Board members present by Zoom: Liz Johnson

Sally Stansill

Board members: Wade Burns

Allen Crawford, ETJ Representative

Dan Dean

Julie Schell

Bill Scheu

Board members absent: Jean David, Alternate Representative

Town staff present: Scott Adams, Zoning Administrator

Angie Murphy, Town Clerk

Special Guests: Stephanie Farrior by Zoom Meeting Software

John Noor by Zoom Meeting Software

There was one member of the public at the meeting and several members of the public were watching via Zoom. Mr. Scheu called the meeting to order at 10:30 a.m., and led the group in a moment of silence after a brief welcome.

**Agenda Approval**

Dan Dean moved to adopt the agenda as presented. Allen Crawford seconded and the motion carried 6/0.

**Meeting Minutes Adoption**

Dan Dean moved to approve the May 12, 2022 minutes as presented. Allen Crawford seconded and the motion carried 6/0.

**Public Comment**

Stephanie Farrior, a neighbor to the Lot 1185, reflected on the most recent report regarding the Conditional Zoning and suggested the following verbiage: “the commission is relying on the representations of the applicants that it will not affect the material impact of the Farrior property in its decision to move forward”. Dan Dean stated that he would work on drafting this verbiage for the final version.

Liz Johnson thanked Stephanie Farrior for her words and all the work that has been accomplished by the members of the Commission for the report.

Dr. Mary Standaert of 118 Shenandoah Terrace submitted a letter to be read by Town Clerk Angie Murphy. A summary of the letter is as follows. The item before the Commission this morning is the final approval or disapproval of the conditional use permit requested by the Mader family is the first of its kind in Montreat using the procedure of legislative review rather than going before the Board of Adjustment to request a zoning variance. As such, it sets a precedent for the future. Any decision made should have the criteria listed to justify the decision made. If the decision is in the negative the criteria is straightforward. The current Zoning regulations requires a 15-foot setback and the applicants have explicitly stated that while they wanta setback, they do not needit in order to build on the lot. It will be difficult to allow this request and then deny those that follow a similar path, and Dr. Standaert thinks it would open up the Town to lawsuits over why this one was allowed, and another denied. Additionally, if approved, who and how will the conditions set be monitored and enforced over time? This must be part of the approval/disapproval process. Will it become the responsibility of the Zoning Administrator? Are bonds being required, as in this case there is a potential for water damage and death of a tree, both costly propositions? If the proposed buffer is required, who will ensure that the planting is successful, and the size and choice of the planting is appropriate and that the plants survive and thrive? If the Town Council and Planning and Zoning wish to change the setback rules for all of Montreat so that 10-foot setbacks are the standard, do so using the legislative channels that are in place, otherwise unless in case of need, the zoning ordinances should be applied as written. As previously stated by Mr. Oliver, the zoning ordinances in place should be followed. It protects those who live here and bought here with the expectation that their property is protected. Montreat citizens pay city taxes in part because we chose to live where there are zoning regulations.  If this were not part of the implicit contract between citizens and the town, then one might well choose to live in the county where zoning regulations and taxes are lower. The Town Council will make the final decision, but Dr. Standaert urges Planning & Zoning Commission to mindfully consider what your recommendation to council means for the relevance of Montreat Zoning Ordinances and if they have meaning or do not? Again, this is a precedent setting process.

Zoning Administrator Scott Adams stated that the term conditional use permit, as referred to in Dr. Standaert’s letter, no longer exists rather the process now is called a special use permit. Mr. Adams also clarified that this is a request for conditional zoning not a quasi-judicial process for a special use permit. Mr. Adams also advised that Conditional Zoning has been a practice in the state for around 20 years although it is new to Montreat.

**Conditional Zoning, Lot 1185, Mississippi Rd. (PIN # 071065016800000)**

Bill Scheu stated that the purpose going forward is to approve the memo of decision that will then go to the Town Council. Dan Dean moved to approve the 4th and final version of the memo of decision that was previously circulated. Wade Burns seconded the motion. The motion carried 5/0. Dan Dean then moved to amend the final version of the memo of decision that was previously circulated. This change involve adding a comma in the 10th line after “the setback(s)”. Wade Burns seconded and the motion carried 5/0. Dan Dean moved to amend the final version on page 3 paragraph 3 line 5 to add a closing parenthesis between the word “owners” and final period of the sentence. Wade Burns seconded and the motion carried 5/0. Dan Dean moved to amend the final version on page 4 in the second numbered paragraph 3 to add the following “therefore the proposed improvements, based on the evidence presented by the Applicants’ experts, should” and remove the word “that” and add “Farrior” in the last sentence. Allen Crawford seconded and the motion carried 5/0. Dan Dean moved to approve all the amendments as proposed. Wade Burns seconded and the motion carried 5/0. The final version of the report will be handed to the Town Council this evening for them to review prior to the July meeting. Julie Schell moved to reconsider the final motion. Dan Dean seconded and the motion carried 5/0. Dan Dean moved to amend the final version on page 3 paragraph 3 to replace the word “cc’ing” with “a copy to”. Julie Schell seconded and the motion carried 5/0. Dan Dean moved to approve all the amendments as proposed in the final draft. Wade Burns seconded and the motion carried 5/0.

The next meeting will be July 14th at 10:30 a.m.

**Public Comment**

There was no public comment.

**Adjournment**

Wade Burns moved to adjourn the meeting. Julie Schell seconded and the meeting was adjourned at 1:04 p.m.

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Bill Scheu, Chair Angie Murphy, Town Clerk