

Cullowhee Community Planning Council

Minutes

August 5, 2024

6:00 p.m.

Department on Aging, Heritage Room

Sylva, NC

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Claxton	X		Karen Kandl	X		<i>Vacant</i>		
Mike Byers	X		Rebecca Manring	X		<i>Vacant</i>		
Chris Stuckey	X		Damon Sink	X				

Staff Present

Michael Poston, Planning Director

Anna Harkins, Planner I

Allison Kelley, Administrative Assistant III

Hunter Rogers, Planning Intern

Others Present

Joesph Satterfield, Applicant for Text Amendment

Call to Order

Chairman David Claxton called the meeting to order at 6:02 p.m. and a quorum was present.

Approval of Agenda

Rebecca Manring made a motion to approve the agenda as written. Damon Sink seconded the motion, and it passed unanimously.

Approval of Minutes

Karen Kandl made a motion to approve the minutes from July 1, 2024. Rebecca Manring seconded the motion, and it passed unanimously.

Public Comment- Sign-up sheet- 3 minutes per speaker

There were no public comments.

New Business

- a) **Public Hearing: Text Amendment to Unified Development Ordinance Section 9.4, Table 9.9 List of Permitted Uses to add Mini Storage as a permitted use**

Chairman David Claxton opened the Public Hearing at 6:03 p.m.

Ms. Harkins presented the following staff report for the proposed text amendment request:

Applicant: Joseph Satterfield

Property Location: 40 Ed Norton Rd, Cullowhee NC 28725; PIN 7559-42-6154

Current Property Planning District: Single Family Residential MH (SF-MH)

Unified Development Ordinance Section for which the Text Amendment is requested: Section 9.4 Table 9.9 List of Permitted Uses

Description of Request:

The applicant is requesting a text amendment that would add Mini Storage to the list of Permitted Uses in the Single Family Residential Manufactured Home (SF-MH) District.

Background:

The subject property is located at 40 Ed Norton Road and is identified by PIN 7559-42-6154. This property is 0.35 of an acre (15,246 square feet) and the existing commercial structure currently on this property is approximately 1,320 square feet. Access to this property is directly from the public right-of-way off Ed Norton Rd. The property is currently used as a storage facility, which is a legal non-conforming use in the district today. The abutting properties to the north (PIN 7559-42-7265), east (PIN 7559-40-5733), south (PIN 7559-42-6021), and west (PIN 7559-42-6021) are in the Single Family Residential Manufactured Home District (SF-MH) of the Cullowhee Planning Area jurisdiction.

The Single Family Residential Manufactured Home District was established to preserve areas for the development of single-family residences, including manufactured homes, and related uses. The current property designation of Single Family Residential Manufactured Home District allows uses limited to single family detached dwellings, community centers, churches, and several other non-residential uses such as golf courses, bed and breakfasts, home occupations, and public utilities related facilities. This proposed text amendment would be applied to all properties within the SF-MH district.

In the Cullowhee Small Area Plan’s Future Land Use Map, this property is noted to be in the “Campus Edge District” which is described as a multifamily district.

Staff Findings:

Staff did research into Mini Storage Units being permitted within Single Family Residential zoned areas, specifically in municipalities and counties that have a University/College. The 15 areas researched were as follows:

- Asheville
- Hendersonville
- Brevard
- Waynesville
- Canton
- Misenheimer
- Boone
- Franklin
- Elizabeth City
- Buncombe County
- Hickory
- Winston Salem
- Henderson County
- Sylva
- Greensboro

Ms. Harkins stated out of these areas, only Henderson County allowed Mini-Storage in their Rural Residential district with special standards applied.

Ms. Harkins stated if this text amendment is recommended, the Cullowhee Planning Council will have to consider and approve a statement of consistency with the Cullowhee Small Area Plan and the Jackson County Land Use Plan.

Ms. Manring inquired when was the original adoption of the zoning districts that made this area single family. Mr. Poston stated the original zoning district was adopted in 2015 and the existing storage units pre-date that by several decades. He stated if you were to take a look at this area and look at the predominant use typologies in this area the Mini Storage would be an outlier and that is why you see this area look more residential in concept and how they applied it on the ground then commercial, which you might see on the on the other side of Central Drive.

