TOWN OF BLACK MOUNTAIN
STAFF REPORT: Major Subdivision – 060899486600000 (37 Old Lakey Gap Rd.)
Prepared for October 27, 2025, Planning Board Review of Sketch Plan

REQUEST

Applicant:

Hightop Colony Road LLC, 11620 7th St. E, Treasure Island, FL 33706

Proposal:

Via the major subdivision process, subdivide 060899486600000 (37 Old Lakey Gap Rd.) into 13 lots

Relevant Ordinance Sections:

Chapter 3 (Subdivisions) of the Land Use Code

- Section 3.1 (Purpose and Applicability)
- Section 3.2 (General Legal Provisions)
- Subsection 3.3.3 (Major Subdivision), which details the steps:
    - Step **1**: Technical review meeting with staff with sketch plan (completed on 8/20/2025).
    - Step **2**: Planning Board review of sketch plan (10/27/2025).
    - Step **3**: Planning Board review of preliminary plat (assuming applicant is able to incorporate Planning Board comments from the ***Step 2*** Planning Board meeting in a timely manner, ***Step 3*** typically occurs at the next regularly scheduled Planning Board meeting; in this case: 11/24/2025).
    - Planning Board takes one of three actions on the preliminary plat:
        - approve;
        - approve with modifications;
        - or, deny.
    - Step **4**: Applicant submits construction drawings and supporting documentation for each phase or phases of development; if the preliminary plat was approved with modifications by the Planning Board (***Step 3***), the applicant submits a revised plat reflecting such changes.
    - Step **5**: Applicant installs or guarantees required improvements and/or infrastructure.
    - Step **6**: Applicant submits final plat (must be done within two years of Planning Board approval of preliminary plat).
    - Step **7**: Subdivision administrator takes one of three actions on final plat within 15 days of submission of the final plat: approve, disapprove, or approve subject to minor modifications. As part of this step, applicant files the plat for recording with Buncombe County. No permits shall be issued by the Town for individual lots until the plat is recorded with the county.

- Section 3.4 (Subdivision Requirements), which details the requirements for sketch plans, preliminary plats, and final plats
- Section 3.5 (Subdivision Design Standards), which details requirements for:
    - Lots
    - Streets
    - Utilities (water supply and sanitary sewage collection and disposal)
    - Entryways to Subdivisions
    - Pedestrian Circulation (internal pedestrian circulation and points of connectivity with exterior transportation corridors)
    - Open Space

- Improvement Guarantees
- Traffic Impact Analysis (applicable if 798 or more daily trips will be generated)

- Section 3.6 (Dedication and Closures of Rights-Of-Way or Easements to the Town) (if applicable)

