

**Town of Montreat**  
**Planning & Zoning Commission (P&Z)**  
**Meeting Agenda**  
**January 15, 2025, 10:30 a.m.**  
**Thompson Brown Room (Moore Center) 303 Lookout Road, Montreat, NC 28757**

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- I. **CALL TO ORDER**
  - Welcome
  - Moment of Silence
  
- II. **ADOPTION OF AGENDA** (*Packet page 1*)
  - **Suggested Motion:** To adopt the meeting agenda as presented/amended
  
- III. **ADOPTION OF DECEMBER 11, 2024, MEETING MINUTES** (*Packet pages 2 – 6*)
  - **Suggested Motion:** To adopt the December 11, 2024, Meeting Minutes as drafted/amended.
  
- IV. **ORGANIZATION OF PLANNING AND ZONING COMMISSION**
  - Election of Officers:
    - i. Chairperson (current: Bill Scheu)
    - ii. Vice-Chairperson (current: John Hinkle)
    - iii. Secretary (current: Angie Murphy)
  
- V. **SUBCOMMITTEE UPDATES**
  - Hillside Development Subcommittee (*no associated pages*)
  - Montreat Sign Ordinance Subcommittee (*no associated pages*)
  - Zoning Ordinance Amendments Research Subcommittee (*no associated pages*)
  
- VI. **ADOPTION OF 2025 MEETING SCHEDULE** (*Packet page xx*)
  - **Suggested Motion:** To adopt the 2025 Planning and Zoning Commission Meeting Schedule as drafted/amended.
  
- VII. **NEW BUSINESS**
  - Planning and Zoning Commission Bylaw Amendment (*Packet page 8*)  
**Suggested Motion:** To amend/not amend the Planning and Zoning Commission bylaws.
  
- VIII. **NEW BUSINESS**
  - ZONING ADMINISTRATOR UPDATES & DISCUSSION
    - i. Spring training dates
    - ii. Session Law 2024-57 (SB 382)
  
- IX. **NEXT MEETING**
  - TBD
  
- X. **PUBLIC COMMENT**
  
- XI. **ADJOURNMENT**

Board members: Liz Johnson  
Bill Scheu, Chair  
Bill Tucker  
John Hinkle  
Julie Schell  
Dan Dean

Board members absent: Daniel Hewitt, Alternate Representative  
Allen Crawford – ETJ Representative

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

**Call to Order**

There was one member of the public present. Chair Bill Scheu called the meeting to order at 10:30 a.m. and led the group in a moment of silence.

**Adoption of Agenda**

Bill Tucker moved to approve the agenda as presented. Liz Johnson seconded, and the motion carried 6/0.

**Adoption of April 25, 2024, Meeting Minutes**

John Hinkle moved to adopt the April 25, 2024, Meeting Minutes as presented. Julie Schell seconded. Dan Dean felt that the summary of the proposed changes to the Sign Ordinance was not very helpful as written. Chair Scheu suggested attaching the prepared document that Mr. Dean read from that day to the minutes for further explanation purposes. The original motion died on the table. Liz Johnson moved to amend the April 25, 2024, minutes as stated. John Hinkle seconded, and the motion carried 6/0.

**Adoption of July 18, 2024, Meeting Minutes**

Julie Schell moved to adopt the July 18, 2024, Meeting Minutes as presented. Liz Johnson seconded, and the motion carried 6/0.

### **Old Business**

#### **Subcommittee Updates**

- Hillside Development Subcommittee: Consists of Liz Johnson, Bill Scheu, and Allen Crawford. This subcommittee had been meeting monthly prior to Hurricane Helene. Discussions and recommendations on development density are complete. The next scheduled topic will be light reflective value and how it relates to Montreat and the ordinance. Liz Johnson also stated that she felt that it was important to pause to examine what we've been through as a community, especially with Hillside Development. John Hinkle asked if mudslides/landslides had been discussed as Montreat experienced both during Hurricane Helene. Ms. DiCristina added that while mudslides/landslides had not been explicitly discussed it has been part of the discussion in how we prevent mudslides/landslides within the goal of smart development. Ms. DiCristina agreed with Liz Johnson when she said this whole event had really given us a lot of lessons learned and stated that how Montreat, and other mountain communities fared will definitely be a topic of discussion for this subcommittee going forward.
- Montreat Sign Ordinance Subcommittee: John Hinkle stated his group had hoped to have their report finalized and ready for the Town Council to review but, as with most things recently, the storm changed that timeline. John Hinkle and his group hope to meet towards the end of January to complete their report.
- Zoning Ordinance Amendments Research Subcommittee: Dan Dean stated that his group was waiting for a final resolution with the Lodge controversy before making amendments that could impact the decision.

