

Town of Seven Devils
Planning Board Minutes
Regular Meeting
July 17, 2018

The Seven Devils Planning Board met on Tuesday, July 17, 2018 at 5:30pm at Town Hall. Members present were Chair Butch McLean, Vice Chair Jack Byrnes, George Ehlinger, Barry Isquith, Brady Sasse, Frank Sell; Bob Haugh was absent. A quorum was met. Also, in attendance was Town Manager-Zoning Administrator Debbie Powers, Town Attorney Rob Angle; Town Clerk Hillary Gropp recorded the minutes.

Call to Order

Chair McLean called the meeting to order at 5:30pm.

Adopt Agenda

Chair McLean asked for a motion to adopt the agenda. Member Sell made a motion to adopt the agenda; Vice Chair Byrnes seconded the motion. The members agreed unanimously.

Approve Minutes June 19, 2018

Chair McLean asked for a motion to adopt the minutes of June 19, 2018. Member Isquith made a motion to approve the June 19, 2018 minutes; Member Ehlinger seconded the motion. The members agreed unanimously.

Administrative Comments

Town Manager Powers provided an update on the following:

- Tree Ordinance – that the Planning Board recommended to the Town Council, was approved at the Town Council meeting on July 10, 2018.
- Employee Handbook – with additional recommended amendments from the Town Attorney, the Revised Employee Handbook was approved at the Town Council meeting on July 10, 2018.

Old Business-None

New Business

6. a) Lenny Cottom – Re-zoning Request – Application Submitted 7/5/2018

Lenny Cottom provided the following about the Re-Zoning Request – Application Submitted 7/5/2018; this is for two (2) parcels, approximately 20 acres and 10 acres, respectively and the request is for HDR (High Density Residential). This zoning is the highest and best use for this land and would provide additional tax revenue to the Town.

Lenny Cottom has owned this property for 9 years and after research into other uses of RB (Recreational Business), with none being viable/profitable as a business owner, he thinks the Re-Zoning request is appropriate at this time.

Chair McLean asked the Planning Board members if they had questions for the applicant; Lenny Cottom.

The questions and responses are as follows:

Chair McLean asked, "How does this request fit with the CLUP (Comprehensive Land Use Plan), when considering the proposed HDR Condos are predominately surrounded by MDR (Medium Density Residential) & LDR (Low Density Residential) that already exists?"

Cottom: Everything around this property is already HDR, including a 4-acre parcel and 17-acre parcel that is adjacent; it fits.

Member Isquith asked "Will the road structure support this request?"

Cottom: Yes, the NCDOT maintains this road; the roads have been well maintained, likely due to the existing zipline business.

Chair McLean asked, "Is there a certain distance the zipline is required to be away so someone isn't underneath it? Or does it create a safety hazard?"

Cottom: As this project moves forward, all will be reviewed for consideration; the zipline is far off the ground.

Member Sasse asked, "Is there any other RB use that will work for the existing parcels?"

Cottom: The zipline has been in business for 9 years, however the popularity of zipline is decreasing, therefore business is down. The other options for RB are limited.

Member Sell asked, "Is the applicant aware this is contrary to CLUP; the CLUP requires maintaining as much as possible LDR & MDR?" Member Sell read a portion of a sentence from the CLUP, as follows, "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." Member Sell states this proposed Re-Zoning request is contrary to the CLUP.

Cottom: That is a matter of opinion, but the Applicant acknowledged his interpretation of CLUP.

Member Ehlinger requested the Town Manager provide her feedback on this application. Member Ehlinger states the application is incomplete and doesn't include a recorded drawing. He asked why the Town would accept this submittal, from a legal viewpoint.

Cottom: The Applicant stated the Planning Board is only being asked to review, discuss and recommend at this point. Because of the time, expense and possible changes needed, the drawing is not recorded. It is easier to make changes at this time of the Re-Zoning request. Depending on the outcome of the Planning Board's decision, all will be finalized & recorded before the Public Hearing and Town Council decision.

Chair McLean asked, "Does the applicant view tonight's request as a "dress rehearsal"?"

Cottom: We view this as Phase I, and as discussions occur, it is easier to make changes on an architectural drawing by a surveyor than a recorded map at the County.

