

Cashiers Area Community Planning Council
Special Meeting Minutes
August 22, 2024
5:30 p.m.
Cashiers/Glenville Recreation Center, Community Room

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

Staff Present

Michael Poston- Planning Director
 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 5:33 p.m. and a quorum was present.

Additions to/Approval of the Agenda

Dr. Douglas Homolka made a motion to approve the agenda as written. Carole Stork seconded the motion, and it passed unanimously.

New Business

a) Recodify Cashiers: Presentation – Chad Meadows, CodeWright

Mr. Meadows stated the consultant team started with the policy review that happened several months ago where they looked at the Cashiers Small Area Plan and the ULI study as there were several things that were embedded in those documents. From those documents the consultant team thought the need for more workforce housing and attainable housing were particularly important. In addition, the recognition that there are serious transportation and mobility challenges in Cashiers, a call for greater design quality and better look in development, and development that is consistent with the community's character. Following the policy guidance, conversations with staff and the Council it came to their attention that the current special use permit process has not been working. Due to that feedback and a part of this project is a proposed replace for the special use permit process for a process called conditional rezoning. Since the policy guidance has called for new development and redevelopment in Cashiers to protect the character of the community, the consultant team spent a lot of time doing a community character analysis. The community character analysis is approximately a 45 page report that identified building types, language, aspects of community character that they are attempting to define and describe community character for the express purpose of including those ranked as review criteria in the Unified Development Ordinance (UDO) changes. The consultant team put together an annotated outline that discussed the

different parts of the UDO that would be changing. The consultant team has drafted the UDO, which currently is in review in various stages before it can be presented to the Council and community. The consultant team has put together a draft zoning map that was sent out to property owners within the Cashiers area zoned jurisdiction to inform them of the proposed changes in zoning designation for their property and inviting them to the zoning map workshop which was held on August 21, 2024 at 5:00 p.m. in the community room at the Albert-Carlton Cashiers Community Library.

The UDO is the set of rules that govern the use of land and how development needs to be configured in the County. Jackson County does not have a lot of zoned areas, there is only four areas of the County that have zoning which include the Airport hazard district, Cashiers commercial area, Cullowhee Community Planning District, and US 441 Gateway District. The UDO includes procedures, subdivision, industrial development, manufactured home parks, wireless communication facilities, etc. There are parts of the UDO that are not within Section 9.3 - Cashiers commercial area that will change based on this project. For example, the conditional rezoning process is a new procedure that they are suggesting to be used to replace the special use permit process and that procedure is not in Section 9.3 it is in Article III - Permits and Procedures. Those changes are currently in review with the county's attorneys and they are expecting comments back that they will integrate in the next version of the text. The consultant team has discussed with staff regarding the revision changes of Section 9.3, and they will be making changes based on that feedback. Once those changes have been revised, the draft will go to staff for review and then to the county attorneys for their comment then they will release the text to the public for discussion within the community. Then the consultant team will have some public meetings regarding the text to hear the community's feedback.

Since the consultant team is still in the drafting portion of the UDO, they sent out the draft version of the updated zoning map which was sent out to the public in early August. If you were a property owner within the Cashiers zoned jurisdiction, they received a letter that included information of what the current zoning of their property was and what proposed new zoning their property might go to under the new regulation. The letter also included a draft table of use table for the proposed new districts and notified and invited property owners to the zoning map workshop on August 21st. The consultant team also posted a voiceover review of the zoning map itself and the methodology called "Draft Zoning Map Video Presentation" that was used which is located on the recodifycashiers.com webpage located under the "Documents" tab then under "Initial Draft" section. Not all property owners live in Cashiers full time so they wanted to make sure they had a virtual component added to inform those individuals. There were approximately 20 return letters out of the 600 something property owner letters that was sent out, and they received about 25 to 30 phone calls. Approximately 5% of the people who received the letter reached out to the consultant team with questions, not understanding the letter they received, did not like what they were proposing to do or they appreciated what we were proposing to do. In addition, the consultant team held a public form for the zoning map workshop last night, August 21st and there were approximately 61 people that attended that meeting to discuss the draft zoning map.

