

**Town of Seven Devils
Planning Board Minutes
April 18, 2023**

The Seven Devils Planning Board met on Tuesday, April 18, 2023, at 5:30pm at Town Hall.

Planning Board members in attendance included: Richard Blonshine, Jim Jones, Stu Ryan & Joan Streightiff. A quorum was met.

Absent Members – Walt Hogan, John Wells IV & Mark Williams.

Staff in attendance included: Eddie Barnes – Zoning Administrator, Johnathan Harris – Town Manager.

The minutes were recorded by Hillary Gropp – Town Clerk.

Denise Cottom – Applicant was also in attendance.

Call to Order

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

Approve Minutes – January 17, 2023

Member Blonshine made a motion to approve the Planning Board minutes of January 17, 2023; Member Ryan seconded the motion. All members agreed.

Old Business

A. Rezoning Request – Skyland Drive - Cottom

Chairperson Jones gave a brief recap of the timeline of this Old Business item.

The Planning Board reviewed three (3) applications at the September 20, 2022, meeting with recommendations to the Town Council.

The Town Council held a public hearing in December 2022 on the original applications as submitted by the applicant, and what was initially presented to the Planning Board, however, at the public hearing Applicant Cottom verbally agreed to recommendations of the Planning Board as detailed below:

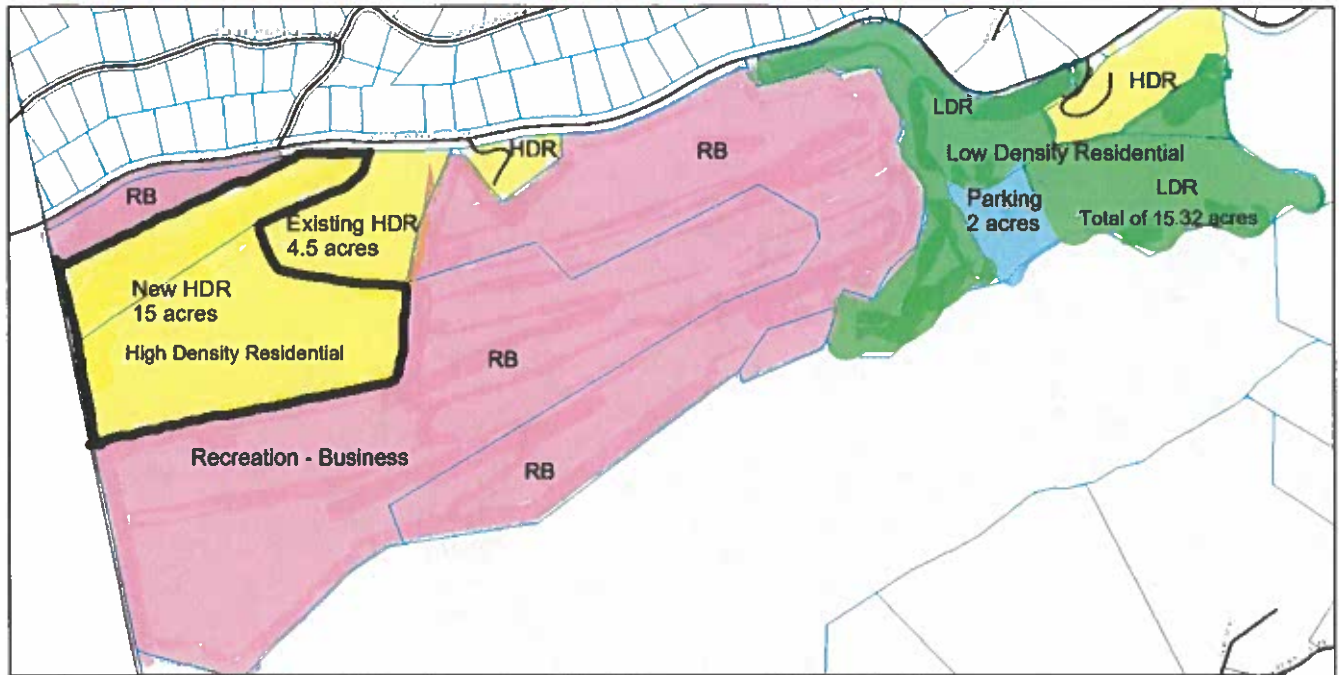
- (1) HDR to LDR – 17.32 acres, less the 2-acre parcel.
- (2) RB to MDR – 25.5 acres – Applicant has withdrawn this request.
- (3) RB to HDR – 21.23 acres reduced to PB Alpha of 15 acres abuts current zoning of HDR 4.5 acres with total of 19.50 acres.

