

Town of Montreat
Planning & Zoning Commission (P&Z)
Meeting Agenda
January 19, 2023, 10:30 a.m.
Montreat Town Hall, 1210 Montreat Rd., Black Mountain, NC 28711
And via Zoom: <https://us02web.zoom.us/j/86933563365>

I. CALL TO ORDER

- Welcome
- Moment of Silence

II. ADOPTION OF AGENDA

III. ADOPTION OF MEETING MINUTES

- October 13, 2022 Meeting Minutes (revised)
- November 10, 2022 Meeting Minutes

IV. ORGANIZATION OF PLANNING AND ZONING COMMISSION

- Election of Officers:
 - Chairperson (current: Bill Scheu)
 - Vice-Chairperson (current: John Hinkle)
 - Secretary (current: Angie Murphy, Montreat Town Clerk)

V. ADOPTION OF 2023 MEETING SCHEDULE

VI. SUBCOMMITTEE UPDATES

- Hillside Development Subcommittee
- Montreat Sign Ordinance Subcommittee
- Zoning Ordinance Amendments Research Subcommittee

VII. NEW BUSINESS

VIII. NEXT MEETING

- April 20, 2023, 10:30 a.m.

IX. PUBLIC COMMENT

X. ADJOURNMENT

Board members: Wade Burns
Dan Dean
John Hinkle
Julie Schell
Bill Scheu
Liz Johnson
Bill Tucker, Alternate Representative
Sally Stansill, Alternate Representative

Board members absent: Allen Crawford, ETJ Representative

Town staff present: Kayla DiCristina, Zoning Administrator

Special Guests: Mayor Tim Helms

There were several member of the public present as well as live viewing on 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

Chairman Scheu requested that Montreat College's presentation be moved up on the agenda and placed under Roman Numeral V P&Z Committees. Mr. Scheu also asked for Committee Reports to be moved up under Roman Numeral VI Preliminary Montreat College Comprehensive Plan Presentation. Julie Schell seconded and the motion carried 7/0.

Meeting Minutes Adoption

Dan Dean moved to add the words "to the" on page 2 under Comprehensive Plan Update of the July 14, 2022 minutes. Dan Dean moved to approve the July 14, 2022 minutes as amended. Julie Schell seconded and the motion carried 7/0.

Organization of P&Z Commission

Mayor Tim Helms administered the Oath of Office for Sally Stansill and William "Bill" Tucker as Alternate Town Members for the Montreat Planning & Zoning Commission.

P&Z Committees

John Hinkle moved to appoint Wade Burns as Chair, Liz Johnson and Bill Scheu as members of the Hillside Development Ordinance Committee. Dan Dean seconded and the motion carried 7/0.

Preliminary Montreat College Comprehensive Master Plan Presentation

Montreat College President Dr. Paul Maurer advised that Montreat College is currently in the preliminary stages of preparing a Comprehensive Master Plan. Montreat College is currently in a “growth mode” with the eighth consecutive year of record enrollment. Traditional enrollment has grown so much that the College is renting beds for some 200 students this year. Dr. Maurer expects this growth trend to continue. Montreat College has an 89 acre piece of property in Black Mountain and there has never been a Comprehensive Master Plan that included those 89 acres. Montreat College received an appropriation from the State of North Carolina last year to build a cyber-security anchor building on the Black Mountain property which necessitates a Comprehensive Master Plan. The College hired LS3P after an RFP process to do the work of the Comprehensive Master Plan. They plan to present their preliminary ideas to the Board of Trustees of the College soon. Dr. Maurer anticipates the final decision making on the Master Plan will happen at the January Board Meeting.

