

Cashiers Area Community Planning Council  
 Minutes  
 April 26, 2021  
 5:00 p.m.  
 Village Green (Common Hall) & Virtual

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond	X		Robin Ashmore	X		Michael Cox	X	
Bob Dews		X	Mark Letson	X		Deborah Townsend Stewart	X	
Glenn Ubertino	X							

**Staff Present**

Michael Poston- Planning Director  
 John Jeleniewski- Senior Planner  
 Heather Baker- County Attorney  
 Allison Kelley- Administrative Assistant

**Others Present**

Mike Benitez, applicant for Grouse Point Phase 3

**Call to Order**

Chairman Michael Cox called the meeting to order at 5:02 p.m. and a quorum was present.

**Additions to Agenda**

Glenn Ubertino made a motion to approve the agenda as written. Mark Letson seconded the motion, and it carried unanimously.

**Public Comment**

- **Ken Fernandez:** He stated he would like to state his support for the Cashiers Small Area Plan, the proposed hillside project, and to correct and remove the maximum building size from the UDO. He supports conditional use zoning as there are different opportunities to better serve the Cashiers area to help guide a common place to work, live, love, visit and thrive. One opportunity he participated in was the Cashiers Small Area Plan that included direct surveys, group discussions with stakeholders, second homeowners, realtors, business owners. This process took a long time with hard work and was adopted in March 2019. He asked the Council to consider what Cashiers would become if they put unrealistic expectations and limitations on future growth in our village.
- **Bill Horton:** He stated he was a permanent resident of Cashiers for over 30 years. Regarding the thirty-thousand-foot level he agreed with the general recommendations from the report from Jake Petrosky with Stewart Inc. He believes they need specific building size limits within the range Mr. Petrosky contemplates. He also agrees with increasing limits on impervious surface, and updates to the requirements for the special use permit with particular attention to the large-scale developments and multi-unit developments. He would like to focus on traffic, the revisions to the UDO need to be made in the context of the realities of Cashiers today. We all know that traffic is a serious and escalating issue, and we do not have any affect of 107, 64 bypass option on the horizon and particularly as it might relate to heavy construction traffic. While the Cashiers Small Area Plan contemplates some type of connector, nothing specific yet exists. They have an application from DOT for road widening or roundabout construction to be made and that was all based on traffic analysis made prior to the recent explosion in growth we have seen over the last two years. It is critical that the scale and timing of projects needs to be carefully managed in the



context of our current traffic realities. There is nothing wrong with thoughtful and controlled growth, but could you imagine what would happen if the DOT started a road widening and roundabout project at the same time that they started some type of large-scale development in very close proximity to the crossroads. He believes that would be a catastrophic event for the community for about one or two years. He strongly urged the Council to adopt Mr. Petrosky's recommendations, his outline and short-term recommendations number 4, to increase the requirements for major developments when they apply for a special use permit. He believes it is appropriate for developments of a large scale to do significant homework ahead of time with detailed traffic impact analysis as well as studies confirming water and sewer availability, presenting stormwater analysis and erosion mitigation plans. Those should all be essential for that type of project, due to the given traffic situation we deal with today. He is strongly in favor of increasing the impervious surface changes Mr. Petrosky recommended moving from 70% to 50% or even more. He asked the Council to strongly consider increasing those impervious surface requirements based on the slope as steeper slopes deserve more significant restrictions.

- **Budd Litowitz:** He stated he has been a resident of Cashiers since 2013, and whether the Council chooses to adopt a conditional zoning ordinance or a special use permit process for major project submissions in the Cashiers area. It is important to highlight your planning staff and Jackson County Commissioners own words from the Cashiers Small Area Plan process and adoption in 2019 as well as those stated in the Unified Development Ordinance (UDO) as it relates to those two districts. During the Cashiers Small Area Plan public hearing and charrette process the most liked was a picture contained in the final plan report of a pedestrian oriented low-rise mixed-use village area. The picture reflected the intent and character identified in the (UDO) in both the village center and general commercial district as a quoted "*maintaining the traditional scale of development in the Village Center*" and "*acknowledging the need to preserve the small-town character of Cashiers.*" Maintaining the traditional scale of development and acknowledging the need to preserve the small-town character of Cashiers are your words, not ours. During the Cashiers Small Area Plan adoption, the Jackson County Commissioners Chairman McMahan stated "the plan was a guiding document of the overall goals". He believed the intent of these ordinances, public participation, and your County Commission's own words and plan adoption is clear. They should follow their own words, address new development proposals regardless of the form in which they are presented for this area, acknowledge the need to preserve the small-town character of Cashiers, maintain the traditional scale of development, and honor the explicit intent that was presented in the Cashiers Small Area Plan and UDO.
- **Turner Inscoc:** He stated as a representative of a land owner with properties both inside and outside this village overlay and a person with a great passion for Cashiers, we care deeply about what happens and what is developed in the Cashiers core. We were encouraged by the Cashiers Small Area Plan and spent many hours in those meetings with other community members discussing the course forward. The conversation in stark comparison to the dialogue presented here was more robust around the 8500 square foot limit. We strongly believe that the communities are mean to be guided by broader presups and not analyzed one brick at a time, such as a building size ordinance. If the Council needs more information to counter the size constraint proposal, he is confident that these studies can be thoughtfully precured for their review. He asked the Council contemplate their role of the village council to manage the entire community's input and recognize that there are likely many people who do not afford to see a community of 8500 square foot buildings as a robust community. The realities of urban core should be a place that promotes community and is therefore more developed. Jackson County and Cashiers does us many favors and one of them is that it does not lend itself to being overly developed due to the constraints around topography and resources such as water and sewer. Where there is centralization of these resources however, then development will and should happen. Cashiers is broadly on the map for many people as we see from the current lack of home inventory in the market, so be prepared but be thoughtful. We believe that with diversity in building sizes and shapes that at their core are designed to create life in its urban core and return those who desire a more solitude rest fit to their homes. Size constraints mean that the larger uses will land just outside of this core in a pattern without structure and form. Therefore, it is ironic but strict control and form like size can lead to very real consequences that inhibit proper building scale, intriguing



diversity, and walkability which is also a core to the community fabric and was in the Cashiers Small Area Plan. Larger satellite uses will still come, and they will have the extremities of 107 and 64 and expand the web of traffic that strict rules were meant to alleviate. As land owners in Cashiers, we ask you to consider the size constraint proposed, but they would also suggest that they are in favor of correcting the incorrect reference to the 5000 square foot maximum.

