

AGENDA

**Town of Seven Devils Planning Board
Continuation Meeting
April 17, 2018 – 1:00 pm**

- 1) Call to Order – From Recess of March 20, 2018**
- 2) Adopt Agenda**
- 3) Review of Minutes of March 20, 2018 – Attached with this agenda packet**
- 4) Administrative Comments – Citizens comments - Attached**
- 5) Old Business**
 - a) Hawksnest Zipline Re-Zoning Application Review**
- 6) New Business**
 - a) Review Comprehensive Land Use Plan – CLUP**
- 7) Member Comments**
- 8) Adjourn/Recess**

**Town of Seven Devils
Planning Board Minutes
Regularly Scheduled Meeting and Organizational Meeting
March 20, 2018**

The Seven Devils Planning Board met on Tuesday, March 20, 2018 at Town Hall. Town Manager Powers called the meeting to order at 5:30 PM. Members present were George Ehlinger, Bob Haugh, Barry Isquith, Butch McLean, Brady Sasse, Frank Sell; member Jack Byrnes was absent. Town Attorney Rob Angle was in attendance. The minutes were recorded by Hillary Gropp, Town Clerk.

Swearing in of Re-Appointed Members

Town Clerk Gropp swore in the following re-elected members: George Ehlinger and Bob Haugh.

Election of Chair and Vice-chair

Manager Powers opened the floor for nominations for Chair. Member Haugh nominated Butch McLean; Member Sasse seconded the motion. All members present voted and agreed unanimously that Member Butch McLean be elected as Planning Board Chair.

Manager Powers passed the gavel to Chair Butch McLean and he opened the floor for nominations of Vice-chair. Member Sell nominated Jack Byrnes; Member Sasse seconded the nomination. With no further nominations, Chair McLean closed the floor for nominations. All members present voted, and agreed unanimously. Member Jack Byrnes was elected as Planning Board Vice-chair.

Adopt Agenda

Chair McLean asked for a motion to adopt the agenda. Member Haugh made a motion to adopt the agenda; Member Sasse seconded the motion. The members agreed unanimously.

Approve Minutes—January 17, 2017

Chair McLean asked for a motion to approve the minutes of January 17, 2017. Member Sasse made a motion to approve the January 17, 2017 minutes; Member Isquith seconded the motion. The members agreed unanimously.

Administrative Comments

Chair McLean offered his sincere thankfulness to Manager Powers and Town Clerk Gropp for the administrative support of tonight's meeting.

Manager Powers reports at some date in the future the Planning Board will need to meet and create ordinances that address 1) Beekeeping 2) Drones and 3) an update to the Tree Ordinance as a requirement for the Tree City USA designation.

Old Business—NONE

New Business

8)

a) Review Comprehensive Land Use Plan – CLUP

Manager Powers explained the current CLUP has not been updated since 2009. Before dialogue could continue, Member Ehlinger asked that this New Business item be moved to a later date.

b) Regional Training Workshops – UNC SOG

Manager Powers encouraged the Planning Board members to attend the Regional Board Workshop for Planning and Development Regulation. There are several dates and locations, with the closest being Asheville on May 10, 2018. The Town will cover the cost of registration. Chairman McLean stated the benefit of attending is to increase knowledge as a Planning Board Member. ~CLOSED~

c) Hawksnest Zipline Re-Zoning Application Review

The Re-Zoning Application is to request a change from Recreation to High Density Residential (HDR) zoning.

Chair McLean allowed Attorney Tucker Deal, (Representative for the Applicant, Lenny Cottom) to give a presentation. Attorney Deal identified the property location on the current Town zoning map; he asked the question, "Is this location is an appropriate location for a HDR zoning classification?" Attorney Deal states the UDO does a very good job of incorporating the goals of the CLUP into the regulations. Realizing that the emphasis of the CLUP is single family homes, we feel there is room for inclusion of multi-family dwellings, while maintaining community character.

