

# JACKSON COUNTY PLANNING BOARD

## MINUTES

<b>Date:</b> May 9, 2019								
<b>Time Begin:</b> 6:00 p.m.								
<b>Time End:</b> 7:10 p.m.								
<b>Location:</b> Jackson County Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Bonnie Claxton	X		Tamera Crisp	X		Scott Ogle	X	
Sandy Davis	X		Ken Brown	X		Steven Johannessen	X	
Jeremy Hyatt	X		Mark Letson	X		Tommy White	X	
Kirk Shufelt	X		Mary Sue Casey		X			

### **Staff Present:**

Michael Poston- Planning Director  
 John Jeleniewski- Senior Planner  
 Heather Baker- County Attorney  
 Allison Kelley- Administrative Assistant

### **Others Present:**

Mark Battle, Black Rock, LLC  
 Jeff Herron, Engineer for Preserve at Whiteside Cliffs  
 Ben Harris, Silver Run Reserve, LLC  
 David McKenna, Mallory & Evans

### **Call to Order and Quorum Check**

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

### **Public Comment**

There were no public comments.

### **Approval of the Agenda**

Tamera Crisp made a motion to approve the agenda as written. Steven Johannessen seconded the motion, and it passed unanimously.

### **Approval of the Minutes**

Jeremy Hyatt made a motion to approve the minutes from March 14<sup>th</sup>, 2019. Mark Letson seconded the motion, and it passed unanimously.

### **New Business**

#### **a. Major Subdivision Review: Preserve at Whiteside Cliffs**

John Jeleniewski presented the staff report for the *Preserve at Whiteside Cliffs*. The applicant is Black Rock, LLC and the project is located on Garnet Hill Lane (SR

1109) in Cashiers NC 28717. He stated, the property was an existing Major Subdivision that consists of 17 lots and the applicant is requesting a modification to allow a total of 47 lots (31 additional lots). The overall property is approximately 33.31 total acres and three construction phases are proposed; Phase One being on 6.40 acres and 15 lots; Phase Two being on 20.66 acres and 22 lots; and Phase Three being on 6.25 acres and 10 lots. Phase One of the Preserve at Whiteside Cliffs neighborhood will consist of "tiny home" sites ranging from 0.20 to 0.50 acres each, Phase One will also provide for the project "open space" area of 9.91 acres and this satisfies the minimum requirement of 20%.

Access to the neighborhood will be from Garnet Hill Lane (SR 1109) which is an NCDOT maintained roadway and has a pavement width of approximately 20'. The interior paved roadway for this neighborhood is existing, averages 12' in width and is approximately 3,300' in total length (Phases One and Two). The future Phase Three will be served by a 14' wide paved roadway with 2' wide shoulders, 600' in length and 35' wide right-of-way. In order to serve the proposed lots, roadway "turn-outs" that comply with ordinance standards would be required. The community amenities provided are approximately 3,200 linear feet of community nature trails and 9.91 acres of "open space" (with exception to areas required for wells and septic drain fields). Site grading (cut and fill) will be minimal as it is assumed that future home site construction will be built to the existing contour of the land and adjacent to existing roadways. Water service for these proposed lots will be from private wells; wastewater will be traditional septic collection systems. Fire service will be provided by the Cashiers/Glenville Fire Department. This property is located within a designated 100-year flood zone along Norton Mill Creek, however, proposed construction activities will not encroach into this area. The average slope of this property is 34% and compliance with the Mountain and Hillside Development Ordinance will not be required (minimum lot sizes).

Mr. Jeleniewski stated staff's recommendation was to approve the *Preserve at Whiteside Cliffs* modified subdivision project under the condition that final site construction plans be reviewed by Planning Staff and that site construction/plans be in full compliance with the Jackson County Subdivision Ordinance (including performance guarantee/bond requirement).

