

# Cashiers Area Community Planning Council

## Minutes

January 28<sup>th</sup>, 2019

5:00 p.m.

Cashiers/Glenville Recreation Center

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond	X		Robin Ashmore	X		Michael Cox	X	
Bob Dews	X		Mark Letson	X		Deborah Townsend Stewart	X	
Glenn Ubertino	X							

### Staff Present

Michael Poston- Planning Director

John Jeleniewski- Senior Planner

Allison Kelley- Administrative Assistant

### Call to Order

Chairman Michael Cox called the meeting to order at 5:00 p.m. and a quorum was present.

### Additions to Agenda

Chairman Cox requested under "New Business" add letter 5b "Quasi-Judicial Hearing Process versus a Design Review Committee". Robin Ashmore made a motion to add letter 5b to the agenda. Glenn Ubertino seconded the motion, and it carried unanimously.

### Approval of the Minutes

Glenn Ubertino made a motion to approve the December 18<sup>th</sup>, 2018 minutes presented to the Council. Mark Letson seconded the motion, and it carried unanimously.

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

There were no public comments.

### New Business

#### a) UDO Discussion

Mike Poston presented to the Council the changes made within the Regulated Districts section. The Supreme Court ruling of the *Reed Decision* changed how staff would administer content based signage. He stated staff looked at all three jurisdictions within the county (Cullowhee, Cashiers, US 441 Gateway) and made the appropriate changes and adjustments to the sign regulations. The *Reed Decision* does not allow sign regulation to be based on its content, but allows to regulate the duration, size and location of the sign. He stated exempt signs such as government, and real-estate signs are now classified as temporary signs and applied with the same standards. Staff enforces the location of temporary signs on both residential property and commercial property. The

difference between the types of properties is a commercial property allows a larger sign than a residential property.

Chairman Cox stated Chinguapin has a truck parked near their permitted sign and has another sign displayed on the back of the truck. He inquired if they are exempt from the sign regulation. John Jeleniewski stated the vehicle must have current valid registration, inspection, and be used for the business. He informed the Council at the next meeting, Chinguapin has a request for a sign modification. Mr. Poston stated staff would review this matter and report back to the Council.

Mr. Poston stated there is another change in regards to community identification signs. He stated an off-premise residential community identification sign is problematic in regards to the *Reed Decision* because it is specific to the message it contains. Staff has removed the off-premise nature of the community identification sign, and enforces the location, duration and size. He stated the Council can revisit the modification in the future to determine whether or not to allow off-premise signs. Mr. Poston stated since it is currently an off-premise sign, staff would make the necessary changes by making the message more content-neutral.

Staff made a change within the Nonconforming section in the Cullowhee Regulated District. The ordinance states if a natural disaster (fire, hurricane, etc.) destroyed a building, the district only allows replacing 50% of the value of the building's Nonconforming Use. However, if it was not a natural disaster that destroyed the building but the owners/tenants negligence, they must conform and comply with the current ordinances.

Mr. Poston stated staff would plan for a Public Hearing in February to recommend the adoption of the Unified Development Ordinance (UDO) from the Council. Mr. Jeleniewski added the Conditional Use Modification of the Chinguapin sign will also be presented to the Council at the next scheduled meeting.

**b) Quasi-Judicial Hearing Process versus a Design Review Committee**

Mike Poston informed the Council the county currently has two review tracts. However, in Cashiers there is a current maximum square footage threshold that triggers a formal staff review. He stated the Cullowhee Ordinance is similar to the Cashiers Ordinance. In the Cullowhee District, staff has what is called a "use-by-right", and in the commercial district there is certain amount of development allowed for student housing. He stated this type of development is reviewed by staff in-house and the standards within the ordinance are applied at the administrative level, and staff works with the developer to oversee the ordinance is met. Mr. Poston stated the developer will still be required to have the architectural design approved by the Cullowhee Planning Council. The Council sits as a Design Review Committee and has the ability to discuss the overall design of the proposed project. During this process, the Council can ask the developer to consider certain design standards before they approve the project.