John Beaghan, CFO of Montreat College, introduced two members of the LS3P team: Emily Kite and Jesse Gardner. Ms. Kite stated that LS3P has spoken with approximately 20 different stakeholder groups and that allowed them to narrow down the emerging themes as well as the outliers. Ms. Kite asked the P&Z Commission how they foresee Montreat College growing within Montreat. Bill Tucker reflected on the history he had with “In The Oaks” and asked if that building would be restored and retained. Ms. Kite advised that it was planned to retain and restore that historic building. Dr. Maurer advised that Montreat College anticipates growth to swell to 1000 - 1200 traditional students by 2030. Currently Montreat College can house 400 students on the Montreat Campus. Dr. Maurer and LS3P are interested in what opportunities exist to expand the housing in the Town of Montreat. Julie Schell recommended aligning the College Master Plan with the objectives of the Town of Montreat Comprehensive Plan with regards to traffic, roads and parking. Ms. Kite advised that idea lines up with what LS3P has previously been told by stakeholder groups. Ms. Kite advised that the outcome of their process will not be a building or what a building will look like but rather here is a place a building will go and how will we track growth with regards to housing. Ms. Kite stated that they are looking at ways to rely less on Ridgecrest housing and enhancing facilities the College already has to help support academic growth and encouraging non-athlete students to enroll. Dan Dean encouraged the use of the Black Mountain Campus for the housing needs of the proposed 500 students due to the limited space within the Town of Montreat. Liz Johnson suggested that LS3P have specific ways for the Community to have input because it’s important for the townspeople to have a voice. Wade Burns acknowledged that a healthy college is critical to the Town and the Conference Center.

Mayor Pro Tem Tom Widmer expressed his views in wanting to see impact studies such as traffic, stormwater and water implemented in the planning process. Dr. Maurer reiterated that they never intended to house 500 more students in Montreat but rather can the College continue to do some version of their growth in Montreat. There are some opportunities with property they own in Montreat for potential construction.

Montreat Sign Ordinance – Committee

Zoning Administrator Scott Adams previously circulated information acted on by the U.S. Supreme Court to all P&Z Sign Ordinance Committee members and others as interested. Committee members include Chair John Hinkle, Julie Schell and Dan Dean. Mr. Hinkle briefly reported that he contacted Adam Lovelady with the UNC School of Government in December who, at the time, advised Mr. Hinkle to make no action until the Supreme Court reached a decision. Mr. Hinkle reached out to Mr. Lovelady again on July 1st to see if it was a good time to move forward but so far he has not had a response. Mr. Hinkle will reach out again this week and will get in touch with the Town Clerk to set a meeting time and date.

Committee Updates **Hillside Development Committee**

Wade Burns advised that the Hillside Development Committee will have a presentation in November. Ms. DiCristina advised that the Hillside Development Committee will meet in November/December to review the current ordinance and then the Sub-Committee members will discuss potential changes. This meeting will be open to the public.

Montreat Sign Ordinance Committee

John Hinkle advised that sub-committee members will be receiving some updated information soon and will then schedule a meeting.

Zoning Ordinance Amendments Research Committee

Dan Dean advised that this sub-committee is in a holding pattern until the Montreat Lodge controversy is settled.

Legislative Hearings

A. Text Amendment, TA-2022-01 – Amendments to the Town of Montreat Subdivision Ordinance

Kayla DiCristina introduced herself and advised that staff initiated a request on behalf of the Board of Commissioners (Mayor Pro Tem Tom Widmer) to revise the Town of Montreat Subdivision Ordinance to comply with State Statute revisions, specifically those covered in N.C.G.S. 160D, Article

8 and correct and clarify several sections. Ms. DiCristina entered into the record her presentation, staff report, subdivision application and amended subdivision ordinance.

The proposed amendments have been reviewed by the Town Attorney and are pulled directly from the State statutes. Under Article I – Authority and Purpose the revision included changing reference to Chapter 160A-371 through 160A-376 to Article 8 of Chapter 160D. In Article III – Definitions the reference was changed to 160A-376 to 160D-802 and added probate will exemption to exempt subdivisions, per N.C.G.S. 160D-801(a)(5). In Article IV – Compliance, Section 401 it was added that the Review Officer is the designated party to certify that plats meet the Subdivision Ordinance, no Buncombe County’s Register of Deeds, per N.C.G.S. 160D-803(d). In Article VI – Procedures for Review and Approval of Subdivision Plats, Section 601.1, 601.1(2), 601.1(3), 601.1(5), and 603 the change included correcting the decision making party for Subdivision Plats to be the Planning and Zoning Commission.