Ms. Kandl inquired if the mini storage that currently exists there is grandfathered in. Mr. Poston stated that is how we consider it but we use the term legal non-conforming, meaning that it has a legal ability to exist. However, there are parameters put on in this case about how you expand and to what degree you are able to expand to non-conformity. In addition, he stated the text amendment request since it is going to be in the table of uses is not just for this specific property but it expands to every property that is zoned in that district.

Ms. Manring inquired if there are nearby areas that also allow for mini storage units other than the one that is already existing. Mr. Poston stated there is the ability to have that inside the commercial districts. However, whether or not every commercial piece of property is appropriate for that type of use, that becomes a different conversation. He stated as planners, we try to defer to usually the developers and the property owners to think about what types of uses beyond the

scope you can have. For example, a property owner or developer may think that this property is perfect for a particular use or more so this is a good commercial piece of property because of where it is at, where it lays, the uses around it, and how this area is developed over time. Mr. Poston stated we do not really go that deep into the weeds with people.

Mr. Byers stated he believed it would be a mistake to modify the plan so that any single-family residential property could be used for this purpose. He believes it would be more appropriate for this group to hear one by one if somebody wanted to look at specific properties to consider as a one at a time basis. In addition, he stated but to change the whole plan does not seem like the best path forward. Mr. Poston stated you can look at two things, one is a rezoning, and the future land use map that we have talks about where should future commercial and multi-family be. In addition, the plan discusses the Campus Edge district which is about creating a dense, walkable type of community with more focus on multi-family and types of edge uses that complement the institutional use, which is the university. He stated if the Council would like to look at this as a one by one basis that is an option. If you were to rezone that to commercial, which is the only district that allows mini storage currently, then you have one commercial piece of property within a sea of residential properties, which brings in some additional issues from the legal realm of spot zoning.

Ms. Kandl stated it seems like the Council talks a lot about single-family housing and the lack of single-family housing in Jackson County, particularly around Cullowhee, and it would seem to be a mistake to allow other types of businesses where we really want to see single-family housing or manufactured homes.

The applicant, Joseph Satterfield stated he was trying to buy this property and it would be his first business as he was previously a mechanical engineer. He stated he looked at this property through his real estate agent and he wants to build a few more units on the property, and all of those will only be mini storage. He stated it will not be like the mini storage that is the purple building that has a hair salon in it, so if you do approve it is only mini storage. In addition, he stated he was hoping to add the text amendment so he could build additional mini storage units. Mr. Satterfield stated the reason he went with this method instead the other method is if you look at many cities in western North Carolina and northeast Georgia, they have commercial zoning, but some of them have five levels of commercial zoning and that is because of the amount of foot traffic that is around it. He stated he did not want to make this one property commercial, because then he could sell it and a restaurant could move in on top of it and cause a lot of noise. He stated the text amendment to add mini storage, he felt would be the best option for us.

Hiddy Morgan provided a public comment regarding the proposed text amendment as follows:

Ms. Morgan stated she would like to voice her opposition to the request made by Mr. Satterfield regarding 40 Ed Norton Road (PIN 7559-42-6154) in Cullowhee, as published in the Sylva Herald & Ruralite in the Legals section. This request appears to be for a text amendment that would add Mini storage units to the List of Permitted Uses in all Single-Family Residential MH (SF-MH) Districts, rather than only regarding the property on 40 Ed Norton Road. This property is currently has the "ABC Mini Storage" units in place. Is a far reaching amendment actually needed, which would impact, possibly adversely, a large number of current homeowners, or would a simple variance request for 40 Ed North Road suffice? The agenda for today's meeting lists a public hearing for the following: *Text Amendment to Unified Development Ordinance Section 9.4, Table 9.9 List of Permitted Uses to add Mini Storage as a permitted use.* Section 9.4, Table 9.9 already clearly lists Self-storage facilities as N (not permitted), with the exception of a Commercial District U (use permitted, subject to additional standards). The text amendment, as presented on today's agenda, would make a significant change to the Unified Development Ordinance, and many affected homeowners may have missed the notice in the Sylva Herald. In the future, when text amendments of such magnitude are to be considered, a greater effort should be made by the Jackson County Planning Board to seek wider input from homeowners in the large and widely dispersed Single Family Residential Manufactured Home Districts. Thank you for the opportunity to share my views with you.

