

Cullowhee Planning Council

Minutes

June 12, 2017

6:00 p.m.

Department on Aging, Heritage Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Rick Bennett	X		Myrtle Schrader	X		Jim Lewis	X	
Scott Baker	X		Joel Setzer	X				
Jack Debnam	X		Mike Wade		X	Mike Byers	X	

Staff Present

Michael Poston, Planning Director
John Jeleniewski, Senior Planner
Caroline Edmonds, Planner 1
Shelby Cook, Administrative Assistant
Heather Baker, County Attorney

Additions to the Agenda

Jack Debnam made a motion to approve the agenda. Rick Bennett seconded the motion and it carried unanimously.

Approval of the Minutes

Jack Debnam made a motion to approve the minutes from May 1st, 2017 with no changes or additions. Jim Lewis seconded the motion and it carried unanimously.

Public Comment

Jane Eastman – Ms. Eastman works in Western Carolina University’s Anthropology and Cherokee Studies departments. She is wondering if anyone conducted an archeological study on the site before plans were made for the proposed Mallory & Evans Development project.

Sarah Fortwendel – Mrs. Fortwendel and her husband Clete are adjacent property owners to the proposed Mallory & Evans Development site on South Painter Road. They have lived in Cullowhee for 23 years, and are opposed to the townhome project. Mrs. Fortwendel is primarily concerned about traffic safety hazards the project might cause.

Clete Fortwendel – Mr. Fortwendel is an instructor at WCU and runs his own lawn-care business. He and his wife Sarah believe the development is a bad idea. He is not anti-growth, but he would like to see more controls utilized for large developments, like heavier impact fees.

Adam Bigelow – Mr. Bigelow is a Cullowhee resident and the manager for the Cullowhee Community Garden, which is directly across South Painter Road from the proposed development. He is concerned about traffic hazards, water quality, and flooding. He would like to see the development go above and beyond the ordinance and building code standards to ensure public safety all around.

Vicki Szaro – Ms. Szaro wants the council to consider the residents of the South Painter Road and Monteith Gap Road communities when making their decision on the proposed development.

Chris Vogardus – Mr. Vogardus is a Cullowhee resident who lives about a mile away from the proposed development site. He is also concerned about the traffic safety hazards the project might cause.

New Business

a) Public Hearing: Mallory & Evans Development

Chairman Scott Baker opened the public hearing at 6:17 p.m. Mike Byers is a non-voting member and therefore cannot participate in the hearing.

The council disclosed any site visits, ex parte communications, specialized knowledge about the case, fixed opinion, family, business or any similar relationship to the applicant, financial interest in the case, or any other relevant information. Parties with standing were sworn in: Mike Poston and John Jeleniewski - Planning staff; Ted Hudgins and Brantley Basinger – Mallory & Evans Development; Victor Lofquist - civil engineer; Mark Teague - JM Teague Engineering; and Cletus and Sarah Fortwendel - adjoining property owners.

Evidence – Staff:

John Jeleniewski presented the staff report. The proposed townhome development is located on a property of 11.67 acres at 66 S. Painter Road in Cullowhee (PIN 7559-27-8151). The property is zoned Townhome Residential – Low Density. The development will consist of 12 residential buildings, containing 97 dwelling units and a total of

388 bedrooms. Buildings will be 30' to 40' in height and three stories. Water/wastewater services will be provided by TWSA and these utilities will be reviewed by TWSA when final plans are submitted. NCDOT will be coordinating their encroachment or driveway permit requirements with Victor Lofquist, the project engineer, and Mark Teague, the traffic engineer. A Traffic Impact Analysis (TIA) has been conducted by JM Teague Engineering. A portion of the property is located in a designated flood hazard area (100 year floodplain), but it is not in the protected watershed.

Mr. Jeleniewski's comments regarding the Cullowhee Community Planning Area Ordinance requirements are as follows:

- Section 4-6.10: Please continue the proposed sidewalk to extend from property line to property line along the roadway frontage. The applicant should request an easement from Jackson County for future sidewalk construction. The applicant has received approval from the Jackson County Board of Commissioners for the sidewalk easement, and Mallory & Evans Development has offered to extend the sidewalk down to the intersection.
- Section 6-2: A TIA has been provided to County staff. NCDOT has jurisdiction over matters related to traffic/roadways and will be applying policies concerning the development. The TIA recommends a left turn lane on Monteith Gap Road to South Painter Road.
- Section 6-3: Please provide vegetative screening around the proposed dumpster location.
- Section 6-4: The parking would require 413 parking spaces (388 per bedroom and 0.25 spaces per dwelling "unit" (97)). 418 parking spaces are provided.
- Section 6-5: A grading and erosion control plan will be required at the time of final plan approval.
- Section 6-6: Architectural design standards will apply to the architectural plans when submitted.

Additional Comments:

1. The applicant must receive permit approval from NCDOT for driveway entrances, encroachment (grading and drainage), and roadway improvements.
2. The applicant must coordinate with the Jackson County Building Inspections Dept. on any building code, fire safety, and access issues.
3. The applicant must receive approval from TWSA for water and wastewater services.
4. The applicant must secure the necessary easements – stormwater and utility – from Jackson County prior to construction. (DONE)
5. The applicant must receive Special Use Permit approval from the Cullowhee Planning Council.

