

Cullowhee Planning Council
Minutes
March 4th, 2019
5:30 p.m.
Hospitality Room, Ramsey Center
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
 John Jeleniewski, Senior Planner
 Caroline LaFrienier, Planner 1
 Heather Baker, County Attorney
 Allison Kelley, Administrative Assistant

Others Present

Harrison Conner, Student Representative for the Cullowhee Small Area Plan
 Ashley Hill, Prospect Speedwell (Cloverleaf Group) LLC
 Victor Lofquist, Project Engineer
 Jake Petrosky, Stewart Inc.
 Will Linville, Stewart Inc.
 Kristy Jackson, Stewart Inc.

Call to Order

Chairman Scott Baker called the meeting to order at 5:34 p.m. and a quorum was present.

Additions to Agenda

Joel Setzer made a motion to approve the agenda as written. Rick Bennett seconded the motion, and it passed unanimously.

Approval of Minutes

Jim Lewis made a motion to approve the minutes from the February 4th, 2019 meeting. Joel Setzer seconded the motion, and it passed unanimously.

Chairman Baker introduced and welcomed Harrison Conner, student representative from WCU the steering committee for the Cullowhee Small Area Plan to the Council

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

Van Stayton (Developer/Owner) stated for the record if the right-of-way on Derby Road could be widened it would benefit the community. He stated the neighborhood would be nice an appealing if it was all connected to one key-point. Mr. Stayton stated the right-of-way is located where NCDOT could eventually widen it and connect to the proposed project.

Maxie Parris (Resident) stated she believes Western Carolina University has become too big. The jump in enrollment has left no student housing for those students to reside. She stated the proposed development

will leave her small community to deal with the additional traffic. Ms. Parris stated Speedwell Road is very old, outdated, two-lane with a 30 mile speed limit. She stated there are currently noise pollution, and trash pollution on Speedwell Road. Ms. Parris stated she does not get the luxury of spending a nice quiet evening at home due to all of the noise pollution. She stated in her community four families will have this development in their front doors; the Porter's, Freeman's, Parris's, Davis's, and after the developer leaves her small community will never be the same and asked the Council to please decline the proposed new development.

Eddie Parris (Resident) stated both he and his wife (Maxie Parris) hear a lot of noise currently at their residence. He stated the road is a 30 mile speed limit and the student's drag race on Speedwell Road. Mr. Parris stated he would like to have a privacy fence be placed between his property and the development and asked the speed limit to be dropped to 10 miles an hour.

Karen Kandl (Resident) stated she is not from the immediate area being affected. She is a resident of Oak Forest neighborhood near Forest Hills. She asked the Council to respectfully deny the proposed development. She stated the residents have observed apartments, and homes being built in the last decade that are making the area inhabitable for the current residents. She stated there is noise pollution, light pollution, and there is runoff from the developments in the Tuckasegee River and Cullowhee Creek. She understands there is a 30 foot buffer required for the development, however she does not believe that is enough. Ms. Kandl stated traffic is an issue, and she already has difficulty getting in and out of her neighborhood due to others driving too fast. She does not believe the property could sustain more than 100 beds as the area is already unsafe due to traffic and inhabitable for the current residents.

Kelly Freeman (Adjacent Property Owner) asked the Council to consider the current conditions of Speedwell Road, as he has to make a quarterly call to get potholes filled. He stated there is a traffic, speeding, and trash problem. Mr. Freeman stated he does not believe that economic development would be held up. He inquired if the entrance to the Prospect Speedwell could not be moved South on 101 towards 107, to eliminate some of the traffic.

Chairman Baker Closed the Public Comments at 5:49 p.m.

New Business

a. Public Hearing: Unified Development Ordinance (UDO) Adoption

Chairman Baker opened the Public Hearing at 5:49 p.m.

Caroline LaFrienier presented the final amendments made by staff of the UDO document. She stated staff incorporated new Soil & Erosion Control procedures within the document. Ms. LaFrienier stated the enforcement standards had been passed down from the state of North Carolina and must be incorporated and adopted in the UDO document.

In addition, Ms. LaFrienier informed the Council the existing maps are to be adopted with the UDO are as follows:

- Cashiers Area Zoning Map
- Cullowhee Community Planning Area Map
- US 441 Gateway Corridor Map
- Mountain and Hillside Development Map
- State Protected Ridges Map
- Proposed Protected Ridges Map
- Jackson County Airport Zoning Map
- Jackson County Watershed

Ms. LaFrienier stated staff is asking the Council to consider recommending adoption of the UDO to the Planning Board. The Planning Board would then recommend adoption to the Board of Commissioners. She stated within the Jackson County 2040 Land Use Plan, included a goal to develop the UDO document. She stated included within the Council's meeting packet is a Consistency Statement stating the UDO is consistent with the 2040 Land Use Plan.