Mr. Poston informed the Council during a Quasi-Judicial Hearing Planning staff gathers all of the necessary requirements for the approval process. That is the first finding the Council has to make and you are sitting as the design review committee.

He stated a Design Review process would have a similar impact as the Quasi-Judicial process is focused more on site design, and architectural standards that are embedded into the current ordinance. He stated staff would apply the same standards, however, it would be the Council's decision to approve the architectural standards. Within the Cashiers Ordinance there is language that strongly encourage a certain color pallet but there would be limitations of what the Council could ask of a developer in an architectural review. Changing to a Design Review process would allow the Council to

focus more on the overall look and design of the project and less on the other items embedded in the ordinance such as stormwater.

John Jeleniewski informed the Council the general scope of the project in Cashiers is smaller than Cullowhee and is typically a few steps ahead and have a design plan. He stated if staff were to receive a plan for a new shopping center where the applicant did not have all of the architectural plans completed, then they would hold off on reviewing the architectural plans and review the site plan. He stated staff would review if the proposed development met setbacks, and landscaping requirements. Staff would then present to the Council at a later date what type of materials the applicant plans to use. Therefore, in this case he stated the process would be two separate meetings. Mr. Poston stated the Council could discuss in a future meeting the threshold not being as low to ease the Quasi-Judicial responsibilities.

Chairman Cox asked staff to bring the Council some options at the next meeting. In addition, he informed the Council he had a meeting with staff about when the Council could schedule a meeting to review the changes recommended in the Cashiers Small Area Plan. He also asked staff the best course of action to make changes of the language and amendments to the ordinance. Mr. Cox stated Mr. Jeleniewski would present to the Council future discussions as follows; similar and dissimilar uses, sidewalks, setbacks and landscaping requirements. He believes by implementing the small changes (building design, etc.) from the Goals section in the Cashiers Small Area Plan will aid in moving towards the bigger picture. David Bond stated he would like to see a Form-Based Code to give the Council direction on how to move forward.

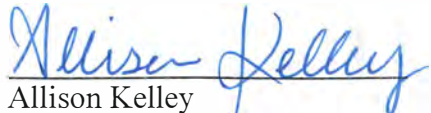
John Jeleniewski stated if staff are planning to present architectural standards, they still would have to review parking if the proposed project is doubling the square footage vertically. He stated the proposed project is still expanding the footprint and staff would have to take into consideration how it would affect the other parts of the ordinance. Mike Poston stated the best method to start implementing the goals in the Cashiers Small Area Plan is staff would present separate sections of quick-wins to the Council.

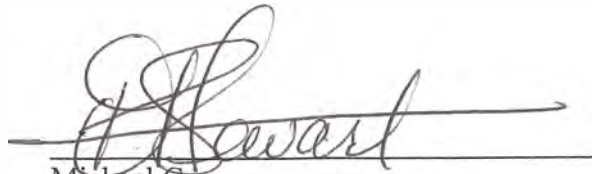
Mike Poston gave a brief update in regards to the intersection project, and transportation. He stated staff is in the draft phase of the Statewide Transportation Improvement Program (STIP) improvement plan. There are two phases; deliverables of which is funded, and the developmental of which is reprioritized. Currently, we are in the developmental portion of the STIP draft, and there would be no finalized version for another few months. He stated if the STIP stays in developmental phase, it would be reprioritized and pushed further out. Mr. Poston stated right now the plan is looking at 2027 for right-of-way and 2029 for construction.

### **Adjournment**

With no further business to discuss, Bob Dews made a motion to adjourn. Robin Ashmore seconded the motion and the meeting adjourned at 5:39 p.m.

Respectfully Submitted,

  
Allison Kelley  
Administrative Assistant

  
Michael Cox  
Cashiers Planning Council Chairman