Mr. Jeleniewski stated, the major subdivision was almost identical to the *Village at Whiteside Cliffs* subdivision project the Board reviewed in February located across the street. However, in Mr. Jeleniewski's opinion, this project has a better road system in terms of the lay of the land, how they are managed and stormwater. He stated, the modification is reasonable, and appears the concept would comply with the ordinance.

Steven Johannessen inquired the history of the property as it is unusual to have roads system already in place. Mr. Jeleniewski stated the subdivision was created before the downturn of the economy. He stated, with the economy bouncing back, this would be an opportunity for the applicant to test the concept to revive the existing subdivision.

The applicant, Mark Battle, informed the Board the existing subdivision had gone through a downturn in the economy and survived. His plan is to redevelop the neighborhood in a conservative manner, preserve nature/walking trails, and build the infrastructure for long-term use. He stated over the last twelve years they have owned the property, there has been zero maintenance on the roadway due to how it was engineered, constructed, and maintained. Mr. Battle stated, as an opportunity of the current



progression in the economy, there will be three phases to test and determine if the concept is achievable.

*Steven Johannessen made a motion to approve the major subdivision Preserve at Whiteside Cliffs with staff's recommendations. Jeremy Hyatt seconded the motion, and it passed unanimously.*

**b. Major Subdivision Review: Silver Run**

John Jeleniewski presented the staff report for the project *Silver Run Reserve* by the applicant Silver Run Reserve, LLC. He stated the property is located at 1534 Silver Run Road, Cashiers NC 28717 (PIN 7580-67-3799).

The applicant is proposing a Major Subdivision which will include 71 lots/structures on 287.28 acres in four construction phases. There is currently two access points to this property that will be improved; the main "north" entrance will be from Highway 107 and approximately 580 lf north of the Silver Run Road (S.R. 1105) intersection and the "south" entrance which is at the terminus of Silver Run Road and averages 20' in width. The south entrance is intended to serve as a construction entrance during development phases and ultimately a service road at the end of construction. Currently there are several existing structures on this property; the main family home, a guest house, a former water bottling facility and other accessory structures. The proposed Silver Run Reserve neighborhood will be served by new and existing (improved) roadways (8 new, 3 existing); "shared drives" which serve up to 8 lots/units; "minor residential roads" which serve up to 12 lots/units; "major residential roads" which serve up to 50 lots/units and "collector" roads which serve over 50 lots/units. The proposed Silver Run Reserve neighborhood will consist of 71 single family home lots; 39 "Cottage" lots ranging 0.50–1.0 acres; 10 "Ridge Top Estate" lots ranging from 2.0-3.0 acres; 6 "Meadow Estate" lots ranging from 2.0-2.8 acres; 10 "Farm Estate" lots ranging from 7.7-11.8 acres; and 6 "Mountain Estate" lots ranging from 2.4-4.5 acres. Site amenities will include a future clubhouse, golf course practice turf, community building, several lakes/ponds and nature trails connecting the amenities.

Mr. Jeleniewski stated, site grading (cut and fill) will be moderate for infrastructure improvements and it is assumed that future home site construction will be built to the existing contour of the land (lots). Proposed stormwater and erosion control measures will need to be designed by a North Carolina licensed engineer and submitted with the final site construction plans for review. Water service will be supplied by five existing wells and wastewater collection which will be on-site or shared systems. Fire protection will be provided by the Cashiers/Glenville Fire Department. This property is located within a designated flood hazard area (100-year floodplain) as Silver Run Creek runs through the center of this development and an existing 50' wide preservation easement is established along each side of this creek. The average slope of this property is 26% and compliance with the Mountain and Hillside Development Ordinance will not be required (minimum lot sizes). This proposed neighborhood will feature approximately 119 acres of open space overall (including amenities), the open space provided (recreation and preservation) is calculated to be approximately 41%; a minimum of 20% open space would be required for this project.



Mr. Jeleniewski stated staff's recommendation was to approve the *Silver Run Preserve Subdivision* project under the condition that final site construction plans be reviewed by Planning Staff and that site construction/plans be in full compliance with the *Jackson County Subdivision Ordinance* (including performance guarantee/bond requirement).