Chairman Baker closed the Public Hearing at 5:55 p.m.

Jack Debnam made a motion to adopt the Unified Development Ordinance and it is consistent with the Jackson County 2040 Land Use Plan. Joel Setzer seconded the motion, and it carried unanimously.

b. Quasi-Judicial Hearing: Special Use Permit: Prospect-Speedwell

Chairman Baker opened the Quasi-Judicial Hearing at 6:15 p.m.

Chairman Baker entered into record to disclose the five public comments that were related to the Quasi-Judicial Hearing. Those comments were made prior to the hearing and were made by as follows; Van Stayton, Maxie Parris, Eddie Parris, Karen Kandl, and Kelly Freeman. In addition, Mr. Baker stated he rides his bicycle on Speedwell Road and observed something was going on in the area. Jack Debnam made a disclosure on the proposed plan/plat, the plan shows Western Carolina Properties owning an adjoining parcel. He stated that is not a fact, and the property was disposed of over a year ago. All applicants (Ashley Hill, Victor Lofquist), county staff (John Jeleniewski, Mike Poston, and Heather Baker), Mike Byers and those with standing were sworn into the Quasi-Judicial hearing.

John Jeleniewski presented the staff report. The proposed multi-family development is located on a property of 5.24 acres on Speedwell Road in Cullowhee (PIN 7558-38-3553) and approximately 500 linear feet north of the Highway 107/Speedwell Road intersection. The property is located in the Cullowhee Community Planning Area and is zoned Commercial District (C District). The proposed development will consist of 22 residential buildings (11-4 bedroom cottages, 11-5 bedroom cottages); 2 – multi-family buildings (12-4 bedroom units, 12-3 bedroom units) for a total of 46 dwelling units and 183 bedrooms overall. Water and wastewater services will be provided by TWSA and these utilities will be reviewed by TWSA when final plans are submitted. NCDOT will be coordinating encroachment and driveway permit requirements with Victor Lofquist, the project engineer. Fire protection will be provided by the Cullowhee Fire Department and the local Chief has reviewed access from the preliminary site plans. This property is not located within a designated flood hazard area.

Staff's recommendation was to approve the Prospect-Speedwell project under the condition that final site construction plans comply fully with the Cullowhee Community Planning Area and Jackson County Subdivision ordinances, and to include the following conditions:

- The applicant will need to receive NCDOT approval of permits for the driveway connection to Speedwell Road and encroachment (grading/drainage) improvements.
- The applicant will need to coordinate any building code, fire safety and emergency access issues with the Jackson County Building Inspections Department and local Fire Chief.
- The applicant will need to receive approval from Tuckaseegee Water and Sewer Authority for the water and wastewater services (utility plans).
- The applicant must also receive "Special Use Permit" approval from the *Cullowhee Planning Council* for this Multi-Family development.

Chairman Baker inquired from staff why the NCDOT did not agree with an entrance on the southern part of the property on Speedwell Road near the intersection. Mr. Jeleniewski stated that was a suggestion from staff, however the NCDOT did not agree and the applicant, Ashley Hill could go into more detail as he was a third party to the discussion of access.

Jim Lewis inquired if there was consideration of making the entrance off of HWY 107. Mr. Jeleniewski stated no there was not, and it is considered controlled access and the NCDOT would most likely not allow access due to safety concerns. Mr. Lewis asked staff what the property would look like from HWY 107. Mr. Jeleniewski stated there will be a landscape buffer and there is existing vegetation off of HWY 107 currently in the right-of-way that cannot be touched. He stated the applicant would get credit of the vegetation per the ordinance, they would have to maintain the existing vegetation instead of planting new vegetation.

David Claxton asked for clarification of the Special Use Standards of the Cullowhee Community Planning Area Ordinance; Section 8-4.f.2.c (4) *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.* In addition, he inquired if the proposed project met the normal building proposed projects in the Cullowhee area. Heather Baker stated the project did not

necessarily have to fit into the area in which it was being developed. Ms. Baker stated the Council reviews the surrounding community and if there are other projects of the same nature within the area.

Joel Setzer inquired from the staff review of pedestrian facilities standards and if the placement of the sidewalks would meet NCDOT standards. Mr. Jeleniewski stated the ordinance requires sidewalks comply with NCDOT standards. In addition, he stated HWY 107 is controlled access and the NCDOT would not allow sidewalk in that area.

Heather Baker introduced the Staff Report as "Exhibit A" into evidence.

