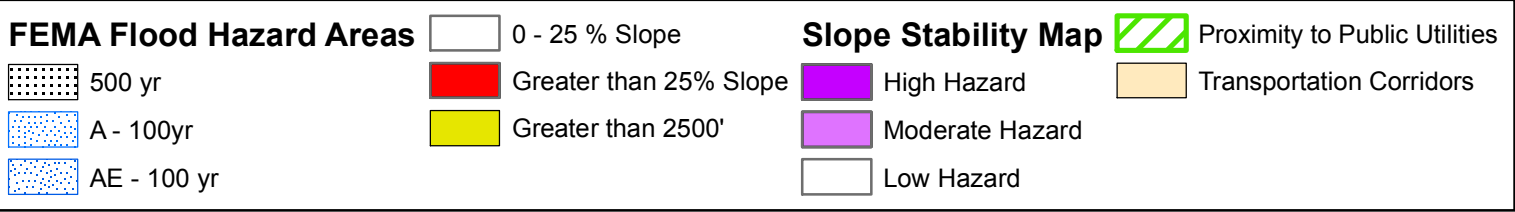


**Thomas Montgomery
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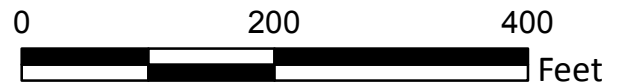
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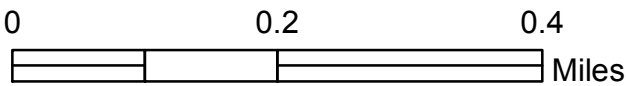
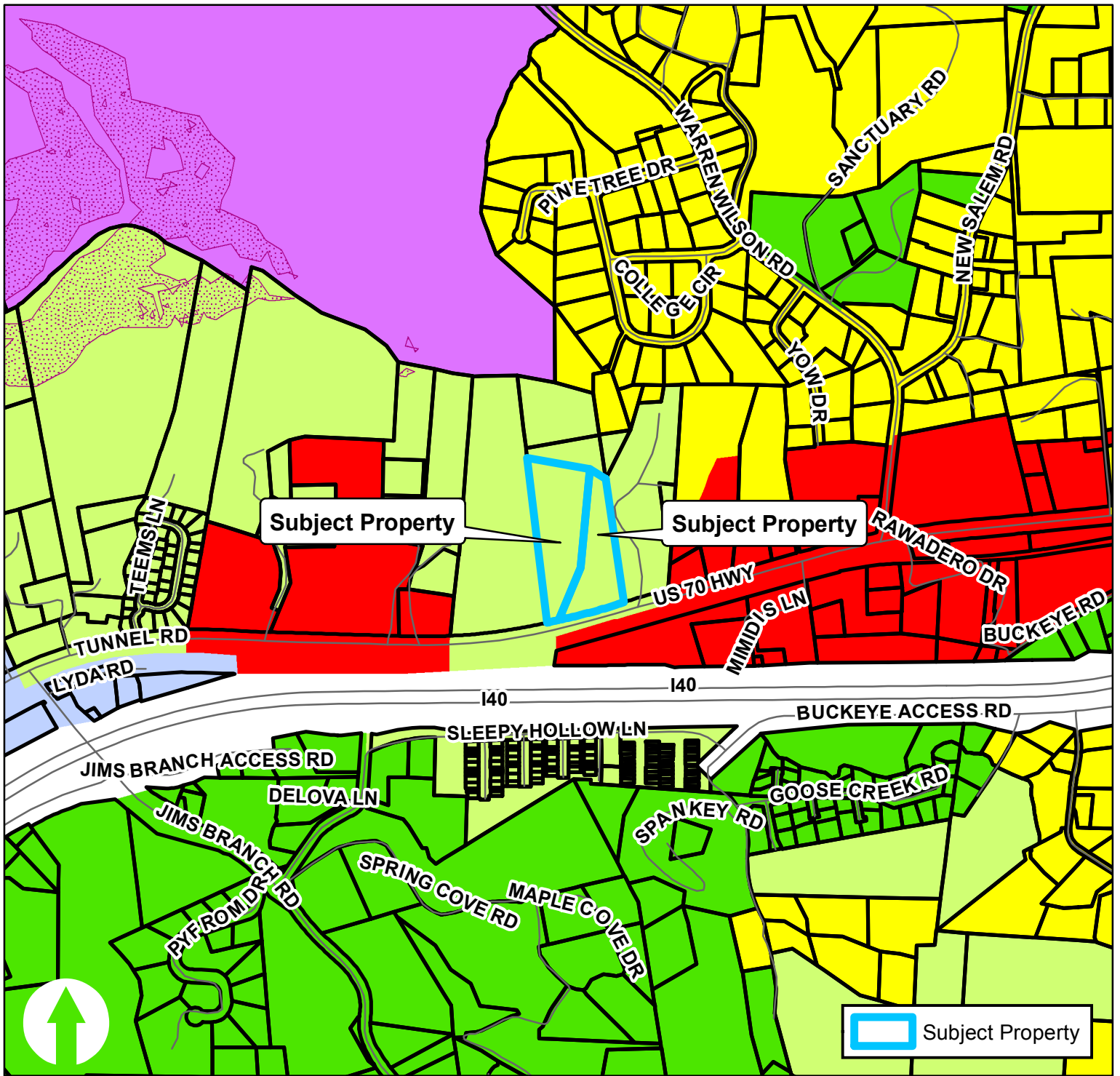
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	AI		EMP		R-1
	BDM		NS		R-2
	CR		OU		R-3
	CS		PS		R-LD
	Blue Ridge Parkway Overlay				
	Protected Ridge Overlay				
	Protected Ridge & Parkway				
	Steep Slope/High Elevation				
	Steep Slope/High Elev. & Pkwy				