Manager Powers stated she communicated with the GIS Department at both Avery and Watauga counties and if submitted as a boundary survey the timetable could be 2 days to 1+ month to record. The process includes recording with the Register of Deeds, then to GIS Department for assignment of Parcel ID # then will become part of the tax base. Most likely, it will take more time, not less for this process, based on her discussions with the Counties.

Member Ehlinger stated, the Planning Board needs to ask themselves if they want HDR? Or should they deny and require MDR/LDR Re-Zoning request?

Member Sasse states he prefers MDR or LDR; HDR does not agree with CLUP.

Member Isquith does not think the road structure will be able to support additional traffic.

Cottom: When the Blue Ridge Conservancy purchased the 200 acres with ridgeline, this eliminated the possibility of 200 houses being built on it, also lost to the Town was potential tax base with additional traffic. The Applicant states this Re-Zoning request will take its place with potential impact/benefits.

Member Byrnes does not think this Re-Zoning request fits with the recently revised CLUP.

Chair McLean states he supports the Re-Zoning request as it fits with the CLUP because of the language that includes individual family owned homes; Condos are individually owned.

Chair McLean asked the Applicant "Do you know estimated amount of traffic during the snowtubing season?"

Cottom: We estimate about 500 cars on weekends/holidays for snowtubing.

Discussion occurred with various Planning Board members and the Town Manager about the amount of traffic in recent months; there is concern about the need for additional police should this Re-Zoning Request be approved.

The Applicant states this Re-Zoning Request does not alter the need for additional police; possible increase in police enforcement is unknown, and currently already exists due to the rental of existing condos. The TDA actively promotes tourism and benefits from it.

Member Sell asked the Town Manager the definition of Single-Family owner-occupied home. He understands it to be one house with one foundation under a single roof.

Town Manager: Town Manager stated a Single-Family dwelling is one stand alone unit, not a condo/townhouse.

Discussion occurred about when the tax base would increase, upon Re-Zoning or later? The Town Manager states the Town will realize the tax base upon a Certificate of Occupancy and when sales occur.

Chair McLean asked the Planning Board to make a decision by motion.

Member Sasse made the following motion to reject the Re-Zoning request:

The Planning Board of the Town of Seven Devils recommends rejecting the re-zoning request from Hawksnest Zipline, Inc. After careful consideration of the request, and conversations deliberating on how it fails to align with the Town's Comprehensive Land Use Plan (CLUP), the decision is based on the inconsistency with the Vision Statement, which states "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." When considering the MANAGING DEVELOPMENT section of the CLUP, it states "Managing development means guiding growth in relation to community goals, which focus on single family homes as a major housing source and recognize residents' desires for the Town of Seven Devils to maintain its small-town character." To stay consistent with the Town's CLUP, we recommend that the zoning request be denied, as a reasonable action, and in the best public interest.

Member Sell seconded the motion; Additionally, Members Byrnes, Ehlinger, Isquith agreed with the motion.

Chair McLean opposed the motion on the table.

The motion passed with 5 Ayes and 1 Nay ~CLOSED~

Chair McLean acknowledged the Town Manager-Zoning Administrator provided guidance with a written statement for an accurate motion for Approving or Rejecting the Re-Zoning Request.

Citizens Comments

Numerous citizens made comments supporting the Planning Board’s decision to reject the Re-Zoning Request. One citizen stated the Applicant should be allowed to resubmit a new request with changes in the future.

Member Comments

Member Isquith encourages the Applicant to investigate other Recreational Business uses. The Planning Board allowed rebuttal by the Applicant to this suggestion.

The Applicant addressed some of the Citizens negative concerns. Additionally, he stated the original zoning for this property allowed for other uses, such as hotels. With the rejection of the Re-Zoning Request it negatively affects him. With new housing, the tax base for the Town will increase.

Chair McLean thanked everyone who attended and participated in the meeting.

Town Manager stated this recommendation will proceed to the Town Council and a Public Hearing will occur on August 14, 2018. Proper notification will be made to the property owners within 100 feet of the parcels via US Postal mail.

Adjourn

Member Sasse made the motion to adjourn; Member Isquith seconded the motion. The members agreed unanimously. The meeting adjourned at 6:10pm.

Butch McLean, Chair

Hillary Gropp, Town Clerk

NOTATION BY THE TOWN CLERK

The Applicant withdrew the Re-Zoning Request, effective Friday- July 20, 2018