The applicant, Ashley Hill presented to the Council. Mr. Hill informed the Council he was from Athens, Georgia and has lived 44 years in the college town. He understands the unique dynamic between the local community and a thriving university. He believes as a university grows and thrives development can be done in the best manner possible to accommodate both the community and the university. He stated a lot of the proposed standards for Prospect Speedwell are below the threshold. Mr. Hill and Victor Lofquist project engineer met with NCDOT at the site and discussed Speedwell Road, sidewalks and pedestrian access. He believes pedestrian access is an issue and wants to contribute to remove pedestrian traffic concerns from Speedwell Road. He stated they are proposing to place sidewalks on Derby Road to get pedestrian traffic off of Speedwell Road and in hopes to eventually connect sidewalk access to Western Carolina University.

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 following revisions to become more compliant with Article VI of the Development Standards. Section 8-5 (e).*

Jack Debnam made a motion to incorporate from the staff report section 6.3 & 6-6 architectural design standards shall be approved on the condition that both landscaping and design standards are met. Joel Setzer seconded the motion

Vote: 6-0, in favor

2. *That the proposed use or development of the land will not materially endanger the public health or safety. Section 8-4 (f) (2) (c)(i).*

David Claxton made a motion to approve *Section 8-4 (f) (2) (c)(i)*. Jack Debnam seconded the motion.

Vote: 6-0, 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)(ii)*

Jack Debnam made a motion to approve *Section 8-4 (f) (2) (c)(ii)*. Joel Setzer seconded the motion.

Vote: 6-0, in favor

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).*

Jim Lewis stated from the public comments heard by the council he believes the residents would be injured by the development and their value of their life would change substantially.

David Claxton made a motion to approve *Section 8-4 (f) (2) (c)(iii)*. Jack Debnam seconded the motion.

Vote: 5-1, 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).*

Joel Setzer made a motion to approve *Section 8-4 (f) (2) (c)(ii)*. Jack Debnam seconded the motion.

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).*

Jack Debnam made a motion to approve *Section 8-4 (f) (2) (c)(v)*. David Claxton seconded the motion.

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).*

Jim Lewis stated he believes there is already a major traffic concern that the development would only add to the current issue. He believes they are going to be adding to the traffic, based on the numbers presented he believes it would be more and be "undue". Joel stated he does not believe that is going to create a traffic hazard that is not already there and would not cause undue traffic. He believes the development is trying to plan for more than just vehicle and working on sidewalk traffic with pedestrian traffic.

Joel Setzer made a motion to approve *Section 8-4 (f) (2) (c)(vi)*. Jack Debnam seconded the motion.

Vote: 5-1, in favor

8. *The application for Special Use permit is approved with the following conditions identified and set forth within the Staff Report.*

David Claxton made a motion to approve the Special Use Permit for Prospect Speedwell with the following conditions identified in the Staff Report. Jack Setzer seconded the motion.

Vote: 6-0, in favor

9. *The proposed use (or development of the land) meets the requirements set forth in the ordinance for the proposed use and the findings made in numbers 1.-7. above shall be incorporated into a written decision as the findings for approval of this application for a Special Use permit. Section 8-4 (f) (2) (d).*

Jack Debnam made a motion to incorporate the Staff Report as findings. Joel Setzer seconded the motion.

Vote: 6-0, in favor

Chairman Baker closed the Quasi-Judicial Hearing at 7:54 p.m.

c. Cullowhee Small Area Plan Kick-Off

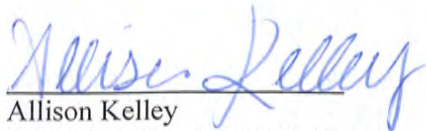
Jake Petrosky introduced both Will Linville and Kristy Jackson from Stewart Inc. He presented a brief Cullowhee Small Area Plan overview to the Council. He stated the plan was recommended in the 2013 Vision Plan to focus more on transportation, land use, and growth and development issues within the Cullowhee area. He stated the Cullowhee Small Area Plan is an opportunity to update the existing Vision Plan and provide detailed recommendations and policies to help guide land use and infrastructure decisions in the future. In addition, he stated a future land use map will be developed for the Cullowhee area. Mr. Petrosky stated the process would take around eight months and they hope to have a draft document by summer 2019. Stewart will hold public meetings in April and develop and distribute a community survey to get feedback on the Cullowhee area.

Mr. Petrosky provided the Council a proposed study area map of the Cullowhee area. He asked the Council to give feedback of the presented proposed study area map. Chairman Baker inquired when the public would be able to input on the study area. Mr. Petrosky stated they plan to hold public work sessions (charrette) in late April and will distribute a survey by paper copies and online. The Council briefly discussed the key issues and opportunities in the Cullowhee area.

Adjournment

With no further business, Chairman Scott Baker adjourned the meeting at 8:59 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant- Planning



Scott Baker
Planning Council Chair