

Town of Seven Devils
Planning Board Minutes
September 20, 2022
5:30pm

The Seven Devils Planning Board met on Tuesday, September 20, 2022 at 5:30pm. Attendance In-Person included Jim Jones, Joan Streightiff, Walt Hogan, and John Wells IV.

A quorum was met. Absent members: Jack Byrnes, Frank Sell, Mark Williams.

Staff attendance included: Zoning Administrator Eddie Barnes, Police Chief Johnathan Harris. Town Clerk Hillary Gropp recorded the minutes.

Applicant – Lenny Cottom was present.

Call to Order

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

Adopt Agenda

Member Walt made a motion to adopt the agenda; Vice Chair Streightiff seconded the motion. All members agreed.

Approve Minutes – July 19, 2022 & August 16, 2022

Member Walt made a motion to approve the minutes; Vice Chair Streightiff seconded the motion. All members agreed.

New Business

Zoning Administrator Barnes stated Lenny Cottom had withdrawn his previous Application for Change in Zoning Classification as reviewed and denied by the Planning Board in July & August 2022, resulting in no further review by Town Council or required Public Hearing.

The Applications being presented tonight are to be reviewed individually.

Zoning Administrator Barnes reviewed the Town's Zoning map with Planning Board to show the current zoning and proposed changes requested by the Applicant.

Zoning Administrator Barnes stated the Applicant already has approval for 128 homes on three (3) parcels currently zoned High Density Residential - HDR.

The applications being proposed tonight would total 244 single family dwellings, when subtracting out the 128 already approved, the net gain is 116 single family dwellings.

A. Application for Change in Zoning Classification of Property

1. High Density Residential – Low Density Residential – 17.32 acres

Owner/Applicant – Leonard & Denise Cottom

Zoning Administrator Barnes explained this density change would allow 1 dwelling per acre. With 2 acres designated for donation to the Town for additional Otter Falls parking, the remaining 15.32 acres would allow for a total of 15 single family dwellings.

Recap of density change is HDR = 104 to LDR = 15 single family dwellings.

2. Recreation Business – Medium Density Residential – 25.5 acres

Owner/Applicant – Hanging Rock Golf Club/Lenny Cottom

Zoning Administrator Barnes explained this zoning change would allow 3 dwellings per acre for a total of 75 single family dwellings. The Applicant reduced the amount of acreage from the previous Planning Boards review in July & August. The reduction went from 35.5 acres to now 25.5 acres.

3. Recreation Business – High Density Residential – 21.23 acres

Zoning Administrator Barnes explained this zoning change would allow 6 dwelling units per acre for a total of 126 single family dwellings. The Applicant has an adjoining HDR parcel to this proposed request; the existing HDR is 4.5 acres, allowing approximately 28 homes.

Zoning Administrator Barnes gave the recap as:

244 Maximum dwellings proposed

(128) Cottom owned parcels with existing HDR zoning

116 The net gain if the proposed applications are approved by Planning Board

Discussion occurred among Planning Board members about the new applications.

Members Streightiff and Wells stated the increase with density is still high.

Chair Jones stated that even though the topography of the land might not allow for the maximum build out, the Planning Board must consider the maximum as part of the equation. The new requests increase new homes by 25-30% of what already exists within the Town.

Member Wells is concerned about increased traffic, acknowledging this is a NCDOT maintained road with limited authority by the Town.

Member Hogan stated due to the location of these parcels at the end of Skyland Drive, it should be viewed equivalent to a cul-de-sac location, and thus the traffic pattern is similar.

Police Chief Harris provided traffic data, as previously provided at the August Planning Board meeting.

Highlights of the report indicate between the months of May 2022 and August 15, 2022, a total of 32,900 vehicles traveled on Skyland Drive at the proposed rezoning parcels. It was noted the “busiest hour of the busiest day” during this timeframe equates to approximately two (2) vehicles per minute.

Chair Jones asked for additional comments or questions.

Member Wells stated that although he appreciates an owner has rights, a rezoning isn’t always appropriate. Member Hogan agreed.

Member Wells inquired if the donation of 2 acres for Otter Falls parking by the Applicant is dependent on approval of all 3 applications.

Owner/Applicant – Hawksnest Zipline/Lenny Cottom

Applicant Cottom stated yes, all three applications would need approval.

