

Cullowhee Planning Council

Minutes

January 6th, 2020

6:00 p.m.

Conference Room 101A, Cordelia Camp Building
Western Carolina University

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

Staff Present

Michael Poston, Planning Director
Caroline LaFrienier, Planner II
Heather Baker, County Attorney
Allison Kelley, Administrative Assistant

Call to Order

Chairman Scott Baker called the meeting to order at 6:00 p.m. and a quorum was present.

Additions to Agenda

Jim Lewis made a motion to rearrange the agenda under "New Business" to letter 5a "Student Rentals Discussion-Unrelated Occupants" followed by letter 5b "Cullowhee Small Area Plan". David Claxton seconded the motion and it passed unanimously.

Approval of Minutes

Jack Debnam made a motion to approve the minutes for December 2, 2019. Jim Lewis seconded the motion and it passed unanimously.

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

- Daniel Perlmutter (Forest Hills resident): Mr. Perlmutter stated he was concerned of the potential impact of the number of unrelated people living together in a residential setting, and unintentional consequences. He stated Forest Hills has a standard maximum of 2 unrelated persons living together, and WCU has the standard of 5 unrelated persons living together and believes that number reflects the consideration for student rentals. Forest Hills residents have concerns that too many student rentals in the community would disrupt the nature of the area as it has in the past. He encouraged the Council to be careful of an unintended consequence that would limit individuals that are involved with fostering children in the county. In addition, they must preserve the area to be conducive to those living in a quiet residential area that remain active on campus and the surrounding area. He stated he did want the nature of the area endangered by the limit of 2 unrelated persons, however should be respected and is open to idea of having 3 unrelated persons per dwelling.
- Gene Norton (Oak Forest resident): Mr. Norton stated there is a case in North Carolina where a judge had a hard time determining what defines "single family." He stated the judge defined "single family" as any group of people living together in the same dwelling sharing responsibilities, and sharing finances. Mr. Norton stated more than 3 unrelated people would be difficult to define as a "family", and considered 5 unrelated people more as a business arrangement and is a violation of the word "family."

- Joseph Pechmann (Oak Forest resident): Mr. Pechmann stated he attended meetings prior to the implementation of the Cullowhee zoning districts, and did not recall the discussion of exception to the definition of a single-family household. In addition, there is no indication that a single family residential district is defined differently within $\frac{3}{4}$ a mile of WCU on the zoning district map, and is buried in the zoning ordinance under the subtitle of “student rentals.” He stated the reason to limit the number of unrelated people in a single family dwelling will help prevent communities from becoming taken over by student (or other) renters. Students are transient and do not have the same investment as family homeowners do in the long-term good of their house and community. He stated he knew this was fact as he lived in a house with several other students, and tried to be good neighbors but most likely fell short of that goal. When a neighborhood becomes dominated by student rentals it becomes undesirable for single family, and housing prices begin to drop accordingly. Mr. Pechmann stated he did not understand why single family is defined differently within $\frac{3}{4}$ a mile from WCU and includes nearly all of the single family residential areas within the Cullowhee zoned jurisdictions. He stated that allowing 5 unrelated people per dwelling makes a mockery of the single family residential designation. Reducing the number of unrelated people than can occupy a single family home will reduce the risk for developments to come student housing in areas designated as single family neighborhoods. He asked the Council to please afford the neighbors of WCU the same protections for the character and quality of their neighborhoods as others by eliminating this exception to the definition of a family.
- Tommy White (Planning Board member): Mr. White stated he would like to see Cullowhee develop in more of a defined role, and not just student housing. He believes the Council is working hard to find areas of growth in Old Cullowhee. Mr. White stated he would like to see Cullowhee as more of a town with businesses and encouraged the community to stay involved with the Small Area Plan as it would be a vital component regarding this discussion.
- Karen Kandl (Oak Forest resident): Ms. Kandl commented on the discussion of student rentals and the maximum number of unrelated person who can occupy a space. She respectfully requested that the ordinance be changed to read as the following, “the maximum number of unrelated person in a home shall be two unrelated persons.” She stated it seemed that it should not matter if the single dwelling is close to or further from WCU. A single dwelling is a single dwelling, no matter if it is near a university. Ms. Kandl stated she believe that this change would help preserve the character and quality of single family neighborhoods here in Cullowhee in Jackson County. She stated from a Google search, most places in North Carolina allow for the maximum number of unrelated person in a single family dwelling is limited to no more than 2 or 3 people. In fact, it is uncommon for more than 3 unrelated people to be allowed to live in a single family dwelling. Forest Hills allows no more than 2 unrelated people to live in a single family dwelling. In addition, having a maximum number of 2 unrelated person in a home in Cullowhee and in the county would be congruous with the character of our communities. Ms. Kandl encouraged the Council to consider her input and changing the ordinance in regards to number of unrelated person per dwelling.
- Hiddy Morgan (Buzzards Roost resident): Ms. Morgan stated she had followed the development of the Cullowhee zoned jurisdictions from 2015 as WCU began to grow. She stated the standard for unrelated people $\frac{3}{4}$ a mile from WCU is located in Appendix J, Article 5, Section 5-1(t) “Student Rentals.” The Cullowhee Small Area Plan final draft on Page 39 lists several neighborhood preservations that are identified to protect intact neighborhoods, and asked the Council to move forward with the Plan.
- Jim Maney (Cullowhee Heights resident): Mr. Maney stated it would be difficult to enforce the 2 or 3 unrelated people per dwelling unit but would aid in the increase in student housing within the area. He stated many of the developments are going up quickly and they need to consider the dip in student population over the next few years that would most likely lead to many units becoming empty. In addition, he is concerned long term of the construction of the developments as they are stick-built buildings.
- Catherine Carter (Oak Forest resident): Ms. Carter stated she realized many of the new developments arising around WCU are not designated as student rentals, but as single family housing. She requested that the ordinance be changed to allow “two unrelated person if home is

