

US 441 GATEWAY DISTRICT PLANNING COUNCIL

MINUTES

Date: January 24, 2019

Time Begin: 6:00 pm

Time End: 6:33 pm

Location: Qualla Community Center

Members	Present	Absent	Members	Present	Absent
Dora Robinson	X		Mary Moody	X	
Myra Cloer	X				
Debby Cowan	X				
Lyna Ferguson	X				

Staff Present:

Michael Poston, Planning Director
Allison Kelley, Administrative Assistant

Call to Order and Quorum Check:

Chairman Debby Cowan called the meeting to order at 6:00 p.m. and a quorum was present.

Approval of the Agenda:

The agenda was approved unanimously.

Approval of Minutes:

Myra Cloer made a motion to approve the minutes from October 30th, 2018. The motion carried unanimously.

Public Comment: (3 minutes)

There was no public comment.

New Business

a) UDO Discussion

Mike Poston stated staff changed the makeup of the 441 Planning Council. The other Boards/Councils within the county have seven regular members, and the 441 Planning Council had only five regular members and two alternates. Staff has changed the Council makeup to be identical in nature to the others and have seven regular members. He stated one of the seven members should be recommended from the Eastern Band of Cherokee Indians, and staff created more flexibility in the language if it becomes difficult for staff to receive that recommendation.

Mr. Poston presented to the Council the changes made within the Regulated Districts section. The Supreme Court ruling of the *Reed Decision* changed how staff would administer content based signage. He stated staff looked at all three jurisdictions within the county (Cullowhee, Cashiers, US 441 Gateway) and made the appropriate changes and adjustments with the sign regulations. The *Reed Decision* does not allow sign regulation to be based on its content, but allows to regulate the duration, size and location of the sign. He stated exempt signs such as government, and real-estate signs are now classified as temporary signs and applied with the same standards. Staff enforces the location of temporary signs on both residential property and commercial property. The difference between the types of properties is a commercial property allows a larger sign than a residential property.

Another change made by staff was in the Nonconforming section, which is often referred to as the "grandfathered uses and/or properties". Each of the three zoned districts has a Nonconforming section and staff has unified each district into one section. Mr. Poston stated the

US 441 Gateway Regulated District has a section that discusses road access. He stated the ordinance has language to preserve mobility along the 441 Corridor. The Planning staff has kept this Nonconforming section as the US 441 Gateway ordinance has language of road access and access management more than the other districts. In addition, the Nonconforming section in the Cullowhee Regulated District states if a natural disaster (fire, hurricane, etc.) destroyed a building, the district only allows replacing 50% of the value of the building's Nonconforming Use. However, if it was not a natural disaster that destroyed the building but the owners/tenants negligence, they must conform and comply with the current ordinances.

Mike Poston informed the Council staff will hold a Public Hearing for the recommendation for the adoption of the UDO in the February/March time frame from the Council.

b) Staff Updates

Mike Poston updated the Council that all five members have been reappointed for another term. Two more members will be appointed to the Council and staff is waiting for one of those members to be the recommendation from the Eastern Band of Cherokee Indians.

In addition, Mr. Poston briefly updated the Council on the Text Amendment to allow "Campgrounds" as a Permitted Use in the Planned Residential (PR) District. He stated the Planning Board had recommended the Text Amendment and to adopt the statement of consistency. The Board of Commissioners will hold a Public Hearing on February 5th, 2019 to consider and discuss the adoption of the proposed Text Amendment.

Adjournment:

With no further business, Myra Cloer made a motion to adjourn. Dora Robinson seconded the motion, and the meeting adjourned at 6:33 p.m.

Submitted By:


Administrative Assistant

Approved By:


Chairman, Debby Cowan