

Cashiers Area Community Planning Council
Work Session Minutes
July 26, 2021
2:00 p.m.
Albert Carlton Community Library, Community Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond	X		Doug Homolka	X		Michael Cox	X	
Bob Dews	X		Carole Stork	X		Daniel Fletcher	X	
Glenn Ubertino	X							

Staff Present

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

Call to Order

Chairman Michael Cox called the meeting to order at 2:12 p.m. and a quorum was present.

Additions to/Approval of the Agenda

Glenn Ubertino made a motion to add agenda item letter b) “ULI Discussion” under “Work Session Discussion” after letter a) “Staff Presentation – Zoning in Cashiers” and move the other agenda items down. Bob Dews seconded the motion, and it carried unanimously.

Work Session Discussion

a) Staff Presentation – Zoning in Cashiers

Mr. Poston discussed the Planning Department responsibilities that include current planning such as ordinance administration, site plan review, zoning and sign permits, staffing councils and boards, and historic and cultural preservation. The long-range planning includes small area plans (Cashiers, Cullowhee), comprehensive land use plans, and comprehensive transportation plans. Planning boards and councils in the County include the Planning Board, Cashiers Planning Council, Cullowhee Planning Council, 441 Corridor Planning Council, Historic Preservation Commission, Housing Committee, Board of Adjustment, Watershed Review Board and Board of Commissioners. Staff is recommending to the Board of Commissioners to collapse the Board of Adjustment and Watershed Review Board as those boards do not meet often and to reduce the number of boards.

Land Development Regulatory Authority

- North Carolina is a Dillon’s Rule State
 - Local governments only exercise authority that is specifically granted by the State
- Authority to create plans and regulate land use and development are granted to local governments pursuant to NCGS 160 D
- In North Carolina Counties do not have the authority to:
 - Own or maintain roads- No County road systems exist in NC
 - Require Impact Fees or Adequate Public Facility Ordinances
 - Regulate Bona-fide farm operations, including agro-tourism
 - Regulate architectural standards for single family homes

Jackson County Planning History

- 1968 - Recreation Master Plan
- 1974, 1977, 1985 - Jackson County Land Development Plan
- 1992 - Jackson County Comprehensive Study
- 2000 - Jackson County Land Use Plan
- 2008 - 441 Small Area Plan
- 2009 - Greenway Master Plan
- 2009 - Tuckasegee River Greenway Phase 1
- 2013 - Recreation Master Plan
- 2014 - Cullowhee Vision Plan
- 2017 - Jackson County Comprehensive Land Use Plan
- 2018 - Cashiers Small Area Plan
- 2019 - Cullowhee Small Area Plan

Implementation of the Jackson County Land Development Plan was in 1974 the County had the State come in to help them develop the first Land Development Plan and they had nine implementation strategies as follows:

- 1974 – Establishing Building and Plumbing Codes and hiring enforcement staff
- 1975 – Reactivate the County Planning Board
- 1977 – Prepare a County Facilities Plan
- 1977 – Create a Housing Authority
- 2000 – Adopt Sedimentation Control
- 2003 – Implement Zoning for strategic areas
- 2007 – Adopt Subdivision Standards
- 1992 – Create a Water and Sewer Authority
- Establish a full time Planning Department

Zoning in the County took approximately 30 years from when it was first discussed in a planning document. In rural areas the topic of zoning or land development regulation was a very radical idea in 1974. Therefore, if you look across the State currently there are still approximately 10 or 12 counties that do not have any zoning regulation, and there are approximately 12 counties that have partial zoning like Jackson County which includes the Cashiers Commercial Area, US 441 Gateway Corridor, and the Cullowhee Community Planning Area.