- **Rick Barrs:** He stated his family has offered 31 acres for development to Stephen Macauley for his hillside project, he based his development on the Cashiers Small Area Plan. We support the Cashiers Small Area Plan and the removal of the 5000 maximum building size, that was erroneously in the plan. He supports adopting conditional zoning even without regulatory oversight. His family has rejected a Lowes project and a CVS on the site and they assembled this property for future development, and the future is now. He stated they could not produce a year-round village and expand the village core, create a walkable village with buildings that are less than 5000 square feet. He asked the Council to remove the restriction, and the Cashiers Small Area Plan was established for the community by the community with lots of input a couple of years ago, and they do not need a redo.
- **Donna Barrs:** She stated her husband is one of the six sellers for the Hillside project and there are many beautiful clubs that surround Cashiers and they look like small villages. The Village Center is the club house, and numerous buildings clustered nearby are providing additional services and then neighborhoods radiate away from the center. Why can't we grow Cashiers like that? Of course, downtown Cashiers would be public not private, but think about it, clubhouses or meeting halls, and large structures. Some of these beautiful clubs have three and four stories and have square foot areas of 1400, 2200, 3200 and even 4800 sq.ft. There is a wish to limit the downtown commercial core structures to the size of a home, and in her thinking the downtown commercial district should be denser in the core. There are many services missing in Cashiers and let's give them a place to be. Doctors' offices, services agencies, daycare, in town living, restaurants, and businesses which serves the public's needs. She thinks the project is too dense but it will be scaled correctly and the village center are denser by nature. Macauley's plan offers so much more than density though, a walkable downtown (ever heard that on a wish list), parking (ever hear complaints about the lack of parking in Cashiers), and what a neat idea to have hidden parking with a rooftop amenity and how fun that would be. The master plan calls for mountain vernacular buildings (ever heard that wish before), how about a culinary school and what a perfect industry to bring to a resort town like Cashiers. Do we care about creating lasting jobs here or is it lip service and how about employee housing, that was on our wish list as well. There will be places to congregate outside, inside, a rooftop, and don't we want Cashiers to be a year-round destination. Currently, downtown Cashiers pretty much dries up after Summer in the season, and in the winter, Cashiers practically closes down in January and February. Hillside Cashiers reflects many provisions of a community input workshop we had a couple of years ago, and finally this development will showcase applied and efficient green technology (doesn't that resonate with some of our environmental friends). Bringing synergy and personality and destination to Cashiers town center would be great for the public, our current shop keepers, and job creation. Walkability and affordable infrastructure are by products of density.
- **Sam Lupas:** He stated he has been in the Cashiers area since 1999 and raised a family and has been involved in many civic organizations, and is in the real estate business. He was very involved in the mountain and landscape initiative in 2008 and less involved in the UDO and Cashiers Small Area Plan development. One of the things he is hearing and through following this for a long time, he wonders where everybody was at when they did all of that work, just because there is a project on the table does not mean they are not considering all of the regulations and zoning issues that were considered during that period of time. The building size issue that is on the table right now is a massive planning mistake and that the 5000 square foot maximum is really just cover for let's figure out how to not let these projects continue. The size of the building it's not an irrelevant issue, but it is irrelevant when its placed within the forms of other structures. Large structures can fit very nicely into a small village like Cashiers if there are formed based structures designed around them and it all fits to scale. If you stick a large building in the middle of nothing, it is going to sit out like a sore thumb. However, if you design it correctly, the number of square feet in that building becomes pretty irrelevant at that point. He is



opposed to this 5000 square foot maximum and that it would be very restrictive from a civic perspective because as this town grows it is going to be more about the public realm and not about these private clubs that surround this village. In addition, issues of where does the emergency management put their next facility or what if a new church wants to come to town. It is not just civic buildings that make up a community, we need housing as most of the housing are built and start at larger than 5000 square feet. He stated that number seems to be a distraction by the people that are opposing this development. Finally, what do you want? Because you need to be careful what you wish for here. Saying we don't want this or that, because what we get is what we currently have.

- **Walker Gaultney:** He stated he believed what Mr. Lupas said was exactly right. This misdirection here in order to its timing, Cashiers has been around for a while. He has been in the area for over 25 years, he has read Stephen Zoukis's comments and he agrees with him one hundred percent. He believes they have to be careful because what you are treading on here is legal handcuffs that will handcuff the community and this 5000 square feet, and this misdirection to keep this project from happening is incorrect. He believes in doing it right, and doing it responsibly and if they are going to limit the amount of square footage then maybe they should limit the amount of square footage that you can have at a house. If they are going to limit commercial people, let's go down and limit 2500 square feet and two bedrooms, and see how well that works for \$300,000 or \$500,000 lot, you can't let some of these things happen. Over the last ten years there has not been a new business within a half mile of Cashiers that has stuck around. They have only had a carwash, an addition to the Orchard, liquor store. He inquired to tell him some things that has happened over the last ten years. He stated these are things that people are using to make this stop, and this should not happen. Other villages around the state have not let this happen. He thinks you are on soft sand here and once you put this into effect, if you were to put this 5000 square foot into effect, it will be years before anything else can happen here. We need the housing, we need these different things to make it grow and happen, and there is just a small contingency with a large voice that is slowing this down and it is not just this development as this has been going on for twenty years. If they could get some other people in, people come up here and spend hundreds of thousands of dollars, they bring their families up here, their kids, and wives and within a short period of time they are out of business and this is not right. We have seen this not for just restaurants, almost all businesses, unless you have a local business and own your business and your building you can't come up here and start anything. This is a prime example of being handcuffed and you are going to see it like this forever and ever.
- **Stephen Zoukis:** He stated he is in support of correcting the 5000 square foot thing and he stands in awe of the others speaking more broadly about the Hillside plan and how it helps people other than a few special people who want to keep it as a bear sanctuary or something. It is clearly a mistake that the 5000 square foot reference snuck in and Jackson County planning committee has steadfastly ignored it, properly so. Even Mr. Jake Petrosky who wrote that weird little memo about things and making the heart of town just like the suburban stuff around it, even he admits quote errors relating to the building size in the illustrations in question and in Section 9.3 of the UDO quote it is silent on buildings building size limits other than height. Moreover, the Hillside project demonstrates why we don't want to impose these kinds of limits. The plan for the project includes a corporate training center and two hotels all of which will draw people to Cashiers year-round and put them on the streets of the village core helping to address the issues of walkability and seasonality. Multi-family housing will also help to address the issue of housing affordability and again put people on the street. These three building types, corporate training center, hotels and multi-family can't be produced in units of 5000, not much can be done under 5000 square feet other than single family homes. Lack of walkability, a super short season and a lack of affordable housing are three issues raised in one fashion or another in the Cashiers Small Area Plan. These types of buildings are what is needed to make Cashiers work and to make it a better place, and not just keep Cashiers, Cashiers. As a seller he has no control of what happens on the site and as it happens he rather likes what Macauley proposed because it makes Cashiers a better place to visit, to live, to work, and to raise a family. Of course, there is room for improvement as in all things such as maybe fewer residences or less Italianate design, but the way to fix those problems is to sit down and talk to him. There does not seem to be anyone that is opposed to this