#### **Comprehensive Plan Implementation**

Ms. DiCristina advised this topic would be addressed under Zoning Administrator Updates.

#### **New Business**

##### **Advisory Review & Recommendation for Legislative Decision**

- Text Amendment, TA-2024-03 – Amendment to the Town of Montreat Zoning Ordinance

A Text Amendment request (TA-2024-03), submitted by Mason Blake (on behalf of the Board of Commissioners) to amend Sections 201, 608, and 701.3 of the Montreat Zoning Ordinance to comply with legislative updates from S.L. 2023-108 for private driveway standards and S.L. 2023-137 for electric fences.

Ms. DiCristina advised that multiple times a year the state legislature meets and passes laws that directly affect the Town's ordinances and require changes to make sure the Town is in

compliance with state law. The text in the proposed amendment is pulled directly from the state statute. Ms. DiCristina worked with the Town Attorney to make sure all the language was correct. This amendment deals with the surfacing of private driveways and parking lots, and electric fences.

Dan Dean advised capitalizing the first letter of the definition for battery charged security fences wherever it is discussed in order to be consistent with other definitions in the ordinance. Dan Dean moved to delete the words “those defined” in Section 618.1. Liz Johnson seconded, and the motion carried 6/0. Bill Tucker moved to recommend to the Board of Commissioners to approve TA-2024-03 as the revisions are consistent with Montreat Tomorrow because they conform to state statute. Dan Dean seconded, and the motion carried 6/0.

Ms. DiCristina stated that this amendment would go before the Board of Commissioners at their January meeting.

- Text Amendment, TA-2024-06 – Amendment to the Town of Montreat Zoning Ordinance

A Text Amendment request (TA-2024-06), submitted by Rick Giles (Property Owner of 426 Kentucky Road PIN#072007755800000 to amend Section 310.643 of the Montreat Zoning Ordinance to allow the Zoning Administrator to approve specific minor modifications to Special Use Permits.

Bill Scheu stepped down as Chair of the meeting to speak on behalf of the Property Owner who could not be present at the meeting. John Hinkle, filling in as Chair, took the lead in the meeting.

Ms. DiCristina stated that Special Use Permits are quasi-judicial approvals made by the Board of Adjustment. The quasi-judicial hearings are based strictly on evidence. The Board of Adjustment makes a decision, and that decision must be adhered to too. The Zoning Administrator does not have the power to approve Special Use Permits. State statutes do allow for minor modifications to be made by the Zoning Administrator if it is spelled out in the Zoning Ordinance. The current zoning ordinance does not allow for any minor modifications. For example, if an applicant had a minor design change to an approved Special Use Permit, they would need to go back before the Board of Adjustment for another quasi-judicial hearing. This is both a cost and time issue for the applicant as well as staff. Mr. Rich Giles found himself in this situation after he wanted to change the entrance to his structure that was approved under a Special Use Permit. The Special Use Permit was for an Accessory Dwelling Unit. The change to the entrance would be considered a minor modification which currently the Zoning Administrator cannot approve. Ms. DiCristina stated that the state statute does allow for minor modifications, but it must be explicitly stated in the ordinance with guidelines of what the Zoning Administrator can and cannot approve.

The Zoning Ordinance must give the Zoning Administrator authority and clearly define what that authority is. Mr. Giles and Ms. DiCristina worked together to propose the new text which can be found in the packet. The Town Attorney also reviewed the proposed language and found it to be sufficient.

Julie Schell moved to open the floor for discussion on this Text Amendment. Liz Johnson seconded, and the motion carried 5/0. Mr. Bill Scheu read a short email drafted by Rick Giles to explain the minor modifications that he was proposing. John Hinkle advised that research has shown that neighboring communities have already made the changes to allow for minor modifications. Ms. DiCristina stated that this is a very common provision to have in ordinances. The limits in place prevent the Zoning Administrator from inadvertently allowing an applicant to get a variance from the ordinance. The applicant will still have to meet all requirements of the Montreat General Ordinance and Zoning Ordinance.

Julie Schell moved to amend the requested text amendment to change the suggested text and introduce as 310.644 Modifications and to add an "A" in front of the words Town of Montreat and to add a parenthetical "B" ahead of the sentence that begins "these modifications are subject to the following limitations". Dan Dean seconded, and the motion carried 5/0.