Planning Council: Powers and Duties

- To review new text amendments to ordinances and proposals to zone or change zoning of regulated property
- To review and decide on approval of requests for special use permits
- To hear and decide applications for approval of variances
- To hear and decide appeals of decisions made by administrative officers

Planning Council: Legislative Role

- Advisory role to the Commissioners
- Makes recommendations regarding land use and development policies
 - Text amendments
 - Rezoning's
- Consistency Statements

Planning Council: Quasi-Judicial Role

- Formal hearing process
- Presides over hearings for:
 - Special Use Permits
 - Variance Requests
 - Appeals of Administrative Decisions
- Appeals to the Planning Council decisions are adjudicated in Superior Court

Cashiers Regulated District

- Established in 2004
- Two commercial Districts established (No residential zones)

- The primary difference in districts was the threshold triggering a Special Use Permit.
 - Village Center District- Building size of 2,500 sq. ft. or greater required a Special Use Permit
 - General Commercial District- Building size of 5,000 sq. ft. or greater required a Special Use Permit
 - In 2013 the size trigger for Special Use Permits for new buildings was amended to 1,500 sq. ft. for both districts
- The Cashiers Regulated Districts extends:
 - North along NC 107 to Laurel Knob Road
 - South along NC 107 to Cashiers School Road (Cashiers UMC)
 - East along NC 64 to TWSA's Horse Pasture River property (just before Lonesome Valley)
 - West along NC 64 to approximately 1.1 miles past Slabtown Road.

Cashiers Small Area Plan

- Adopted in 2019 by the Board of Commissioners
- Plan Components:
 - Current development conditions
 - Land use
 - Transportation
 - Economic development and tourism
 - Public Utilities and infrastructure
 - Natural and cultural resources
 - Parks and recreation
- Community Engagement
 - Plan Kick- Off meeting
 - Stakeholder interviews
 - 3-day Design Charrette
 - Draft Plan comment period
 - Public Hearing
- Defining the Cashiers Area:
 - As an unincorporated area, one challenge Cashiers faces is how it is defined:
 - by the boundaries of its two zoning districts,
 - by geographic features,
 - by the trade area,
 - by landmarks which provide the sense of Cashiers
 - Each of these factors was considered resulting in a custom geography with a "Focus area" surrounded by a "Study Area."
 - The Focus Area is what "feels like Cashiers" for residents and business owners and will be the focus of recommendations in this plan. This is the area for which this plan's policies apply.
 - The "Study Area" is the area which has been used for demographic data and statistics in the analysis section of this plan, unless noted otherwise.
- Cashiers 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.
- Cashiers 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.

- Cashiers Small Area Plan Land Use Character Areas: Transitional
 - These areas occur between the Village Core, Gateway, and Residential areas.
 - These areas 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
 - Most existing structures have a building footprint less than 8,500 sq. ft.
 - There are six properties with buildings that have a footprint greater than 8,500 sq. ft.
 - The largest building in the Village Center (Laurel Terrace) has a footprint of approximately 12,400 sq. ft. and heated sq. ft. of approximately 24,800 sq. ft.
 - Other building size include- Village Walk (approx. 11,000 sq. ft.), Christ Church of the Valley (approx. 10,000 sq. ft.)
- Existing Building Footprints: General Commercial
 - Most structures are less than 8,500 sq. ft.
 - All properties with existing non-residential development can meet a FAR of 1.5
 - There are thirteen 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
 - The largest building in the General Commercial (Ingles) has a footprint of approximately 65,600 sq. ft.
 - Additional large building footprints include 25,500 sq. ft. (Ingles Shopping Center) and 22,750 sq. ft. (Rec. Center)
- What is Floor Area Ratio?
 - Floor Area Ratio (FAR) is a measure of development density. Higher FARs equate to more dense development of a parcel.
 - Floor Area Ratio = $\frac{\text{Building Space Square Footage}}{\text{Land Square Footage}}$
- 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.
 - The Town of Sylva
 - Office/Professional district has a maximum of 16,000 sq. ft. for buildings.
 - Districts B-1, B-2, B-3 have no maximums
 - The City of Asheville
 - 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 Introducing 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.
- 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.
- Cashiers Small Area Plan: Accomplishments
 - LU-2- Amended buffer requirements in the GC and VC districts, height requirements to allow for multiple story buildings.
 - LU-3- Amended setback requirements to have minimum and maximum setbacks.
 - LU-4- Amended architectural regulations to require more glazed (windows) treatment area on building facades that face public rights of way, modified the architectural standards regarding materials and design, provided recommended historic color pallet, and allows for/encourages historic architectural patterns and styles.
 - Entered first steps of creating zoning districts based on the Small Area Plan pre-COVID.

b) ULI Discussion

As the acting president of the Cashiers Chamber of Commerce, Mr. Ubertino stated the Chamber is willing to support and help raise the money for the project. Also, it is critical that the Planning Council get consensus regarding leading the project and next steps and timing for staff member Tom Eitler from ULI to come before the Council. The ULI project would include a report at the end of the week that they are in Cashiers and then a more detailed report by the end of the year.