Chapter 4 (Zoning) of the Land Use Code

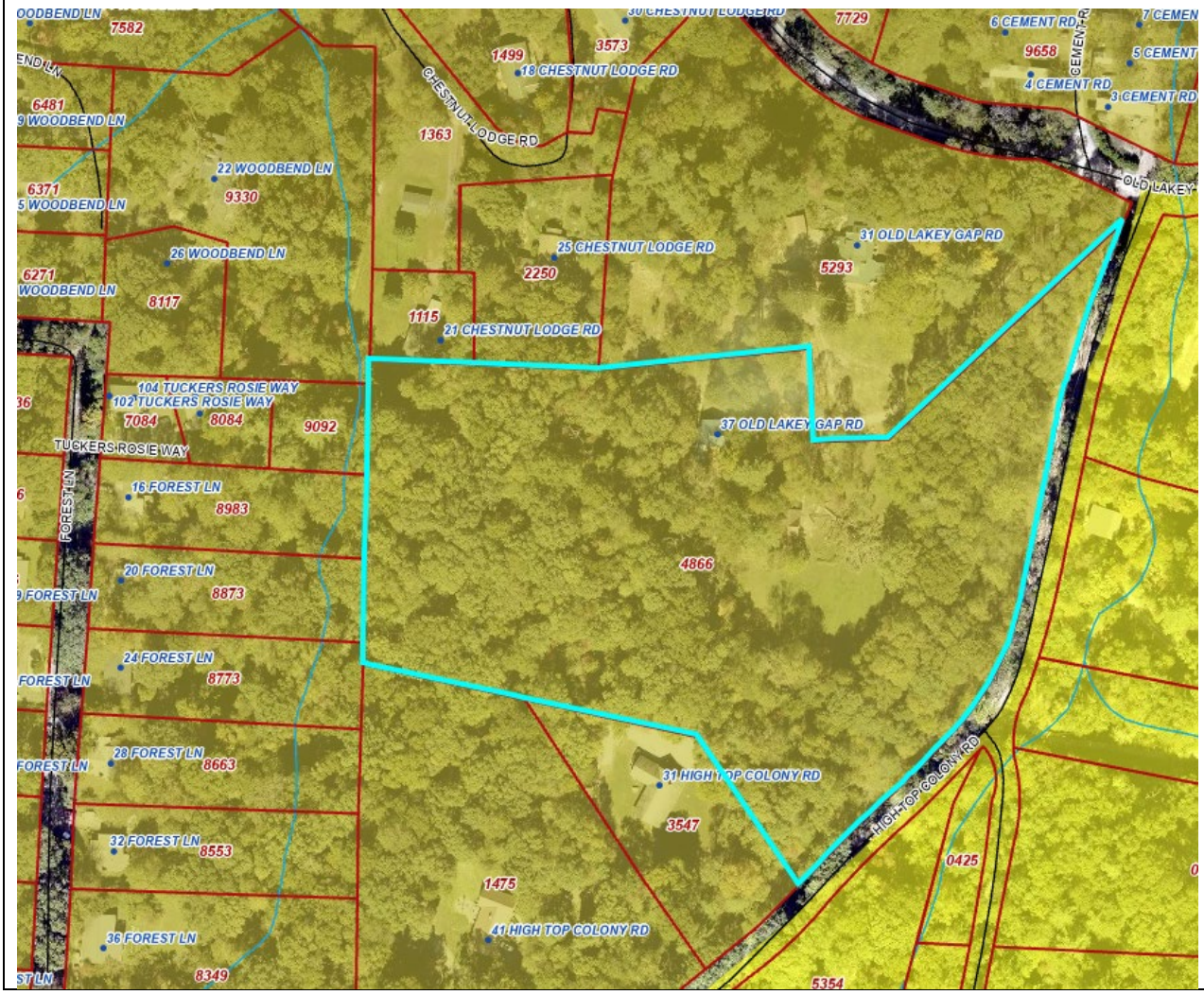
- Section 4.7.15 (Dimensional Requirements by Zoning District)
  - Town Residential (TR-4): minimum lot size: ¼ acre; minimum lot width: 40 feet (15 feet at street); minimum lot depth: 80 feet

Article IX (Stream Buffer Protection Standards) of Chapter 20 (Environment) of the Code of Ordinances

DETAILS OF PROPOSAL

The following is an overview of the parcel and a summary of the subdivision application:

The property is in the Town Residential (TR-4) zoning district. The clip below is from Buncombe GIS – pale yellow is TR-4 and bright yellow is unincorporated land that's in Buncombe County's Residential District (R-1) zoning district. (Image is *Post Helene 2024*.)



The Minimum Yard Requirements in TR-4 are:

- Front: 20 feet (steep hillside: 15 feet)
- Side: 10 feet
- Rear: 15 feet

The TR-4 height limit is 35 feet.

> Reference: Section 4.7.15 (Dimensional Requirements by Zoning District) of Chapter 4 (Zoning) of the Land Use Code.

The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	TR-4	TR-4	Buncombe County's Residential District (R-1) zoning district	TR-4
Adjacent Land Uses	Single-Family Residences	Single-Family Residences	Single-Family Residences	Single-Family Residences; Vacant Lot

The ***Purpose and Intent*** of the TR-4 zoning district is:

> The town residential district is established to allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.

> Reference: Section 4.7.3 (Town Residential District – TR-4) of Chapter 4.