The Cullowhee Planning Council must review the special use permit application for compliance with the requirements of the Cullowhee Community Planning Area Standards. The council inquired about building height, the stormwater basin, lighting, retaining walls, vegetative screening, cut slopes, and transit use.

Evidence – Applicant:

Ted Hudgins began the presentation of evidence for the applicant. Mr. Hudgins explained that since making contact with WCU about transit service to the development, the applicant has added a bus drop-off turnaround to their plans. He explained that there would be on-site management for the development, and the community will be gated at the entrance and fenced all the way around. There is one main entrance and exit, with a separate emergency vehicle entrance. There will also be a sprinkling and security system in each unit.

Victor Lofquist, civil engineer for the proposed development, explained that the property has a 15% average slope, which is relatively flat in comparison to other Jackson County sites. Mark Teague, of JM Teague Engineering, spoke to the council about the Traffic Impact Analysis process which was conducted by JM Teague. Mr. Basinger spoke on traffic safety and the applicant's willingness to work with the community and WCU.

The council had questions for the applicant concerning the traffic study, retaining walls, dumpster location, clubhouse, parking, and WCU's CatTran system coordinating with the development.

Board Discussion:

The council reviewed the special use permit application for compliance with the requirements of the Cullowhee Community Planning Area Development Standards:

1. The Design Review Committee recommends that the proposed development make the revisions to become more compliant with Article VI of the Development Standards, Section 8-5 (e), as outlined in John Jeleniewski's staff report recommendations.

Vote: 6 – 0, in favor

2. That the proposed development of the land will not materially endanger the public health or safety, Section 8-4 (f)(2)(c)(i). As discussed by the council, the development will have controlled entry, and the benching and slope, and stormwater will all meet ordinance requirements.

Vote: 5 – 1, 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, Section 8-4 (f)(2)(c)(iii). As discussed by the council, the proposed plans do appear to comply with the Cullowhee Community Planning

Area Development standards, but the 20' retaining walls, 30'-40' tall buildings, and the significant grading will not fundamentally work with the land.

Vote: 3 – 3, split vote = denied

4. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting properties, Section 8-4 (f)(2)(c)(iii). As discussed by the council, there is no evidence showing injury to adjoining or abutting property owners.

Vote: 4 – 2, 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 Cullowhee Community, Section 8-4 (f)(2)(c)(ii). As discussed by the council, the proposed plans do appear to comply with the Cullowhee Community Planning Area Development standards.

Vote: 5 – 1, 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, Section 8-4 (f)(2)(c)(v). As discussed by the council, the development would have sidewalks, easy access to the road, and a dumpster on site. It would be served by the Cullowhee Fire Dept., and the applicant has obtained easement approval from Jackson County.

Vote: 6 – 0, in favor

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard, Section 8-4 (f)(2)(c)(vi). As discussed by the council, there were no bus/pedestrian traffic calculations in the TIA, there was a lack of evidence in the traffic study, the development is close to a dangerous intersection, and the study was conducted during a possible “slow” time in the school semester.

Vote: 4 – 2, denied

Approval for Mallory & Evans Development application for a Special Use Permit is denied. Standards 1, 2, 4, 5, and 6 were approved; standards 3 and 7 were not approved, which indicates an overall denial. *Joel Setzer made a motion to acknowledge that the Special Use Permit is denied based on the denial of standards 3 and 7. Rick Bennett seconded the motion and it carried unanimously.* Mr. Baker closed the public hearing at 8:44 p.m.

b) Public Hearing: Article IV ordinance amendment

Mr. Baker opened the public hearing at 8:50 p.m. At the May meeting, the council was provided with a proposed text amendment to Article IV: Sections 4-4, 4-5, and 4-6. The amendment will ultimately turn the TH Townhome District into “Multi-Family Residential—Low Density”. The changes are as follows:

- Sec. 4-4: Multi-Family Residential—High Density District – 100 units was changed to 200 bedrooms.
- Sec. 4-5: Multi-Family Residential—Medium Density District – 60 units was changed to 120 bedrooms and “12 dwelling units” was removed.
- Sec. 4-6: Townhome Residential was changed to Multi-Family Residential—Low Density – 40 units was changed to 75 bedrooms. All references to TH District were changed to “MFL”.
- Table of Permitted Uses – “more than 2 units on a single parcel or on contiguous parcels owned by the same owner, and are developed over a period of two years” was removed from *Dwellings, multi-family*. Also, *Dwellings, single family attached (Townhomes)* was removed.

Jack Debnam made a motion to approve the amendments to Article IV as presented. Joel Setzer seconded the motion and it carried unanimously.

c) Staff updates

NCDOT will be holding a public meeting on Thursday, June 15th from 5:00 – 7:00 p.m. at the WCU Ramsey Center Hospitality Room, regarding the proposed Ledbetter Rd to Monteith Gap Rd extension. The next Cullowhee Planning Council meeting falls on July 3rd and will need be rescheduled due to the holiday. The meeting will likely be rescheduled to Monday, July 10th at 6:00 p.m.

Adjournment

With no further business to discuss, Scott Baker adjourned the meeting at 9:05 p.m.

Respectfully Submitted,


Shelby LeQuire Cook
Administrative Assistant - Planning


Scott Baker
Cullowhee Planning Council Chair