process or project who is willing to talk to Macauley and he has found him to be a very reasonable guy. He believes it would really be of interest of the community for people to sit down and try to work out what can be changed, and if he was opposed to the Hillside project that is what he would do. The problem is sooner or later it is going to be sold and you are going to get a new Macauley.

- **Richard Ott:** He stated no one is opposed to development per say, but like everything in life the devil is in the details. Those of us who were shocked to see a plan that would have provided for 1.25 million square feet in the central Cashiers area is totally not in keeping with the Unified Development Ordinance, which in Section 9.1 says to protect and conserve the heritage of Cashiers. In Section 9.3 deals specifically with this district, it is about maintaining the traditional scale of the village center and that is an important goal about maintaining the district. He thinks if they have seen a project that had a scale that was keeping with the quality and heritage of Cashiers, you would not have seen this kind that has been referred to as a small but vocal group. He could assure you that it is not a small group, and his wife and himself has had a home here since 1988 and because of the heritage in this past year they made the decision to become permanent full-time residents. He asked the Cashiers Planning Council to remember what that heritage is and to preserve it. Those of us that were quite surprised with the scale of the projected development were not opposed to development, but it has to be with keeping with the traditional scale and ambiance of Cashiers. Those of us that live in the Cashiers area did not want to live in Highlands. One of the speakers referred to downtown Cashiers, he is unaware of any downtown Cashiers however, there is a village center. In addition, there is a difference between a village and a city, and with what is going on in the world today there are those of us that want the ambiance and the heritage of Cashiers, and he hopes that any development keeps that in mind.
- **Nicole Hayler:** She stated she was the director of the Chattooga Conservancy and she is speaking on behalf of our members who live or own property in Jackson County and also for those who value the outstanding resource waters that originate in the Chattooga rivers headwaters in Cashiers. She has heard a lot about development, however she has not heard a lot about the impacts to the watershed because as we know Cashiers sits at the top of the Chattooga river watershed. Outstanding resource waters are extremely rare, and once they are gone they are gone forever. It is plain that the recent proposed development at the crossroads caused an uproar in the community that many people are entrusted with maintaining the character of Cashiers. Then moving forward that is contemplated in the Cashiers Small Area Plan and any business that is related to this. The Planning Council's discussion on this meetings agenda specifically about conditional zoning and building size is therefore of great interest. However, not on the agenda she understands that the Jackson County Planning Department will make a presentation to help inform the Council's discussions. Listening to the public is a tedious hard process, but after these presentations she believes it would be beneficial to have more questions so people can understand what is really going on. The pressure to increase the scale and intensity of development in Cashiers is great. Potential changes to the special use permit quasi-judicial hearing process, potential amendments to the Cashiers zoning ordinance, potential changes to the Unified Development Ordinance, and all matters pertaining to scale and intensity of future development in Cashiers should be vetted subjected to public scrutiny and decisions reached in a deliberative and completely transparent process.
- **Craig Pendergrast:** He stated his comments are planned to be about what the Planning Council is going to be doing later in the meeting with Mike Poston and the Planning Department and working towards a better crafted set of predictable and numeric standards when it comes to building size, lot coverage and the nitty gritty of zoning. The Cashiers ordinance as it stands has a narrative standard that says building shall be small in scale, and that is consistent with the Cashiers Small Area Plan. However, it leaves room for some uncertainty in terms of what that means, it is enforceable but it is also would be helpful for both developers, for the community and the Planning Council to have numbers to be working with. He came in a little late to the meeting but heard a lot of people talking about it all in the context of the Macauley proposal and he believes that is not what is on the table here. However, what is on the table is getting this ordinance right and is looking forward to what the Planning Department is going to say in regards to possible options. It is critical to have actual building size numeric limits in the context of floor



area ratio and lot coverage limits, impervious surface criteria that take into account what is the village core as defined in the plan and then is compared to other areas and to take into account topography which is important in Cashiers. As we go forward, whether it is conditional zoning or continuation of the quasi-judicial process that we make sure that the application that are filed for major developments are complete and have all of the pieces of information that are necessary to consider the development. One of the reasons Cashiers hasn't grown is because of its natural constraints and those natural constraints are not going away with the swipe of the hand. Topography matters, water supply matters, traffic matters, and incremental growth matters but if you were to put a giant project in right now there just is not the capacity to handle it. As you look at the zoning revisions, he suggests they look at what is here and now.

