

TOWN OF FLETCHER

Lee Bowser
Chair

Mike Franklin
Vice Chair



Board Members:
Robyn Mondin
Doug Ferguson
Leslie Cuevas
Jacob Compher
Julia Fogel
Bryan Gilbert

Planning Board Regular Meeting
Town Hall Council Chambers | 300 Old Cane Creek Road
April 21, 2026 at 6:00 PM

Call to Order

Public Input

Approval of Minutes of Previous Meeting

- 1) Minutes from the March meeting

Hearing of Cases

- 1) Zoning Text Amendment – Data Centers (26-02-ZTA) – Tyler Morrow, Planning & Zoning Director

Other Business

Public Input

Adjournment

"This Institution is an equal opportunity provider."

**PLANNING
BOARD
MINUTES**

**DATE: March 17, 2026
Town of Fletcher
300 Old Cane Creek Road
Fletcher, NC 28732**

Type of Meeting: PUBLIC MEETING

Chairman Bowser called a regular meeting of the Planning Board to order at 6:00 PM

BOARD MEMBERS PRESENT:

Lee Bowser (Chairman/ District 2)

Mike Franklin (District 1)

Julia Fogel (At Large/ District 3)

Robyn Mondin (At Large/ District 1)

Doug Ferguson (District 4)

Bryan Gilbert (ETJ)

Public Input: No one from the public spoke at this time.

AGENDA ITEM:	PRESENTED BY:	ACTION TAKEN:
Approval of Minutes from January 20, 2026 meeting	Chairman Bowser	Approval of the minutes, as transcribed
Hearing of Cases		
1 Standard Rezoning and Special Use Permit Review -Birkshire Trace (26-01-SUP)	Tyler Morrow, Planning and Zoning Director. Nate Roman Folks, of Taft Mills Group	The board recommended to Council to deny the rezoning and the Special Use permit
Other Business		
1 Staff Updates	Tyler Morrow, Planning and Zoning Director	None

STAFF PRESENT: Tyler Morrow, Planning and Zoning Director

An audio file of the meeting is available, upon request, for a fee.

Approval of Planning Board minutes: corrections-additions-deletions

Chairman Bowser asked for a motion to approve the minutes.

It was so moved by **Robyn Mondin**; second by **Mike Franklin**. There was no further discussion. The motion carries, all in favor.

AGENDA ITEM 1

Standard Rezoning and Special Use Permit Review -Birkshire Trace (26-01-SUP)

Chairman Bowser gave the State of NC law of procedures for a quasi-judicial public hearing. He explained that the board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not based on public opinion or a show of hands. It must be made in accordance with the standards set forth in the ordinance and grounded in the evidence presented. He said to anyone planning to speak as a witness, please limit your comments to relevant facts and applicable standards rather than personal preferences or opinions.

None of the board members had a conflict of interest with the subject application.

Chairman Bowser swore in those present who will be speaking.

PRESENTATION

Mr. Tyler Morrow presented his staff report and presentation to be entered into the official record. He said the applicant is requesting to change the zoning of the four parcels from C-2 to NBD in order to seek a Special Use Permit in the NBD district for multi-family dwellings. The four property parcels are identified as:

9643-73-8923; 9643-84-1236; 9643-84-3220; and 9643-84-4274. The total acreage is 7.71.

Mr. Morrow said the applicant, **Dustin Mills** of Taft Mills Group, proposes a 115-unit low-income housing, tax credit multifamily development that has a proposed density of 14.92 units per acre. The property is currently zoned C2, which does not allow multifamily residential. In 2017, the Town Council amended the land development code to remove such residential uses from C1 and C2. The land use plan was later updated to reflect this policy direction. Because of this, the property must first be rezoned to a district which allows multifamily housing to be considered. The applicant has requested that zoning

district be NBD, neighborhood business district where multifamily is allowed only through the issuance of a special use permit. This means two separate actions are before the board.

Mr. Morrow continued. If the rezoning is not approved, the special use permit request would become moot at that point- that's more of an issue for Council rather than the Planning Board. If the rezoning is approved and the special use permit is denied, then the property would still carry the NBD zoning district and would be allowed to be developed for a use within that district that's permitted by right. Special Use permits may be granted by Town Council following a recommendation by the Planning Board.

Mr. Morrow said, this process, as the chair mentioned, is quasi-judicial, meaning that it operates much like a court. Decisions must be based on competent evidence presented during the hearing rather than general opinion or political preference. For approval, Council must make several findings, including that the application is complete, that the proposed use will not negatively impact public health, safety, or welfare, and that it will not be detrimental to the surrounding areas or public improvements. Council must also determine that it meets all our criteria for issuing a special use permit. These standards include evaluating the access, traffic safety, parking and loading, utility availability, buffering, signage, lighting impacts, open space, recreational areas, building placement, and design; potential operational impacts on the surrounding neighborhood; and it has to be in accordance with an approved site plan.

Mr. Morrow said the surrounding area is primarily commercial in nature, with car dealerships and hotels being the most prominent uses along Underwood Road. The site is currently developed as a Quality Inn motel. If the project is approved, the existing motel use would cease operation, and the structure will be demolished. East of the subject property is Stafford Hills Residential Development, which contains approximately 184 units on 16.82 acres with a density of about 10.94 units an acre.

The subject property is located near Airport Road, which is a commercial corridor, placing future residents within walking distance of restaurants, retail, grocery options and urgent care facilities. This proximity is important for affordable housing development where residents may have limited access to personal vehicles. The site is also within close proximity to the Asheville Transit route along Airport Road.