Joe Pechmann provided a public comment regarding the proposed text amendment as follows:

Mr. Pechmann stated he would like to offer his opposition to this text amendment, and the main reason is that you are changing the zoning rules for all of the Cullowhee Planning Area to address a particular problem of a particular potential landowner. He stated he did not see mini storage units as being very compatible with single family housing, manufacturing housing or otherwise, and he would not want to see that happen. In addition, he stated he guessed that was the issue, because it is grandfathered in which means that you cannot add to it, and he understands why you might want to do that. However, the solution to your potential problem is not really to change everything for the whole area and he also understands why you do not want to do spot zoning, but he certainly does not want to see all of the zoning changed for this one potential use.

Mr. Poston stated the Planning Council is asked to make a recommendation, and this is a legislative process unlike the special use hearing process where this board sits as the adjudicating body for text amendment requests, it is the Board of Commissioners. The role of the Planning Council is to now discuss the merits of the application, and you would make a recommendation either to approve or not approve the application. Theoretically, you could table it to the next meeting if there was need for some additional information. He stated we also have to address consistency on whether or not the request is consistent with the Cullowhee Small Area Plan. In addition, he stated the state legislator does not hold us to saying that every decision that has to be made is consistent, as long as we are able to also offer why it is reasonable and in the best community interest. Therefore, being inconsistent with a plan does not automatically lead you to a decision of not recommending, it can still be considered, and then you have to enumerate why it would be in the best public interest to recommend it, even though it appears not to be consistent.

Mr. Claxton stated the request is to change the wording so that this could happen anywhere within that district. However, if it was not approved would there still be an option since there are already storage units in that area to apply for more storage units. Mr. Poston stated no you really cannot as it is really hard to expand in the non-conforming uses, because at the time that became non-conforming, you have what you have and there are very limited options or abilities to expand. The idea behind the legal non-conformity is we recognize that you were here before we had rules stating otherwise, and you can continue to operate and exist as such. However, unless the rules change or you change that use to a conforming use that is allowed in that use table, the non-conforming uses kind of stay as they are. Therefore, to expand this use, you would either have to allow it in the district or the district would have to change. In addition, he stated in this particular case, the application is to allow the use, then expansion could still be considered to the extent that that the new expansion met all the development standards that are required.

Mr. Byers inquired where would this type of development occur if it was outside of the Cullowhee Planning Area. Mr. Poston stated if you are outside of our zoned districts storage units permitted as there is no restrictions on that type of use. The only restriction in that Cullowhee Planning Area potentially depending on which 100 yards you went in would be the watershed standards which includes maximum impervious surface requirements. Anything south of the dam is within the watershed. North of the district or west to some extent, there would be very few limitations on building self-storage. There are storage units on Old Cullowhee Road as you get closer to the Rolling Green and the Greenway and there is no zone district or land classification.

Ms. Kandl inquired since the mini storage area is a non-conformity and without expanding it, could you make it better but just keep that same number. Mr. Poston stated you could improve the unit and do maintenance on them, and you could do an interior remodel and knock down out a wall between two units to make a bigger unit as the footprint is not expanding.

Mr. Byers stated the reason having a plan is so that anything cannot happen anywhere, and you have good, well planned development, and one of the main things that you are trying to protect is the single-family residential areas, and Cullowhee has a hot mess in that respect. He stated he

believed it would be a mistake to alter our plan to allow other uses in the single-family residential district.

Mr. Claxton stated he did not want to see a change all over the place, however at the same time, he is sympathetic to Mr. Satterfield, because it sounds like we need more storage area for Western students and people in that area, and there is already some there. In addition, he stated he wished there was a way we could allow it to be expanded.