- **Janet Martin:** She stated she is in favor of the Cashiers Small Area Plan and the Hillside project. However, she is speaking more from a small business owners stand point, and she has had the pleasure of opening a dog store that she was told the first day by a customer coming in that she would never make it. Since then, the store has stayed in the same place for the past ten years, grooms a number of dogs and sell anything that your dogs could want, and it has become kind of the center for the dog community. The problem they have is that they need more groomers, and they turned away in the last summer season over 600 dogs that wanted to be groomed. The reason for the lack of being able to get help up here is that they cannot afford to live up here. With regards to the Hillside project, something has to give we have got to have a walkable town. During the summer she remains open seven days a week, and she gets many customers that come in and thank her for being open because they get a lot of people that come here on the weekends and the majority of businesses are closed on Sunday. She stated her business does extremely well. Regarding Cashiers, when people come here for the first time and fall in love with it, they don't have a public restroom and her store becomes a public restroom. She stated she finds families walking up and down 107 that she is scared that one day a small child will bolt because they do not really have a sidewalk. The people here do not really adhere to the crosswalk, and there is going to be an accident at some point and we have got to make this a walkable town. There is no central map or signage to allow pedestrians and visitors to see where the businesses are located and what is being offered.
- **Ben Harris:** He stated he was speaking on behalf of the Cashiers Area Chamber of Commerce and reading a prepared statement from the board. Mr. Chairman and Council members as independent business owners and leaders of the Cashiers Area Chamber whose core purpose includes service as a conduit for responsible growth, we have followed the Council's work on the Cashiers area planning and other development considerations with interest. Our organization was intimately involved with the creation of the Cashiers Small Area Plan, facilitating business and community input and coordination with NCDOT, regional and Jackson County planning initiatives. The Chambers economic development commitment is to support future growth, which enhances our destination appeal and the quality of life we enjoy in Cashiers. This encompasses new or expanded commercial enterprises such as retail, restaurant or other services, residential and visitor accommodations, public amenities, recreational opportunities, pedestrian friendly, environmentally sensitive public infrastructure, green space and more aligned with our character with our community. Given the Council's upcoming review of zoning size and height restrictions and other changes for possible text amendment to the Unified Development Ordinance, we are increasingly concerned that without careful study of the opportunities and consequences of codifying actions we risk irrevocably injuring our community's ability to attract responsible developers and investment. We believe we must work in partnership toward measured economic expansion and sustainability, and it is critical that we do so thoughtfully in due course. To act in haste will be a disservice to the many who participated in the deliberate process and significant work on these issues over the years. We look forward to the Planning Department's presentation on April 26<sup>th</sup> under agenda items Conditional Zoning Discussion and Building Size Discussion to learn more about these subjects, and then for the Council allowing a full discussion in the future about prudent next steps. We urge you to withhold taking specific action at this meeting to the referred UDO or other changes to the Jackson County planning board until all stakeholders, especially the business community which has substantial investments and commitments here, and expert resources have the opportunity to through review any proposed changes. The Chamber



represents 460 businesses, non-profit and associative members in the Cashiers area. We as members of the board have a responsibility to them and others to engage appropriately in this discussion, which impacts the community's vitality and economic success.

- **Maria Partlow:** She stated listening to all of this and conversations she has had with others it is clear that there has to be some meeting in the middle on this, the proponents on the Cashiers Hillside and those of us that have a different view. She believes that is what the consultant is proposing and it is a viable plan that needs full consideration of the Planning Council and the County. She stated they also need to take our time because we have new Council members about to come on board and they need to get up to speed and understand this. She personally has a lot of trouble with people telling us what Cashiers needs, when they are going to make a ton of money on land sales and real estate commissions. She supports Mr. Horton, Mr. Pendergrast and Mr. Ott's comments fully and she implores the Council to think this through, to take their time and think this through with decades to come. She believes in keep Cashiers, Cashiers and it is not a trite comment like Mr. Zoukis referred to, and it doesn't mean same old same old. It means character, quality of life, our environment, and all the reasons we live here and love it and why we have a real estate boom here now and a lot of people are making money on that. We want responsible development, that is what Develop Cashiers Responsibly is all about, and we know it is going to happen, let's do it right, and let's think this through.
- **Bill Pike:** He stated he is a local real estate developer and recently did Highlands Cove and the condo project at Chattooga Ridge. His first trip to Highlands was in June of 1981 and he was here to attend a meeting for their golf course owners in the southeast at High Hampton. During that trip he met several developers from Highlands Country Club, Highlands Falls, Wildcat this was before William Mckee developed Wade Hampton. The same kind of discussions were had at the same time then, the locals were not embracing the developments and the environmental people were coming in and then there are a group of developers. The same kind of discussions was happening then such as "when I get here let's put a gate over 64 and we don't need anybody else here." That was 40 years ago, and that is the same thing that we are talking about today, "once I get my place let's not let anybody else come up here." If that would have happened 40 years ago we would not have a hospital or a large Ingles grocery store. The County is thinking about putting in more water and sewer and that wouldn't be considered. He believes with the help from the state and the County, and great engineers we can continue to develop Highlands. In addition, he stated we are surrounded around millions of acres of federal land called the Nantahala National Forest, and we are not being pinched by land because the government owns 90% of it around us. The biggest beneficiary of the development of the Highlands Cashiers plateau have been the local people, and not only the land owners but those people that have better jobs, we have two or three great schools here that you can choose to send your children to. He believes that they have to approach this thing as there has to be other people with the same access that people had in 1935.
- **Jeff Shulman:** He stated he respects what Mr. Pike had to say around development as he believes there is a significant difference between building individual developments over a course of 40 years, and dumping hundreds of units in the middle of the crossroads as there is no infrastructure to support it. He stated just this morning they were doing some paving on the road and it is a Monday and it took him 25 minutes to get to Ingles from Lonesome Valley. What is the impact going to be if a development this size and scale gets dumped right in the middle of that crossroads, how are you going to handle that and handle the traffic? You won't be able to get to that hospital that Mr. Pike talked about because it will take you three hours. He believed in responsible development, he is a beneficiary of what you guys have built and has made several real estate investments here over the last year and a half and has done tremendously well by it because it is beautiful and laid back and many people come here for quiet, peace and to escape traffic jams like they have in Atlanta or other large cities. He stated what they are proposing is not a sustainable development over 40 years, it is a big bang theory that is going to blow up the quality of everybody's life here.
- **Ralph Gaines:** He stated his family has been coming to Cashiers since 1982, and has watched the growth since then and saw the yellow traffic light at the crossroads. He supports the people that have been putting this together for a long time because what he sees is a lack of people coming back to Cashiers that grew up there, want to work, want to stay and raise their families. He read



