

Cashiers Area Community Planning Council
Special Meeting Minutes
March 28, 2024
6:00 p.m.
Albert Carlton Community Library, 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
 Anna Harkins- Planner I
 Allison Kelley- Administrative Assistant III

Others Present

Chad Meadows, CodeWright

Call to Order

Chairman Glenn Ubertino called the meeting to order at 6:07 p.m. and a quorum was not present.

Additions to/Approval of the Agenda

There was no quorum present, no agenda was approved.

Public Forum

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

Mr. Meadows asked the Council what were their opinions and thoughts regarding being the deciding body for conditional rezoning's as he has received some feedback from some members from the community that believe they should be the deciding body for those cases. Currently, the Council holds a public hearing for the conditional rezoning cases and makes a recommendation then it goes to the Planning Board for a recommendation and then to the Board of County Commissioners that holds a public hearing and is the deciding body. There was discussion regarding the rezoning process and that typically there is no expedited process as they still have to follow state statutes and advertise two weeks before the public hearing. In addition, the Council and the Board of Commissioners have to call for a public hearing before they are able to hold a public hearing. Mr. Meadows stated the local government can say that they are going to create a schedule of how many rezoning requests they are going to process because the public notice drives the schedule. In addition, he stated it is still an open question about whether or not the County wants to consider some kind of interim window where people can come in and make requests for changes from what we are proposing.

Mr. Meadows stated tactically, we did not want to explode development potential in Cashiers overnight, because we are worried that we are going to have enough blowback, just from what we are proposing. That is the reason why he is making the

suggestion about mixed use because he is very concerned that they are going to come out of the woodwork and say you are tripling densities and I do not even get a say.

Mr. Poston stated the legislative process is fairly standard, and anytime the Council will look at a rezoning, it is the same process as a text amendment but it is different as we are making a map amendment as opposed to a text amendment. He stated you are still going to address the planning documents and consistency, but you do not have to actually make decisions based solely on that. However, if you make your decision that says our documents are a little bit outdated and it is seven years old, we think that this area is developing a little bit different than that. Then the Commissioners once they have adopted the rezoning, and recognize it is not consistent with what the what the color on the map is in our plan, but it is reasonable in the public interest for the following reasons, that is the process of how things get approved.

There was discussion of a possibility of an interim period, where we are going to have a process for people seeking changes to the map, and to simplify that process for people. Mr. Poston stated they could think about how they would work that process, but it would still be a rezoning process which is a legislative process. The Cashiers Planning Council would still hold a public hearing, give a recommendation, and there would be in that process allows for the community to be involved in all three steps which is the Cashiers Planning Council, Jackson County Planning Board and the Jackson County Board of Commissioners. He stated there is not a public hearing at the Planning Board, but there are always public comments when it is on the agenda.

There was discussion regarding the map methodology and why they did not use the land use plan to think more deeply about the residential or the non-residential designations that they are making. Mr. Meadows stated because people will freak out and that the County was not paying him enough to think about the 300 rocks that actually need to be thought about in that way. There was discussion about why the map methodology was not based on walkability. Mr. Meadows stated the reason why the decision for the methodology was made to go based off of the current property use is because we did not want to have to justify the thought process and we wanted to say that this decision is sound and you could throw any lawyer you want at it. He stated in many ways, this is kind of a downzoning in a lot of places. There was discussion about an opportunity for debate and discussion regarding the map and the possibility to consider holding off on the map but to move forward with the language adoption.

Mr. Poston stated this is a draft map and based on the feedback they would go back and evaluate their methodology. He stated any map that we propose to the Council will have a methodology that will be easy to explain, easy to understand, and easy to calibrate when making these determinations. Staff would go back and look at the land use plan and would match up the different terminology.

Mr. Fletcher stated he believed that all on the Council would agree that they have had conversations about what is our job. For example, with the special permit process it is almost like we do not really have a job as we just sit there and we listen. He stated he is referring to these projects that they are currently dealing with now, and even if we do say no, and we all hate a project, it does not really matter. Mr. Fletcher stated an example is the TJ Bailey's project that came up recently, which he had thoughts about that could have been addressed better. However, at the end of the day if it falls within the parameters, it does not matter what you say, and that is what he is trying to address. He stated with the special use permit process that we have now, which is a horrible process. Even that process he feels like we do not really have much say, we can ask questions, we can put conditions or request conditions, etc. but at the end of the day, it is not like we can nix a project. Mr. Poston stated that is an evidentiary process, and you would have to have some evidentiary basis for making the decision, regardless of what decision you

make. Mr. Fletcher stated his hope is if this conditional rezoning process ends up giving some power to the Council, where they could at least could control the process.

In addition, Mr. Fletcher stated when he was asked to join the Council, he was under the impression that all we were going to do is Architectural Review, where you look at buildings and say this is pretty, this is not pretty I want more windows. He stated he did not join the Council to do what we are talking about as he does not have the experience since he comes from a design background.