more than ¾ mile from WCU campus and three unrelated person if home is ¾ mile or less from WCU campus.” Ms. Carter’s preference would be to have the maximum be two unrelated person no matter the location of the home as that is the existing maximum in Forest Hills. Keeping the maximum number of unrelated person in a home to two in Cullowhee would be congruous with the character of that community. However, even reducing the number to three would reduce the likelihood that “single family home” could become actual student rentals and “single family” communities become, as Gene Norton stated in his statement at the December meeting “de facto fraternity houses.”

New Business

a) Student Rentals Discussion-Unrelated Occupants

Mike Poston informed the Council the beginning of the Cullowhee Community Planning Area derived from the community asking guidance from the county in managing land-use and growth at Western Carolina University along with student housing projects. The ordinance discussion began in 2013 and was developed two years later to guide development, designate zoning districts based on the areas current use along with a projection of the future uses in particular areas. Staff has observed during the last few years the ordinance was not developed fully to handle all situations, which staff amended to meet the needs of the community. He stated the Small Area Plan would create a roadmap to prepare for growth over the next 20 years in the Cullowhee area. When the ordinance was establish, the conversation of student rentals determined the ¾ of a mile rule of the number of unrelated people that could reside in the same dwelling. The rule states that ¾ of a mile from Western Carolina University (WCU) only five unrelated people are allowed in one dwelling unit, and more than ¾ of a mile from WCU up to three unrelated people are allowed in one dwelling unit. Outside of the Cullowhee zoning districts, there is not much development criteria for land use regulatory measures. Outside the zoned districts there are fewer limitations to the types of use of the property and mainly focus enforcing develop of the property with the exception of heavy industry land uses such as an asphalt plant. In addition, other development ordinances such as floodplain, watershed, and steep slope ordinances still apply outside the zoned ordinances.

Chairman Baker inquired which areas within the zoned district the number unrelated people per dwelling units applies. Mr. Poston stated it applies to the following districts, Single Family Residential District, and Single Family Residential Manufactured Home District. In addition, to consider the Townhome Residential Low Density District as it is a permitted use-by-right Multi-Family district with no current number limit of unrelated people per dwelling.

Mr. Poston stated it is difficult for staff to enforce when no laws are broken. However, if staff is in a situation where they are concerned of “code compliance” those are mostly complaints from the community. He stated that staff would not know the occupants of housing unless it had been reported to be investigated to determine if the property owner is in violation. In addition, they are limited from a Monday to Friday 8am to 5 pm work week and do not check beds after hours. In the past, staff has done investigations and issued violations in existing single family properties. If there is a violation, staff will send a letter to the owner of the property as they would have the ability to work through the issues versus tenants.

Mike Byers stated that WCU has grown for nearly a decade at a pace of 100/300 plus students per year. NC Promise program made it easier to obtain 300 plus students per year. He stated it is difficult to know the yield of the number of students who will apply, are accepted, and if thee formula would spike (one year it spiked to 600 plus students). Mr. Byers stated it is not sustainable for the university to try to aspire to rapid growth, as it is not responsible. The university would have to hire more faculty members to accommodate the additional students. He stated WCU’s goal for the next six years is to continue at a pace of 250 additional students per year. After 2026, he expects the university to shrink as there is a shift in population of 18 year olds in the United States. Mr. Byers encourages developers to be cautious that plan to build student housing as they must consider their planned growth and do not want the community to become over built and reduce the risk of newer projects failing.

