

Town of Seven Devils
Planning Board Minutes
June 20, 2023

The Seven Devils Planning Board met on Tuesday, June 20, 2023, at 5:30pm at Town Hall. Planning Board members in attendance included: Richard Blonshine, Jim Jones, Joan Streightiff & Walt Hogan. A quorum was met to Call the meeting to Order.
Members John Wells IV and Mark Williams joined at Item 4) New Business
Absent Member: Stuart Ryan
Staff attendance included: Eddie Barnes, Zoning Administrator. Hillary Gropp, Town Clerk recorded the minutes.
Lenny Cottom, Applicant – Revised Rezoning Request was in attendance.

Call to Order

Chairperson Jones called the meeting to order at 5:30pm.

**Clerks Note* The agenda was revised verbally to allow more time for 2 Planning Board members to arrive. The minutes reflect the timeline of business as it occurred with Items 2) Approval of the Minutes and 4) New Business- Nuisance Ordinance prior to Item 3) Old Business- Revised Rezoning Request. There was no formal action to amend the agenda.*

Approve Minutes – April 18, 2023

Member Hogan made a motion to approve the Planning Board minutes of April 18, 2023; Member Streightiff seconded the motion. All members agreed.

New Business

A. Nuisance Ordinance

The Town Council has requested the Planning Board review the language/penalty fees in the Town's Nuisance Ordinance – Article 6 and Article 10.

(i) Trash Violation – Article 6

Upon occurrence of a **trash violation**, the owner will be notified by telephone, if possible, and sent a letter, return receipt requested. The Town will immediately clean up the trash and bill the property owner ~~\$100~~ **\$300** cleanup fee (as stated below) and send an invoice for the cleanup. Additionally, if the cleanup was required because the property owner failed to comply with this Article, the owner will be subject to the penalty described in this Article.

Penalty

	Written or Verbal Warning
1) First Violation	
2) Second Violation	\$100.00 Fine to \$300.00 Fine
3) Third Violation	\$250.00 Fine to \$500.00 Fine
4) Fourth or Subsequent	\$500.00 Fine to \$500.00 Fine

Additional language to be included in the Nuisance Ordinance for Penalty.

Refer to The Town of Seven Devils Annual Operating FY Budget for Penalty dollar figure amount.

It was suggested by some Planning Board members to include specific language in the written Notice to Owners of the Use of Appropriate Waste Containers and the increasing fines for violations. Member Hogan made a motion to approve the Nuisance Ordinance edits and Penalty amounts; Member Blonshine seconded the motion. All members agreed.