The highlights of his presentation include:

1. Harmony with the surrounding area, as there is a significant boundary between zoning classifications.
2. The property does not lend itself to other recreational activities; a zoning change will add tax value to the Town.
3. The property sits down below the road, so any residential buildings would not negatively impact the views of others.
4. Environmentally, tree cover will be preserved & protected, with additional tree planting upon development will help the Town's goal of Tree City, USA.
5. Currently, there is a sewer treatment plant with adequate capacity and permits to handle the extra flow.

Attorney Deal requested a positive recommendation from the Planning Board.

Chair McLean began dialogue among the Planning Board members that they understand the pros and cons of this Re-Zoning request. Chair McLean asked if there are any citizens comments.

Lou McLean – 130 Wildwood Court – She states she is not favor of rezoning, as she wants to maintain the quality of life & peacefulness that she has enjoyed in Seven Devils. She states since the opening of Otter Falls, it has caused disruption to the natural wildlife such as deer and turkey sightings. She experiences noise pollution, an increase in dust & dirt, along with safety issues from vehicle traffic. If the rezoning application is allowed she is concerned about a potential for increase in crime.

Member Sell asked Attorney Deal the following:

Has the current sewer treatment plant been evaluated by a professional to confirm it can handle the increased usage? Attorney Deal states he defers to the Owner, Lenny Cottom, as he has no personal knowledge of the capacity.

Member Sell then inquired with Town Manager Powers if the Town's current water system is sufficient to handle the increase for usage? Manager Powers replied that depending on the total number of new units built, likely there will be a need for an additional well. All infrastructure would be provided by the developer, per the subdivision ordinance in the UDO.

Member Ehlinger requested this item to be deferred to another meeting so detailed dialogue can occur with Public Safety Officer Chief Chuck Davis, Fire Chief Bobby Powell, Public Works Director Kevin Aldridge and Town Engineer David Poore regarding effects on Town infrastructure and support services.

Member Sell comments that the job of the Planning Board is to uphold the content of the CLUP, emphasizing single family homes. Town Manager stated that the main objective of the Planning Board is to create a written recommendation to the Town Council that addresses plan consistency (NC GS 160A-383) when it approves or rejects any proposed zoning map amendments. "The board's statement must describe how the action is or is not consistent with the plan and briefly explain why the board considers the action reasonable and in the public interest." Quote from David Owens - UNC SOG Publication "Introduction to Zoning and Development Regulations".

Discussion continued regarding potential questions:

- 1) Hire extra Police
- 2) Purchase additional Police vehicles
- 3) Town Engineer – Set backs from Main Road – Skyland Drive
- 4) How far down can they build? On flat?
- 5) Water – additional lines, additional well, tankage constraints
- 6) Fire – hydrant capacity
- 7) Storm water concerns
- 8) Impact on Tax Base
- 9) Increased traffic – during construction & after completion
- 10) Effect on wildlife

Email questions to Town Manager or Town Clerk and the list of questions will be consolidated for next meeting.

Discussed possible scenarios – Minimum – Mid – Maximum impacts.

Citizen Comments – No additional comments

Board Member Comments-None

Recess

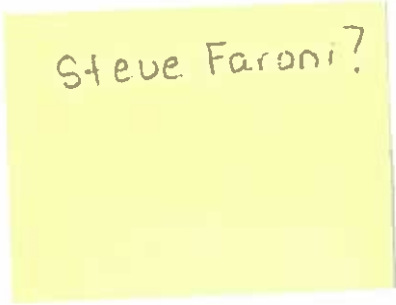
Member Ehlinger made a motion to recess the Planning Board meeting until Tuesday, April 17, 2018 at 1:00pm; Member Sell seconded. The members agreed unanimously. The meeting recessed at 6:28pm.

Debbie Powers

From: safpack@aol.com
Sent: Monday, April 02, 2018 9:37 PM
To: Debbie Powers
Subject: Hawk's Nest Proposal

It's simple, do we want to keep Seven Devils the very special place it is, or make it more like everywhere America? The only point in approving any type of this development is dollars. At what cost? How does this benefit our very special and unique town?

Sent from my iPhone



Steve Faroni?