Under Article III – Definitions, Section 300 a provision was added for the interpretation of certain words or terms (from the MZO). In Section 301 definitions for developer (in accordance with N.C.G.S. 160D-102(11), subdivider, minor subdivision, and townhouses was added. Mr. Dean suggested that the definition of “person” as is defined in State Statutes to be added to the definitions as well. Mr. Dean also suggested that the definition of subdivider be interchangeable with definition of developer. Ms. DiCristina pulled definitions of a minor subdivision from comparable jurisdictions (Maggie Valley, NC and Clyde, NC) and came up with the most restrictive version which follows: a minor subdivision is a subdivision of land involving no new street construction, no right-of-way dedication, no utility extension and no utility easement dedication, where four or fewer lots result after the subdivision is completed. Mr. Dean advised Ms. DiCristina to use the same formatting for all definitions. Liz Johnson moved to change the definition of minor subdivision to include the following: “...three or fewer lots...”. Julie Schell seconded and the motion carried 7/0. Wade Burns and Dan Dean suggested removing “no utility extension” and “no utility easement dedication” and asked Ms. DiCristina for more information on what constitutes these subjects. Julie Schell moved to change “attached” to “connected” and changing “via a common sidewalk” to “via common sidewalks” in the definition of a townhouse. Wade Burns seconded and the motion carried 7/0. Dan Dean moved to change the definition of subdivider to add “is interchangeable with” and has the same definition as Developer. John Hinkle seconded and the motion carried 7/0. Dan Dean moved to add the definition of “person” as is defined in State Statutes to be added to the definitions. John Hinkle seconded and the motion carried 7/0.

Under Article IV – Compliance “planning and regulation jurisdiction” was changed to “planning and development regulation jurisdiction” to align with Article 8, Chapter 160D. Further down “these regulations” and “Article” were stricken and “Ordinance” was added. “Town limits” was removed and “planning and development regulation jurisdiction” was added. Dan Dean moved to add the word “of” prior to “the Town of Montreat”. Julie Schell seconded and the motion carried 7/0. Under 401 the following language was added to beginning of 2nd sentence “the Review Officer designated pursuant to North Carolina General Statute Section 47-30.2 shall not certify a subdivision

plat". This change was taken directly from NCGS 160D-803(d) and Ms. DiCristina will be sworn in at the October Board of Commissioners meeting as Review Officer this evening. There were some minor changes to Section 401 that further cleaned up the language. Under Section 402 the following was added "for a major subdivision or final plat for a minor subdivision" and Mr. Dean suggested adding two commas and deleting "can be carried out". Dan Dean moved to make this minor change. Liz Johnson seconded and the motion carried 7/0.

Under Article V-General Requirements and Design Standards for Subdivisions in Section 501.1 there was some minor cleanup added. Town Attorney Susan Taylor Rash suggested that P&Z delve deeper into this section to see exactly what is trying to be accomplished. Section 501.2 (2) the following was added: "District in which the tract is located in as specified in the Town of Montreat Zoning Ordinance". Dan Dean suggested removing the word "in" and made a motion to that effect. Wade Burns seconded and the motion carried 7/0. In Section 501.2 (3) additional minor cleanup occurred. In Section 501.4 the following was added: "planning and development jurisdiction" and Mr. Dean suggested adding a period after the word "Town". Dan Dean moved to make this change. Julie Schell seconded and the motion carried 7/0. Throughout the ordinance the Zoning Administrator is referred to in many different ways this will all be changed to "Zoning Administrator" going forward.

