

Cashiers Area Community Planning Council
Special Meeting Minutes
March 27, 2024
6:00 p.m.
Cashiers/Glenville Recreation Center, Community Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Daniel Fletcher	X		Sonia Morales		X	Dr. Douglas Homolka	X	
David Bond	X		Carole Stork	X		Judy Zachary	X	
Glenn Ubertino	X							

Staff Present

Michael Poston- Planning Director
 John Jeleniewski- Senior Planner
 Anna Harkins- Planner I
 Allison Kelley- Administrative Assistant III

Others Present

Chad Meadows, CodeWright
 Paul Robshaw, Vision Cashiers

Call to Order

Chairman Glenn Ubertino called the meeting to order at 6:01 p.m. and a quorum was present.

Additions to/Approval of the Agenda

Doug Homolka made a motion to approve the agenda as written. Daniel Fletcher seconded the motion, and it carried unanimously.

New Business

a) Vision Cashiers work on Pedestrian Mobility

Paul Robshaw stated Vision Cashiers is trying to make Cashiers into a walkable community, instead of the drivable that it is now, and a campaign we are about to launch is going to be called Walk Cashiers Bringing Us Together. Our concern is that we do not want to become a short-term rental community, where there are all kinds of strangers here and the friends that we have are not seeing each other. Walkability becomes a major initiative for Vision Cashiers, and we went to the Chamber of Commerce and the County, and we got support to do a joint initiative with the three of us being the sponsors of Walk Cashiers, and decided that no decisions would be made about Walk Cashiers unless all three of us agreed to it unanimously. We pulled in Jackson County Tourism Development Authority (TDA) because they loved what we are doing and asked to not be a part of the decision-making process but to come to them for money when needed. Overall, this is a five-mile route that we have designed that goes all the way to Ingles. The County is really strong on taking this walkability to Ingles. The developments East Village, Cashiers Marketplace and Cashiers Lake have all said we embrace walkability as a big part of our community and they think doing this is just great. The phase one includes raising money to do parts of this and the developers are going to do their own as they will do those three

developments, but the rest of it is going to cost about \$5 million dollars. The TDA has already indicated that they want to support it and we do not know how much. We have already raised about \$1.5 million dollars toward the \$5 million to be able to do this. We already have public support, but we want to get phase one done so we can show it to the seasonal who return around June, and raise funds from them to be able to support the rest of this. This endeavor involves building all of this with pathways, boardwalks or wet areas, many parks, trails, and we have employed the Dargan group to help us with the landscaping. We believe it will be a first-class destination for people to come to Cashiers. The first phase starts from the Chamber of Commerce, going around behind Zoller's, behind Whiteside, behind The Wells, going to behind the parking lot at Bucks, and then coming down to the Keller Williams building. That first phase we are expecting to have done by June 1, we already have bids and contractors. The main reason he is here today is he went to DOT and told them he believes we need a traffic light for pedestrian crossing at the what we call the foundation property at the end of Zoller's parking lot. The DOT agreed and said that speeding is big deal on Highway 107 and Mr. Ubertino told him that there is usually an accident a month on that route, and if we can slow the traffic down, we will. However, DOT said, you have no power or authority and you have to go to the Council and get them to make this request. He stated his request tonight is for the Council to make a motion, a second, and vote to ask DOT to install a pedestrian traffic light in that area. In addition, he stated Marty Reed, who built the Boys and Girls Club and is building the 911 building has agreed to help us to try to move this through the bureaucracy that exists with the DOT. The two contractors who did it for the Boys and Girls Club have also said that they would get involved in doing this, and we are hopeful that we can get it done quickly as that is a challenge with DOT.

David Bond stated his office is across the street that overloads the crossroads, and the farmers market is directly across the street from where he is in Chestnut Square. He stated that same problem exists right there, and you are talking about the trail coming out where landmarks office has moved into over there. Mr. Robshaw stated it is not going to come out there, but it is going to pass through the back of Bucks. Mr. Bond stated that could also be something to be looked at later on as it is something of importance as there is a ton of pedestrian traffic through there. Mr. Robshaw stated that they would certainly look at that. Mr. Bond stated it is probably a more critical area than what we are talking about right now because the traffic gets backed up there and people are trying to get across. Mr. Fletcher stated if we are considering that, more people are going to be using that route to go around and you are going to have more of a bottleneck across the farmers market in theory. Mr. Robshaw stated that could be next phase as this is a multi-phase project. Mr. Bond stated if they could please take that into consideration.