Debbie Powers

From: Bill Diercksen <wcderd@yahoo.com>
Sent: Wednesday, April 04, 2018 10:35 AM
To: carey2222@gmail.com; safpack@aol.com; bjvgolfer@yahoo.com; cmikevacca@gmail.com; JANDM5854@aol.com; judyksmock@gmail.com; resaeveryhart@yahoo.com; mliozfll@gmail.com; amsaviano@comcast.net; eagon@comcast.net; madstar457@aol.com; bluestonepp@yahoo.com; dcavinder@icloud.com; kmcgovern21@tampabay.rr.com; nickkanelakos@gmail.com; lglfhorne@aol.com; golfer601@gmail.com; dclcm56@gmail.com; jmcddsvol@charter.net; tlewiscpa02@gmail.com; tomfran1965@gmail.com; carolieandernie@bellsouth.net; jmgonyer@gmail.com; psgonyer@gmail.com; albrtrk2009@gmail.com; normalstaley1941@gmail.com; vairving@gmail.com; leostar457@aol.com; brisquith@yahoo.com; dmac8425@aol.com; docbill-fran@toast.net; ealdog@aol.com; mellenone@aol.com; bobertini@aol.com; lyndad1225@aol.com; frankginak@aol.com; boblouisenmb7d@aol.com; bobblowingrock@aol.com; loisdodson1@yahoo.com; dehmig@msn.com; bobbyeh1@charter.net; mjnc80@gmail.com; leighsasse@gmail.com; larrymarthas@gmail.com; fsell@carolina.rr.com; davela12@bellsouth.net; Jbeucus@gmail.com; bjlhi@yahoo.com; ajclemente@bellsouth.net; pdljr65@yahoo.com; dasaviano@comcast.net; AnLaFontaine@gmail.com; jshafer@ludovici-orange.com; foxcoved@bellsouth.net; mmjrudisill311@aol.com; rdodson@charter.net; bridges1fl@comcast.net; loriglory@aol.com; rjlambdin@yahoo.com; dmtarnton@aol.com; jonesres@prodigy.net; samjengr@bellsouth.net; wingsofgold@charter.net; sdemaras@comcast.net; linda@regencytravel.biz; bobekert@aol.com; sissymstealth@charter.net; blitzit1025@gmail.com; mpurdum@bellsouth.net; purdum@bellsouth.net; audandrews@cox.net; bkstatler@comcast.net; jonesmj66@carolina.rr.com; triciagayev@gmail.com; cdasbill@gmail.com; blackwidow678@gmail.com; 1hendrix@bellsouth.net; debramckinley7@gmail.com; pariseau1@msn.com; 7DevilsWiley@charter.net; Leo Starzec
Cc: Debbie Powers
Subject: Re: Hawksnest owners make re-zoning request to Town's Planning Board

Leo. While I believe that the rezoning request made by Hawksnest owners offers an excellent opportunity to develop an alternative access and parking plan to connect to the proposed Peak Trail, I also firmly believe that high density development is not suitable for Seven Devils. Remember, we were one of several owners (Concerned Citizens of Seven Devils) that successfully defeated Mark Harrill's high density project in 2001-02, and nothing has changed since then. Seven Devils is and should stay a town of primarily owner occupied single family homes and town/patio homes (single joined walls). The single road access on and off the mountain from route 105, severely limits the amount of construction related traffic that the town can handle without causing major traffic backups getting on or off the mountain. We don't want 7D to become Sugar Mountain, full of rental units.

Hawksnest could provide the safe access and adequate parking (25+ spaces) plus an easement path to connect with the proposed Peak Trail, to avoid using Skiview Road that is too narrow, with a blind 90 degree turn to handle hikers traffic. The 12 vehicle planned parking area below the water tower is totally inadequate for the likely hiker traffic, based on the usage of Otter Falls parking area which usually has 4-5 vehicles parked along Skyland Drive (some in the right of way) on nice weekends.

With a little give and take on both sides, this could be a win/win for Hawksnest owners and the town to add some new housing , (real etate taxes)and a major recreational attraction without having to incur significant infrastructure expenses.

Bill

On Monday, April 2, 2018, 9:06:42 PM EDT, Leo Starzec <leostar457@aol.com> wrote:

At the last Seven Devils Planning Board meeting on March 20th, an attorney representing the owners of Hawksnest submitted a request to re-zone a substantial part of their property. The property is currently zoned recreational, and the proposal is requesting a change in zoning to high-density residential.