Under Article VI-Procedures for Review and Approval of Subdivision Plats in Section 601 changes were made to specify who can apply for final approval. In Section 601.1 the following was stricken "which shall be expedited by the Zoning Official". In Section 601.1 (2) the reviewing body is changed from Zoning Official to Planning and Zoning Commission. NCGS 160D-803 (c) authorizes the P&Z Commission to make this decision. In Section 601.1 (3) Zoning Official is removed to allow for Planning & Zoning Commission to be inserted. This change was further explained that the decision in question must be made by the P&Z due to 601.1(2). The Zoning Administrator does not have authority to make this decision. Ms. DiCristina stated that P&Z would refer back to who should be approving plats for further follow-up in the future. In Section 601.1 (5) the following was added "Planning and Zoning Commission are appealed to the Superior Court by proceedings in the nature of certiorari herein incorporated by reference in N.C.G.S. 160D-406. The second part of the paragraph was deleted. Mr. Dean moved to remove "herein incorporated by reference" and added "as provided". Liz Johnson seconded and the motion carried 7/0. Mr. Dan Dean stated on page 14 of the real Ordinance Section 504 should reference 509 Easements. Dan Dean made a motion to the effect and Julie Schell seconded. The motion carried 7/0. In Section 604.2 there was significant changes pulled verbatim from N.C.G.S. 160D-804.1(1)(3)(7). In Section 604.32(2) corrections were made as to the correct Appendix. In Section 605.3 the word "street" was inserted. In Section 606 as the ordinance currently states authority is given to the Board of Commissioners. Variances are quasi-judicial in nature and should be considered by the BOA. Mr. Dan Dean moved to insert "in accordance with Section 310 of Montreat Zoning Ordinance, as it may be amended" and delete the rest of the paragraph. Julie Schell seconded and the motion carried 7/0. Julie Schell moved to remove "because of conditions peculiar to the site, cause an unnecessary hardship" from Section 606. Dan Dean seconded and the motion carried 7/0. In Section 607 revisions were made to where and how appeals are handled. Appeals of decisions made by P&Z and BOA got to Superior Court.

Dan Dean moved to remove “herein incorporated by reference” and add “as provided” to the sentence. Julie Schell seconded and the motion carried 7/0. Sections 607.1 and 607.2 were deleted entirely.

Under Article VII – Planning and Zoning Commission of the Town of Montreat 160A-373 was changed to 160D-803 and 160A-371 through 160A-380 was changed to Chapter 160D, Article 8.

Under Article VIII – Legal Procedures the title of Section 800 was changed from “Criminal and Civil Procedures” to “Penalties for Transferring Lots in Unapproved Subdivisions” which referenced N.C.G.S. 160D-807. Also “subject to penalties pursuant to North Carolina General Statutes Section 160D-807 was added and “guilty of a misdemeanor and shall be subject to a fine and/or imprisonment as provided in North Carolina General Statute 14.4” was removed. Mr. Dean questioned the use of the word “enjoin” and “bring an action to enjoin” was added. Mr. Dean moved this suggested motion. Julie Schell seconded and the motion carried 7/0. In Section 801 the last sentence was removed.

Ms. DiCristina will make these amendments. Mr. Scheu asked for the amendments to the Wireless Communications Ordinance to be tabled until the next meeting. Mr. Scheu scheduled a Special Meeting to be held on Thursday, November 10th at 10:30 a.m. The next regular meeting will be on January 12, 2023 at 10:30 a.m. per P&Z meeting schedule

New Business: Mr. Hinkle moved to discontinue streaming Town of Montreat Planning & Zoning Commission meetings. Wade Burns seconded the motion. Mr. Hinkle withdrew his motion. Mr. Burns accepted the withdrawal. Liz Johnson moved to continue streaming Planning & Zoning Commission meetings. Dan Dean seconded and the motion carried 7/0.

Public Comment

There was no Public Comment at this time.

Adjournment

Liz Johnson moved to adjourn the meeting. Dan Dean seconded and the meeting was adjourned.

Bill Scheu, Chair

Angie Murphy, Town Clerk

Board members: Wade Burns
Dan Dean
John Hinkle
Julie Schell
Bill Scheu
Liz Johnson
Bill Tucker, Alternate Representative
Allen Crawford, ETJ Representative

Board members absent: Sally Stansill, Alternate Representative

Town staff present: Kayla DiCristina, Zoning Administrator
Angie Murphy, Town Clerk

There were no members of the public present. 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

Wade Burns moved to amend the agenda to add the approval of the October 13th, 2022 Meeting Minutes. Dan Dean seconded and the motion carried 7/0. Wade Burns moved to approve the agenda as amended. Dan Dean seconded and the motion carried 7/0.

Meeting Minutes Adoption

Dan Dean suggested some minor changes on pages 4 and 5 while Chairman Scheu suggested the inclusion of page numbers going forward. John Hinkle moved to approve the minutes as amended. Dan Dean seconded and the motion carried 7/0.

