

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, February 26, 2024, at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Chris Collins, Chair
Joe Laudenslayer
Rick Earley
Lauronda Teeple
Kathy Phillips

Absent:

Pam Norton, Vice Chair
Chas Fitzgerald

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:04 p.m. and duly constituted and opened for business with a quorum of five (5) members.

II. ADOPTION OF AGENDA

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Rick Earley and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Lauronda Teeple made a motion to adopt the minutes of January 18, 2024, as written. The motion was seconded by Kathy Phillips and approved by a vote of 5-0.

IV. NEW BUSINESS

1. Annexation and Rezoning Request for 99999 Frances Avenue – Givens Highland Farms

Jim Boyer, Director of Facility Services for Givens Highland Farms, explained that they have purchased a 5.36-acre parcel just to the north of the existing campus. This parcel is contiguous to the current campus on two sides. The intent for this parcel is to provide additional housing, similar to the duplexes and quadplexes that are just south of this property. The project would be known as Meadowmont Phase IV. The plan is to gate the Frances Avenue side and have all traffic come in and out of the main campus entrance on Tabernacle Road. The main campus is currently served by Asheville water and this parcel will be connected to that line. The board feels that this annexation request makes sense and is good for both the applicant and the Town.

The existing campus is zoned OI-6, office and institutional, and the applicant is seeking the same zoning designation for the requested annexed property. Chris Collins made a motion to recommend the zoning district of OI-6 based on the following reasonable findings of fact:

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- a. The overall size of the tract of land proposed for rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan.
- c. The impact to the adjacent property owners and the surrounding community is reasonable and the benefit of the rezoning outweighs any potential inconvenience or harm to the community.
- d. The allowed uses within the proposed zoning district are similar and comparable to the permitted uses currently zoned.

The motion was seconded by Rick Earley and approved by a vote of 5-0.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD – Verbatim

Chris Collins: Any communication from the Planning Board tonight?

Kathy Phillips: I have, I would like to ask, I don't know if you got my email.

CC: I did, yeah.

KP: About crypto mining that we should talk about doing something before since everyone else in the ?? surrounding counties are. ?? Buncombe County's moratorium.

Rick Earley: What did you say about what?

KP: Crypto mining.

RE: Crypto mining.

KP: I'll send you a copy of the email. There's a lot.

RE: You sent me a copy?

KP: I will.

RE: Oh, you will.

KP: You should know that because they have a moratorium. Did it come to you? Did you guys hear about it?

CC: I haven't worked directly with it. It's not something I've engaged with too heavily.

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KP: Oh. It is apparently there is big brew ha-ha, a large brew ha-ha, because the volume of computers, computing that's necessary to do this cryptocurrency is huge which takes huge amounts of cooling and huge amounts of power and cooling and people in the neighborhood where they first put it in, Murphy or Waynesboro, Waynesboro had, they have all had, It sounds like a jet airplane that never turns off twenty-four, seven in their neighborhood. And so.

RE: Because of the fans to cool it, is that you're talking about?

KP: Yes, ? the cooling for all that computing power. So, there's like, well Buncombe County last May put a mora, a one-year moratorium because it's such a problem, which will be up in May. Fletcher is a, this is a a, Fletcher they defined the use back in June and as of now it's not allowed in Fletcher. Maggie Valley's talking about, Macon County, Jackson County, Buncombe County, Henderson County, they put a 60-day moratorium on them and I don't know what's happened, Haywood County's working on an ordinance, Cherokee County's working on an ordinance and since Buncombe, I don't know what's going on with Buncombe County's but we only have control of the town and I don't think we need those in the town. I mean it sounds like.

RE: Crypto mining.

KP: Crypto currency mining.

CC: Interesting

KP: It takes huge amounts of.

RE: I don't read enough apparently.

Lauronda Teeple: The servers and stuff it takes to deal with computing and or mining is a lot of energy and cooling and stuff.

KP: Yeah, and I don't understand why it takes huge amounts of computer power and banks and banks and banks of them which means lots and lots of cooling. But the noise and the pollution, the noise to the neighbors, they're all up in arms. And I've been reading about this but I'm like, well I don't know what Buncombe County's even thinking about

LT: It hadn't occurred to me that there could be people that do that here.

CC: For a permanent solution, yeah.

KP: We have property that someone could. As soon as Buncombe County's moratorium is up in May, we're, we're close up in Western North Carolina. We're the only one not doing it, I would not want to be reactive, I would rather be proactive about it.

RE: Will the County not do it, is that what you meant?

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KP: Well, some of these are towns. Maggie Valley is and some of these, Fletcher, some of the towns are discussing it.

LT: Defining it.

KP: Sylva, I think, had a big problem, cause there was one in Sylva.

RE: So, they're like cell towers, you go find a place to stick a cell tower to rent a place, is it the same thing here? There's no infrastructure required it's just a place to put.

KP: It's a big warehouse.

CC: Yeah.

KP: It's just a big warehouse.

LT: Yeah you'd have to have a structure ??.

KP: Yeah.

CC: They basically just string together, as far as I know, and I have very limited knowledge of it, they stream together processing power, which is.