Julie Schell moved to recommend to the Board of Commissioners to approve as amended TA-2024-06 as the revisions are consistent with the Montreat Tomorrow Comprehensive Plan because the meet Development Objective #4. Liz Johnson seconded, and the motion carried 5/0. This amendment will go before the Board of Commissioners in January for a final decision.

Bill Scheu returned to his position as Chair.

### **Zoning Administrator Updates & Discussion**

- Comprehensive Plan Implementation: Ms. DiCristina expressed her appreciation for the Comprehensive Plan Implementation Captains. Ms. DiCristina felt that good progress had been made prior to Hurricane Helene but per the Town Manager the Comprehensive Plan Implementation process needs to be paused to focus on storm repair and recovery. Ms. DiCristina has made a note to check back with Ms. Parish at the end of the fiscal year to see if it will be acceptable to proceed with the implementation process. Julie Schell suggested that she and Ms. DiCristina focus again on hazard mitigation work. Ms. DiCristina will think about this and get back with Julie Schell. Bill Tucker advised that he and Allen Crawford are taking turns attending Landcare meetings as part of the environmental objective.
- Planning and Zoning 2025 Membership Changes: Ms. DiCristina advised that four members could potentially be leaving the Commission. Ms. DiCristina also advised that per the Zoning Ordinance and the Planning and Zoning Commission by-laws the term of service is three

years and no more than two consecutive terms. Bill Scheu, Dan Dean, and Allen Crawford (in March) have reached their two consecutive terms served limit. John Hinkle will also be cycling off the commission as well. This leaves six regular seats open and one alternate seat open at the end of January. Liz Johnson and Bill Tucker are eligible to be reappointed and were instructed to reach out to Mayor Helms, Town Manager Parrish and any member of the Board of Commissioners. Ms. DiCristina advised that at the January or February meeting there will need to be an election for Chair, Vice-Chair and new appointments for subcommittees.

- Planning and Zoning Commission Bylaw Amendment: The Zoning Ordinance gives the authority to the Planning and Zoning Commission to amend their own by-laws. The proposed by-law change would include allowing non-Planning and Zoning Commission members to serve on subcommittees. The second proposal would be for the chair of each subcommittee to be a member of the Planning and Zoning Commission. The third proposal would be for the majority of the subcommittee members to be members of the full Planning and Zoning Commission. Ms. DiCristina stated this item would be discussed today with a final decision to be made in January. Liz Johnson suggested that the chair of each subcommittee be an active Planning and Zoning Commission member. Ms. DiCristina advised that the decision of the subcommittee would come before the Planning and Zoning Commission before going to the Board of Commissioners for final approval. Ms. DiCristina also mentioned that if it was decided that the majority be members of the full Planning and Zoning Commission then that might demand a higher workload on the full Commission members. Dan Dean suggested that it might be prudent to have an “expert in their field” on each subcommittee. Julie Schell suggested that if it was decided that the chair could be a non-Planning and Zoning Commission member it would be imperative that the chair is cognizant of how the Commission works.

#### **Public Comment**

There was no public comment at this time.

#### **Next Meeting**

Thursday, January 15, 2025, at 10:30 a.m.

#### **Adjournment**

John Hinkle moved to adjourn the meeting. Liz Johnson seconded, and the meeting was adjourned at 11:57 a.m.

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Bill Scheu, Chair

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Angie Murphy, Town Clerk

# TOWN OF MONTREAT PLANNING AND ZONING COMMISSION

## 2025 MEETING SCHEDULE

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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.

1/15/25

**Feb meeting to swear in new members**

4/17/25

7/17/25

10/16/25

DRAFT

## Planning and Zoning Commission

Proposed Bylaw Change - Rule 27. Committees and Boards

### Existing Language

**(a) Establishment and Appointment.** The Commission may establish and appoint such committees as are required by law or needed to help carry on the Commission's work. All committee members shall be Commission members, unless otherwise permitted by North Carolina law or Town Ordinance. Any specific provisions of law relating to particular committees shall be followed.

### Proposed Language

Key: Text to Remain | **New Text** | ~~Deleted Text~~

**(a) Establishment and Appointment.** The Commission may establish and appoint such committees as are required by law or needed to help carry on the Commission's work. All committee members shall be Commission members, unless otherwise permitted by North Carolina law ~~or~~ Town Ordinance, **or the Planning and Zoning Commission**. Any specific provisions of law relating to particular committees shall be followed. **Should non-Commission members be appointed by the Planning and Zoning Commission to a committee, the Chair of that committee must be a member of the Commission.**