The request covers two tracts of approximately 20 acres each. One is from the old number 8 green, (across from the house which formerly was Bill Ryan's,) and runs Westward along Skyland Drive to the entrance of the Hawksnest parking lot, including the former #9 green. The other is from near the entrance to the 5th Fairway homes heading east toward the Hanging Rock Villas, along Skyland Drive, bending South and then heading West, where the former (#14 par 3) and (#13 par 5) were on the back nine.

The Planning Board did not act on the request at the March 20th meeting, asking for more information. The next Planning Board meeting is scheduled for the afternoon of Tuesday, April 17th. If you are interested in this subject, consider attending this meeting. If you cannot attend, and would like to express your thoughts, and/or inquire about more specifics, you can send an email to Debbie Powers, our Town Manager. Her email address is: townmanager@sevendevils.net. Debbie will present your emails to the Planning Board Members who are:

Butch McLean - Chairman
Bob Haugh - Vice Chair
George Ehlinger
Barry Isquith
Brady Sasse
Frank Sell
Jack Byrnes

Below is a link containing the agenda packet that was distributed to all Planning Board members. This packet includes the actual application which can be found on pages 22 thru 26. The map showing the two parcels is on page 26 but may be hard to distinguish unless you have a colored printer. If you wish to see a better visual of these two areas, stop by Town Hall and Debbie can show you on the larger map in the town meeting area.

Here is the link:

http://sevendevils.net/uploads/media/PlanningBoardAgendaPacket03_20_2018.pdf

Leo Starzec
leostar457@aol.com
cell: 706-513-0943

Debbie Powers

From: Larry Fontaine <larryfontaine127@gmail.com>
Sent: Wednesday, April 04, 2018 9:20 AM
To: 7dcouncil@gmail.com; Debbie Powers
Subject: Fwd: Hawksnest owners make re-zoning request to Town's Planning Board

Sent from my iPhone

Begin forwarded message:

From: Bill Diercksen <wcderd@yahoo.com>
Date: April 4, 2018 at 8:41:31 AM EDT
To: Charlie Brady <charlie@blueridgeconservancy.org>
Cc: Four Eggers <four@eggers-law.com>, Larry Fontaine <larryfontaine127@gmail.com>, Leigh Sasse <leighsasse@gmail.com>, Leo Starzec <leostar457@aol.com>
Subject: Fw: Re: Hawksnest owners make re-zoning request to Town's Planning Board

Charlie, FYI this rezoning proposal offers an attractive opportunity to acquire an easement from Hawksnest's lodge and generous parking area to intersect with BRC property and the proposed Peak Trail about 1/3 the way downhill from the water towers. It would create a "T" shaped trail, attractive to many hikers who cannot do the whole run.

This solution would eliminate the use of Skiview Road, as the access road, and need to widen it. Also adequate parking is already available at Hawksnest. They could charge for daily parking. A win/win for 7D town and Hawksnest owners.

Providing the connecting easement could be a good negotiating point to grant the rezoning request. Hopefully the town will make it a condition to grant the rezoning request.

Bill

----- Forwarded Message -----

From: Bill Diercksen <wcderd@yahoo.com>
To: Leo Starzec <leostar457@aol.com>
Cc: Bob Dodson <rdodson@charter.net>; Archie Litaker <alitaker@litakerinsurance.com>; Bob Royster <boblouisenmb7d@aol.com>; Barbara Williams <bewjubilee@gmail.com>; Bill Overholser <ealdog@aol.com>; Four Eggers <four@eggers-law.com>; Kathryn Copley <countesskc@charter.net>
Sent: Tuesday, April 3, 2018, 9:43:02 AM EDT
Subject: Re: Hawksnest owners make re-zoning request to Town's Planning Board