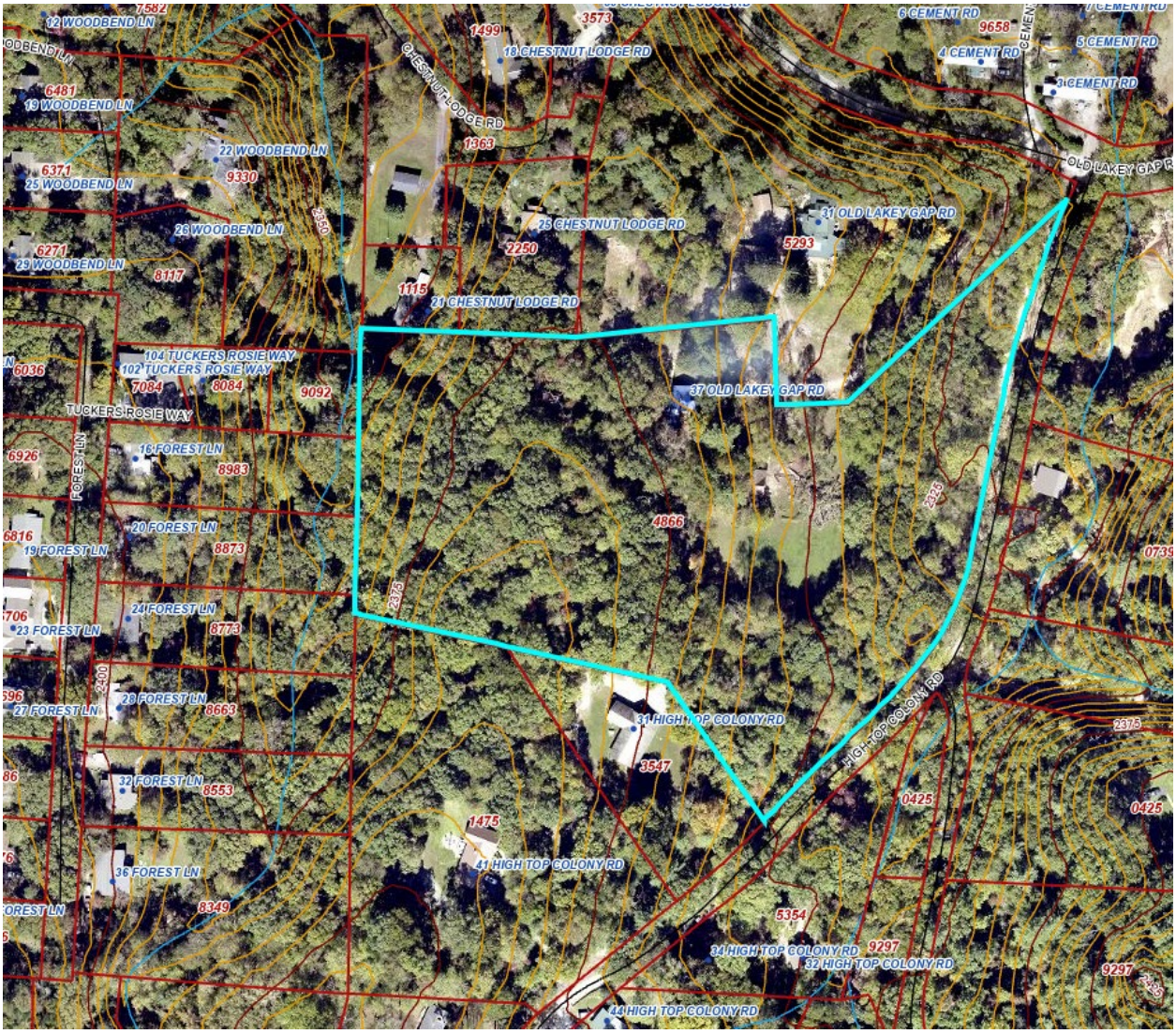
<u>Existing Conditions</u>

According to the applicant's engineer-stamped draft preliminary plat, the parcel is 8.39 acres (365,468 square feet) in size. The Buncombe County Property Record Card lists the following structure on the parcel: 1,566 square foot single-family residence built in 1907.

