

US 441 GATEWAY DISTRICT PLANNING COUNCIL

MINUTES

Date: October 30, 2018					
Time Begin 6:00 pm					
Time End: 7:00 pm					
Location: Qualla Community Center					
Members	Present	Absent	Members	Present	Absent
Dora Robinson		X	Debby Cowan	X	
Michael Moore	X		Lyna Ferguson	X	
Myra Cloer	X		Mary Moody		X
Paula Wojtkowski		X			

Staff Present:

Michael Poston, Planning Director
 John Jeleniewski, Senior Planner
 Caroline Edmonds, Planner I
 Allison Kelley, Administrative Assistant

Others Present:

Thomas Charlesworth, Applicant
 Jeff Climno

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:

Michael Moore made a motion to approve the minutes from August 13th, 2018. Myra Cloer seconded the motion, and it passed unanimously.

Public Comment: (3 minutes)

There was no public comment.

New Business

a) Text Amendment to Article 5, Section 5.4

Chairman Debby Cowan opened the public hearing at 6:02 p.m.

Caroline Edmonds presented the staff report for the request of a text amendment to allow “Campgrounds” as a Permitted Use in the Planned Residential (PR) District. The applicant, Thomas Charlesworth is requesting a Text Amendment to Article 5 Character Areas, Section 5.4, Character Areas, Use and Design Standards.

Ms. Edmonds provided the Council with a brief background that the PR District complements development within the Sequoyah National Golf Course Community. She stated these areas tend to have higher densities than surrounding areas and districts and may promote housing choices, such as, single-family and multi-family within the same district. The Design Elements that are important to PR communities are included as follows; reserved open space, common areas, sidewalks, street trees, a neighborhood center, and easy access to major roadways. The current permitted uses in the PR District are: Active parks/recreation fields, Adult day-care

homes, Bed and breakfast, Child day-care homes, Community center, Passive park, Place of worship, Police/fire/or rescue station, Post office, Single-family attached dwelling unit, and Single-family detached dwelling unit. Campgrounds are currently permitted in the Rural Living (RL) and Recreation (RC) Districts.

Staff findings included the requested Text Amendment would not constitute "spot zoning" as the request would allow the use of "Campgrounds" throughout the entire PR District. Furthermore, the proposed addition of "Campgrounds" to the Permitted Uses in the PR District would be subject to all relative ordinances, regulations and design standards set forth by the US 441 Development Ordinance as well as any applicable Jackson County Ordinances.

John Jeleniewski informed the Council within their meeting packet includes the Character neighborhood of the districts within the 441 Corridor. Those districts are as follows; Planned Residential Community (PR), Recreation (RC), and Rural Living (RL). In addition, included for each district are the development standards, permitted uses, and conditional uses. He stated it is important to note the request is to only allow campgrounds and camping in the PR District as a Permitted Use.

Chairman Cowan asked staff if the Text Amendment will go to the County Commissioners. Mike Poston stated the process for the Text Amendment is the 441 Planning Council would be acting as an advisory Council and would make a recommendation. The recommendation will then be forwarded to the Planning Board to make a recommendation. The Board of Commissioners would then hold a Public Hearing, and look at both 441 Planning Council, and Planning Board recommendations to aid in the final decision.

Chairman Cowan inquired if the process would be the same if the Text Amendment request was for a Conditional Use versus the Permitted Use. Mike Poston stated that a request for Text Amendment for a Conditional Use would still be the same process. Permitted by right is to allow the existing development standards and staff makes those determinations in-house. The building setbacks, lot dimensions/coverage and density/intensity requirements would still apply. He stated for a Conditional Use, there will be conditions that the applicant is required to comply. In this case, the applicant would be connecting into a Department of Transportation (DOT) road and they would have to comply with DOT standards and obtain a driveway permit.

Lyna Ferguson inquired who owns the surrounding properties. Ms. Edmonds stated there are multiple parcels and they are each individually owned by different people.

Myra Cloer asked staff if the property entrance is from the DOT access that connects into Shoal Creek Road. Mike Poston stated he believes the majority of the property is on Highway 441 or Shoal Creek Road and it depends on which property they are viewing to determine that.

Chairman Cowan inquired if there are County or State regulations regarding campgrounds and how they are built. John Jeleniewski stated the Environmental Health Department would be involved in that process and would regulate septic. Mike Poston stated if the Council decides to allow as a Permitted Use, there will still be standards required to be met by the applicant. Mr. Jeleniewski stated Building Inspections will be involved in the process. The building code will be applied, and the applicant must comply with Americans with Disabilities Act (ADA) on any public spaces such as stores, pools, etc. The Planning Department is the first step in the process, then the applicant will have to comply with other government departments.