Cottom further stated that his property lacked zoning regulations many years ago, but the Town imposed them with the current designations. As a property owner, Cottom stated he is invested in the area with improvements to his business during the past thirty years. In his opinion, the Town benefits by his business with desirability and land values overall for property owners. Cottom plans to continue to invest in his business, as well as the Town.

Cottom stated Town officials approached him to discuss options to acquire land for additional Otter Falls parking. Discussions lead to the recent and current applications for Rezoning based on those conversations.

Chair Jones asked for final discussion or motions for the three (3) applications.

A. 1. High Density Residential HDR to Low Density Residential LDR – 17.32 acres

Member Streightiff made a motion to **approve** the request for Change in Zoning; Member Hogan seconded the motion. **Motion passed 4 yeas – 0 nay**

John Wells – Yea Walt Hogan – Yea Jim Jones – Yea Joan Streightiff – Yea

A. 2. Recreation Business RB to Medium Density Residential MDR – 25.5 acres

Member Hogan made a motion to **deny** the request for Change in Zoning; Member Wells seconded the motion. **Motion passed 3 yeas – 1 nay**

John Wells – Yea Walt Hogan – Yea Jim Jones -Yea Joan Streightiff - Nay

A. 3. Recreation Business RB to High Density Residential HDR – 21.23 acres

Member Hogan made a motion to **deny** the request for Change in Zoning; Member Wells seconded the motion. **Motion passed 4 yeas – 0 nay**

John Wells – Yea Walt Hogan – Yea Jim Jones – Yea Joan Streightiff - Yea

Member Hogan suggested if a reduction of 21.23 acres to 15 acres for RB to HDR would be acceptable or agreeable to the Applicant.

Applicant Cottom asked the reasoning for the reduction and how did Hogan determine 15 acres to be acceptable.

Member Hogan stated the reduction would allow for 90 single family dwellings, not 126.

Applicant Cottom did not respond or commit to a modification of the application presented.

Zoning Administrator Barnes state the Applicant has the right to heard by the Town Council as presented, for a final decision. A favorable or unfavorable recommendation by the Planning Board would be forward to the Town Council's as consideration.

Member Hogan offered a modified motion as:

Recommendation to the Town Council approval of Application 3. Alpha – Recreation Business RB to High Density Residential HDR – 15 acres, contingent upon approval of the 1st motion by Town Council of conversion with Application 1. of HDR to LDR 17.32 acres.

Member Streightiff seconded the modified Application 3. Alpha.

Motion passed 4 – yeas – 0 nay.

John Wells – Yea Walt Hogan – Yea Jim Jones – Yea Joan Streightiff – Yea

B. Planning Board – Expiring Terms

1. UDO Mechanism

2. Application

Town Clerk Gropp updated the Planning Board about expiring terms as of December 2022.

The Administrative Mechanism for the Planning Board from the Town's UDO was provided, as well as an application for those who would like to serve.

Citizens Comments

Stu Ryan asked the Planning Board to review two (2) ordinances for improvement.

The Recreational Ordinance should be tweaked to be more family friendly.

Rework/rewrite the Alternate Energy Ordinance.

Wayne Bonomo stated the Hawksnest's zipline/snow tubing business is most beneficial to visitors and short-term rental owners, as most year-round citizens would benefit more from a golf course or ski.

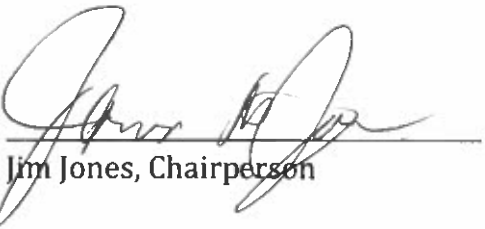
Tom Bookstaver spoke to the truthfulness of the Cotton property, that years ago the zoning designations were vastly different on either side of Skyland Drive.

Planning Board Comments

Member Hogan stated tonight was a tough consideration of the applications, and Town Council can override the decision of the Planning Board.

Adjourn

Member Hogan made a motion to adjourn the meeting; Vice Chair Streightiff seconded the motion. All members agreed.


Jim Jones, Chairperson


Hillary Gropp, Town Clerk