something recently where the median age of a resident in Cashiers is 64, where as you compare with other areas it is much lower than that. He believes that is one of the reasons why a lot of people within the area have a lot of difficulty although the service that we get from the locals with the various businesses is outstanding, we are still waiting twelve and thirteen weeks, a non-Covid related matter just to have something installed in a home that they bought. He believes that the people that are trying to put this together will use their heads, there will be some traffic issues that they will work out, and he supports the plans that he has seen. He believes the zoning will be worked out appropriately and that this project has been in the works for a long time and that it is needed and it will not be overrun like Atlanta that was mentioned. Will there be issues and problems, yes but if it brings about a tax structure that helps the entire County and helps those people that are growing up there now to say that it is not a bad place to live and maybe they will come back, work and raise a family as opposed of going elsewhere. He stated he grew up in Talladega, Alabama and he watched that happen to that little town there and it has splintered and it is down to nothing now because no one goes home.

### New Business

#### a) **Quasi-Judicial Hearing: Special Use Permit-Grouse Point Phase 3**

*Chairman Cox opened the Quasi-Judicial Hearing at 6:07 p.m.*

Mr. Cox inquired if there were any disclosures from the Council regarding the proposed project. Mr. Cox stated he knows Mike Benitez and has worked with him in a real estate capacity but there are no current deals with Mr. Benitez or any other relationship to this property but he walks across it when he walks around Cashiers. In addition, he stated he asked the County what the situation was with the sidewalk that was a part of a previous approval of this site, but other than that he has no other disclosures and he does not feel that rises to the level of recusal.

David Bond stated he deals with Mike Benitez in business and sells him building products and materials and he would profit off of selling to that site. In addition, he stated he would be able to make a neutral decision. Ms. Baker inquired if Mr. Bond would have a financial interest in this project. Mr. Bond stated yes, he would. Ms. Baker stated that is a reason for Mr. Bond to be recused from this hearing since he would have a financial interest. Mr. Bond offered to recuse himself and Chairman Cox unanimously accepted Mr. Bonds recusal acclamation without a vote. In addition, the other Council members did not have any disclosure to make in regards to this project.

Mr. Cox inquired if there were any applicants that were applying to be a party with standing within this quasi-judicial hearing. Turner Inscoe, Ann Self and Sue Lewis with the Village Green all stated they were applying for standing. Mr. Cox stated both Mr. Inscoe and the Village Green were adjoiners and inquired if they both received a letter from Jackson County Planning Department. Turner Inscoe, Ann Self and Sue Lewis all stated they had received a letter as a party with standing from the Jackson County Planning Department.

Ms. Baker went over the standard regarding a party with standing. Ms. Baker stated it is proximity and special damages, if they would suffer special damages potentially more than the general public. For example, if there is a concern about stormwater, runoff, traffic and anything other than something that would affect everybody coming into the area, that along with proximity is what gets you that standing referred to special damages. Ms. Baker asked those applicants applying for standing to state what special damages they may potentially suffer as an adjoining property to this development.

Turner Inscoe stated Cashiers Canoe Club Development LLC is a sole member of the lake association and that association is the manager of Cashiers Lake. The upstream stormwater impacts on Cashiers Lake if not properly managed could have a negative impact on the lake.

Ann Self stated speaking for the Village Green our concerns would be similar to Mr. Inscoe, stormwater impacts and also potentially traffic in the area.

*Glenn Ubertino made a motion to approve both Turner Inscoe from the Cashiers Canoe Club LLC and Ann Self as a representative of the Village Green as a party with standing. Robin Ashmore seconded the motion, and the motion passed unanimously.*



*County staff, applicant, and parties with standing were all sworn into the quasi-judicial hearing.*

Mr. Jeleniewski presented the staff report for the *Grouse Point - Phase 3* project that was submitted by applicant Grouse Point LLC located at 188 Burns Street, Cashiers; PIN 7572-40-0752. The applicant is proposing the construction of an approximately 3,684 square foot (3,300 s.f. first floor, 384 s.f. second floor) retail/office building on the subject property. The location of this proposed project is on the north side of Frank Allen Road near the Frank Allen Road/Burns Street intersection and approximately 462 linear feet west of the Highway 107. The total area of this property is 0.71 acres and has an average slope of less than 1.0%. The proposed structure exterior will be traditional board/batten siding and rustic metal roofing; the proposed architectural features will be in harmony with the existing, newly constructed professional office on the adjacent property. All new perimeter and interior landscaping will meet or exceed the Cashiers Development Ordinance regulations for species and buffering. The ingress/egress access to this property will be from Frank Allen Road and Burns Street. The immediate surrounding properties are a mix of commercial, residential and community (library, post office, rec. center, The Village Green) uses. This proposed retail/office will use the existing shared parking on-site as the applicant owns the adjacent parcel. Utilities service will be provided by Tuckasegee Water & Sewer Authority (sewer) and Jackson County (water). Fire protection will be provided by the Cashiers Fire Department.

Mr. Jeleniewski stated the submitted concept plans appear to indicate that the proposed uses and structures would meet the standards set forth in Section 9.3.5 – Site and Building Design Standards of the Cashiers Commercial Area Regulated District; approval of the design shown is recommended by Planning Staff with the following conditions to be considered by the Planning Council:

- The applicant shall work with the Planning Department staff for the final approval of architectural plans; site design, stormwater and landscaping plans and comply with the site construction requirements for the entire project.

Mr. Jeleniewski stated staff's recommendation is to approve the proposed *Grouse Point – Phase 3* project application based on the "Site and Building Design Standards" reviewed and Staff conditions identified above. This recommendation is hereby submitted to the *Cashiers Planning Council* for review of the Special Use Permit standards.