The town should use this request to negotiate to get Cottom's to donate property to build a connector path to the bottom of the Blue Ridge Conservancy property (to be built as part of Peak Trail) to provide access from their parking lot to intersect the proposed Peak Trail. This permanent easement would be in exchange for allowing the requested rezoning to allow for residential housing units (I assume this would be condos, or duplexes, as it says high density). Directly connecting to the proposed trail near the proposed housing would be a selling feature to prospective active "outdoorey" buyers, while saving the town the cost of improving Skiview Road to meet current state standards for the anticipated increased usage if it was the only access road to the top of Peak Trail (or providing additional parking at Otter Trail). This could be a win/win for the town if it was negotiated firmly as a quid pro quo for the rezoning requested. I wonder if anyone on the town council has read "Art of The Deal" by POTUS 45?? . Bill

From: barbara kurant <bkurant@me.com>
Sent: Thursday, April 05, 2018 4:19 PM
To: Debbie Powers
Cc: Leostar457@aol.com
Subject: Hawks nest proposal

To;City Manager ,and Planning Board Committee,

Twenty Seven Years ago we purchased our home at 1222 Skyland dr, we loved the wildlife and quite atmosphere,Since then progress has been made,traffic is constant ,and residents are afraid to walk on the side of the road,I am afraid more building on a large scale would alter the lifestyles of our community with even more traffic ,loss of our wildlife , and our small town atmosphere .I also feel the cost in the change of our infrastructure ,would be so costly ,that the taxes of this new venture ,will be many years before any profit could be realized.

Sent from my iPad

Debbie Powers

From: Randy O'Connor - Huntersville <ROConnor@TirePros.com>
Sent: Thursday, April 05, 2018 9:06 PM
To: Debbie Powers
Subject: Town meeting April 17

Debbie -

I have come to an understanding that the owner of Hawks Nest has the intention to rezone a portion of his property. Regrettably, I will be in Atlanta for the hearing but I wanted to reach out and voice my opinion in my absence.

Without having any knowledge other than what I have heard, which is rezoning multi-unit, I am strongly opposed to the idea. Maybe there are plans that outline something extremely beneficial to the town, it's residents and my property at 1224 Skyland, but until proof of benefit to the greater majority is proven, I am strongly opposed to any such rezoning of the property. Our spot is far too sweet, and your work to keep far too great, to spoil for the toil of one.

I will stop by the office tomorrow to discuss in person but wanted you to have my opinion, in absentia, on record.

Thanks much,

Randy O'Connor
1224 Skyland Drive

Randy M. O'Connor | RBC
M: 704-572-7492
TirePros.com | roconnor@tirepros.com
12200 Herbert Wayne Court, Suite 150
Huntersville, NC 28078

Debbie Powers

From: Charlie Kluck <charlie@georgeekluck.com>
Sent: Friday, April 06, 2018 10:48 AM
To: Debbie Powers
Cc: kluckGeorgeell; Leo Starzec
Subject: Rezoning of Recreation Land

Dear Ms. Powers and Seven Devils Planning Board

I am writing this email to strongly voice my disapproval for the rezoning. We purchased our home at 441 Ski View last year and the main reason was the natural view we have from our deck. I am sure most home owners do not enjoy looking at condos or other man made structures when they buy in the mountains.

My wife and I have been in Real Estate for over 30 years and I can assure you that it will have a detrimental effect on the value of many homes in Seven Devils including ours.

Please VOTE NO on the rezoning.

Thank You

--

**Charles Kluck
305 588 2693**

Debbie Powers

From: Jerry Gonyer <jmgonyer@gmail.com>
Sent: Saturday, April 07, 2018 12:54 PM
To: Debbie Powers
Cc: Leo Starzec
Subject: Please, no high density housing

We bought a condo a year ago above the town of Seven Devils. We are shocked at the proposal to put in dense housing in the valley above us. Please restrict any development to blend in with the character of Peak Mountain. High density housing and construction will make walking along the road even more dangerous than it is now and by an environmental shock to the Mountain community please say no.