(ii) Fire Pit Regulations

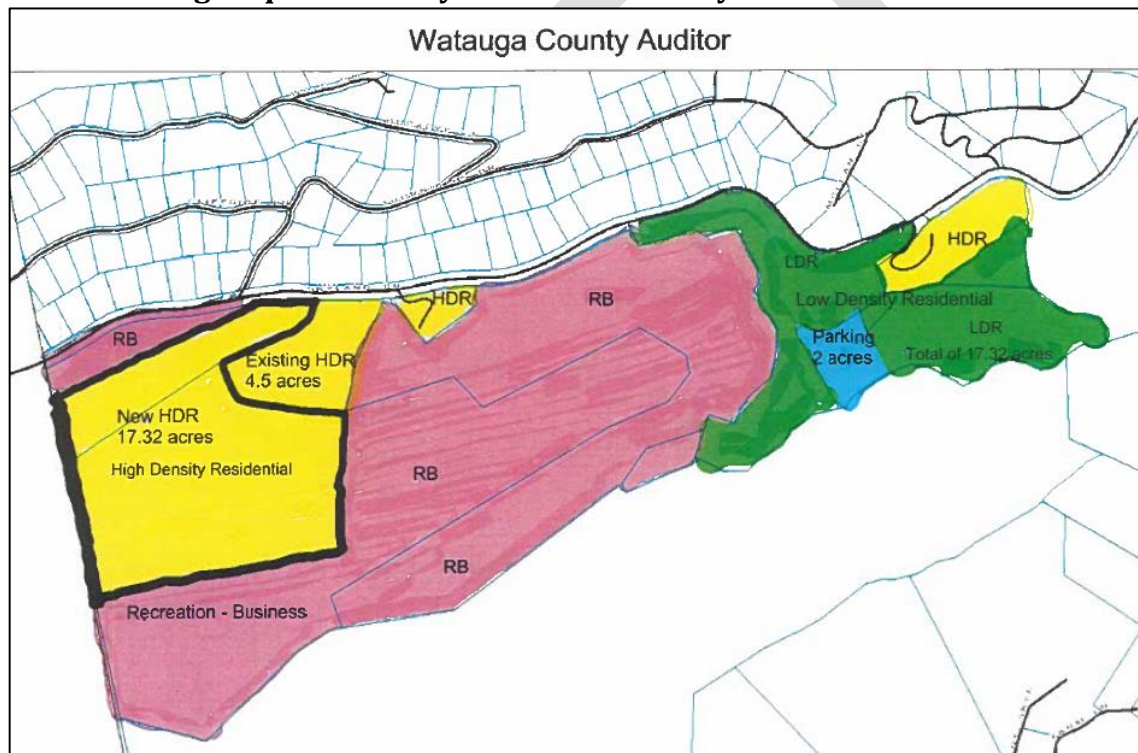
Discussion occurred among Planning Board members about the current language in Article 10 and the suggested edits for outdoor fire pits and increased fines. Several Planning Board members noted Article 10 lacks definitive language for the various types of fire pits that can be used.

Zoning Administrator Barnes to follow up with Fire Chief and Town Manager.

Member Hogan made a motion to table this item for further review; Member Williams seconded the motion. All members agreed.

Old Business

A. Revised Rezoning Request – Lenny Cottom – 2058 Skyland Drive



Zoning Administrator Barnes stated Lenny Cottom, Applicant has submitted a revised application reflecting an acre for acre swap with the HDR request of 17.32 acres as discussed at the Planning Board meeting on April 19, 2023.

Additionally, the revised map reflects this request, along with a 100ft buffer on Skyland Drive.

Zoning Administrator recapped the following:

Recreational Business (RB) to High Density Residential (HDR) – 17.32 acres would allow for 6 dwellings per acre = 104 dwellings

High Density Residential (HDR) to Low Density Residential (LDR) – 17.32 acres would allow for 1 dwelling per acre; decrease from 104 dwellings to 17 dwellings total.

Zoning Administrator Barnes stated the Planning Board is reviewing the Revised Rezoning request tonight, not any future building plans, as none exist, and land development has other procedures to be followed.

Chair Jones asked for discussion from Planning Board members.

Member Williams stated he is not in favor of the Revised Rezoning request. He stated the swap of acres is an advantage to the Applicant as it is easier to build on some parcels due to topography.

Member Wells stated the swap is uneven, as the Applicant is gaining the ability to add dwellings on a parcel that is zoned RB. He stated it benefits the Applicant, not the Town, it is not worth the 2 acres of donated land to the Town.

Member Blonshine asked Zoning Administrator Barnes, what uses could occur on land with RB zoning? Zoning Administrator Barnes listed items in the Town's UDO permitted table of Recreational Uses, including Hotel/Motel.

Any required Special Use Permit for RB is decided by the Board of Adjustment.

Member Streightiff asked for clarification if any approval of rezoning by the Planning Board still requires other steps for building. Zoning Administrator Barnes confirmed that is correct. She asked if by allowing the HDR to LDR rezoning with less dwellings would this be less damaging to the trees and land. Zoning Administrator Barnes confirmed the Subdivision Ordinance will not allow clear cutting of trees, only a reduction in quantity.

Several citizens in attendance in the audience asked to speak.

Chair Jones allowed this to happen.