Mr. Morrow showed photos of the existing site conditions. He then provided the site plan on the screen. The site plan shows 5 residential buildings totaling 140,740 square feet of floor area. Individual building footprints range from roughly 9,600 square feet to 11,000 square feet. The project proposed has a density of 14.92 units per acre. He said the maximum density for this zoning district is 16 units per acre. All buildings are proposed to be three stories tall.

The development includes several residential amenities, such as a community room, a playground, a top lot, covered picnic area, a computer center, exercise room, and outdoor seating areas. Two vehicular access points are proposed. One off Rockwood Road, which

is maintained by NCDOT, and the other one will be off Underwood Road, which is maintained by the Town. Five-foot sidewalks will be required along all property frontages. The development includes 10 bicycle parking spaces to support residents who may or may not have access to personal vehicles. Existing vegetation is proposed to remain along the eastern property boundary to provide a buffer from nearby residential properties. However, there are portions on the southeastern boundary that does not currently include a buffer. Parking is provided at a ratio consistent with the land development code, resulting in the required 247 spaces, of which 18 are ADA accessible.

Mr. Morrow explained that North Carolina General Statutes requires that governing boards adopt a land use plan consistency statement when considering zoning amendments. This statement explains how the request aligns or conflicts with the Town's adopted land use plan. In this case, the proposal is inconsistent with goal 10 of the Land Use plan, which seeks to carefully manage higher density residential and direct it towards the town core near the future town center while preserving commercial land for economic activity. He said, however, an inconsistency with the land use plan does not automatically prohibit approval. State law does allow governing boards to approve requests that conflict with the plan as long as the board adopts a statement explaining the inconsistency and the reasonableness of their decision.

Mr. Morrow then accepted any questions. The members of the board had no questions.

Chairman Bowser asked the applicant if he wished to call any other witnesses to speak on behalf of the case.

Mr. Nate Roman Folks, Vice President of Development for **Taft Mills Group** addressed the board. He is joined by the Senior VP, **Tristan Williams**; the design and engineering team; the architectural team; and their engineer, **John Kinnaird**.

Mr. Folks said Taft Mills Group is a real estate development company that specializes in building affordable multi-family housing. The company has been established for over 12 years and is based out of Greenville, North Carolina. They develop in North Carolina, South Carolina, Virginia, and Maryland, and have been consistently ranked one of the top 50 affordable housing developers in the country. They've received the highest housing honor from the North Carolina Housing Finance Agency.

Mr. Folks presented slides of some of the recently completed or currently under construction developments by Taft Mills Group. They build both family affordable housing and senior affordable housing. They build complexes from 48 units up to 180-200.

Mr. Folks explained what low-income housing tax credits and affordable housing is.

The Low-Income Housing Tax Credit Program is a program that incentivizes and encourages private investment for the creation of affordable housing. **Taft Mills Group** is a for-profit company that will develop and own this property long-term. If a developer is awarded the tax credits, through the North Carolina Housing Finance Agency, that serves

as a big funding source into development. It helps pay for the construction, which then allows a smaller mortgage on the property than would otherwise be possible. This keeps rents lower for a 30-year period.

The affordable housing development will only serve households that make 60% of the area median income- and below - for Henderson County. This program has been around since the 1980s. **Mr. Folks** said It's been by far the most productive funding source for developing affordable housing throughout the country.

Mr. Folks continued. He said the amenities that are in close proximity to the site is part of the reason why this site was chosen. There's grocery, parks, shopping, and a transit stop in close proximity. He said 115 affordable housing units are proposed which would involve redeveloping what's currently an aging motel on the site and developing the undeveloped land. As stated, all of the units will be serving households at 60% of the area's median income. In Henderson County, for a family of three, this would be a little over \$50,000. One-, two-, and three-bedroom units will be available to serve a mix of housing sizes. Each building would be a three-story building.

Mr. Folks added that the site plan is designed to create as much buffer as possible and preserve as much land as possible. In addition to the amenities around the site, they will also provide amenities on-site for the residents, with a community center, indoor exercise facility, business center, covered picnic areas throughout the site, playgrounds, top lots, and open green space for enjoyment. Onsite property management as well as on-site maintenance staff will be there every day. He said the proposed development will provide much needed affordable housing for working families in the Fletcher community.

Chairman Bowser asked Mr. Folks if there is anybody else he would like to speak on TMG's behalf. There was none.

DISCUSSION

Chairman Bowser asked for anybody with standing testimony who would like to speak.

Jenifer Bubenik of **29 Farrington Circle** addressed the board.

She entered her opposition into the public record regarding the proposed rezoning of the property located at 196 Underwood Road from C2 Interstate Commercial to NBD Neighborhood Business District for the purpose of a multi-use housing development.

Ms. Bubenik said she recognizes the regional need for diverse housing options, however, the selection of this specific site is fundamentally incompatible with the existing environmental conditions, public health safety standards, and the long-term economic goals of our community, including the Fletcher Connects final plan.

Ms. Bubenik's opposition is based on the following critical factors.