Mr. Fletcher stated he believes most of us on the Council are similar in the terms of we do not have the experience and the capabilities to make these decisions, especially when we have the whole town come at us and we are not allowed to talk to them. He stated the new process will be better in those kinds of things as we can ask for opinions and advice, and we can talk amongst each other. He believes in that sense it is great, gives us more options, and it is less pressure on us to make that bad decision. We are business owners or stakeholders and we do not want people mad at us or people coming at us at Ingles telling us that you should do this and emailing us as it is not a great situation. In addition, he stated we try to avoid as best as we can but if there is three of us in Ingles we cannot talk. This is a volunteer position and we are coming to two to four meetings a month and most of the Council cannot do that. Therefore, if in any way we can streamline that process, that is already a bonus and a great achievement because if you actually want the Council to be engaged, and effectively do our job, you need to make it easy.

Mr. Fletcher inquired if the Council would at some point go over the table of permitted uses for each of the proposed zoning districts which includes residential, non-residential and mixed use. Mr. Meadows stated yes, the Council would be going over and reviewing the proposed table of permitted uses for each of the proposed districts.

Mr. Meadows stated he believed that the Council needs to get out of the development review business, and the Council needs to be doing what planning boards do, which is thinking and working on studies and discussing ways to change the regulations to be more of what you want. Instead of making decisions on applications that are already complete when they come to you and already meet the standards, because staff is not going to bring you something that does not meet the standards. In addition, he believes that the conditional rezoning gives the Council a chance to talk to people and hear ideas and propose things to an applicant, not necessarily conditions, but ideas and thoughts for the Council to think about and ask about.

Mr. Poston stated this process also frees up the community to access the Council before the hearing process and it opens it up to have a more robust conversation. The quasi-judicial process is coming to the Council as almost a finished product because a special use is already set up that way in the ordinance because it says that it is allowed if you can meet the standards and show that you can meet those standards. The applicant during these evidentiary procedures is required to prove that they meet those standards or opposing parties can bring in an expert to provide testimony or evidence that can prove that they do not meet those standards. The Council is evaluating the evidence in these quasi-judicial hearings and that is how they will come to a decision on whether to approve or deny the application. The legislative process is more open and you do not have to have standing to participate during the process and the Council can talk to their neighbors and developer to get a better understanding prior to the public hearing to gauge what the community thinks. Therefore, the legislative process is in some ways more open for conversation and community discussion before it gets to a point where people are upset about certain aspects, and communication is some form of power.

Mr. Poston stated regarding Mr. Fletcher's point regarding the TJ Bailey's project and having some concerns over that project. He stated Mr. Fletcher mentioned is that we

have a minimum area of glass required but we do not have a maximum. Part of those concerns if you reframe your duties as a Planning Council member is that you have the opportunity to spend more time discussing those types of policy issues and making recommendations to the Board of Commissioners. The Council can also discuss if they notice a new use that is happening in the towns around them before it gets to Cashiers and whether or not it is a good use or if we want to prohibit that use. The Council can have those conversations more proactively because they are focused on these types of issues that will impact the village.

Mr. Poston stated they would still have to have quasi-judicial hearings for variances or when somebody does not agree with staff's decision they can appeal it and this Council would still be the body that would decide that. In addition, there will still be some special use permits that does not happen much in the County or Cashiers that are federally protected such as group homes as it is more appropriate to be very regimented on how we approach those uses from a legal standpoint as those are federally protected. He stated that everything else would be legislative with a more robust community conversation. Mr. Poston stated that changing the focus of the Council they would still have some power as they would be focused on how these rules and regulations are impacting the people within a certain district, and how that impacts the community at large.

Ms. Stork stated that those she has talked to the community that thinks she has any power to stop projects, she has directed them if they want to see changes is to provide input to the people that are revising the Unified Development Ordinance because that is where the power lies.

Mr. Poston stated we are not saying that the Council in the quasi-judicial process does not have any authority or power because they are invested with some decision-making authority. However, the Council has to base their decisions on competent material, factual evidence that is presented inside the hearing process and you cannot make a decision solely based on opinion in these cases. Mr. Poston stated any changes related to the Unified Development Ordinance the Commissioners are ultimately the ones that make the final decision on any of those proposed amendments. During his time with the County he has yet to see from any of the three Planning Councils make a recommendation or change to the text that the Commissioners and the Planning Board had not concurred with. Typically, they have had some questions about those recommendations and proposed changes and staff has explained to them the reason why. As with any type of decision, they still have to understand what is being asked and why it is reasonable and in compliance with that.

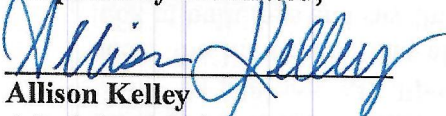
Ms. Harkins typically any of the map amendment or a text amendment that she has been involved with, both the Planning Board or Board of Commissioners will ask what did the local Council say and how many people came to the public hearing and what was the community's feedback.

Mr. Poston stated they are asking the Council to meet in April, May and possibly in June to discuss this specific project in the hopes of moving this into a final product as that is their goal.


Adjournment

With no further business to discuss, the meeting adjourned at 7:16 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant



Glenn Ubertino
Cashiers Planning Council Chairman