The Council discussed with County staff methods of moving forward of how to schedule a meeting for ULI to come to Cashiers. Staff provided guidance that they would need to notice the scheduled meeting and that the clerk would have to be present for the meetings to take the minutes.

Mr. Homolka asked the Council to review a synopsis of actual changes that could take place in the code from the recommendations from the Cashiers Small Area Plan that was sent via email and was included in their meeting packets. The Council decided to have those changes as an agenda item for discussion at the next regularly scheduled meeting. In addition, at the next meeting to have an agenda item on the work that the Council has already began working on from the Cashiers Small Area Plan such as the potential new districts. Also, the Council would also like to have Mr. Eitler to be at the next meeting and as an agenda item if possible.

c) Council Discussion

The Council discussed the information presented by staff such as maximum building size and the FAR tool that could be applied for consideration to help manage density. Also, they discussed form-based codes.

Mr. Homolka asked for clarification that currently in Cashiers that they do not have FAR guideline and inquired about the slope guideline to control drainage. Mr. Poston stated that was correct and they have a slope ordinance that applies to the entire County for stormwater. Mr. Jeleniewski discussed the stormwater regulations and that there is a two-tier system, if it is 1000 square feet or less traditional stormwater management control measures are required to be put into place. If it is greater than 1000 square feet, treatment would be required such as underground storage/above ground storage to slow down the velocity and treat the water before it is released. Also, when the engineer is designing the stormwater system to meet the standards within the ordinance they also have to understand the velocity and water moving through the site. Each zoned jurisdiction (Cashiers, Cullowhee, US 441 Gateway Corridor) has their own stormwater regulations and in the County erosion control standards it speaks to stormwater and the conveyance of it ground cover, vegetative surface etc. on disturbed land. The County Mountain and Hillside Development Ordinance (MHDO) only speaks to residential development when developing on steep slopes and not on commercial property.

Mr. Bond inquired if there was anything within those standards that spoke to how much impervious surface is allowed. Mr. Jeleniewski stated the County has a Water Recharge Ordinance that speaks to the land use and the allowable impervious surface and they can go up to 70% impervious surface. In addition, within that ordinance there are stormwater management standards.

d) **Q & A**

There was a question regarding if there could be a moratorium to allow the Planning Council the opportunity to review and consider the information that is before them for review. The Council answered that putting a moratorium would put an unreasonable stop for the whole building trades and entire industry that they would not likely accept. Also, they are trying to act expeditiously and come back with more plans and discussions.

Another question was regarding ownership of materials of the privately paid advisors with expertise and how the County would address those materials. The Council answered that recently they ran through a confusing situation where the same consulting company Stewart Inc. that produced the Cashiers Small Area Plan that was paid by the County, had produced a document for the group Develop Cashiers Responsibly. The document produced for that group was not neutral in the same way that the Cashiers Small Area Plan was developed that allowed for other opinions as it was developed for the group. The ULI document would be paid through a legacy fund through the Cashiers Chamber of Commerce, but they would likely be attempting to create a document that would be as neutral as the Cashiers Small Area Plan. From a County perspective it is important to have all of the community's input to where the ULI document can be a neutral document. In addition, the County would further look into who the collector of that information and review the agreements for the ULI document.

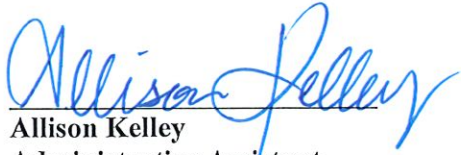
There was a question regarding how public would the ULI report be. Staff answered that the document would be available by request from the Planning Department and available on the department website.


There was a question regarding the timeline for the County to hire a consultant for the code rewrite and how is the money allocated. Staff answered that they have missed the deadline for this year's budgeting process, however they have approached County management that they are looking to start the process for the code rewrite as it would be an off-budget process. Staff will inform the Council regarding the timeline as soon as they have a better understanding of how that process will move forward with the off-budget process.

Adjournment

With no further business to discuss, Doug Homolka made a motion to adjourn. Glenn Ubertino seconded the motion, and the meeting adjourned at 4:45 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Cashiers Planning Council Chairman