- The C-2 interstate designation serves as a crucial function by accommodating businesses. These businesses include larger retail establishments, service providers, and hospitality venues that cater to broader regional traffic and contribute significantly to the local tax base. Reclassifying this land to NBD risks displacing these essential businesses or inhibiting their future growth.
- This property opens up to the ABC store, which the National Institute of Health found in a 2009 study that alcohol outlets in lower income and disadvantaged communities raises serious public health concerns and has negative health consequences because of alcohol availability.
- The subject property sits within the immediate impact zone of the I-26 corridor, which currently carries an Annual Average Daily Traffic volume exceeding 58,000 to 70,000 vehicles per day. Per the Fletcher Connects 2020 plan, the AADT of Underwood Road was 2,300. These 2 roads converging creates lower air quality and noise pollution. Traffic is backed up at the McDonald's light, due to stop light waiting times that are 5 minutes. Adding 247 cars to this two-lane Rd. will put a hardship on the daily amount of traffic that has already reached capacity.
- Peer-reviewed research from the EPA and health organizations, including the 2026 America's Health Rankings, confirmed that living within 500 feet of a major interstate exposes residents to dangerous levels of diesel particulate matter and nitrogen peroxides. The 24-7 decibel levels produced by the I-26 Widening Project and increased freight capacity makes the site physiologically unsuitable for a neighborhood designation. Approving high-density housing here is a failure of the Town's duty to protect the health of future residents.
- There was no traffic impact study in the proposal- she would request one moving forward. The NBD district is intended to foster human-scale walkable environments. If you've ever tried to walk on this road, which she has, including ART, there's no sidewalk in front of Ruby Tuesday's or McDonald's. Trying to walk to the Ingles or

three miles to Walmart, an individual has to cross back and forth. This makes it literally a death trap.

- The infrastructure surrounding C2 interstate zone is engineered for high velocity logistics and regional traffic. Introducing pedestrians, cyclists, and neighborhood traffic into an area dominated by interstate off-ramps and heavy freight creates an inherent safety hazard.
- This proposal offers bike parking, but there's no bike lanes on Underwood or Airport Road. This is a failure to communicate between DOT, Town of Fletcher, Buncombe County and Henderson County.
- The ongoing I-26 widening project is designed to alleviate regional congestion, not service a residential driveway. A multi-use development here will create friction at critical access points, undermining the \$700 million public investment in our regional highway system.
- Converting this into an NBD shifts the site from tax-positive commercial use to service-heavy residential use. This puts an undue long-term burden on existing taxpayers to fund the increased demand for emergency services and infrastructure maintenance.
- If the surrounding parcels remain C-2, this rezoning creates an isolated residential island. This is inconsistent with the Fletcher Connects and strategic plan update and will lead to inevitable future nuisance complaints for residents against existing commercial neighbors.
- NBD zoning district designation is a valuable tool for creating vibrant communities, but it belongs in the heart of our town, not on the shoulder of an interstate.

Ms. Bubenik urges the board to recommend denial of this rezoning request to preserve the health of citizens and the economic integrity of our commercial corridors.

Wes Stroupe of **86 Lanceford Circle**, HOA president of the Stafford Hills community spoke. He is a licensed general contractor and owns an environmental company that specializes in inspections, installations, and maintenance of stormwater systems.

Mr. Stroupe said Lanceford Cir. is at the low point of the proposed development. He said there's a significant stormwater problem that comes off the subject property that regularly causes flooding in the Lanceford Circle portion of Stafford Hills. He said there have been multiple units flooded resulting in people spending a lot of money to fix their homes because that area's not in the floodplain, therefore they can't get flood insurance.

In **Mr. Stroupe's** opinion developing anything on the subject property is risky, but a high-density project where there's going to be a lot of impervious surfaces, roofs, asphalt, sidewalks, would be absolutely catastrophic.

Mr. Stroupe presented videos of flash-flooding on Lanceford Circle, which occurs any time there is a hard rain. The stormwater flowed to the very top of the door threshold of his house.

Mike Franklin asked if this rain is coming down from the highway in the development or coming down through the woods.

Mr. Stroupe said the only thing that helps at all with runoff is the fact that the property is wooded and there's a little bit of buffer to slow it down a bit. He feels to grade the property for the high-density project would be completely catastrophic. It would be very likely that the homes would flood on the Lanceford Circle portion.

In **Mr. Stroupe's** opinion, the project falls short of Criteria #2 which states that the proposed use would not negatively impact the health, safety and public welfare of nearby residents and that it would not be detrimental to surrounding properties or public improvements. He stated that in Stafford Hills there are 189 homes and 500-600 residents- the entire community is very concerned about the multi-family project, and they are here to oppose the project.

Mr. Franklin asked Mr. Stroupe had he indicated that the Town was out there to assess this after a rain.

Mr. Stroupe said they had been out a few years ago and advised for a berm to be built to contain stormwater. Which they've done.

Chairman Bowser asked the applicant if they have any feedback to give.

John Kinnaird, PE of Three Notch Group addressed the board. **Mr. Kinnaird** is the civil design & site development leader for the project. He said he's aware of the stormwater issue on the neighbors' property. In his professional opinion he thinks the system is probably aging and undersized.

Mr. Kinnaird said his team of engineers would be looking at downstream conditions and would work with the HOA on those. He said there are no stormwater measures on the property at all at present. Water is running off untreated, unretained. As part of this project- what was referred to as a pool- is a retention pond. This will provide water quality treatment for smaller rains, but also retention for larger storms- storms just like the ones shown in Mr. Stroupe's video. He said he suspects that most of the runoff is coming from Apple Tree, and that's also something that the developer would be concerned about coming through their property so it will be looked at as part of the stormwater design. He said they are aware of the situation, and don't want to flood out neighbors either.

Mr. Franklin asked if the design they propose could solve this problem.