Clerks Note

This was not a public hearing, and not followed by the procedures of a public hearing, therefore without a sign-up sheet to speak. Citizens' names are not included. Below is a summary of topics/questions spoken by citizens.

- Evaluation of current infrastructure to support HDR zoning should occur.
- Roads & Egress are inadequate for the rezoning request.
- Why was the golf course & ski closed?
- What has changed in the Town to cause a need to for rezoning? Is more housing needed?
- Why build houses? Building a hotel/motel should be illegal and how is that allowed?
- The land should be kept as an open green space for recreational use and unobstructed views.
- Town's water infrastructure is old and inadequate to support more citizens.
- What is the Town's fire plan for evacuation routes?
- The Town has not informed the citizens of meetings or notification of the status of rezoning.
- The boardroom configuration is difficult for citizens in attendance to see or hear the meeting; microphones are not being used by board members.
- Citizens live elsewhere for several months at a time and the Town is not transparent with them.
- Citizens have purchased property, not the view, and any view offered to the surrounding owners is at the expense of the Applicant.
- A long time citizen stated that throughout the decades, much development has occurred, including condominiums and homes, it can be expected more construction will happen.

- Will the Town have an agreement with the Applicant for the 2 acre donation?
- Is this application revised? Will there be a public hearing?
- If the Rezoning request is approved by the Town Council, then it is probable building will occur.
- Citizens purchased in the Town because it is quiet and nice and should stay the same.

Lenny Cottom, Applicant spoke to the Planning Board and Citizens.

He stated the Planning Board originally approved this, but it should have been for the 17.32 acres RB to HDR, not 15 acres, or an even acre for acre swap.

He stated Town officials approached him with the idea of a land donation for Otter Falls parking. After meeting with Town officials and walking his property, the Rezoning map is a result of those discussions. Cottom stated, when the Town asked him to donate land, he was agreeable, and questioned how many other citizens would do the same.

He said as a property owner for 34 years, he is also the largest taxpayer, and whenever a citizen claims they will lose their view, to consider he owns the land, and any view is at his expense and tax dollars. Due to his business of Hawksnest Zipline & Snowtubing being successful, the NCDOT has made improvements on Skyland Drive with culverts and the roads are routinely cleared in the winter for vehicle traffic. This benefits the Town and all citizens. He wants to keep the Town nice as a property owner. Cottom stated, this property already has zoning designated as HDR, but with the swap of zoning on the parcels, future development, whenever that might happen, will provide more trees and greenspace.

Several citizens spoke out of turn and with criticism of Cottom's statements.

Member Wells questioned Cottom about who were the Town officials that approached him?

Cottom did not reveal names, but stated that some were in attendance tonight, and included staff too.

Member Wells stated he is passionate about this issue and is not supportive of the Rezoning request.

Chair Jones confirmed with Zoning Administrator Barnes that any vote by the Planning Board tonight is merely a recommendation to the Town Council and will require a future public hearing and a final decision by the Town Council.

Zoning Administrator Barnes agreed.

Chair Jones called for a motion.

Member Blonshine made a motion to approve the two (2) Revised Rezoning request of:

17.32 acres HDR to LDR – Revised Application, dated 05/15/2023

17.32 acres RB to HDR – Revised Application, dated 05/15/2023

Member Streightiff seconded the motion.

Roll Call

Richard Blonshine – Yea John Wells IV – Nay Walt Hogan – Yea Jim Jones – Yea

Joan Streightiff – Yea Mark Williams – Nay

4 Yeas 2 Nays – The motion passed.

Citizens Comments

Tom Bookstaver commented the bear proof trash cans can be used by citizens to avoid violations. Tina Lakhotia stated the Planning Board decisions should represent the citizens viewpoint.

Planning Board Comments - None**Adjourn**

Member Hogan made a motion to adjourn the meeting; Member Williams seconded the motion. All members agreed. The meeting was adjourned at 7:00pm.

Jim Jones, Chairperson

Hillary Gropp, Town Clerk