Note that the applicant's draft preliminary plat identifies ***Tract 1 (8.39 Acres)*** and ***Tract 2 (4.30 Acres)***. This major subdivision application is only for ***Tract 1***, which is 060899486600000 (37 Old Lakey Gap Rd.). In the *Property Information* box, "Lot Size Pre Subdivision: 12.7 Ac." refers to a prior subdivision that resulted in two parcels – the ones identified as ***Tract 1*** and ***Tract 2***.

The overall slope of the lot is 11.97 percent (according to https://www.mapwnc.org/find-slope-for-parcel).

Below is a clip from Buncombe GIS with the *5 Foot Contours*, *Stream & River* and *2020 – DFIRM Flood Data* layers turned on. (The property is within 50 feet on a USGS 'watercourse' in the northwest corner of the parcel; the property is not in the 100-year floodplain. Image is *Post Helene 2024*.)



ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

Based on the technical review meeting with staff with sketch plan that was held on 8/20/2025 (***Step 1***), the applicant added a 2-foot stone shoulder to Whisper Cove, which is a paved road.

Step 2 is Planning Board review of sketch plan as described in Section 3.3.3 (Major Subdivision):

> Step 2: Planning board review of sketch plan
>
> A. The sketch plan shall be forwarded to the planning board for input and comment. The planning board shall review the sketch plan for general compliance with the requirements of this chapter and any other applicable regulations, and set a date, usually the following regularly scheduled planning board meeting, for the applicant to return to the planning board with a preliminary plat.
>
> B. Comments generated from the staff technical review and planning board comments of the sketch plan will be submitted in writing to the applicant.

Sections 3.4 (Subdivision Requirements) and 3.5 (Subdivision Design Standards) list the requirements for a sketch plan, as well as for preliminary plats and final plats. Staff review found the following:

The sketch plan must contain the following information at a minimum (per Sec. 3.4.1 [Sketch Plans]):	✓ = staff analysis finds that the required element is on the sketch plan
1. The name of the subdivision, the proposed use and the name, address, and phone number of the owner.	✓
2. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses.	✓
3. The boundaries of the tract.	✓
4. Total acreage of the tract and the portion of the tract to be subdivided.	✓
5. Location of significant natural features such as water courses, ponds, rock outcroppings or forest.	✓ (*Creek* and *30' Creek Buffer* depicted in northwest corner, complying with **Stream Buffer Protection Standards** requirement.)
6. Topography at five-foot intervals and the location of existing drainages or swales.	✓
7. Location of flood hazard areas from FIRM map.	N/A
8. Location of existing or proposed utilities.	✓ (*Property Information* box: "Water: Town of Black Mountain via City of Asheville. Sewer: on-site waste water via engineered option permitting.")
9. Existing street and lot layout and dimensions, including rights-of-way.	✓
10. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Road specifications are indicated in the Town of Black Mountain Standards and Details Manual.	✓

11. Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract. Designation of easements to the town for parks and greenways according to the town's pedestrian plan, greenway master plan or recreation and parks plan can qualify for the dedicated open space requirement but must be approved by the town council and planning board in consultation with the planning director and the recreation and parks directors.	✓ (1.91 acres of open space is proposed. 1.91 acres is 22.7% of the parcel size of 8.39 acres.)
12. Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road. Linear greenway easements may count toward the five-percent open space requirement.	✓ (Pedestrian path appears to be depicted on north side of Whisper Cove.) (Sec. 3.5 requirement: "All major subdivisions shall have a plan for internal pedestrian circulation as well as points of connectivity with exterior transportation corridors.")
13. A statement from the town water department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from the Buncombe County Health Department must be included that indicates that the created lots have septic or are appropriate for septic systems.	Statements from water department and Buncombe Co. Environmental Health (septic) are not submitted at this step (***Step 2***). (Sec. 3.5 requirement: at the time of submitting the preliminary subdivision plat [which is ***Step 3***, the next step], the applicant must submit "satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.") (*Property Information* box: "Water: Town of Black Mountain via City of Asheville. Sewer: on-site waste water via engineered option permitting.")

REPORT PREPARATION

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