Mr. Fletcher inquired about repainting some of those crossings on the road so they are more visible. Mr. Robshaw stated he believed is was referencing all that is needed to be painted by DOT and inquired from staff if there is any routine to that. Mr. Poston stated he believed that we would need to talk with the maintenance people who do that contract work about coming in. He believes we would have to make a request that they evaluate the current crosswalk and markings to refresh those and make sure they are visible.

Daniel Fletcher made a motion that acknowledges that the Planning Council is supportive of the high visibility pedestrian crosswalk at the proposed location near Zoller's. The motion also included that if necessary the Planning Council would make a recommendation to the Board of Commissioners that they would support the high visibility pedestrian crosswalk if required by DOT. Doug Homolka seconded the motion, and it passed unanimously.

b) Recodify Cashiers: Community Character Analysis Presentation-Chad Meadows, CodeWright

Mr. Meadows highlighted the procedures as follows:

- Conditional Rezoning
 - Text amendments that the Cashiers Community Planning Council (CPC) will be involved with and make recommendations on any conditional zoning application and the associated concept plan that goes with it. There will still be a community meeting that happens before the application is submitted or certainly shortly thereafter but best practices are before. Once the CPC has had their consideration, made a recommendation, this will go to the County's Planning Board for consideration, then it goes to the Board of County Commissioners. Under the conditional rezoning process, you have three shots plus the opportunity to have more discussion and debate. You do not have to demonstrate your standing to participate, there is negotiation and compromise, and all of the things that seem to be missing from the special use permit process are integrated into this. The conditional rezoning application will have a concept plan, a Traffic Impact Analysis and an opportunity for application of conditions. For people that voluntarily provide sustainable development features in accordance with the schedule that is within the ordinance they are suggesting adding additional density credits, additional height requirements or credits and reductions in the number of parking spaces that have to be provided.
- Conventional Rezoning
 - We have kept the conventional rezoning process in place and the CPC will be making a recommendation for those applications. A conventional rezoning application does not have a concept plan, it does not have conditions as you cannot apply conditions, and it does not have a Traffic Impact Analysis because you do not know what uses are associated with it.
- Administrative Adjustment
 - This exists today and is a safety valve and a mechanism that allows staff to make small de minimis adjustments to applications at the applicant request subject to criteria. These are the situations under which you can ask for an administrative adjustment and are the things that you can waive or deviate from. The amount is capped at 10% and the things that can be adjusted are numerical standards, setbacks, the number of required parking spaces, building height, etc.
- Design Review
 - This is in your current code and the thinking at some point in the past was to have either the staff or in many cases the CPC reviewing building designs and site designs. However, that has not worked out so well for a variety of reasons, not least of which is that your design standards are not that great. All of your standards should be numeric or at least as numeric as possible, and should be

measurable so that you can apply criteria to them. We will be working on codifying the design standards as we have been working on the community character, roof pitch, materials, building placement, and all of that will be codified in the ordinance. You will not need a Design Review anymore, and we are suggesting that it be abolished.

- Site Plans
 - Site plans are reviewed administratively by staff and that process will continue. A conditional rezoning is required to have a concept plan but they still have to come in for a site plan. An approval of a concept plan is not a site plan approval or a subdivision approval and those still have to go through the review process. Staff makes decisions on site plans in accordance with the codified regulations.
- Special Use Permits
 - The CPC will continue to have special use permits as there are certain uses that have federal protections that basically necessitate use of a special use permit process. Those uses are typically adult uses, group home, manufactured housing communities, etc. There will still be some special use permit procedures, but they are not going to be these 4000 or 6000 square foot affairs. If one of those comes along and it happens to require a special use permit, but it triggers our conditional rezoning thresholds, it will go through the conditional rezoning process, then through the special use permit process.
- Determination
 - State law requires that local governments create a process where applicants and citizens can request formally, what does the code say, what does the map say, what does this condition of approval mean, what is the vesting status of my property, and how is this use classified, etc. The County has to answer in writing, and that writing is a decision that is appealable. We are suggesting that a determination process be incorporated in your ordinance, so there is an opportunity for people to work with staff and to have them prepare responses in writing about what the standards say or what they mean. Staff already does supply letters of determination for anybody that requests them but this is about making sure that it is codified within the ordinance.
- Fee-in-Lieu
 - This is a system where people can request to provide money instead of providing something else that was otherwise required. You can only use fee-in-lieu for like features such as sidewalks, open space, street extensions, landscaping, etc. in the general vicinity of where the money is collected.