Mr. Kinnaird believes it may solve the problem but said it certainly will not make it worse. He would like to solve the problem and manage the stormwater correctly. He added that much of the land is not wooded. Most of the woods are on the east and southeast property line, which will be preserved as much as possible.

Mr. Folks said there will be underground retention under the parking lots on the southwestern portion of the site. Currently there's nothing there and it's just purely running off without treatment.

Ms. Dawn Harris of 14 Yorktown Circle, (Stafford Hills), gave her opposition to the board. She said as a former property manager of Perry Lane Apartments, for five years, her concern is safety. From her experience she says affordable housing complexes bring crime, drugs, and convicted felons. She dealt with crime, drug activity and the death of an individual by overdose while at Perry Lane Apts.

Mr. Stormy Ellis, who resides at 21 S. Wildwood Ln spoke in opposition. She is an assistant district attorney in Buncombe County. Mr. Ellis once lived at 48 Lanceford Circle. She said the proposed retention pond for the apartments is higher than the properties on Lanceford Circle. Concrete berms were constructed, but the water continues to flow through the concrete blocks. It is her opinion that:

- New development will exacerbate the water drainage problem.
- The additional residents in the proposed 115 apartments will impact the existing traffic problem on Underwood Rd.
- The project will increase crime.
- There will be an issue for emergency vehicles to get in and out due to limited access.
- The ABC store in conjunction with low-income housing (is a cause of concern).

In rebuttal to this opposition, **Mr. Folks** pointed out the site is already zoned C-2, which does allow significantly higher intensity uses than what is proposed. He said things like traffic would be significantly higher with a use permitted in the C-2 district. They have had a traffic engineer look at the site. Based on the existing traffic counts, they've actually decreased from a couple of years ago. He added there is an existing use (of a motel) on the site that is producing traffic; and they would be required to conduct a TIA later in the process.

Mr. Morrow said they would at least have to do a scoping document through NCDOT, and then they would determine if a full TIA is required.

Mr. Folks said they will comply with all the requirements and recommendations of the traffic professionals. Regarding the safety concerns, Taft Mills Group has a significant screening process. Every resident not only has to qualify based on income, but they must also have a background check. Credit and background checks are done to ensure safety of all the residents. There will be onsite property management; maintenance staff; and cameras on the property that are providing 24-hour surveillance.

Chairman Bowser commented, regarding water runoff, that it has no way to slow down currently. He asked if some of that flow will be mitigated by the developer.

Mr. Kinnaird said that's correct. And he would absolutely want to work with the neighborhood. They would do everything possible on the subject property as well as looking at the downstream property.

Mr. Stroupe, president of the HOA, said he doesn't see on the drawings where any wooded area is intended to be saved. He is concerned that the retention pond will overflow and the water will continue downhill. His opinion is that the pond would have to be so big to make sure that that doesn't happen. And there's no room there to build one big enough. In a large storm event, that retention pond is going to overflow. It's going to put 100% of that down on Lanceford Circle and be a catastrophic event.

Ms. Bubenik reiterated what she previously said in regard to the traffic. In 2020 the traffic count on Underwood Rd was 2,300. This development would add another 260 vehicles. She added that the findings on the ABC store came from the National Institute of Health. These are both facts, not her opinion.

Chairman Bowser asked if the buildings would have to pass; DOT requirements would be met; and all the site engineering would be done prior to development. He then asked if the rezoning is strictly preliminary review.

Mr. Morrow confirmed that the applicant has to provide a preliminary site plan- as they have done. He said Generally speaking, this project has met all of the criteria that has been set out in the ordinance. If approved, they would still have to go through final site plan approval, and that's when they get into full construction drawings, final grading plans, and final construction plans. That's when they get permits through DOT, and Henderson County Soil Erosion Control in order to meet all the criteria in the ordinance.

Mr. Morrow added there can be specific conditions placed on this type of process. If Planning board recommends- and Council determines that they're meeting all the minimums- but in order to protect the safety of the other residents, they could determine it's necessary for there to be a larger pond or more ponds. He said we wouldn't go through it at this point without having the rezoning approval.

Mr. Mike Franklin asked Mr. Morrow if the zoning change is approved but they decide to back out of building, could any developer who wanted to build anything, do so with the NBD zoning.

Mr. Morrow explained that if rezoned there's a presumption that you want to also issue the special use permit. If that were to occur in that sequence, the special use permit is good for one year. If the applicant decides, once it's approved, they don't want to do this for that whole year nothing could be done on this site other than this development. After that Council and the Planning board could give a recommendation to revert the land back to a C-2 district with a map amendment to prevent another developer from doing a new NBD development.

Mr. Doug Ferguson: Has there been a traffic study done?

Mr. Morrow: No, they've been referencing traffic counts from Fletcher Connects, which is our bike and ped plan. This was from 2020. This counted average daily trips. A TIA is when you scope out certain intersections. For example, if you were to scope out this project, one of the intersections you would study would be Airport Road and Underwood Road. Traffic

impact and analysis studies research impacts of this development. You look at the intersection, how it's operating today, and you grade it, A - E. Then you look at a five-year build-out, of the impacts of this building on that same intersection. Then you compare it to what the impact on this intersection will be in five years if this is not developed. Through that analysis by traffic engineers there's usually mitigation where you'll need a turn lane or you'll need a taper lane. This process would go through NCDOT. They send it off to Raleigh, and they have congestion management review those. DOT has already made the comment that if this is approved, they're going to require at least a scoping document to determine whether or not they're going to require a full-blown TIA done by a traffic engineer.

Mr. Ferguson: to clarify, it would be Underwood Road, it wouldn't be Rockwood Road?