Legislative Hearings

A. Text Amendment, TA-2022-01 – Amendments to the Town of Montreat Subdivision Ordinance

Kayla DiCristina went page by page through the proposed Subdivision Ordinance with the Planning & Zoning Commission. Ms. DiCristina advised that these changes were for general clarification, updating definitions and 160D compliance. On page 4 Ms. DiCristina stated she reached out to Maggie Valley and Clyde with respect to their definitions of minor subdivisions which she reported to the Commission at the last meeting. Ms. DiCristina reached out to these municipalities again regarding utility extensions. Per the Town of Clyde, utility extensions are limited to extensions of

the water and sewer lines. This does not include tapping into existing lines or power lines. Ms. DiCristina advised that Article V would be revisited for content at a later date. Bill Tucker moved to add “shall stipulate” and remove “shall find that it either does or does not meet the requirements of this Ordinance and” on page 16 Section 601.1(2). Dan Dean seconded and the motion carried 7/0. Bill Tucker moved to change the word “completed” to “completion” on page 21. Julie Schell seconded and the motion carried 7/0. Julie Schell moved to approve the revisions and refer to Town Council Text Amendment, TA-2022-01- Amendments to the Town of Montreat Subdivision Ordinance. John Hinkle seconded and the motion carried 7/0.

B. Text Amendment, TA -2022-02 – Amendments to the Town of Montreat Wireless Communications Ordinance

Kayla DiCristina went page by page through the Wireless Communications Staff Report that she prepared. Dan Dean questioned the use of Table 1 and 2 on page 4. Ms. DiCristina advised that Table 1 and 2 referred to Table A in the whole ordinance. Dan Dean moved to refer to Table 1 and 2, in all places, as Table A in the revised Wireless Communications Ordinance. Julie Schell seconded and the motion carried 7/0. Dan Dean advised that “Development Criteria” has inconsistencies with capitalization in several section of the ordinance. Julia Schell advised that all references to “Development Criteria” should be changed to “Development Standards”. Ms. DiCristina suggested that she could go in and tighten up the sections/sub-sections/articles. Julie Schell moved to add organizational title as discussed and remove all references to Development Criteria and change to Development Standards. Dan Dean seconded and the motion carried 7/0. It was decided to remove Town Manager from all references with regards to Amendments in Sections Q and S on page 6. Also in Section Q there were several instances of Planning Director that need to be switched to Zoning Administrator. John Hinkle moved the above motion. Dan Dean seconded and the motion carried 7/0. Julie Schell suggested to add “as required by law” after “pursuant to notice” in Section Q. Julie Schell moved to make this change. John Hinkle seconded and the motion carried 7/0. John Hinkle moved to approve the proposed text amendments (TA-2022-02). Julie Schell seconded and the motion carried 7/0.

Julie Schell asked if there had been any alterations, additions or repairs to the cell phone tower in Town. Ms. DiCristina advised to her knowledge there had not been any applications recently. Liz Johnson would like some information gathered about health issues and ecosystems concerns with regards to cell phone towers. Ms. DiCristina advised that the Telecommunication Act of 1996 prevents regulation of cell towers based on environmental health effects. Liz Johnson would like some information on what cell tower device we have right now as well as the process to alter or add to the current device. Dan Dean was interested in requirements and the permitting process. Mr. Dean advised that when the tower was first installed it looked like a tree but as alteration have occurred it now has changed in design. John Hinkle stated that the current design of the cell phone tower is an eyesore. Ms. DiCristina will do some research on who owns the property, who owns the tower and what alterations have occurred.

Ms. DiCristina advised the Commission that she has drafted the Sign Ordinance changes and it is currently with Interim Town Manager Ben Blackburn for review. The Hillside Development Sub-Committee will meet on December 8th at 10:00 a.m. to review the overall ordinance and discuss modifications.

Public Comment

There was no Public Comment at this time.

Adjournment

Wade Burns moved to adjourn the meeting. Allen Crawford seconded and the meeting was adjourned at 11:48 a.m.

Bill Scheu, Chair

Angie Murphy, Town Clerk

TOWN OF MONTREAT PLANNING AND ZONING COMMISSION

TENATIVE 2023 MEETING SCHEDULE

Meetings held the third Thursday of January, April, July, and October, unless stated below, starting at 10:30 am in the Montreat Town Hall located at 1210 Montreat Road, Black Mountain, NC 27811.

1/19/23

4/20/23

7/20/23

10/19/23