Mr. Meadows stated one of the hallmarks of a poorly written code is a heavy reliance on one off legislative or quasi-judicial proceedings, where we do not really have any standards and we just kind of wing it, and then we have to have our elected officials or our appointed officials sit in judgment of these applications with no standards or few standards, and try to make decisions on that. This is a process that is not predictable, it takes a very long time, it is expensive, and it puts a bad taste in a lot of people's mouths

and we want to stop doing that. In order to do that, we want clear, codified standards and the rules are set down in the book, we all agreed to them and everybody is comfortable with them and this is what we want. If somebody comes in and says here, this is what you want, I am proposing what you told me you wanted, there is no need for you to have a lengthy review and deep discussion about it. Staff will review and determine if it meets what we said we wanted and if it does it is a win, win. We are looking to revise the Planning Council's role in the development process, and we would like the Council to focus on making sure that the regulations are properly calibrated and adjusted as needed when you see something that is not working the way that you intended it to.

Mr. Meadows stated regarding the special use permit process he has heard from the community, the Council, the applicant, and this process approach is burning staff out and they are exhausted. Our Council members are concerned about the impact they are having and the community feels like the stuff is never ending, and that is on top of the fact that this process that you are using is extremely dangerous from a legal standpoint. We believe it is time to look and explore something else and in order to get that we need to balance the community's voice, and we are open to talking about ways that could be done if an upfront community meeting is not enough. There have been some suggestions about we could delegate the CPC as the body that decides these conditional rezoning cases. There are three or four communities in North Carolina where a lay body has been appointed as the arbiter of ordinance amendments. However, it requires special authorization from the General Assembly for that to take place and we do not have that special authorization. If the CPC wants to have the authority of deciding conditional rezoning they would need to talk with their elected officials in Raleigh and ask them to sponsor the Bill, and if that is approved the County officials will have an opportunity to weigh in on that. Even if the County officials suggest that it is okay, the appeal process of the CPC's decision still goes to the Board of County Commissioners. Help us find ways to make sure that the community voice is heard and integrated through these conditional rezoning cases in ways that recognize the resource limitations that we have, and the clear standards that we are trying to write and help us pinpoint where can the community have its the biggest input and impact on these applications. In this different framework we hope works better and is more resource effective and is less legally dangerous.

Districts

- Current districts within the Cashiers Commercial Area the Village Center (VC) and General Commercial (GC) that will be removed and be replaced with the following districts:
 - Cashiers Residential (CRS)
 - 4.0 Units/Acre
 - Single-family detached (SFD), duplex, triplex, quadplex(?), accessory dwelling unit (ADU), manufactured homes
 - Allow schools, churches, fraternal organizations, minor utilities, major utilities, towers
 - Cashiers Non-Residential (CNR)
 - 4.0 Units/Acre
 - SFA, triplex, quadplex, multi-family, No single-family detached (SFD), Institutional uses, retail, office, restaurants
 - Light Industrial
 - Cashiers Mixed-Use (CMX)
 - 8.0 Units/Acre
 - SFA, Multi-family, live/work, all forms or residential; Institutional; retail, office, personal service, restaurants
 - Must mix 2 housing types or 2 non-residential use types

- No light industrial(?)
- Cashiers Conditional (CCD 1,2,3...)