Mr. Morrow: the TIA would be all-encompassing. There'd probably be 7 or 8 intersections that would be studied. Underwood and Fanning Bridge would likely be studied. It would look at a number of intersections, like holistic view of this. We wouldn't be looking at just Underwood. Rockwood would also be included in that. Since that is an NCDOT maintained Rd. they would specifically have a lot of interest in how these trips would impact their infrastructure.

Mr. Morrow: State law specifies that any time a TIA is required by a town, DOT automatically has jurisdiction also to review it- and vice versa. If DOT required one, we would also have jurisdiction to review it as well. So anytime either entity requires they both get to review and have input on.

Ms. Bubenik asked if the developer has to pay for it.

Mr. Morrow: The TIA is created and conducted by the developer; is paid 100% by the developer. They then present them to us. We review their work to make sure that it's in accordance with the Town.

Dialogue continued with regard to traffic impact if the development is permitted.

Chairman Bowser: We're moving on to opinions. We need to stay more to factual data backed by experts. It's my understanding that if we move forward with this, you're going to have impact studies by various organizations and state agencies which will provide the answers to your concerns. There is no definitive answer to a lot of the questions that are being asked here, but all we're trying to do is see if the zoning can move forward so that these processes will answer those questions by professionals in that manner. What I'm hearing are views from other people, but we need expert factual data to be able to disallow them what they're allowed to do. They're following the guidelines. Is there anything else that anybody would like to bring up before I close the witness part of this?

No other witnesses came forward.

Chairman Bowser: As a reminder, this board is tasked with deciding if, based on the evidence presented, this proposal meets the applicable standards. This decision cannot be based on personal preference of the board members, rather it's based on standards and

factual evidence. Again, if we want opinions, they have to be based on facts by experts in those fields. The board members are encouraged to reference the applicable standards and specific evidence in their deliberation. For this particular case, the board is asked to decide, does the record include competent, relevant, substantial evidence that development is consistent with Article 15.10 and that all nine required criteria are met for the approval of the Special Use.

Ms. Robyn Mondin: May we see Article 15.10 again?

Mr. Morrow: The nine criteria in the staff report you have are the criteria listed in Article 15.10, and basically what you're looking at are these nine criteria.

Ms. Mondin: That nine criteria is for the special use permit, not for the rezoning, correct?

Mr. Morrow: Correct. For the rezoning aspect of the application, you have to consider the land use plan, and then you also have to determine if it's reasonable or not reasonable. Special use permit reviews are more rigid. The standard rezoning process is more legislative in nature. It is inconsistent (with the Land Use plan), but even if it is inconsistent, you can still find it reasonable. You might say it's inconsistent with the plan, but it's still reasonable for adding additional affordable housing to Fletcher. Or you can find it inconsistent with the land use plan and also find it not reasonable with the public interest.

Chairman Bowser: We're not the final say on this. All we're doing is making sure that they're following the application requirements and they're within the boundaries of what is allowed. We need a motion to approve, deny, or approve with condition.

Doug Furguson: I move the Planning Board to recommend to Town Council to deny an ordinance amending the official zoning map of the town of Fletcher, changing the zoning designation of the subject property from C-2 Interstate Business District to NBD Neighborhood Business District.

Chairman Bowser: Do I have a second?

Robyn Mondin: I'll second the motion to deny.

Chairman Bowser: Any other discussion?

No further discussion.

Chairman Bowser: All those in favor of denying, raise your hand, please.

The board voted 5-1 to recommend denial of the rezoning.

Mr. Morrow: You all can also give a recommendation for the special use permit. It would be good to give that recommendation, because that's what the ordinance calls for. When it goes to Council, if they vote down the rezone, then it stops there. But you all still have the opportunity to vote on the special use permit.

Chairman Bowser asked for a motion for the Special Use permit.

Robyn Mondin made a motion for denial.

Doug Ferguson made a second motion for denial.

The board voted 5-1 to recommend denial of the Special Uses permit.

Chairman Bowser moved on to the next item- Other Business.

AGENDA ITEM 3

Staff updates and other business

Mr. Morrow welcomed two new board members, **Bryan Gilbert**, the Town's ETJ representative, and **Julia Fogel**, who is an At-large representative and District 3. He thanked both for taking this opportunity to join the board.

Chairman Bowser moved to adjourn.

Ms. Mondin seconded.

Meeting Adjourned at 7:35 PM

Next meeting: April 21, 2026

Read, approved and adopted this ____ day of _____, 2026

Planning Director

Chairman





**TOWN OF FLETCHER
PLANNING DEPARTMENT
AGENDA ITEM COVER SHEET**

Meeting Type: Planning Board	Meeting Date: April 21st 2026
Title of Item: Zoning Text Amendment – Data Centers (26-02-ZTA) – Tyler Morrow– Planning & Zoning Director	

SUGGESTED MOTION:

<u>For Approval</u>	<u>For Denial</u>
<p>I move Planning Board recommend Town Council <u>adopt</u> an ordinance amending the official Town of Fletcher Land Development Code, amending Article 2. District Provisions and Article 18. Definitions to establish Data Centers as a defined use and prohibit it in all zoning districts based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the Land Use Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The amendment is intended to protect the quality of life and well-being of residents, workers, and visitors by preventing a use that can have significant environmental and operational impacts. The scale and intensity of this use differ substantially from other uses currently present in Fletcher, making it incompatible with the community’s existing development pattern and long-term land use goals.</p> <p>2. We find this petition to be reasonable and in the public interest based on the</p>	<p>I move Planning Board recommend Town Council <u>deny</u> an ordinance amending the official Town of Fletcher Land Development Code, amending Article 2. District Provisions and Article 18. Definitions to establish Data Centers as a defined use and prohibit it in all zoning districts based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the Land Use Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The amendment is intended to protect the quality of life and well-being of residents, workers, and visitors by preventing a use that can have significant environmental and operational impacts. The scale and intensity of this use differ substantially from other uses currently present in Fletcher, making it incompatible with the community’s existing development pattern and long-term land use goals.</p> <p>2. However, we do not find this petition to be reasonable and in the public interest based on</p>

information from the staff analysis and the public hearing, and because:

1. The proposed text amendment removes a use that is incompatible with the Town's long-term goals and vision.
2. The proposed text amendment helps safeguard valuable environmental resources while supporting Fletcher's identity as an outdoor recreation hub.
3. The proposed text amendment protects the quality of life for Fletcher residents and visitors.

[Discuss and Vote]

the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment eliminates an emerging industrial use.

[Discuss and Vote]

Attachments:

1. Staff Report
2. Draft Ordinance

TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER



COUNCIL MEMBERS:
TREVOR LANCE
JIM PLAYER
KEITH REED
AMBER MCKINNEY

Data Centers Zoning Text Amendment Planning Board April 21st, 2026

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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What are Data Centers?

Data centers are the physical facilities that house the infrastructure of the internet. At their core, they are networked computer systems designed for data storage and processing, supported by equipment such as battery systems, backup generators, and cooling technology.

Industry analysts expect continued growth in data center construction, including both large “hyperscale” facilities and smaller “edge” centers distributed closer to users. Developers are drawn to sites with low latency, reliable and affordable electricity, and access to fiber infrastructure.

While data centers have traditionally clustered near major internet hubs and employment centers, the rise of cloud computing is driving expansion into smaller metropolitan and rural areas. Large technology firms often seek sites for expansive, single-story buildings, while colocation operators may pursue infill locations or existing structures with strong connectivity.

Because data centers consume significant electricity and require cooling, developers prefer areas with lower power costs, cooler climates, and reduced natural hazard risk.

From the outside, data centers often resemble typical commercial or light industrial buildings. However, their operational characteristics are usually very different from surrounding land uses. From a planning standpoint, the most significant distinctions involve their high electricity and water consumption, potential noise generation, heightened safety and security requirements, and relatively low employment densities.

In 2020, data centers consumed roughly 200 to 250 terawatt hours of electricity, about one percent of global demand. While efficiency gains have historically offset rising usage, growing demand from streaming, gaming, cloud computing, AI, and connected devices is expected to drive higher energy consumption. This figure does not include cryptocurrency mining, which alone used an estimated 60 to 70 terawatt hours in 2020, comparable to the annual electricity use of a mid-sized country.

Both data centers and cryptocurrency mining facilities generate significant waste heat and require substantial cooling, often relying on water. A medium sized data center can use more water annually than two 18-hole golf courses.

These facilities can also produce noise, particularly from rooftop or ground mounted cooling equipment, which may impact nearby properties, especially residential areas.

Because they operate continuously and house valuable equipment and sensitive data, data centers typically include enhanced security features such as fencing, gated access, and lighting.

Source- APA’s Zoning Practice June 2022 Issue “Zoning for Data Centers and Cryptocurrency Mining” By David Morley, AICP

Current Regulations for Similar Uses

In 2023, Council added “Cryptocurrency Mining Operations” as a use listed in the Use Matrix. Cryptocurrency Mining Operations are not currently permitted in any zoning district within the Town. They are defined as “The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed “proof of work,” involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer- to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining includes the commercial “creation” (“mining”) of virtual currency not recognized as legal tender of the U.S., but does not include the exchange of cryptocurrency, the use, creation, or maintenance of all types of peer-to-peer distributed ledgers. This definition does not include use of one or not more than five computers from which cryptocurrency is mined in an enclosed structure, provided the cryptocurrency is not mined for commercial purposes.”

As you will see, the current definition of Cryptocurrency Mining Operations is silent on overall data centers. While some data centers may include a cryptocurrency component, not all data centers involve cryptocurrency. Data centers can encompass a wide range of technological functions, such as hosting websites, providing cloud services, and supporting AI infrastructure. For these reasons, it would be my interpretation that our current definition and prohibition of Cryptocurrency Mining Operations does not extend to all data centers.

The ordinance does state, however, that “Any use not listed in the Use Matrix is prohibited unless the Administrator determines that it falls within the same class as a listed use as set forth.” Since data centers are not explicitly listed as a permitted use, it could be argued that they are already prohibited. However, without a clear definition or supplementary standards, an attorney could contend that a data center falls within an existing permitted industrial use category.