Jerry and Penny Gonyer
197 Grandfather Circle
Unit 231

Jerry Gonyer

Debbie Powers

From: Ed Meilus <edwardm7777@gmail.com>
Sent: Sunday, April 08, 2018 5:41 PM
To: Debbie Powers
Subject: Hawksnest Rezoning concerns

Town of Seven Devils
c/o Town Manager Debbie Powers
1356 Seven Devils Road
Seven Devils, NC 28604

April 8, 2018

Ed and Patty Meilus
129 Fifth Fairway
Seven Devils, NC

My wife Patty and I have owned at 129 Fifth Fairway for over four years. We love the peaceful and quietness of the community.

We unfortunately will not be able to attend the April 17th board meeting and would appreciate this letter be shared at the meeting.

We are very concerned about any Hawksnest rezoning for the following reasons:

- The peacefulness of our community will erode. New housing will increase our traffic and our noise in our community. The roads seem barely able to handle the current traffic and traffic seems noisy at peak times.
- Storm water runoff is a big concern. Our driveway already heavily floods during rain and we actually have a weather spring directly under our house from excess water runoff. One way to help reduce runoff is to reconstruct the culverts along Skyview above our property. I've tried contacting the City of Seven Devils and the State of NC office in Boone and have not been able to get any response. With the new rezoning, my opinion is that there will need to be a study to measure water runoff and flooding. At minimum, all the culverts will need to be tore up and reconstructed on both sides of SkyView.
- The tax base will increase for the Seven Devils with rezoning but so will the need for additional sewer and road construction. I think the time and investment for increased sewer and roads would cost more than the additional tax base with rezoning.
- Our mountain view will be directly impacted. I understand this cannot be a reason in itself, but it will decrease the value of our property.

I know I speak for the other residents of Fifth Fairway when I voice my concerns.

Thank you for your consideration.

Ed Meilus

Debbie Powers

From: Randy O'Connor - Huntersville <ROConnor@TirePros.com>
Sent: Tuesday, April 10, 2018 9:45 PM
To: Debbie Powers
Subject: HRD Amendment Plan Consistency Statement

Hi Debbie –

Thank you for taking the time to run me thru a preview of the proposed zoning changes for HRD development on the existing property within the community. As a general follow up to our conversation I wanted to clarify whether or not the planning board has yet to create a Plan Consistency Statement for the proposed zoning amendment?

As you are aware the Comprehensive Land Use Plan developed in 2000 and amended as recently as 2009 outlines the town's vision statement. Part 1 paragraph 1 of that statement notes "The Town of Seven Devils is a residential and recreational community whose citizens and governance are committed to managing its growth, with a primary focus on owner-occupied single-family homes and on the preservation and enhancement of the distinctive and irreplaceable natural beauty of its mountain setting." In accordance with Sections 160A-383 and 153A-341 of the North Carolina General Statutes it is required that the mandatory planning board review of each proposed zoning amendment include written comments as to the proposed amendment's consistency with the comprehensive plan and any other relevant plans that have been adopted by the governing board. City councils and county boards of commissioners are required to approve a plan consistency statement before adopting or rejecting any zoning amendment.

My hope is that the required statement will be produced prior to and included in any public consideration of the proposed amendments. I would appreciate your comments and feedback.

Thanks much!



Delivered by **ATD**

Randy M. O'Connor | Regional Business Consultant
m: 704-572-7492
tirepros.com | roconnor@tirepros.com

12200 Herbert Wayne Court, Suite 150
Huntersville, NC 28078

Debbie Powers

From: Leo Starzec <leostar457@aol.com>
Sent: Wednesday, April 11, 2018 8:22 AM
To: Debbie Powers
Subject: Hawksnest Re-zoning Request

Good morning Debbie!

Thanks for taking the input on the Hawksnest zoning request.

We will be at the meeting on Tuesday, but I want to share our thoughts with you, so the Planning Board members will have our input before the meeting.

Both Madeline and I are against allowing this rezoning to go forward. It is a direct contradiction to the Town's Vision Statement and Comprehensive Land Use Plan, which calls for "owner occupied single family homes."

The amount of construction that high density would bring would be detrimental to our environment and safety. The thought of years of construction noise and large equipment traffic will not only be a nuisance to our wild life, but certainly to our residents as well.

For these good reasons, we strongly urge the Planning Board to reject the request.

Thank you,

Leo & Madeline Starzec
leostar457@aol.com
cell: 706-513-0943