Mike Poston stated there are additional development standards such as; Dumpster Enclosures, Utility Equipment, Exterior Lighting, Landscaping, Buffers, Fences, Stormwater Management, etc. If the applicant triggered the need to have these additional standards, the ordinance will reflect those standards. He stated when two of the same uses are next to each other such as commercial, staff does not enforce placing in-between the same use a vegetative buffer. A vegetative buffer is used to separate two different types of uses (commercial and residential) next to each other to reduce the noise from the parking lot or people coming in and out of the commercial building.

Chairman Cowan inquired if they could request this property to be reassigned to be in Rural Living District. Mike Poston stated the property is on the edge of the district, and he believes there would be questions regarding if that constitutes the concept of "spot zoning." If the

property was immediately abutting the Rural Living District, he believes "spot zoning" would be considered. Mr. Poston stated it is problematic because the property is near the end of the Rural Living District, and there are two different districts that immediately surround the property. The Text Amendment would reduce the risk of a potential legal issue that may occur from "spot zoning."

Mike Moore asked staff if there is an existing campground on the property. Mike Poston stated the property did have a campground, however it stopped operations and staff cannot recognize it as a nonconforming use or to be reestablished and not have to comply with the ordinance. John Jeleniewski stated the ordinance would require the applicant comply if the campground is vacant for 6 months or more.

Chairman Cowan asked if staff has heard the thoughts from the Tribe since the property is touching the Golf Course. Mike Poston stated he did not know the Tribe's thoughts and opinions, but he does not believe it abuts their property.

The applicant, Thomas Charlesworth informed the Council the property was a campground for approximately 30 years and has been shut down for 10 years. He stated, there are currently tenants that live on property in the house. He stated the infrastructure for the campground already exists, the property has a store, house, and pool. He plans to not change the structure but update everything to be more attractive and modern. He has studied the 441 Corridor and appreciates the Council, and his philosophy is to keep the community and the mountains intact. In addition, he would like to offer the community and visitors a place to enjoy the area. Mr. Charlesworth stated he plans to reopen the store as a general convenience store. His original plan was that the campground would be a seasonal business from April to October. However, he plans to get the store to the point where it can be an annual business and provide to the community. Mr. Charlesworth stated his realtor informed him he grew up working at the campground, and drew a map of the property. From the map, there are approximately around 50 camp sites with full hookups and the remaining third of the property is tent sites with fire rings. He stated he has had positive feedback from the community, for example his banker mentioned growing up she would spend her weekends at the previous campground and use the pool.

Chairman Cowan asked staff if there are any issues with the store. Mr. Jeleniewski stated neighborhood retail establishments are permitted with a Conditional Use. Mr. Poston added under that proposal there may be some components that will come back to the Council to review.

Michael Moore asked staff if the Council is to determine if they approve or do not approve the request. Mr. Poston stated that if the Council is willing to make a recommendation to allow this use within the district or to not allow the use based on the information provided from staff. The recommendation the 441 Planning Council makes will be taken into serious consideration by the Board of Commissioners. He stated the Council members are appointed to help guide these types of conversations within this area because they are a resident and part of the community. He stated the Council members have more context and information on the history of the neighborhood than both staff and Commissioners.

Myra Cloer inquired if Fort Wilderness Campground is grandfathered in. Mike Poston stated the campground must be operational and established before 2008/2009 to be grandfathered in. However, if Fort Wilderness Campground were to shut down for more than 6 months staff would have to go through the ordinance and apply the standards to see if it would comply. The property may be in RL District which campgrounds are a Permitted Use. Mr. Poston stated if the property is not in the RL District, the Council should consider if there is already an existing campground in the PL District.

Michael Moore made a motion to recommend the Text Amendment and to adopt the statement of consistency. Myra Cloer seconded the motion and it carried unanimously.

The public hearing ended at 6:38 p.m.

b) UDO Articles VI, VII, and X

Mike Poston presented UDO Article VI, the Development Standards section. The section includes general development standards related to Outdoor Lighting, Wireless Communications Facilities, Manufactured Home Parks, Industrial Development, and Adult Establishments. The Planning staff kept the same standards but removed the Administration & Enforcement, and definitions. Staff will revisit Outdoor Lighting due to LED technology becoming a new type of lighting system in the future. Article VII is the Signs section. The Supreme Court case, *Reed v. Town of Gilbert, Arizona*, is known as the *Reed* decision. This decision limits the ability of jurisdictions, local, and state governments to regulate non-commercial content. The draft now reflects the duration, size, and location of the sign. Article X is the Violations and Enforcement section. Under Procedures, staff added both Planning and/or Permitting and Code Enforcement Director will make enforcement actions that may lead to certain types of procedures. In addition, Article X references the state statute that governs how notices are issued and standardized throughout the ordinance. Both Planning and/or Code Enforcement decisions can be appealed to the Board of Adjustment when outside the zoned districts or to the appropriate Board/Council within the zoned districts.

Adjournment:

With no further business, the meeting adjourned at 7:00 p.m.

Submitted By:


Administrative Assistant

Approved By:


Chairman, Debby Cowan