LT: Like you see in the movies that the spies break in and ??

KP: Banks.

LT: I was going to say those banks, bunches and bunches.

Overlapping talking.

KP: Which takes a lot of cooling apparently. I cannot imagine how something that sounds like a jet airplane in the neighborhood that never turns off.

CC: I think, I've been thinking about this since I read your email and I think that we would, so if the town were to look at a moratorium that'd be a council action, right? Not probably something we would do and of course we could.

KP: It's a recommendation yeah.

CC: I'm not familiar enough with it to know how people are dealing with it from land use and zoning perspective but, so I guess what I'm kind of saying is I'm not familiar with a lot of it or the tools we would use and whatever so I feel like taking action like tonight would be like probably not right.

KP: No we just, I think we need to talk about it to find out.

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LT: ??

KP: These others have put or have already put some ordinances into place. You don't need to reinvent the wheel. Let's see how, we would recommend to the Town Council that if we can't get all the information out to issue a moratorium for 60 days until we can kind of thing just to keep, just in case someone's out there.

CC:

KP: I'd hate to have someone out there.

RE: Is there anymore in the state, anywhere, besides Murphy?

KP: Oh, all of these counties, they're all trying to stop them. Yes, there are a couple. I'll send you the email.

RE: Okay. Yeah.

KP: Cause I was reading through em and yes.

RE: I didn't know if they were trying to stop them before they started or if they.

KP: I think that there's two places that have them there.

RE: Okay.

KP: There's a little video from one of the neighbors going my house now sounds like an airplane that never shuts off and, you know, now I can't sell my house, now I can't enjoy my yard.

LT: Yeah.

KP: I hadn't ever heard of it. I ran across that, well that's, I don't know reading some news thing.

CC: Yeah, sure.

LT: ??

KP: I know that we can't, we can't do anything except recommend to the Town Council that something ?? think about it, do something about it. What kind of recommendation should we make.

CC: There's where, I guess I don't feel like, and this is me not paying attention to it, probably mostly, don't feel like, and I don't know where y'all are, but I don't feel like I know enough to really.

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KP: To say we should this.

CC: To do anything yeah.

KP: Yeah.

LT: Yeah.

CC: But I'd be interested in learning more about like the land use implications of it and I've not seen, either not paid attention or haven't seen the Town does a moratorium on something in the eleven years I've been here.

Jessica Trotman: I'd be curious to know like how big does a site typically need to be because already even if you were, like not under moratorium conditions, there would be an industrial use. It wouldn't be in an neighborhood. It would be somewhere where you have asphalt factories and whatnot. We have very few parcels in town that are large enough to hold any kind of, that are available, for any sizable production of anything. So I just wonder, it's not, so you know my brain is asking like okay so if there's a possibility, there's a probability and there's like level of you know of risk and stuff, so it's not that I would be like anti having a rule or anything like that, it's a question of like what is, is there a sense of urgency or not and things like that and coming up with one because I don't know. You can tell me that one could fit in this room and I would be like oh well then that is concerning. Or you might say it has to be three acres and I'd be like, well that's a bit harder to do.

KP: I don't think it took that much space. I'll have to go back and read that because it was a, I only think it was a couple acre.

RE: Why don't you come back next month with a report for us?

Overlapping talking.

KP: Well I'm going to be gone for most of the month so.

RE: Oh, there you go.

KP: But if Buncombe County has a moratorium and they've had an entire year almost to make their decision, so we wouldn't need to do anything if Buncombe County fixes the problem for the County. We may not even.

LT: They may already have all the information ??

KP: And they probably already, and I've seen that their staff's been doing this work for the year.

JT: What I'm going to right now is I'm going to email my buddy Nate.

KP: There you go.

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JT: Dear Nate.

Overlapping talking.

LT: Tell us the story about this.

KP: Yeah, what's happened. So, Fletcher already has it in their Planning Board to define the use last year and as of now it's not allowed in the Town of Fletcher. They went ahead and they did it last year, so I kind of, when I read this, I thought we're kind of behind the eight ball.

CC: So I guess I have a quick question for staff and this is a hard question but if somebody came and said I want to do crypto mining right now, what zoning district can I go in, how would y'all handle that.

LT: Yeah.

CC: Would you match it to one of the current land uses?

JT: By law I would have to. I would have to say what is the most like thing and if I couldn't find it there, I'd have to go pull out a Merriam-Webster's dictionary and match it there and go from there. So it would end up in an industrial district.

CC: So that's going to preclude our residential districts.

JT: Absolutely.

CC: So there's that. I'm trying to determine the sensitivity ??

LT: That's a certain safeguard there, yeah.

KP: Yeah and I don't know whether, I've got to go back and read whether that neighborhood, it was in the county so you don't have ??

LT: They didn't have that protection or something.

CC: Yeah.

KP: Maybe they didn't have the protection that yeah.

Jennifer Tipton: Well if you prefer we can bring you some information next month.

CC: I think that that'd be good if you all have the bandwidth just to kind of look at how places are zoning for that ??

JT: I'm hoping he just sends me his staff report.

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CC: Right, it's already got the staff doing something.