Mr. Insoe stated he had more of a statement than a series of questions as an element to be added to this review. He stated as a neighbor to the Grouse Point Phase 3 project they have reviewed the staff report and conceptually they support the applicants proposed building and use on the site. However, they did note there is not a stormwater management plan or commentary in this staff report, and given that the proposed project abuts Frank Allen Road and the stormwater will drain into Cashiers Lake, they would like to clearly understand the plan, the notes, and elements impacting the stormwater drainage both during development and then thereafter. Mr. Insoe stated this is all as a result that they are working on a very expensive maintenance dredging plan in Cashiers Lake due to years of unmanaged erosion issues upstream. He stated they believe with a plan and their understanding and input is essential for its continued health and maintenance. The applicant has properly completed the staff report from what they can tell, but they ask for additional review of the stormwater management with our participation to be added both here and before final approval and permitting is complete on Grouse Point.

Mr. Jeleniewski stated to remember that this Council is the architecture review committee and they approve these, and attaching that to the special use permit standards is what we are reviewing. He stated the ordinance is loaded with other regulations that are embedded in the ordinance that will be reviewed in final site construction plans before a zoning permit is issued. In addition, he stated that is something that the Council does not review and that is in the ordinance and is required for a zoning permit, and that is a little different process and done administratively.

Mr. Cox inquired if that would be available to the parties as part of public record once they get to that step with the building department. Mr. Jeleniewski stated yes, and on his way up here he was copied on an email from Mr. Benitez that his design professional had already sent a copy of their stormwater plan to our erosion control permit officer for review, and that is tied up with



the zoning approval. He stated since this is apart of the zoning approval requirements and our review administratively, not only with our materials, but when we talk about parking schedule, stormwater, landscaping, etc. that is on the final plan that they would review. In addition, he stated our erosion control officers are apart of that because they are looking at stormwater and erosion.

Mr. Inscoe stated they have spent a lot of time on the dredging plan and they have some ideas on how that hydrology works and they just want to make sure there is some potential for them to be included in that before it hits the final permit review. Mr. Jeleniewski stated if they remember the building that was already there, the pre and post impervious surface is a wash. He stated it is technically not creating anymore that was on the site, however the erosional control and stormwater officers will be reviewing that.

Mr. Cox stated since this is an ongoing interested for him, he inquired if the front of the building was 30% glazed. Mr. Jeleniewski stated it is greater than that, you could not tell by the pictures but there are large glazed areas because it is like a showroom/retail space, and it appears there are floor to ceiling or floor on that interior of walkway area that is covered that is mostly glazed. Mr. Cox stated they had already approved the front building and there is now a sidewalk going in, and a sidewalk will go in with Grouse Point Phase 2 and this was a separate parcel number. In addition, he inquired if the Council did as apart of the review process require any additional sidewalk to be built as part of this building being built on parcel C. Mr. Jeleniewski stated no, and as staff they are not recommending that because it is maintained by the state, Burns Street is a gravel road and what would be required is a curb and gutter and the stormwater is going to be collected and dammed before it goes anywhere. In addition, he stated he believed they had discussed in previous meetings and when the sidewalk requirement was established they were really focused on the paved thoroughfares because with that the state is going to require stormwater, curb and gutter, etc. and that is why we were more focused on that then the gravel roads that the state maintains.

Applicant Mike Benitez stated that they are building a new building on the exact same footprint that was previously there. He stated they tore down what most would consider a fairly unsightly building and are upgrading, but they are not increasing the impervious area because they are building exactly on the same footprint that was there previously. Mr. Benitez stated there is a sidewalk or covered walkway in front, and you could argue that there is pedestrian sidewalk in front of the building that is covered.

#### **Board Discussion:**

The Council reviewed the special use permit application for compliance with the requirements of the Cashiers Area Community Planning Council development standards as follows:

1. *The Design Review Committee recommends that the proposed development complies with Article IX of the Unified Development Ordinance Standards.*

Mr. Cox introduced the staff report as evidence and will site the staff report as findings

**Vote: 5-0, in favor**

2. *That the proposed use or development of the land will not materially endanger the public health or safety.*

Mr. Cox stated it seems like it is a shop with some offices above, it is close to the fire department, and included in the staff report it states that fire protection is provided by the Cashiers Glenville Fire Department.

**Vote: 5-0, in favor**

3. *That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*

Mr. Cox stated noted in the staff report there is only a 1% slope on the property and the applicant is not adding any additional covered, uncovered surfaces buildings on the previous site of a building that is being torn down and they are replacing. In addition, eventually they will say that the applicant will have to follow all the County regulations when it comes to stormwater and he believes that is sufficient.



**Vote: 5-0, in favor**

4. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting properties.*

Mr. Cox stated it appears that this is going to be a nice commercial shop building in the center of town and believes that it would only raise the value and is fairly logical.

**Vote: 5-0, in favor**

5. *That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density and character of the community.*

Mr. Cox stated it is going to look the same to the two buildings on the same site and it is going to be smaller than the building they approved that Tim Greene did for David Pepper called Village Walk on Burns Street. In addition, he stated he is comfortable with the size, scale, and bulk of this building.

**Vote: 5-0, in favor**

6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*

Mr. Cox stated they are going to get their sewer from TWSA, they are down the road from the fire department and they are one of very few buildings that are able to use Jackson County's water system in Cashiers. He stated they are very lucky where they are and it is very appropriately located.

**Vote: 5-0, in favor**

7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*

Mr. Cox stated it appears that there are plenty of parking spots that are clearly labeled and we have to DOT approval of the egress/ingress on Frank Allen Road and Burns Street. He stated he believes that is not a traffic hazard if DOT has to rubber stamp it.

**Vote: 5-0, in favor**

8. *The application for Special Use permit is approved with the following conditions:*

- *The applicant shall work with the Planning Department staff for the final approval of architectural plans; site design, stormwater and landscaping plans and comply with the site construction requirements for the entire project.*
- *Staff will communicate with the parties with standing Cashiers Canoe Club LLC and the Village Green regarding stormwater.*

Glenn Ubertino made a motion to approve the Grouse Point Phase 3 project with staff's conditions and to communicate with the parties with standing regarding stormwater. Deborah Stewart seconded the motion.

**Vote: 5-0, in favor**

9. *The proposed use (or development of the land) meets the requirements set forth in the ordinance for the proposed use and the findings made in numbers 1-7 above shall be incorporated into a written decision as the findings for approval of this application for a Special Use permit.*

Deborah Stewart made a motion to instruct staff to prepare the order, and include findings based on the evidence presented and entered into evidence during the Quasi-Judicial Hearing. Robin Ashmore seconded the motion, and it passed unanimously.

