

Town of Mills River
Minutes of the Planning Board
Tuesday, April 20, 2021

The Town of Mills River Planning Board met on Tuesday, April 20, 2021, at 6:30 PM in the Mills River Town Hall. Board members present were: Sherri Hill, Jim Foster, Cheryl Janoski, James Cantrell, Wayne Carland, Ryan Perry, and Heath Wiggins. Mary Ann Osby (excused) and Jeff Moore were absent (unexcused). Staff present were Town Manager Daniel Cobb, Planner Alan Steinbeck and Tax Collector/Deputy Town Clerk Aurelie Taylor.

Chairperson Sherri Hill called the meeting to order and led the Pledge of Allegiance.

There were no additions or adjustments to the agenda.

Approval of the Minutes

Jim Foster made a motion to accept the minutes of March 16, 2021. James Cantrell seconded the motion and the motion passed by unanimous verbal assent.

Public Comment:

Eight electronic emails were received from the following and read aloud by Town Manager Daniel Cobb:

Jackie Hannigan wrote in opposition to SUP-21-01 (Banner Farm Rd Special Use Permit).

Chris Ware wrote in opposition to SUP-21-01 (Banner Farm Rd Special Use Permit).

Robert Hendrickson wrote to inquire what type of timeline should he expect for responses from his town representatives and what changes would need to be made in order to proactively inform property owners of any type of change to adjacent properties.

Haley Letterle wrote in opposition to SUP-21-01 (Banner Farm Rd Special Use Permit).

Mark Williams (AgHC) wrote in opposition of R-21-02 (rezoning request by the Town of Mills River).

Jimmy Cowan wrote in opposition of R-21-02 (rezoning request by the Town of Mills River).

Brittany Brady (HCPED) wrote in opposition of R-21-02 (rezoning request by the Town of Mills River).

Bob Gach wrote in opposition of the granting of tax incentives to industry and supporting the costs of adding infrastructure being borne by the developer.

Danny Maxwell, Chris Cormier, Dusty Ellison, and Tim Wolf requested that their comments be reserved for item "B" in New Business (rezoning request by the Town of Mills River).

Dale Reese decline to comment.

Ronnie Redden (an adjacent property owner) spoke in opposition of R-21-02 (rezoning request by the Town of Mills River).

Joel Crook spoke in support of R-21-01 (rezoning request by Anointed Word Church).

Darrel Ellis spoke in R-21-02 (rezoning request by the Town of Mills River).

Kirby Johnson declined to comment.

Old Business:

A. Banner Farm Road Special Use Permit – SUP-21-01

Chairperson Sherri Hill reminded the Board that they are an advisory board only; Town Council has asked them to give the Council a recommendation about this issue. If Planning Board again declines to give a recommendation, the assumption will be that they approve.

Neither Town Manager Daniel Cobb or Rick Moore (Moore & Son Site Contractors) had any new information for the Board. This brought up prolonged discussion once again of the completeness of the application and the requirements of the ordinances.

Ryan Perry made a motion to take no action.

Discussion continued on the application, the ordinances, and the implications of again taking no action, including reading a portion of the ordinance and pointing out the inconsistencies. Chairperson Sherri Hill called for a person by person vote to see how many members wanted to give a favorable recommendation and how many want to give an unfavorable recommendation; Tax Collector/Deputy Town Clerk Aurelie Taylor explained that there was a motion on the floor without a second. Either someone needs to second the motion or the motion needs to be withdrawn. Ryan Perry withdrew his motion.

Chairperson Sherri Hill then explained the decision being made is whether the Planning Board should send a recommendation to approve the Special Use Permit or deny the Special Use Permit to Town Council and took a person by person vote with the following results:

James Cantrell, Ryan Perry, and Wayne Carland voted to recommend to Town Council that they approve SUP-21-01 (Banner Farm Rd. Special Use Permit); Chery Janoski, Heath Wiggins, Jim Foster, and Sherri Hill voted to recommend to Town Council that they deny SUP-21-01 (Banner Farm Rd Special Use Permit).

With four members voting to recommend to Town Council that they deny the request and three members voting to recommend to Town Council that they approve the request, the Planning Board recommends that Town Council deny SUP-21-01 (Banner Farm Rd. Special Use Permit).