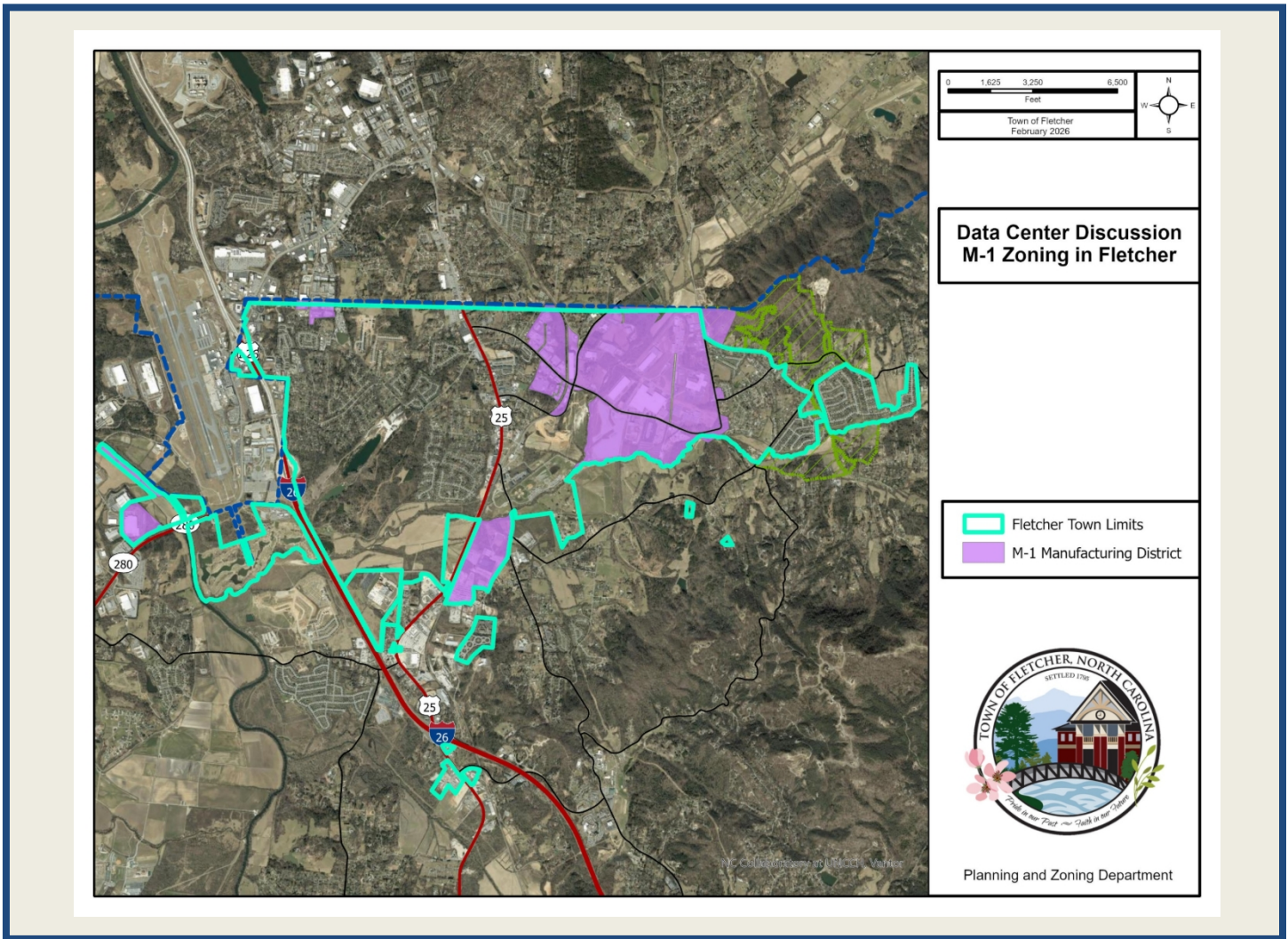


LAND DEVELOPMENT CODE

Town of Fletcher, NC

“Pride in Our Past, Faith in our Future”

Where would the Data Centers Likely be Built?



Based on the information outlined above regarding the size and configuration typically required for data centers, it is reasonable to conclude that such a facility in the Town of Fletcher would most likely only be located within the M-1 Manufacturing District. Properties within this district are generally larger in scale and capable of accommodating the square footage and building design commonly associated with data center development.

All the areas within the Town that currently hold this designation are shown in the above map in purple. The existing town limits are shown in Cyan.

However, at the direction of Town Council, the ordinance has been amended to specify that data centers would not a permitted use in any zoning district. This approach clearly communicates to potential developers that the use is prohibited throughout Fletcher and leaves no room for interpretation.

Town Council’s Request to Staff

Town Council directed staff to add Data Centers as a new defined use in the use table and to amend the Land Development Code to prohibit this use in all zoning districts within Town limits, similar to the current treatment of Cryptocurrency Mining Operations.

The proposed text amendment carries out this direction. Staff has added Data Centers as a defined use within the use matrix and designated the use as not permitted in any zoning district in Fletcher. Additionally, a definition has been added to Article 18 to clearly establish what constitutes a data center for regulatory purposes.

The proposed definition of “Data Center” states “A building, structure, or group of buildings used for the storage, processing, management, transmission, or distribution of digital data through large-scale computer systems and associated information technology infrastructure. Such facilities typically contain servers, data storage systems, networking equipment, routers, switches, and related hardware designed to support remote computing, cloud services, digital communications, or off-site users. A data center may include supporting mechanical and electrical infrastructure necessary for continuous operation, including but not limited to electrical substations, high-capacity electrical service, backup generators, battery storage systems, cooling systems, ventilation equipment, and related utility infrastructure. This use may include server farms, data processing facilities, cryptocurrency or high-density computing operations, and other similar digital infrastructure facilities. Data centers are generally characterized by substantial electrical demand, specialized cooling requirements, and limited on-site staffing relative to the size of the facility.”

