TOWN OF BLACK MOUNTAIN
STAFF REPORT
For August 25, 2025, Planning Board Meeting

REQUEST

Applicant:

Sikes Ragan, Principal, Village of Cheshire

Proposal:

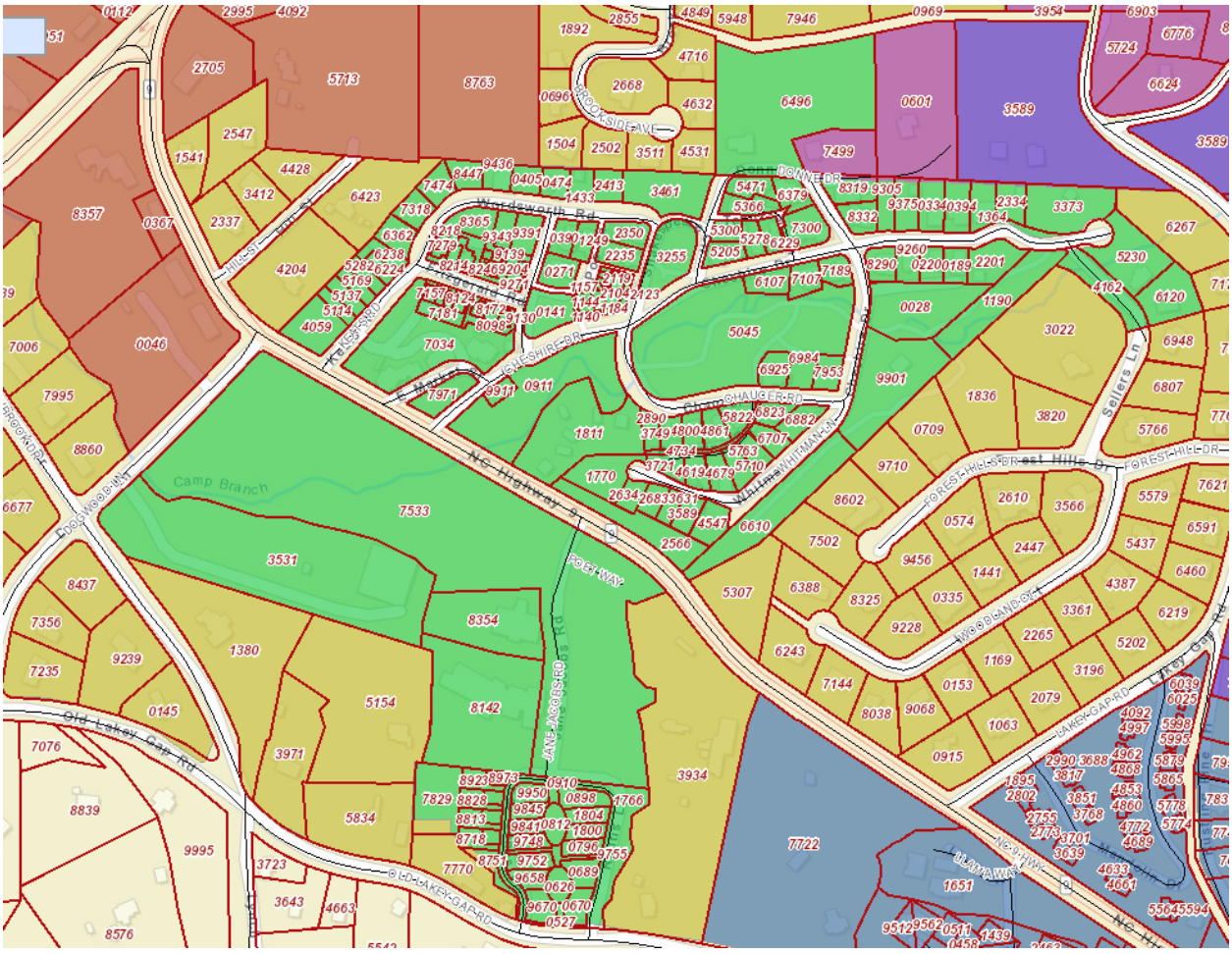
Traditional Neighborhood Development (TND) revised master plan

Relevant Ordinance Section:

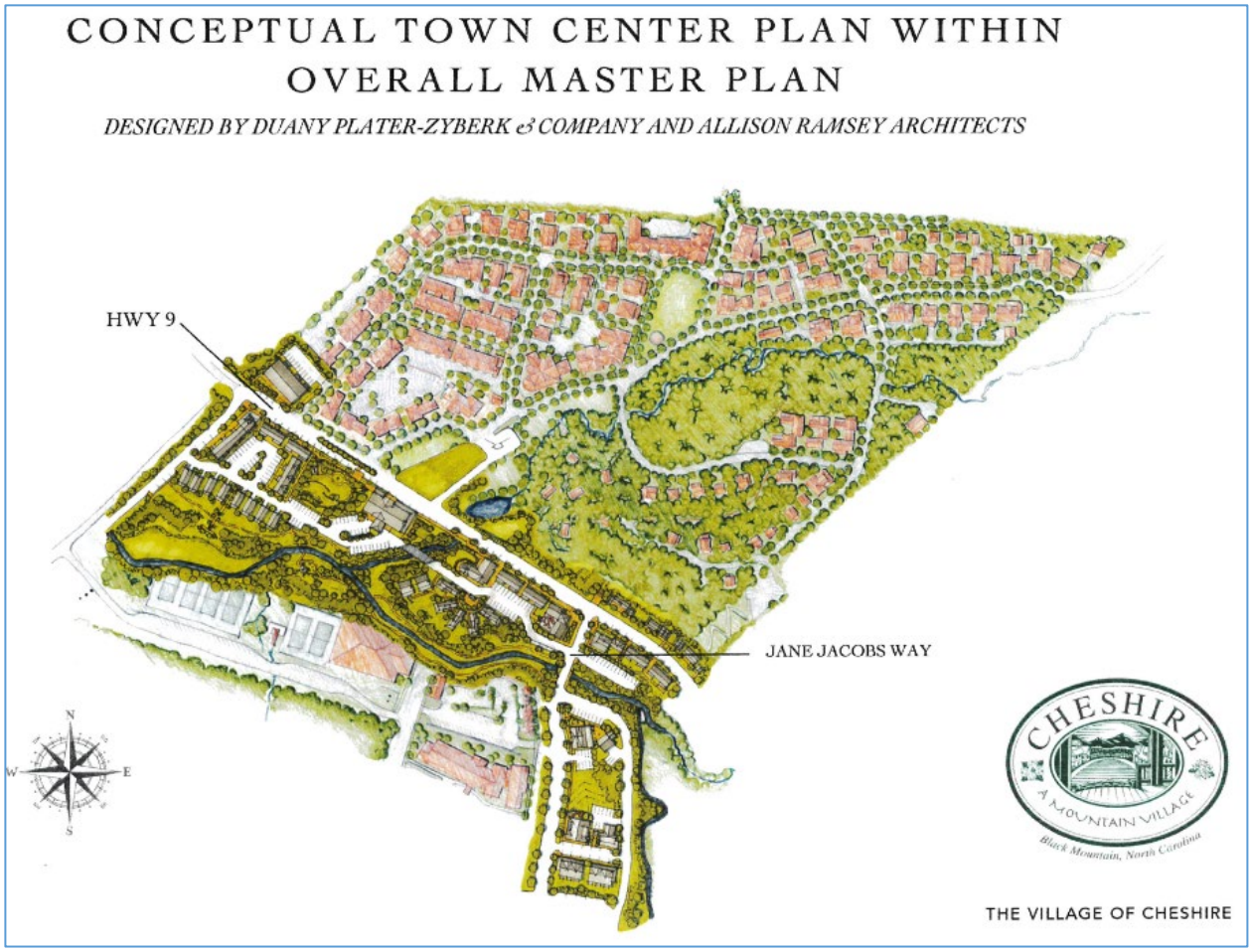
Section 4.7.11.2 (Master Plan Required) of Chapter 4 (Zoning) of the Land Use Code.
Subsection 4.7.11.2 (E) (7) states that "Approved master plans shall not be revised without re-submission through the approval process."

DETAILS OF PROPOSAL

The revised master plan does not cover all land that is zoned Traditional Neighborhood Development (TND). Parcels zoned TND are in green in this clip from Buncombe GIS:



This is the full-view ('overall master plan') sheet within the revised master plan:



Apparently not included are land areas north of Donne Drive, along Sellers Lane, along Fay Jones Lane, and along Rantis Lane.
(Note: Jane Jacobs Way is assumed to be Jane Jacobs Road.)

ANALYSIS

Section 4.7.11 [TND – Traditional Neighborhood Development (Master Planned)] *is attached for reference.*

Item ***A*** in Section 4.7.11.2 (Master Plan Required) explains how the TND zoning district is tied to a master plan approved by Town Council:

> A master plan in compliance with TND design standards and the general provisions of the subdivision regulations shall be provided with any application to reclassify a property to TND zoning. A rezoning request for TND zoning is contingent upon the approval of a master plan; if a master plan is not approved for the property, then it reverts to its previous zoning classification(s). No use or development of any property located in a TND district shall be permitted until a master plan, showing the proposed uses and development of the property, has been approved by the town council, upon a recommendation made by the planning board. Once the master plan has been approved, the developer must follow the processes and regulations set forth in the Town of Black Mountain's Subdivision Regulations to proceed with development of the property.

Subsection 4.7.11.2 (E) (7) states that "approved master plans shall not be revised without re-submission through the approval process." And subsection 4.7.11.2 (E) details the approval process, including the following two steps:

- Planning Board review of the revised master plan, in order to make a recommendation to Town Council
- Public hearing held by Town Council

Subsection 4.7.11.2 (E) (8) of Chapter 4 states: "Once a master plan has been approved, the project may proceed through the major subdivision and permitting processes outlined in the subdivision regulations of chapter 3, with the master plan being considered as a preliminary plat." And Section 3.2.1 (Conformance with Adopted Plans) of Chapter 3 (Subdivisions) states: "Subdivision plats shall conform to the adopted plans of the town. For subdivisions in traditional neighborhood development (TND) zoning districts or as part of special use permits (SUP), the plat shall conform to the approved master plan."