B. “Making Mills River” Comprehensive Plan

Town Planner Alan Steinbeck told the Board that the Steering committee has approved the plan and recommends that Planning Board and Town Council also give their approval. Sherri Hill asked for the Board’s comments or questions. Most of the comments were favorable; some expressed reservations about parts of the plan.

Jim Foster made a motion to recommend to Town Council that they approve the “Making Mills River” Comprehensive Plan. Sherri Hill seconded the motion and the motion passed by majority. James Cantrell and Wayne Carland voted against the motion.

New Business:

A. Rezoning Request R-21-01 Anointed Word Church

Town Manager Daniel Cobb explained that prior to conducting a public hearing, three notification requirements must be met – a letter to the adjoining property owners notifying them of a potential change in zoning, second is an advertisement in a local newspaper, and third is a sign posted on the property no more than 25 days and no less than 10 days before the hearing. This third step was omitted and the item should be delayed to the May 4 Planning board meeting.

Ryan Perry made a motion to table the item until the May 4 meeting. Sherri Hill seconded the motion and the motion passed by unanimous verbal assent.

B. Rezoning Request R-21-02 Town of Mills River

Chairperson Sherri Hill disclosed that she was an adjoining property owner and would recuse herself from the discussion. She left the room.

Mr. Brian Gulden, representing a property owner, addressed the Board, objecting to the method of notice, specifically, that his client was noticed as an adjoining property owner, not the property owner.

Mr. William Alexander, representing another property owner, also objected to the method of notice. His client was not only also noticed as an adjoining property owner, not the property owner, but the notice was not sent to the address listed in the Henderson County tax records as is statutorily mandated, and was received the previous Friday. They requested that due to these inadequacies that the hearing be postponed.

Town Manager Daniel Cobb explained that the Town followed all notice requirements due for the Public Hearing to be held Thursday, April 22nd.

Heath Wiggins made a motion that the item be tabled to a later date. Cheryl Janoski seconded the motion and the motion passed by unanimous verbal assent.

C. Commercial Subdivision M-21-03

Town Manager Daniel Cobb introduced the item with his staff report, the text of which appears below:

STAFF REPORT

Planning Board, Tuesday, April 20, 2021

Title: **Booher Subdivision Application MS-21-03**
Planning Board will consider approval of a major subdivision of Booher property located at 264 Marlow Drive.

Speaker: Daniel Cobb, AICP, CFM, CZO, Town Manager

From: Administration
Planning

Background

On March 5, 2021 the Town received a subdivision application and plat for Mark and Steven Booher. The total site is 4.44 acres and may be identified by PIN 9642142052 in the Henderson County Registry.

Discussion

Subdivisions are classified in one of four different categories: minor, family, nonstandard, or major. The proposed subdivision (MS-21-03) is of a property currently being used for commercial purposes. Therefore this is a commercial subdivision.

According to Town Code §153.045, “all commercial or industrial subdivisions...shall be reviewed by the Planning Board under the procedure for major subdivisions, regardless of the number of lots proposed.”

The Planning Board’s role in this process is to assess the application for impacts to the orderly growth and development of the town. Additionally the Board should review the development plan for general

conformity with the Town's development standards. For example, road design, subdivision design, or lots created.

The proposed plat (Attachment B) complies the minimum lot standards for Mills River Mixed Use (MR-MU), including a 30' right of way to the rear lot.

Policy Analysis

The process for reviewing major subdivisions includes review at the staff level for ordinance compliance and final approval from the Planning Board. The Board's role in this process is to provide additional oversight to ensure all development standards are met.

Recommendation

Staff recommends approval of the application as submitted.

The Board's options are as follows:

1. Approve the application as submitted
2. Approve the application with conditions
3. Table the item for additional consideration (up to a maximum of 60 days)

Attachments

- A. Application
- B. Plat

There was some discussion regarding ownership of the parcel and the zoning of the parcel.

Heath Wiggins made a motion to approve Commercial Subdivision m-21-03. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

Additional Items – No additional items

As there was no further business to discuss, Jim Foster made a motion to adjourn the meeting. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor
Tax Collector/Deputy Town Clerk