Research and development	—	—	—	—	P	P	P	P	P
Storage - Outdoor storage yard, primary use	—	—	—	—	—	—	—	—	PS
Storage - Warehouse, indoor storage	—	—	—	—	—	—	—	—	P
Wholesaling and distribution	—	—	—	—	—	—	—	SUP	PS
Asphalt Plant	—	—	—	—	—	—	—	—	—
Cryptocurrency Mining Operations	—	—	—	—	—	—	—	—	—
Data Centers	—	—	—	—	—	—	—	—	—

D

Data Center: A building, structure, or group of buildings used for the storage, processing, management, transmission, or distribution of digital data through large-scale computer systems and associated information technology infrastructure. Such facilities typically contain servers, data storage systems, networking equipment, routers, switches, and related hardware designed to support remote computing, cloud services, digital communications, or off-site users. A data center may include supporting mechanical and electrical infrastructure necessary for continuous operation, including but not limited to electrical substations, high-capacity electrical service, backup generators, battery storage systems, cooling systems, ventilation equipment, and related utility infrastructure. This use may include server farms, data processing facilities, cryptocurrency or high-density computing operations, and other similar digital infrastructure facilities. Data centers are generally characterized by substantial electrical demand, specialized cooling requirements, and limited on-site staffing relative to the size of the facility.

principal residential for one or two families.

Detain: To store and slowly release stormwater runoff following precipitation by means of a surface depression or tank and an outlet structure.

Detention Basin/Pond: Engineered facilities for storing or detaining rain water runoff from a site. Detention stores water on a site to allow time for pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters (see watershed).

Developable Acreage: That portion of a tract or parcel of land which can be developed under the provisions of this Code not including public rights-of-way, streams or other water bodies, wetlands under the jurisdiction of the US Army Corps of Engineers, or areas of flood hazard.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Land Use Plan Consistency:



The proposed text amendment is consistent with the Land Use Plan's first goal, which is to provide the citizens of Fletcher with a quality environment for living, leisure activities, and work.

It is also consistent with the Land Use Plan's fourth goal, which is to discourage the development of incompatible land uses.

The proposed amendment removes data centers as a permitted use within the Town's jurisdiction. This action helps protect the quality of life and well being of residents, workers, and visitors by preventing a use that can have significant environmental and operational impacts. Data centers are known to require substantial amounts of electricity and water and can generate continuous mechanical noise from cooling and electrical systems. The scale and intensity of these impacts differ significantly from other uses currently present in Fletcher, making such facilities incompatible with the community's existing development pattern and land use goals.

AN ORDINANCE OF THE TOWN OF FLETCHER TOWN COUNCIL TO AMEND THE TOWN OF FLETCHER LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 2. DISTRICT PROVISIONS AND ARTICLE 18. DEFINITIONS TO ADD DATA CENTERS AS A DEFINED USE WITHIN THE USE MATRIX AND ESTABLISH A CORRESPONDING DEFINITION FOR THE USE.

WHEREAS, The proposed amendment establishes Data Centers as a defined use within the Town of Fletcher’s Land Development Code. Data Centers would not be permitted within any zoning district under the Town’s jurisdiction; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fletcher, North Carolina that Article 2. District Provisions and Article 18. Definitions of the Land Development Code for the Town of Fletcher be amended as follows:

Article 2. District Provisions

2.4 Use Categories and Tables of Permitted Uses

Manufacturing/Wholesale/Storage									
Agribusiness	P	P	P	P	—	—	—	—	P
Agricultural Products	PS	PS	PS	PS	—	—	PS	PS	P
Asphalt Plant	—	—	—	—	—	—	—	—	—
Construction Services	—	—	—	—	—	—	—	PS	P
Cryptocurrency Mining Operations	—	—	—	—	—	—	—	—	—
Data Centers	—	—	—	—	—	—	—	—	—
Laboratory - Medical, analytical, research & development	—	—	—	—	—	SUP	SUP	SUP	P
Laundry, dry cleaning plant	—	—	—	—	—	—	P	P	P
Manufacturing, Light	—	—	—	—	—	—	P	P	P
Manufacturing, Neighborhood	—	—	—	—	—	P	P	P	P
Manufacturing, Heavy	—	—	—	—	—	—	—	—	P
Media production	—	—	—	—	P	P	P	P	—
Metal products fabrication, machine or welding shop	—	—	—	—	—	—	—	—	P
Mini-Warehouses	—	—	—	—	—	—	—	—	P
Research and development	—	—	—	—	P	P	P	P	P
Storage - Outdoor storage yard, primary use	—	—	—	—	—	—	—	—	PS
Storage - Warehouse, indoor storage	—	—	—	—	—	—	—	—	P
Wholesaling and distribution	—	—	—	—	—	—	—	SUP	PS

Article 18: DEFINITIONS

18.3 Definitions

Data Center: A building, structure, or group of buildings used for the storage, processing, management, transmission, or distribution of digital data through large-scale computer systems and associated information technology infrastructure. Such facilities typically contain servers, data storage systems, networking equipment, routers, switches, and related hardware designed to support remote computing, cloud services, digital communications, or off-site users. A data center may include

supporting mechanical and electrical infrastructure necessary for continuous operation, including but not limited to electrical substations, high-capacity electrical service, backup generators, battery storage systems, cooling systems, ventilation equipment, and related utility infrastructure. This use may include server farms, data processing facilities, cryptocurrency or high-density computing operations, and other similar digital infrastructure facilities. Data centers are generally characterized by substantial electrical demand, specialized cooling requirements, and limited on-site staffing relative to the size of the facility.

Adopted by the Town Council of the Town of Fletcher, North Carolina on this 8th day of June 2026.

Attest:

Preston Blakely, Mayor

Christine Thompson, Town Clerk