LT: That would be perfect. Awesome.

CC: Easy, easy.

KP: Well that was one of those and then we talked about tattoo parlors and you had said should we be limiting any particular business like that. You had wondered about that. Is that something for the UDO we need to think about?

CC: I feel like, and Jessica you may have alluded to this, that it's our discussion is reflected in the current draft of the UDO.

JT: We took that consensus conversation and have added that to the UDO.

LT: Okay, great. Cool.

KP: Where are we on the UDO?

JT: We are waiting for the attorney to finish reading by mid-March for a joint meeting.

LT: Okay.

JT: We were also waiting for him to read it over Thanksgiving so I'm just going to see ??

Overlapping talking.

KP: Well if you started at the beginning it is long, especially when they're trying to decide the legalities of all the things we want.

JT: Yeah.

KP: Yeah, a few hundred pages.

JT: It should be done soon.

CC: So hopefully the tattoo parlor things in there, so it should be good.

KP: Yes. The other one was the marijuana dispensaries and I know a while back there was someone living in town who has investments in other states and as soon as the state, we will have one in downtown Black Mountain, as money talks, and do you want to be reactive, like we have a vape store and then oh my God everyone yelled and everything and now we don't have anymore and you got an Airbnb on Cherry Street and oh my God we don't want them anymore. So there's one of each and we're going to have that here.

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Joe Laudenslayer: I thought Timmy, down on the corner of Cherry Street, I thought he was our connection for marijuana.

KP: ??

JS: Oh is this a different ??

Overlapping talking.

KP: This is a large corporate level. This is not a Joe-blow, Timmy on the corner. This is somebody with money and investors in other states who just if you want, like you know, you want the vape store to turn into a marijuana dispensary, or you know, you want the pottery store to turn into, which, I thought, it's a long conversation and when things are coming down the legal pipeline do we then want to start this long conversation, cause it's not just zoning, I'm thinking is, isn't there a lot of money, is there a way the Town can tax it, you know? Fees or something, I don't ??

JT: See all of this will come to us from the state and I don't think I can put anything on the table of permitted uses that isn't already legal.

KP: No, you can't put it on the table, it is, if we do the draft so that we've done some discussions before.

CC: Have something in our back pocket?

KP: Yeah, as you see it we don't have to scramble and go ??

JT: What I worry, Kathy, is we're going to waste our time because the state is going to likely tell us what the guardrails are. If and when this happens, we are going to have such a heads up, it is going to be a battle in Raleigh for so long before we ever know. It's not like we are going to wake up one day and they're going to be like, surprise, weed's legal now. It is going to, we're just going to have such a long conversation.

CC: A lot of times, what I've seen them do, is they'll do the legalization but then the actual plan for distribution and how that works is months and months down the road from then.

LT: So there's a time limit.

JT: Oh yeah.

LT: It's not an overnight

CC: I think even in Cherokee it was like passed it at this point and then six months later we'll figure out distribution.

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KP: Oh and they had even longer than that because they started grown it, they weren't buying it, so they had a year to grow their own before they even began to dispense it.

JT: It is a long process.

KP: But they were supposed to start selling it to the public, not just the reservation, but I don't ??

LT: That's been happening in this past week from what I understand.

KP: Has it?

LT: Conversations about, yeah that ?? together waiting for the approval process, yeah, for non-native or public.

CC: I don't know, I feel like they could be like we're going to send it through the ABC stores.

JT: And if it ends up an entire structure like they do at ABC, and the taxing, they might, there are going to a hundred structures for that. It could be entirely from the state or they could say four percent from the state and up to three percent local, split it this way, to these different reasons, you know purposes, there's just no real, there's just no telling.

KP: Yeah, I didn't want us to lose out on tax dollars. And you know the community, I was just kind of amazed how many people complained about the vape store across from, across from the school, and that just, you know, wait until the dispensaries come.

CC: I'll just be disappointed it's not like something good to eat or ?? It's a really good thought.

KP: It's something for us to be thinking about because, as you said, when it comes, once you can sell it to the general public and people from our area or just driving up to Cherokee I think the time will come ??

CC: One of these days probably.

KP: Yeah, I don't think it'll be too long. But it's a thought to think about, what do you want your town to look like.

JS: Speaking of how we want our town to look, is there any word on the Circle K?

JT: No.

KP: Where's the Circle K?

JT: Not happening.

JS: Oh it's not happening?

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JT: Well we just haven't heard anything.

JS: Okay.

KP: Oh, so where was it?

JS: The bank, SunTrust bank.

KP: A Circle K?

JS: Gas station.

KP: Not happening, thank you Jessica.

CC: Or no update, we'll say.

LT: What's ever come of?

JT: Let's not have a project round robin.

Overlapping talking.

CC: So any more communication from Planning Board?

KP: That was all I could think of.

CC: That's good.

VIII. COMMUNICATION FROM STAFF

None.

VX. ADJOURNMENT

With no further discussion, the meeting was adjourned at 6:42 p.m.

Prepared by:

Chris Collins
Chris Collins, Chair

Jennifer Tipton
Jennifer Tipton, Senior Admin