Mr. Meadows discussed the methodology for the proposed new zoning designations in the Cashiers area as follows:

Methodology- Residential

- Lots proposed for residential zoning classification are shown in yellow
- Lots with a single-family home or other residential use are designated residential
- Vacant lots with no frontage on an NCDOT street are designated residential

- Some lots are proposed for utilities or shown as commercial in the Cashiers Small Area Plan were designated as non-residential

Cashiers Residential (CRS)

- Maximum Density: 4.0 Units/Acre
- Minimum Lot Size: 10,000 square foot
- Allows single-family detached homes, duplex, triplex, quadplex, accessory dwelling units (ADU), (including manufactured homes)
- Allows schools, churches, fraternal organizations, minor utilities, major utilities, towers, parks

Methodology- Non-Residential

- Lots proposed for residential zoning classification are shown in red
- Non-residential includes office, commercial, industrial or institutional uses
- Lots with an existing non-residential use are designated non-residential
- Vacant lots with frontage on an NCDOT street are designated non-residential

Cashiers Non-Residential (CNR)

- Maximum Density: 4.0 Units/Acre
- Minimum Lot Size: 10,000 square foot (residential); 20,000 square foot (non-residential)
- Allows retail, office, personal service, restaurants, entertainment, institutional uses
- Allows single-family attached residential, triplex, quadplex, multi-family
- Does not allow single-family detached homes (??)

Methodology- Mixed-use

- Lots proposed for mixed-use zoning classification are shown in purple
- Mixed-use is a lot with both a residential principal and a non-residential principal use
- The “Kessler” site is designated mixed-use because of its approved Special Use Permit (SUP) even though it is vacant
- The “Marketplace” site does not have a designation yet since it is still in review

Cashiers Mixed-use (CMX)

- Maximum Density: 8.0 Units/Acre
- Minimum Lot Size: 5,400 square foot
- Allows all forms of residential and most forms of non-residential (but not light industrial)
- Must mix 2 housing types or 2 non-residential use types

Cashiers Conditional (CCD)

- None are pre-assigned; established only via application
- Reserved solely for development meeting thresholds
- Allows same dimensional standards as CMX and any listed principal uses
- Requires a concept plan

The consultant team broadened the array of housing types within the residential districts as the Cashiers Small Area Plan and the ULI report called for more permissible housing types. In addition, uses that also support residential are also permitted within the residential districts. Mr. Meadows discussed the permitted uses within the residential district which include Bungalow Court, Conservation Subdivision, Duplex Dwelling, Family Care Home, Manufactured Home (on its own lot), Manufactured Home Park, Pocket Neighborhoods, Single-Family Detached Dwelling, and Triplex or Quadplex. In addition, he provided visual examples of what a bungalow court and pocket neighborhoods look like. Bungalow court is four or five single family houses each on

their own lot served by a shared driveway, which is a way to accommodate increased residential density. The hope is that with smaller homes in Cashiers would help those homes be more affordable. A pocket neighborhood is for someone who has a larger lot of land as it creates a way to have a subdivision, create a series of smaller homes each on their own individual lots, that includes a common open area with a shared yard and shared parking spaces. This type of development is more density, but it is not multi-family housing because they are still single-family homes that are small in scale around 900 to 1100 square feet in size.

Mr. Meadows discussed manufactured homes and manufactured home parks as there are some people who are using manufactured housing for employee purposes. The consultant team decided to allow both use types in the residential district as they are wanting to create affordable, attainable housing for people to live and work here. However, the manufactured home parks are not allowed in the non-residential district.

Mr. Meadows discussed the permitted uses in the non-residential district which includes Bungalow Court, Congregate Care, Duplex Dwelling, Live/Work Unit, Multi-family Dwelling, Single-Family Attached Dwelling, Triplex or Quadplex, and Upper-Story Dwelling. Within the non-residential district they are trying to encourage more residential development or the ability to do residential development. In addition, the consultant team has also received feedback from the community about the idea of not allowing single-family detached homes on residential properties is an irritable idea. There are concerns about nonconformities, insurance, and loss of development potential. He inquired from the Council if they should consider to allow single-family detached in the non-residential zoning district.

Mr. Homolka inquired what was the reason the consultant team did not allow single-family detached homes within the non-residential district. Mr. Meadows stated they wanted to encourage higher density structures, duplexes, triplexes, quadplexes, and single-family attached dwellings. If they encouraged or permitted single-family detached homes on those lots, they knew that they would have less ability to accommodate that. In addition, the other reason is that while we have these zoning districts in place, anybody can request a change in their zoning by requesting a rezoning of their property. During a rezoning process, the Cashiers Planning Council, Planning Board and County Commissioners are given the opportunity to consider these requests and they wanted those boards to weigh in on those requests and whether it is good planning. In addition, he stated he had concerns that allowing single-family detached on non-residential would thwart our efforts at higher density and would remove the possibility of review of applications where somebody was going to come in and put a single home on a large piece of property that might be better suited for something other than one single family home. Mr. Ubertino stated the value of the property drives a lot of what happens on a property. Mr. Meadows stated based on the feedback it appears that they may allow single-family detached dwellings in the non-residential district.