NC Promise program is funded that has a cap without going back to get the legislator to fund additional subsidiary for those students, if they go over that cap the university would run out of tax payers funds quickly. Mr. Byers stated therefore, there is no incentive for any university to outpace their own sustainable growth rate.

Mr. Poston asked for direction from the Council moving forward if they want staff to begin drafting new language.

David Claxton inquired if the $\frac{3}{4}$ of a mile is a crow fly and not driving distance. Mr. Poston stated staff takes the distance from the boundary of campus. Ms. Baker stated they have had difficulties with this standard determining the calculation for the boundary, and it would be better to work with the mapping department to find a consistent standard with the zoned district.

Mr. Claxton stated the community is most likely here tonight from the development (Elevate) that had been proposed, he inquired if the Council was to change the numbers of unrelated people per dwelling if the previous development would be exempt from the new rules. Ms. Baker stated she is unsure if the developer had bought the property and they had not received all of their permits that are required. However, this standard is different as it is not grandfathered in, and would apply to all districts that would be changed.

Jim Lewis stated he would like to see the Council make the standard more uniform with 2 or 3 unrelated people in a dwelling unit.

Myrtle Schrader inquired how it would affect the Elevate project. Mr. Poston stated at this time they know the developer had applied to build single-family homes and duplexes, which are allowed in single family zoned districts. The ordinance applying the rule of 3/5 people per dwelling staff would assume it would apply in the same manner if it is changed.

Ms. Schrader stated she had concerns following the public hearing regarding Elevate if they reduce the overflow parking lot she is worried of people parking on the side of the road. She stated those at the student houses (Summit and Prospect) guests are parking on the sides of the road, as there is not enough adequate parking, and the curbing is being broken.

Mr. Poston stated staff would review the ordinance standard of the limit of unrelated people that can occupy a dwelling. He encouraged the Council to separate the 5 unrelated people and the approval to build single family homes. The standard of unrelated people per dwelling unit can be modified and changed by the Council. He stated staff would gather information regarding proposed modification to the standard for the Council to review and consider at the following meeting.

Joel Setzer inquired for more information on the enforcement of the current standard within the area. Mr. Poston stated staff has handled one case that has been reported in the Cullowhee district (University Heights), and one in Forest Hills that issued a special use to allow them to have two more unrelated people in a dwelling. The violation would need to be reported to staff to go investigate. Mr. Setzer asked how staff defines "related" people. Mr. Poston stated state statute speaks of lineage and is fairly broad (parents, children, grandparents, in-laws) however, there is a definition that states there is a stopping point, and is not a enforcement problem for staff. He believes the $\frac{3}{4}$ a mile standard may have come from a reasonable distant for students to walk/bike to and from campus. Mr. Debnam stated it is not just an issue in the single family home district in the Cullowhee zoned area but also through the entire area and the Council should consider setting the limit for the entire area.

b) Cullowhee Small Area Plan

Ms. LaFrienier stated council member Joel Setzer provided staff grammatical changes to the document. In addition, Mr. Setzer inquired for the Council to consider the following policy changes as follows:

- On Page 50/52 to consider removal of the double yellow line (advisory shoulder lanes) on Ledbetter Road as it does not fit the context of the recommendation. Advisory shoulder lanes should only refer to very low volume local rural roads.
- On Page 53 add language that states: to consider design guidelines for new development that encourages on-street parking in designated areas only, and parking enforcement measures to prevent parking on shoulders and sides of roads

- If staff’s response is adequate for the Open-ended Comments Board: “Environmental preservation + ecological function are not all about how a development LOOKS. We need corridors of entirely undeveloped land and waterways to maintain biodiversity- no one seems to be talking about that.”

The Council approved the changes proposed to the document by Mr. Setzer by consensus.

Jack Debnam made a motion to hold a Public Hearing regarding the Cullowhee Small Area Plan on January 28th, 2020 at 6:00 p.m. Joel Setzer seconded the motion, and it carried unanimously.

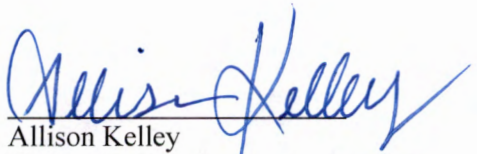
c) Census 2020 Update

Mr. Poston informed the Board Census Day is on April 1st, 2020. He stated the census would affect the availability funding that would impact programs in the county in the school system, public health system, and service programs. The funding is based on population and it is vital to have an accurate count to benefit the county. Mr. Poston stated that the community should begin receiving post cards in the mail with a code that can be filled out online.


Adjournment

With no further business, Chairman Baker adjourned the meeting at 7:34 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant- Planning



Scott Baker
Planning Council Chair