The Town Council tabled the items until January 2023.

At the Town Council meeting on January 10, 2023, a revised map for the proposed rezoning was presented to the Town Council. The Town Council made a motion to send the rezoning requests with the map to the Planning Board for review.

At the Planning Board on January 17, 2023, discussion occurred about the rezoning requests and the map. The Planning Board made a motion to table this item until the next Planning Board meeting to obtain further site information.

Chairperson Jones stated a decision needs to be made on this Old Business item.



Member Blonshine stated that he, along with Member Streightiff met at the property with Zoning Administrator Barnes. The applicant has shifted the rezoning parcel boundary down for application #3, but the acreage remains the same. Member Blonshine stated the revised map reflects the recommendation of the Planning Board in September 2022. Member Streightiff agreed.

Zoning Administrator Barnes reported to the Planning Board that prior to tonight's meeting, Denise Cottom – Applicant stated the agreement is to be an equal acre to acre swap. (3) RB to HDR will increase with (2) additional acres to 17 acres and therefore an increase with 12 dwellings.

Chairperson Jones stated this is not in agreement with the Planning Board recommendations. Planning Board members asked for clarification on what their approval was for (3) at the September meeting. Zoning Administrator stated the PB Alpha motion was for 15 acres.

Member Blonshine made a motion to approve the map in accordance with the approvals of the Planning Board in September 2022. Blonshine continued that if the Town Council wants the Planning Board to look at the zoning again, then it is a new issue. Chairperson Jones clarified that the motion is to approve the revised map with the Planning Board recommendations from September 2022 and forward it to the Town Council. Member Blonshine agreed, and other members nodded in the affirmative.

Prior to a second of the motion, Chairperson Jones asked if there was any more discussion.

Denise Cottom – Applicant asked to speak to the Planning Board.

Applicant Denise Cottom stated that she wanted the Planning Board to understand what she and Lenny Cottom thought to be the agreement that is an acre for acre swap.

Application (1) HDR to LDR is originally for 17.32 acres with a 2-acre donation, but it is for 17.32 acres. The approval by Planning Board for Application (3) RB to HDR should have been for 17 acres, not 15 acres when considering the total, minus the 2-acre donation.

Denise Cottom emphasized the 2-acre donation would occur after the rezoning changes are secured and stated it will not increase density, but only what should be allowed on 17 acres with the zoning.

Chairperson Jones stated this is not how it was approved by the Planning Board in September. Applicant Denise Cottom restated it should be an acre for acre swap with rezoning and then the 2-acre donation will occur. It is a misunderstanding of what the Applicant is agreeable to for the Town. Member Blonshine countered Applicant Lenny Cottom was at the December Public Hearing and agreed to the Planning Board recommendations and has reviewed the revised map reflecting rezoning requests.

Council Member Sasse attended tonight's meeting and asked to be recognized by the Planning Board. Chairperson Jones agreed.

Council Member Sasse stated it is her understanding and a new application should be submitted, as this has all changed from the original application. Sasse has consulted with Phil Trew, Director of Planning & Development at the High Country Council of Government. Since everything has changed from the original applications, it is advised new applications should be submitted and a public hearing should be held. Chairperson Jones agreed, but also questioned if they would be approving again what already has been approved. Member Blonshine suggested approving the revised map based on the prior recommendations of the Planning Board. Then if the Town Council wants new applications submitted, they can request that, but this Planning Board item should not be tabled.

Chairperson Jones agreed, as the revised map being reviewed at tonight's meeting is the current map presented. He acknowledged that it would be best if everything started over with what is intended and agreed upon for clarity. Chairperson Jones asked Zoning Administrator Barnes for feedback, and he agreed. Member Blonshine inquired who initiates the process? The Planning Board or Town Council? Chairperson Jones surmised that it could be a recommendation of the Planning Board.