Mr. Johannessen inquired the purpose of the green space on the western side of the property. Ben Harris, the applicant, stated the green space was for a hiking outpost and was a protective area. Mr. Harris stated they plan to have an extensive trail system with outposts to create destinations for hikers.

Tommy White asked staff the reason to ask for a performance bond from the applicant. Mr. Jeleniewski it is written within the Subdivision Ordinance, and it is required as staff must have an engineer estimate, and cost of building infrastructure from the applicant. He stated, the ordinance requires 25% above the certified cost estimate as money escrow.

Mike Poston stated a performance bond only occurs before the infrastructure is installed. For example, if the applicant planned to construct a road on the property but decided to sell the lots as is with water and sewer, and add the final pavement later, staff would need to have a monetary guarantee to ensure the road would be constructed. Mr. Poston stated, the county and the individuals that own the lots would have insurance that the minimum infrastructure that was required to create the lots are in place. However, if the infrastructure is not in place, the county has the ability to call the bond/note and make sure those requirements are met.

Ken Brown inquired from staff the definition of "shared systems." Mr. Jeleniewski stated it is allowed to have an individual septic tank on a piece of property. Depending on the lay of the land, there may be a community drain field area that is shared and designed by an engineer.

*Steven Johannessen made a motion to approve the major subdivision Silver Run Reserve with staff's conditions. Mark Letson seconded the motion, and it passed unanimously.*

**c. Major Subdivision Review: Mallory & Evans**

Mike Poston informed the Board this project had been presented to Board a few years ago. He stated the Cullowhee Planning Council and Board of Commissioners had reached a settlement agreement with the applicant, Mallory & Evans. He stated, the project came to the Planning Board first as a concept design, then the Cullowhee Planning Council held a public hearing and denied the conditional use permit. Mr. Poston stated the applicant appeal the decision and both the county and the applicant reached a settlement agreement. He stated, the Board is presented with a modification of the proposed development that had been previously reviewed.

John Jeleniewski stated the settlement agreement also included the adjoining adjacent property owners to the development. They had standing and were involved in the process of the agreement.

Mr. Jeleniewski presented the staff report of the alternate concept of the Mallory & Evans proposed development. The proposed townhome development is located at 66 South Painter Road in Cullowhee (PIN 7559-27-8151). The initially proposed

development was a total of 12 residential buildings (reduced to 7), containing 97 dwelling units (reduced to 62) with a total of 388 bedrooms (reduced to 248). He stated there was concerns from the Cullowhee Planning Council as a significant amount of grading (cut and fill) was required. However, the modified concept shows a reduction in the parking area (418 spaces to 285 spaces), retaining wall height (20' to 7') and overall site grading (cut and fill). This reduction is an overall smaller development footprint and disturbed area. Other revisions include a more distinct property entrance and larger amenity area.

Heather Baker informed the Board when the Cullowhee Planning Council denied the application it was based on topography and traffic. Since the application, NC DOT has moved forward on a project on Monteith Gap and South Painter Road that would widen the road, create a roundabout, and potentially provide sidewalk connectivity to this project.

*Ken Brown made a motion to approve the modified major subdivision with staff's conditions of approval of final site plans. Tamera Crisp seconded the motion, and it passed unanimously.*

#### **Adjournment**

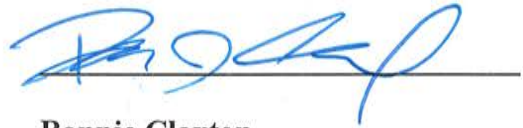
With no further business, Chairman Claxton adjourned the meeting by acclamation at 7:10 p.m.

#### **Submitted by:**



**Allison Kelley**  
**Administrative Assistant – Planning**

#### **Approved by:**



**Bonnie Claxton**  
**Planning Board Chairman**