The master plan is to be "in compliance with TND design standards and the general provisions of the subdivision regulations." The revised master plan aligns with the design standards (Section 4.7.11.5) in the following ***overall*** ways:

> **Neighborhood Form** standards are reflected in various housing types, density toward the center, a variety of uses, and the apparent depiction of pedestrian/cycle paths. (Insufficient information is provided to be able to comment on the 'variety of price ranges' standard for housing.)
>
> **Lots and Buildings** are shown with consistent build-to lines, in a street-facing manner.
>
> **Streets, Alleys and Pathways** are depicted, including a hierarchy of street organization driven by function, size, capacity and design speed.
>
> **Parking** that is removed from the street-facing side of structures, as well as on-street parking, is shown.
>
> **Landscaping** is depicted throughout the portion of TND covered by the revised master plan, including trees within rights-of-way parallel to streets.
>
> **Requirements Concerning Sidewalks and Greenways** commits development, at the time of permit application, to the provision of sidewalks or greenway easements shown on the Town's pedestrian master plan, with a fee-in-lieu option.

The revised master plan does not appear to align with the following design standard that's in **Inclusion of Affordable Housing**: ten percent of units meet the affordable housing thresholds established by Buncombe County Community Development.

Design-related information can be found in area-specific depictions that are part of the revised master plan:

- Village of Cheshire Illustrative Boutique Plan
- Block A (The Work Building)
- Block B (Dogwood Lane/HWY 9)
- Block C (The Cheshire Inn Boutique)
- Block D (The Cheshire Hall & Boutique Village)
- Block E (The East End)

- Block F (The Office & Office Mate)
- Block G (The Jacobs Lofts)
- Block H (The Farmers Market)

The revised master plan includes phasing information, with each of the area-specific depictions including phase information – phases **I**, **II**, **III**, and/or **IV**. The information and depiction of the phasing appears to align with the allowances and requirements for phasing stated in subsection 4.7.11.2 (D).

Three pages of the revised mater plan cover six "design code" standards (lot size, setbacks, building frontage at setback, encroachments, height, parking). The design code standards are the same as found in the original approved master plan (1998). The six standards are for:

- Neighborhood General: House; Cottage
- Neighborhood Center: Townhouse; Apartment; Live/Work; Shopfront (Commercial)

Item ***B*** in Section 4.7.11.2 (Master Plan Required) states that "all submissions for approval shall include an agreement and approval by the associated TND master association governing the overall development." Two documents were submitted:

- **Cheshire's Town Center Community Operating Agreement**; Part 1 contains the following overview:

	CHESHIRE'S TOWN CENTER ASSOCIATION
PURPOSE	Maintain and support the Neighborhood Commons, provide resources for Owners and help prevent or resolve conflicts between neighbors.
LEGAL STATUS	Nonprofit corporation
ENTITY	Cheshire's Town Center Association, Inc.
MEMBERS	All individuals or entities owning Residential, Commercial or Civic Lots within Cheshire's Town Center
PRIMARY SOURCE OF FUNDS	Assessments on Lots within Cheshire's Town Center secured by real property lien.

  On page 3, the document does not have the date and month lines filled in (the year is listed as 2019). And, on page 22, the signature and notary sections are blank.

- **Cheshire's Town Center Association Declaration**; the *Statement of Purpose* states that the Town Center Association maintains all of the Association's common elements, and notes a structure of committees and subzones.

  On page 36, the signature and notary sections are blank. And, in **Exhibit A** (page A-1) and **Exhibit B** (page B-1), the documents do not have the plat and plat-recordation lines filled in.

(Note that item ***B*** explains how a "supplemental master declaration" is submitted as part of each phase's design standards and restrictions.)

RECOMMENDATION

Staff recommends that the following revisions be made to ***The Village of Cheshire Illustrative Boutique Plan***:

Change "This masterplan covers PIN #061930753300000, 061940256600000, & 061931405900000" to "This area-specific depiction covers PIN #061930753300000, 061940256600000, & 061931405900000." It's inappropriate to call a detail sheet within a master plan a master plan when it's just one page of the master plan. And it's important to note that Section 4.7.11 (the TND section of Chapter 4) refers only to "master plan," not "master plans."

Delete the paragraph that begins with "This is a multi-phase construction project" and the sentence that comes after the paragraph ("All subdivision plat submittals shall be considered a staff level review for a town approved master plan.") because:

- A master plan isn't a construction project document.
- Subdivision standards and procedures are contained in the Land Use Code and should not be re-stated, summarized or interpreted within an approved master plan. Such standards may be amended by Town Council at any point during the life of the master plan, with such amended code language possibly contradicting subdivision language in a master plan.

REPORT PREPARATION

This report was prepared by Planning Department staff member Russell Cate, Planner and Zoning Administrator, and reviewed by Michelle Kennedy, Planning Director.