Discussion occurred about how to word a motion by the Planning Board.

Member Blonshine recommended approval of the revised map. Member Streightiff suggested the applications be revised due to a discrepancy of agreement between the Applicants and Planning Board recommendation.

Member Blonshine made a motion to approve the revised map reflecting the Planning Board recommendations of September 20, 2022, and forwarded it to the Town Council. Due to a discrepancy with the Applicant, it is recommended that a revised application be submitted to correlate with a corrected map and be included to reflect rezoning requests. Town Attorney can advise the Town Council on necessary legal procedures. Member Ryan seconded the motion. All members agreed.

B. Town Ordinances – Review

(i) Nuisance Ordinance – Article 13

Chairperson Jones stated Article 13 – Recreational Vehicles Prohibited is very involved with definitions and exceptions, and he suggested a work session on language edits should occur.

Member Ryan stated that the language might not need to be altered at all, as it is about interpretation. Member Ryan has discussed this with Zoning Administrator Barnes, as his interpretation might differ from the previous Town Manager/Zoning Administrator.

Member Ryan thinks it is imperative to understand how the police would interpret this ordinance. Town Manager Harris stated the police will follow the ordinance; however final interpretation should not be placed on the police department. The language should be specific.

Bob Bridges asked to speak to the Planning Board. Chairperson Jones agreed.

**Clerk's note – Bob Bridges is the Board of Adjustment Chairperson*

Bridges stated that he has issues with the proposed language and questioned how definitions of words will be interpreted. His examples included: small, indefinitely, disrepair.

Removing redundancies within the existing ordinance weakens the ordinance and he questioned if a problem exists with this ordinance or will revising it create problems.

Town Manager Harris stated regarding a vehicle in "disrepair" the Town has other ordinances to address this situation.

Discussion occurred among Planning Board members to review the details and language in the future.

Member Ryan made a motion to table the item. Member Blonshine seconded the motion. All agreed.

Zoning Administrator Barnes to follow up.

(ii) Alternate Energy Ordinance

Zoning Administrator Barnes explained this Alternate Energy Ordinance requires statutory language edits to be consistent with NC GS 160D. Additionally, the suggested changes will exclude rooftop solar from Special Use Permit process, but instead by the Zoning Administrator's office with permitting.

Member Streightiff made a motion to approve the suggested edits and forward it to the Town Council;

Member Ryan seconded the motion. All members agreed.

New Business

A. Wireless Communication Ordinance

Zoning Administrator Barnes explained the current Wireless Communication Ordinance requires a Special Use Permit and presents a conflict for an emergency communication antenna installation.

The proposed language will make an exemption for government use.

Member Streightiff made a motion to approve the additional language and forward it to the Town Council;

Member Blonshine seconded the motion. All members agreed.

B. Unified Development Ordinance – Discussion

Zoning Administrator Barnes reviewed several necessary edits to the Unified Development Ordinance to be consistent with NC GS 160D, as well as other inconsistencies with zoning procedures.

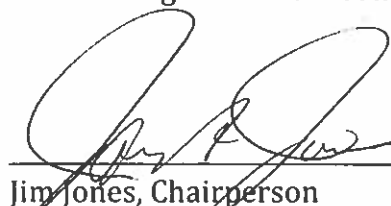
Member Ryan made a motion to approve the edits and forward it to the Town Council; Member Blonshine seconded the motion. All members agreed.

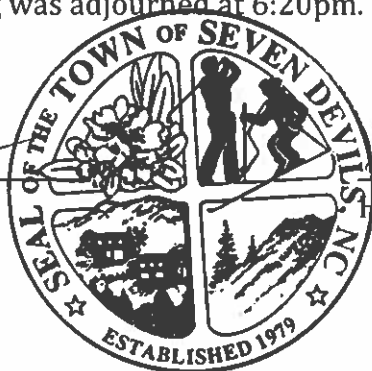
Citizens Comments – None


Planning Board Comments - None

Adjourn

Member Streightiff made a motion to adjourn the meeting; Member Blonshine seconded the motion. All members agreed. The meeting was adjourned at 6:20pm.


Jim Jones, Chairperson




Hillary Gropp, Town Clerk