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00014
 PROPOSED ZONING CHANGE : R-2 to CS
 LOCATION : US Hwy 70
 PIN : A Portion of 9678.78.0100 and all of 9678.68.9411

OWNER Margaret and Everett Mills (9678.68.9411)
 804 North Graycroft Avenue
 Madison, TN 37115

Lucy and Everette Mills (9678.78.0100)
 804 North Gracroft Avenue
 Madison, TN 37115

APPLICANT Thomas Montgomery
 293 Fairview Road
 Asheville, NC 28803

DEPARTMENT RECOMMENDATION: **APPROVAL**

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 a portion of two parcels totaling 7.9 acres from R-2 (Residential District) to CS (Commercial Service). The subject property is located on the north side of US Hwy 70 to the east of the intersection of Sylvester Way and US Hwy 70. The subject property is mostly undeveloped with one single family home on the property. While the area surrounding the subject property is characterized by undeveloped land and residential development, commercial development does exist along US Hwy 70. Additionally, the applicant has revised their application from the original submittal not to include the northernmost portion of the property, which contains the greatest amount of land over 25% slope. The surrounding area is characterized by commercial zoning concentrated along US Hwy 70 (CS and EMP (Employment District)) with residential zoning [(R-1 (Single Family Residential District), R-2 and R-3 (Residential District))] in the surrounding areas.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The property is within close proximity to a transportation corridor.
- The property is within reasonable proximity to infrastructure (combined water/sewer service area).

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the commercial development be located within close proximity to public utilities and within reasonable proximity to infrastructure the proposed map amendment could be appropriate. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties, across US 70 from CS zoning, and supported by the Buncombe County Land Use Plan. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

Consistent: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The property is within close proximity to a transportation corridor.
- The property is within reasonable proximity to infrastructure (combined water/sewer service area).

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the t commercial development be located within close proximity to public utilities and within reasonable proximity to infrastructure the proposed map amendment could be appropriate. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties, across US Hwy 70 from CS zoning, and supported by the Buncombe County Land Use Plan. Therefore, the requested zoning would be **reasonable and in the public interest**.

Not Consistent: The proposed map amendment is not consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The property contains areas of high and moderate hazards on the slope stability index map.
- The property contains areas of slope greater than 25%.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that commercial development be located outside areas of high and moderate hazard on the slope stability index map and areas of slope greater than 25%. Therefore, the proposed map amendment would not be appropriate. The proposed CS zoning would be detrimental to the owners, adjacent neighbors, and surrounding community as it is not consistent with the development pattern in the area, the subject property contains environmentally sensitive areas that could be inappropriate for commercial development, and the proposed zoning is not supported by the Buncombe County Land Use Plan. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.

Blue Ridge Parkway 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 bufferyard 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:

<u>Tree Dimensions</u>	<u>Credits</u>
<u>2.5" to 4" DBH (minimum 8' tall)</u>	<u>1 tree</u>
<u>4" to 6" DBH (minimum 15' tall)</u>	<u>1.5 trees</u>
<u>6" to 10" DBH (minimum 20' tall)</u>	<u>2 trees</u>
<u>10" to 16" DBH (minimum 25' tall)</u>	<u>2.5 trees</u>
<u>16" or greater (minimum 30' tall)</u>	<u>3 trees</u>

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