Mr. Poston stated the Council should be reviewing every six months to a year the table of uses for the zoning districts because new uses come in. In North Carolina, if you do not have a use specifically listed as being not allowed or prohibited then case law says you have to go to the next like use and apply the rules that are in place for that.

Mr. Meadows provided visual examples of Single-Family Attached Building, Triplex Building, and a Live/Work Building. Some of the examples are partially residential and there are many opportunities in Cashiers for these types of uses.

Mr. Meadows discussed the permitted uses in the mixed-use district which includes Bungalow Court, Congregate Care, Conservation Subdivision, Continuing Care Retirement Community, Duplex Dwelling, Family Care Home, Live/Work Unit, Manufactured Home (on its own lot), Multi-family Dwelling, Pocket Neighborhoods,

Single-Family Attached Dwelling, Single-Family Detached Dwelling, Triplex or Quadplex, and Upper-Story Dwelling. In addition, he provided visual examples of both horizontal and vertical mixed-use buildings that were not small scale one was an example from Blowing Rock and the other from Southern Village in Chapel Hill (401 Market Street). Small scale mixed-use does not happen as often, it is seen a lot in historic buildings or historic towns, but it is not typically seen in brand new buildings that are being built. In Chapel Hill, there are two kinds of mixed-use buildings, a horizontal mixed-use is when there is a building that is non-residential and a building that is residential on the same piece of property with two different principal use types. Vertical mixed-use is when there is a building and on the ground floor there is a non-residential use and a residential use above.

Mr. Meadows discussed the conditional district which is intended for the largest developments, but also allows people to make a request for deviations or departures from what is in the regulation. Those making a request for deviations will have to justify why the development is better to the Cashiers Planning Council, Planning Board, and Board of County Commissioners. Another aspect about conditional zoning is called conditions of approval and the applicant, Cashiers Planning Council, Planning Board, and Board of County Commissioners can propose conditions of approval. The applicant can choose whether or not to agree to those conditions, however this process gives more authority and opportunity to have a negotiated discussion with an applicant than you have under the special use permit process. In addition, those conditions have to be reasonable based on the impact of the development to withstand legality.

Mr. Bond inquired why they are taking the entire eastern section of Cashiers going towards Sapphire, and turning that completely into residential. He believes that ruins some of the flow from Sapphire coming into Cashiers as property within that area off of US 64 could be utilized as a buffer with other businesses deterring traffic coming into the crossroads. Mr. Meadows stated they used the methodology because they wanted a uniform, objective way to classify land. All of those properties that showing residential either have a single-family home on the property, it is vacant or it does not front a State Road. Mr. Bond stated that the future of Cashiers growing is to spread it out and not concentrate in the core in the middle of town. In addition, he stated we need to be looking at High Hampton, Sapphire and other aspects of this.

Mr. Meadows stated property owners will have the ability to propose to rezone their property. The Cashiers Planning Council and the Planning Board would hear the rezoning case and make a recommendation then it would be forwarded on to the Board of County Commissioners for the final decision. North Carolina law states that the elected officials are the ones who decide map amendment applications and text amendment applications, even if we wanted to let this body be the deciding factor, the law does not support it. There are some local governments in state of North Carolina who do allow their Planning Boards or other bodies to decide rezoning cases. However, you must have special authorization from the General Assembly to have that authority, and the elected officials have to agree that they are going to delegate another body to make a mapping, rezoning decision.

The consultant team has been mostly hearing community feedback that they want to protect the trees, limit development and limit growth. However, since the letters have gone out to the property owners they have been received a more nuanced sort of perspective regarding wanting to be able to sell their land to a developer. This visit the consultant team has had the zoning map workshop with a great attendance from the community, office hours and have met with approximately 15 people. On the next visit after staff and the County attorneys have reviewed the UDO draft language, the Council and the community will have had time to review the UDO draft language and they will

begin discussing the text. In addition, based on feedback they have already received from property owners the draft map would be changing as they have come forth to the consultant team informing them of what is existing on their property that the GIS property record card from the County's tax department did not capture.

Mr. Poston stated our previous County attorney Heather Baker is no longer with the County and the County is contracted with a firm. He stated it is getting those attorneys up to speed on this project and they have already started to review some of the draft language that we have. In addition, he stated he does not have an exact date on when that review would be completed and when the draft language would be presented to the Council. The consultant team and staff have committed to a very open and transparent process as it would be in the best interest of the community. The goal is to continue to try to balance those two concepts and give everybody a chance to take a look at the draft language. give everyone a chance to see the text and give that time. The hope is to have final UDO draft language over the next couple of months for review purposes.


Adjournment

With no further business to discuss, Glenn Ubertino adjourned the meeting at 6:38 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant



Glenn Ubertino
Cashiers Planning Council Chairman