

Town of Montreat
Hillside Development Subcommittee
Planning & Zoning Commission
Meeting Agenda
February 7, 2024, 9:00 a.m.
Montreat Town Hall, 1210 Montreat Rd., Black Mountain, NC 28711

I. CALL TO ORDER

- Welcome
- Moment of Silence

II. ADOPTION OF AGENDA

III. APPROVAL OF JUNE 14, 2023, MEETING MINUTES

IV. ORGANIZATION OF SUBCOMMITTEE

- Election of Officers:
 - Chairperson (current: vacant)
 - Secretary (current: Liz Johnson)

V. OLD BUSINESS

- Hillside Development Ordinance questions

VI. NEW BUSINESS

- Set meeting topics and future meeting dates for 2024

VII. NEXT MEETING

- TBD

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

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Subcommittee Members Present: Wade Burns
Bill Scheu
Liz Johnson

Subcommittee Members Absent: None

Town Staff Present: Kayla DiCristina, Zoning Administrator

There were three members of the public present. Wade Burns called the meeting to order at 4:00 p.m. and led the group in a moment of silence after a brief welcome.

Agenda Approval

Bill Scheu moved to approve the agenda as presented. Liz Johnson seconded, and the motion carried 3-0.

Minutes Approval

Liz Johnson moved to approve the May 3, 2023, meeting minutes as presented. Bill Scheu seconded, and the motion carried 3-0.

Old Business

The Subcommittee continued the discussion of the current approved graded area and impervious surface limits listed in the existing Hillside Development Ordinance (“Ordinance”). Wade Burns (“Burns”) started by stating that he had spoken his thoughts already about the needed changes to the Ordinance and wanted to hear from his fellow Subcommittee Members. Kayla DiCristina (“DiCristina”), the Town Zoning Administrator, provided the Subcommittee Members with copies of the options for changes to the approved graded area and impervious surface limits in the Ordinance that were discussed at the previous meeting. DiCristina reviewed the options with the Subcommittee Members. Liz Johnson (“Johnson”) stated that after reading through the options and the minutes from the last meeting that she was not convinced that anything needed to change in the current regulations for the approved graded area and impervious surface limits. Johnson went on to say that the comprehensive plan gave her the sense that the community was concerned about and looking to address multiple issues throughout the Town including erosion, sedimentation, etc. as a big picture. Johnson also pointed out that the comprehensive plan also gave her the sense that people may be recommending more restrictions, not less. Johnson stated that while she doesn’t necessarily agree with more restrictions, she doesn’t feel that a change to the approved graded area and impervious

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surface limits is needed at this time. Bill Scheu (“Scheu”) agreed with Johnson that the plan was not encouraging more development and that Montreat is not one of these communities looking to explode. Scheu agreed that a change to the approved graded area and impervious surface limits is not needed at this time.

Burns stated that he has been a member of the community and the Planning and Zoning Commission for a length of time. Burns felt that he needed to speak up about the Ordinance and other regulations that, in his opinion and experience, were restrictive to development and may prevent new people from moving to the Town. He stated that he had prepared exhibits demonstrating these restrictions and that it comes down to the math of how much area you can develop based on the current Ordinance and stormwater regulations. Burns stated that these restrictions do not work with how the lots were originally established when the Town was platted as they create areas for development that are insufficient. He stated that there are no people in Town that want to take property from others and that there is no malice in residents, but that there is a sense of comfort in keeping things the same. The Ordinance, and other regulations, were enacted to address real concerns, but some things were added that also prevent new people from moving to Town. Burns went on to state that the Town cannot experience rapid growth because most of the land is wrapped up in conservation and/or other restrictions. These regulations affect a small portion of lots that new people could take advantage of. Burns stated that in 16 days he is moving out of Town and will no longer be on the Planning and Zoning Commission, and therefore this Subcommittee. He reiterated that the need to protect the Town from change can cloud people’s judgment in development restrictions.

After Burns finished, DiCristina summed up the conversation by stating that the majority of the Subcommittee did not want to change the approved graded area and impervious surface limit standards in the Ordinance at this time. She went on to state that as the Subcommittee continues to review the Ordinance that the members remain open to amending these provisions and consider options to expand the development envelope with the existing and new variation provisions with the goal of ensuring the balance of development and environmental protection. DiCristina stated that, as the Zoning Administrator, she finds the impervious surface limits to be especially restrictive and is the piece of the Ordinance she, personally, finds most difficult to share with property owners. Johnson stated that when people buy lots in Town that it is their job to do their due diligence on the development potential. DiCristina stated that not all those who inquire about development on lots subject to the Ordinance bought their lots. Some obtained their land from family members. Johnson asked about the variation section and whether DiCristina’s suggestions would fit under that section. DiCristina confirms that this was what she was leading toward and should be included in future conversations, especially in terms of discretionary decisions made by the Zoning Administrator. Johnson reiterated that the studies DiCristina passed on to the Subcommittee stated that development over 40% was not recommended. Johnson stated that she had great respect for Burns on this issue and felt that the comprehensive plan was welcoming to new community members.

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Scheu called into question the level of trust put into the geotechnical engineer's report as the professional is being compensated by the homeowner. He also asked for clarification on how to interpret the range of slopes in the Ordinance. DiCristina clarified the interpretation and stated that the geotechnical engineer is stamping their report with their professional seal to ensure its validity. Burns added that there are different penalties for engineers when it comes to life safety. Scheu agrees that as a lawyer, he understands.

Burns returned to the original conversation of the Ordinance being too restrictive to development by relying on anything more than math. Johnson brought up the fact that there is different technology today than when this Ordinance was originally drafted, and this should not be ignored. There may be some cases where building is not the best option based on new information. Scheu asked for a redlined Ordinance and DiCristina replied by saying when changes are proposed she will provide a revised document for the Subcommittee to review. Johnson asked what the Subcommittee's next steps were. DiCristina recommended that the Subcommittee move on to discuss the variation provisions as their next topic since it is in the same realm as the approved graded area and impervious surface restrictions.

Johnson made a motion to not change the approved graded area and impervious surface restrictions as written and that this motion is subject to revisions as the Subcommittee continues its review of the Ordinance. Scheu seconded, and the motion passed 2-1, with Burns voting against the motion.

New Business

Kayla DiCristina advised that the Subcommittee wait to set a next meeting date until the Planning and Zoning Commission appoints a third member to the Subcommittee at their July meeting. The Subcommittee agreed to postpone until such time. Scheu asked if the Subcommittee needed to have members only from the Planning and Zoning Commission or if general members of the public could join. DiCristina confirmed that it could only be members from the Planning and Zoning Commission on the Subcommittee per Rule 26 of the Planning and Zoning Commission's bylaws.

Next Meeting

The next meeting date is to be determined after the next Planning and Zoning Commission meeting in July.

Public Comment

Commissioner Jane Alexander spoke during public comment and thanked Wade Burns for his time serving on the Planning and Zoning Commission and working on this issue. Bill Scheu moved to thank Wade Burns for his service, Liz Johnson seconded, and the motion passed 3-0.

Adjournment

Liz Johnson moved to adjourn the meeting. Bill Scheu seconded, and the meeting was adjourned at 4:50 p.m.

_____, Chair

Liz Johnson, Secretary

DRAFT