*Chairman Cox closed the quasi-judicial hearing at 6:53 p.m.*

## **b) Conditional Zoning Discussion**

Mr. Poston stated staff sent out information to the Council of the general concept of conditional zoning. There are three types of approval processes that local governments use for projects and land use which include administrative decisions, quasi-judicial decisions such as special use permits and variances and appeals, and legislative decisions such as a rezoning. Conditional zoning is a rezoning legislative function, and procedurally it differs from the quasi-judicial function as this Council has been given the authority to make those decisions to approve or deny those requests by the Board of Commissioners. During a legislative process, the Council is used as an advisory board, they would still review every application that would come in, make comment, then forward a recommendation to the Planning Board then onto the Board of



Commissioners who would make the final decision. The conditional zoning process is a tool that they find more communities moving towards and using versus the quasi-judicial process as that process is more restrictive in interacting with the public. In a legislative process the Council has the ability to have more interaction and discussions with community members. Conditional zoning is the ability to take larger complex projects that requires an approval process that takes into consideration that it may not be a straight forward rezoning, which means changing property from residential to commercial. The conditional zoning process enables you to think about larger complex projects, how they fit in the community and the ability to add special conditions to that approval. In a way, the conditional zoning builds a new type of zoning district for that specific piece of property.

The Council was sent an information packet from the UNC School of Government regarding conditional zoning for their review that highlights what are the benefits, differences, and limitations, etc. However, conditional zoning does provide more flexibility in having the ability to have more conversations. Conditional zoning process similar to a rezoning process, the Council will be required to consider their adopted land use plans such as the Cashiers Small Area Plan and speak to whether it is consistent or inconsistent. The state of North Carolina requires you to address the consistency with the plan, but it does not require that the decision the Council makes be consistent with the plan. If the Council was to deem the decision to not be consistent they would have to explain why it is reasonable and in the public interest. In addition, sometimes that happens when your plans are older and conditions have changed around you, and they can enumerate what things have changed. The Council was also sent a local example, the Village of Forest Hills ordinance as they implemented a few years ago the conditional zoning process, which shows how they built in community interaction and involvement in the process. Within this process they require a pre-application conference, pre-application submittal, pre-submittal conference, public input meeting, etc. Staff would like to prepare a conditional zoning process draft based off of the Forest Hills model, and asked for feedback from the Council before moving forward. Mr. Poston stated there is some bills going through the state house discussing conditional zoning that staff would need to keep an eye on because they may have to change how they approach some of the components of the conditional zoning standards.

Mr. Cox stated he believed it would be beneficial for the Council to discuss and consider what the triggering mechanism is for the conditional zoning process. The Council directed staff to begin preparing and working on some draft conditional zoning language for Cashiers. Staff asked the Council to review both the UNC School of Government packet and the Village of Forest Hills Ordinance regarding conditional zoning, and reach out if they have any questions or thoughts.

**c) Building Size Discussion**

Mr. Poston presented the following presentation to the Council:

*Small Area Plan Land Use Character Areas – Village Core*

- Small to medium scale building footprints with active street fronts.
- LU-2: Encourage short blocks, small building footprints, and pedestrian pathways.
- Recommended UDO updates: Consider a maximum floor area ratio (FAR) 1.5 or revising the maximum sq. ft. threshold for commercial and mixed-use building. A FAR maximum of 1.5 or maximum sq. ft. of 8,500 could be implemented in tandem with other design controls to reinforce the Village Core.

*Small Area Plan Land Use Character Areas – Gateways*

- Larger buildings are more appropriate here than in the Village Core.
- LU-6: Northern and Southern Gateways
  - Ensure compatibility with the scale and character of existing developments and natural surroundings.

*Small Area Plan Land Use Character Areas – Transitional*

- Occur between the Village Core, Gateway, and Residential area; they have small to medium sized buildings that are compatible with adjacent development.
- LU-7: Building footprint size, massing, and height should be compatible with adjacent development.

*Existing Building Footprints – Village Center (using current Tax Card data)*

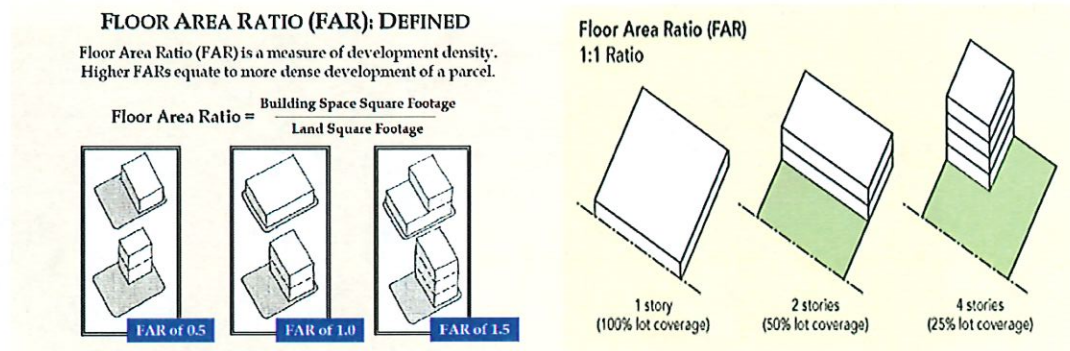


- Most existing structures have a building footprint less than 8,500 sq. ft.
- All Structures would comply with a FAR of 1.5.
- Six properties with buildings that have a footprint greater than 8,500 sq. ft.
- Largest building in the Village Center has a footprint of approximately 12,400 sq.ft. and heated sq. ft. of approximately 24,800 sq. ft. (Laurel Terrace)

Existing Building Footprints – General Commercial (using current Tax Card data)

- Most structures are less than 8,500 sq. ft.
- All properties with existing non-residential development can meet a FAR of 1.5
- 13 properties with buildings greater than 8,500 sq. ft.
- Buildings with the largest footprints in the Cashiers Commercial Area are located in the General Commercial District.
- Largest building has a footprint of approximately 65,600 sq. ft. (Ingles)
- Additional building footprints include 25,500 sq. ft. (Ingles Shopping Center) and 22,750 sq. ft. (Rec. Center).