The proposed districts and draft map are based on the current existing land use, and are also suggesting to broaden the current zoning districts from just commercial to incorporate the ability to have some residential zoning to recognize the fact that is how the land is being used. In addition, the methodology used is if a lot is vacant and does not have frontage on a state road, it received a residential designation. If you would like to change the zoning designation it would be through a map amendment process that the CPC would be involved in. In addition, you can ask for a conditional rezoning but there are thresholds of 20,000 square feet of gross floor area or more on your site, whether that is one lot, 10 lots, one building, 10 buildings, you have to go through the conditional rezoning process. The other trigger for a conditional rezoning process is traffic and many trips do you generate a day. Mixed-use sites are sites that have residential and non-residential on the same lot, and there are a few applications that are out there for this kind of mixed-use development that they have recognized.

Mr. Meadows stated the planning community believes that the General Assembly, in maybe not the short session that starts on April 24 of this year, but rather the long session that starts in January of 25 is going to step in and preempt all local governments from regulating duplex, triplex, quadplex, and you are going to have to permit it by right everywhere. In addition, he stated they are going to step in and say all local governments in North Carolina have to permit duplex, triplex, quadplex in any district that allows a single family detached dwelling, and you have to do it by right. There was a bill that did just that this last session but it did not pass. Mr. Poston stated the building code that did pass was that duplexes which was already under the residential code, but added triplexes and quadplexes under the residential code as opposed to the commercial code.

Mr. Fletcher inquired if a building type that has retail on the ground floor and then apartments on the second floor, potentially third floor, where could you do that? Mr. Meadows stated non-residential and mixed-use, but the difference is the density. In addition, we have capped a density at four units an acre in the non-residential area and would be less intense than the mixed use that is developed at the full density that is available. However, it is not that simple because we have wastewater concerns to deal with, parking concerns, and site capacity issues to work through.

Mr. Homolka inquired why is there a restriction against single-family detached in non-residential? Mr. Poston stated in most communities, if you look at their commercial or non-residential districts, they are trying to ensure that there is a good mixture of single family within the residential areas and non-residential opportunities. This is a planning tool that is used to encourage types of developments where we believe compatibility will be better situated. In addition, it is more common that you do not allow single family homes in your commercial districts because of conflict of the different uses that you can have next door.

Mr. Meadows stated some of the key topics to address and things that they are hearing is “don't send power down the mountain”, “keep Cashiers, Cashiers” and we want to add two words to that phrase, which is “just better”. Better means more consistent with the community character that we identified, that we agreed to, and that the CPC will be the ultimate arbiters of through their work on the zoning ordinance. Finally, letting the Planning Council plan and moving out of application review responsibility. We want the CPC to be planning and thinking about how can we make the regulations better, how can we affect sidewalk projects across the village, how can we get more open space, and how can we protect more environmental sensitive lands, etc. We would rather have the CPC be doing that than hearing six hours of testimony about whether or not

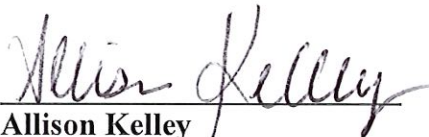
somebody has standing on a special use permit case as that is not the best use of your time.

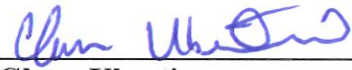
Mr. Meadows stated they have a public forum scheduled tomorrow at 6:00 p.m. in the Community Room at the Albert Carlton-Cashiers Community Library to discuss changes to parking, open space, landscaping, signage and design standards, etc. In addition, they also want to give the community the opportunity to interact with the proposed map. The meeting has been advertised as a special meeting so that members of the Council could be there and be a part of that conversation. Mr. Meadows will be back at the end of April with the draft ordinance for the CPC to review and then in May with a revised version before the formal adoption process. In addition, he stated we would like to start the adoption process which begins with the CPC in June or July. There are some office hours still available to meet with Chad from 1:00-3:00 p.m. and anyone can sign up by contacting planning staff member Allison Kelley to set up a meeting time.

Adjournment

With no further business to discuss, Doug Homolka made a motion to adjourn. Daniel Fletcher seconded the motion and the meeting adjourned at 7:28 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Glenn Ubertino
Cashiers Planning Council Chairman