Ms. Kandl stated it seems like Jackson County has so much land that is unrestricted, and the little bit that is restricted to single family housing or manufactured houses it just seems like that should be preserved. In addition, she stated she knows that a lot of thought went into this zoning back in 2015, years were spent on it and she would hate to see that just be taken away.

Mr. Sink inquired how long has this existing use been there. Mr. Poston stated looking at some older aerials, it probably was since the mid-80s or maybe a little bit earlier than that. The use predates any serious efforts to zone within Jackson County. He stated the property is zoned that way mainly because of your use typologies around it. The other option is a rezoning which could result in practical difficulties as there is no other commercial zoning in the immediate vicinity. If you take a look at our Campus Edge district, it talks about multi-family and there are some of those parcels in and around that area. Unfortunately, he stated he could not offer any concrete specific reason why that specific zoning was applied to that specific property, but he can give his best professional guess as to why that was viewed that way. Those storage unit structures have been there a while and it seems to be some intent behind not zoning that something different.

Mr. Poston asked the Council to include one of two things, and regardless if the motion is to approve or to deny we need to address consistency. He stated the Cullowhee Small Area Plan does not consider individual use types, so staff went back to the Future Land Use Map within that plan and how it describes that area, which is the Campus Edge district. The Campus Edge district is not described as a commercial district, it is described as a multi-family and walkable type of edge district where people could move freely in and around. For that reason, he would tend to his professional opinion, which is that it would not be consistent with the plan. However, you are able to as a Council if you believe that there is a reason that there is a public benefit or there a reason why it is okay to be inconsistent with the plan, that is perfectly acceptable. Mr. Poston stated he would need for the Council to help us identify why that is the case.

Mr. Satterfield stated the mini storage is a relatively small property, and all he wants is a consideration to expand it twofold. In addition, he stated he did not necessarily care about the other properties, he just wants to expand this property twice, lift it up or either make the same property next door.

Ms. Manring stated it is our job to make sure that it is consistent for all of Cullowhee and not just one person's property, which is what we have to consider when evaluating this request.

Damon Sink made a motion to recommend that the Board of Commissioners deny the request to allow mini storage as a permitted use in the Single Family Residential-Manufactured Home District (SF-MH), and that the request is not consistent with the Cullowhee Small Area Plan and Jackson County Land Use Plan 2040. Rebecca Manring seconded the motion, and it passed unanimously.

Chairman David Claxton closed the Public Hearing at 6:41 p.m.

b) Intern Presentation

Mr. Rogers presented the GIS StoryMap, which is a tool mostly for citizens to be able to use to understand some complicated or dense subject matter. He stated the GIS StoryMap is called Implementing the Land Use Plan, which is based on the Jackson County Land Use Plan 2040 that was adopted by the County in 2017 and there has been a plethora of objectives and goals that have been met from almost every section of the plan. Mr. Rogers stated he took the completed goals and objectives and wrote out a draft of where he wanted them to be within the StoryMap and then

researched them by using the documents that were presented to him. He then wrote small blurbs on each of those objectives and went on site visits and visited these facilities.

The GIS StoryMap can be viewed at the following link: <https://data-jacksonnc.opendata.arcgis.com/apps/7fa99cb4b5944dedbd1f0b3e30608032>

The GIS StoryMap includes the following accomplished goals from the Jackson County Land Use Plan 2040:

- About This StoryMap
- Navigating the StoryMap
- Public Health and Recreation
 - Jackson County Animal Shelter (84 Green Energy Park Rd, Sylva NC 28779; PIN 7631-07-0174)
 - Pocket Parks – Savannah Community Park (270 Greenway Rd, Sylva NC 28779; PIN 7528-28-9735)
 - Pocket Parks – Whittier Community (TR 1 Sunset Farm Rd, Whittier NC 28789; PIN 7613-28-6129)
 - Indoor Pool at Cullowhee Recreation Center (88 Cullowhee Mountain Rd, Cullowhee NC 28723; PIN 7558-26-8899)
 - Future Site of Cullowhee River Park (Wayehutta Rd, Cullowhee NC 28723; PIN's 7559-46-1151, 7559-46-2312, 7559-46-0187)
- Transportation
 - Fairview Elementary and Smoky Mountain High School Pedestrian Plan
 - Cullowhee Rec Connector
 - Greenway Expansion
- Cultural Resources
 - Jackson County Architectural Survey Update of Historic Resources from 1945-1975
 - Support of Montieth Park in Dillsboro and the Appalachian Women's Museum
 - The Historic Preservation Commission with support from the Planning Department has created print and digital resources that include a brochure of Jackson County's National Register of Historic Places Landmarks and coloring pages of those sites with a brief history
 - The Historic Preservation Commission with support from the Planning Department hosts a booth at the Mountain Heritage Day Festival located on Western Carolina's Campus to educate about historic places and landmarks found in the County
- Land Use
 - Cullowhee Small Area Plan
 - Cashiers Small Area Plan
- Economic Development and Infrastructure
 - Rural Digital Opportunity Fund (RDOF)
 - Growing Rural Economies with Access to Technology (NC GREAT)
 - Progress for RDOF and NC GREAT as of 2024
- Housing
 - Future Site of Webster Village (137 Little Savannah Rd, Sylva NC 28779; PIN 7630-84-8282)
 - Second Avenue Self-Help Housing (Second Ave, Sylva NC 28779)
- Natural Resources
 - Plott Balsam Blackrock Tract (Black Rock Rd, Sylva NC 28779; PIN 7654-24-6963)
 - Wood Heirs Property (11090 Canada Rd, Tuckasegee, NC 28783 ; PIN 8506-34-0953)

c) Planning Updates

Mr. Poston gave an update on the Jackson County Indoor Pool and showed a picture of the front main entrance into the building and they have already started the landscape around it, which means you are going to start to see some things move in their interior. He showed a picture of the new parking lot that is paved, but still an active construction site and most of everything is happening in interior, except for the landscaping. In addition, he showed some pictures of the different elevations and stated the exterior is almost completely finished at this point. Mr. Poston stated he did not have an exact opening date as they are still working out some of those details but they are really close to opening sometime this fall.

Mr. Poston provided an update on Monteith Gap Road. He stated we have been waiting a long time for this project and his favorite part is the sidewalks and the bike lanes, which will improve our mobility. There is a map of how all of these different pieces will connect to show how hopefully in the near future, you would be able to walk from Highway 107 and Old Cullowhee Road all the way to the Jackson County Recreation Center without getting on an actual travel lane. He showed a picture of where the new bridge is going and where some more of the abutments are going to go on one side which will be starting next week as they are already on the other side. In addition, he showed a picture of the beginnings of the roundabout. Mr. Poston stated there is a really robust drainage system underneath this road, it is a wet area and it will continually drain, there are thousands of tons of rock and base gravel had to go in it because of those concerns and to mitigate those issues. He showed a picture looking up Monteith Gap Road towards the Greenway of the realignment coming down the hill where Ledbetter Road will connect into at a 90 degree where you can no longer make that free-flowing right hand turn. He stated this realignment will help slow some of that traffic and calm that naturally.

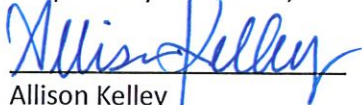
Mr. Poston stated Ms. Harkins will be leaving the Planning Department to join her husband where he is being stationed in San Antonio, Texas. He stated her last day is August 30th, and she has done a great job over the last three years and we appreciate all the work she has done.

Mr. Poston stated their meeting falls on the Labor Day Holiday and he does not believe we would have a meeting in September unless the Council has a reason to meet. Mr. Claxton stated he believed that would be fine and we would just plan to meet in October.

Adjournment

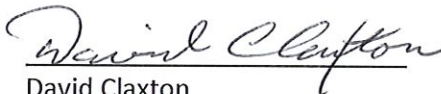
With no further business, Rebecca Manning made a motion to adjourn. Damon Sink seconded the motion and it carried unanimously, and the meeting adjourned at 7:13 p.m.

Respectfully Submitted,



Allison Kelley

Administrative Assistant- Planning



David Claxton

Planning Council Chair