What is Floor Area Ratio



FAR Examples

- Highlands: FAR of 1.4 with an additional .35 sq. ft. third story for apartments or office space meeting specific conditions.
  - Example of the calculation: 10,000 sq. ft. lot @ 1.4 FAR (10,000x1.4)= 14,000 sq. ft. of gross floor area.
- Blowing Rock: FAR of .4
- Example of calculation: 10,000 sq.ft. building @.4 FAR (10,000x.4)=4,000 sq. ft. building.

Examples of Maximum Sq.Ft.

- Town of Sylva: Office/ Professional district has a maximum of 16,000 sq. ft. for buildings. B-1, B-2, B-3 have no maximums.
- City of Asheville: Maximum building sizes based on zoning district as follows:
  - Office I and II: 4,000 sq. ft. (single story), 8,000 (2 story)
  - Office/Business: 30,000 sq. ft.
  - CBI: 6,000 sq. ft. (single story), 12,000 sq. ft. (2 story)
  - CB2: 45,000 sq. ft.
  - HB: 200,000 sq. ft.
- Town of Duck, NC: 5,000 sq. ft. by right, up to 10,000 to 15,000 sq. ft. depending on district with a Special Use Permit.

Communities Without Maximum Building sizes or FAR

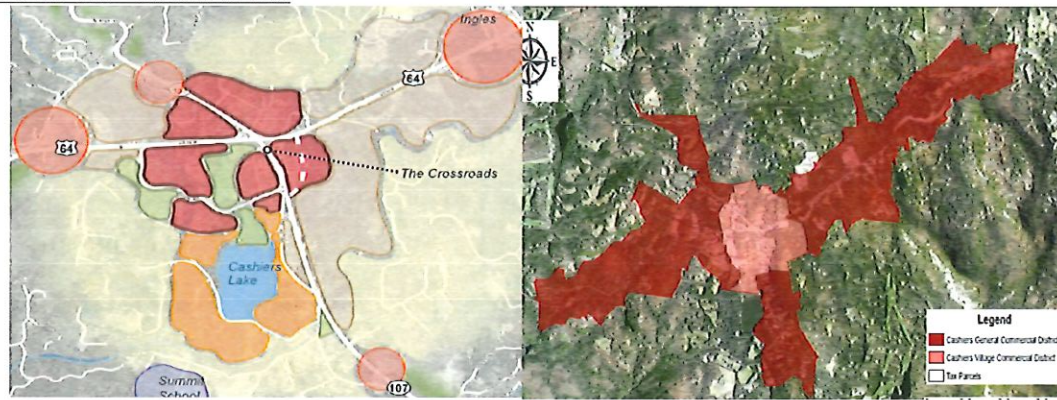
- Maggie Valley
- Banner Elk
- Brevard
- Biltmore Forest
- Currituck County, NC

Items to Consider with Introduction Maximum Building Limits or FAR



- The Small Area Plan (SAP) discusses both building footprint and building size. This will need to be clarified.
- SAP breaks down the community in several character districts with different objectives regarding building footprint. Currently there are only two zoning districts. Matching the Small Area Plan concepts into our two district zoning model will be difficult.
  - The General Commercial District includes all four Gateway areas, a portion of the Village Core, and a portion of the transitional zone.
  - Village Commercial includes portions of the Village Core and portions of the Transitional area.
- Types of Uses: A recognition that not all uses may be accommodated in a building maximum size.
- Expansion of existing buildings: A recognition that some buildings may not be able to expand depending on their existing size.
- Non-conforming uses: Typically not allowed to expand. Some jurisdictions do allow for expansions under certain conditions.

#### Character Areas – Zoned Areas



#### Form Based Codes

- LU-9: Consider codifying form based criteria to improve predictability in the development review process.
  - Re-codify the Cashiers Development Standards to a form based code based on the Small Area Plan.

Mr. Cox asked staff to begin looking into the process of creating a Request for Quotation (RFQ) to move us toward knowing what the cost would be for a form based code for the Cashiers Development Standards, and to continue to discuss the building size limit topic.

Mr. Cox inquired from staff where are they with the text amendment in regards to where they left it off in the Council's last motion and where they were in the public hearing. Ms. Baker stated it was tabled for this type of continued discussion and he asked her at the break what motion would have to be made to bring it back. She stated a tabled motion is a motion to defer, if no action is taken on it and in a hundred days it dies you can start over with however you would like to bring it back. In addition, she stated within a hundred days if you want to bring it back you do need a motion to revive consideration and if that motion is approved then you can begin that discussion again. Ms. Baker stated the planning staff and herself has been working very hard on the 160D changes that the Council has heard from staff at multiple meetings. Staff is close to the point where they need to get those text amendments to the Council for review and approval, and may likely be able to bring that in May. However, one of the road blocks staff has hit is with all of the graphics within the ordinance because this is the only error that we know of in the graphic but a lot of them are wrong because changes has been made, and these graphics need to be updated all together. Ms. Baker recommended to let staff bring these back to the Council with the 160D changes to show them what it looks like.

Mr. Cox stated they have a plan to continue to look at this conditional zoning discussion with how our ordinance would look different from the Forest Hills ordinance, to look at the 160D changes with the 5000 square foot greater than or equal to error from the graphic, and will continue to learn about building size and floor area ratio.

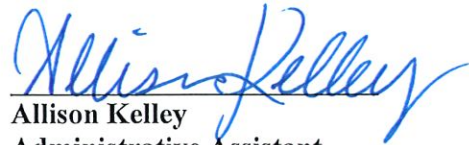


*Mark Letson made a motion to direct staff to continue work towards an RFQ in moving to recodify the Cashiers ordinance to a form based code. Robin Ashmore seconded the motion, and it passed unanimously.*

**Adjournment**

With no further business to discuss, Glenn Ubertino made a motion to adjourn. Deborah Stewart seconded the motion, and the meeting adjourned at 8:11 p.m.

**Respectfully Submitted,**

  
Allison Kelley  
Administrative Assistant

  
Michael Cox  
Cashiers Planning Council Chairman



