

# US 441 GATEWAY DISTRICT PLANNING COUNCIL

## MINUTES

**Date:** July 30, 2020

**Time Begin** 6:06 pm

**Time End:** 8:31 pm

**Location:** Southwestern Community College, Burrell Building (Burrell Conference Center)

Members	Present	Absent	Members	Present	Absent
Dora Robinson	X		Vacant		
Myra Cloer	X		Vacant		
Debby Cowan	X		Vacant		
Susan Kinsland	X				

### Staff Present:

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

### Others Present:

Fred Jones, EBCI Attorney  
Richard G. Sneed, EBCI Principal Chief  
Sharon Bradley, Golf Board Member  
Zeke Cooper, Dreamcatcher Hotel  
Charles Bryson, Cherokee Fire Marshall  
Anthony Sequoyah, EBCI EMS Director  
Will Thompson, J.M. Teague Engineering  
Richard Robson, Real Estate Appraiser

### Call to Order and Quorum Check:

Chairman Debby Cowan called the meeting to order at 6:06 p.m. and a quorum was present.

### Approval of the Agenda:

Dora Robinson made a motion to approve the agenda as written. Susan Kinsland seconded the motion, and it passed unanimously.

### Approval of Minutes:

Dora Robinson made a motion to approve the minutes from October 22<sup>nd</sup>, 2019. Myra Cloer seconded the motion, and it passed unanimously.

### Public Comment: (3 minutes)

There was no public comment.

### New Business

#### a) Quasi-Judicial Hearing: Special Use Permit for structure height

*Chair Debby Cowan opened the Public Hearing at 6:14 p.m.*

The Council had no disclosures regarding the proposed *The Cherokee at Sequoyah National* project. The applicant (Fred Jones), witnesses (Richard Sneed, Sharon Bradley, Zeke Cooper, Charles Bryson, Anthony Sequoyah, Will Thompson, Richard Robson), county staff (John



Jeleniewski, Michael Poston, Heather Baker). In addition to those with standing as follows: Mr. Alan Morris and Mrs. Sandra Morris (145 Oakdale Drive), and Mr. Samuel Spangenberg and Ms. Jean Spangenberg (481 Banjo Lane) were sworn-in for purpose of testifying during the Quasi-Judicial Hearing.

John Jeleniewski presented the staff report to the Council of *The Cherokee at Sequoyah National* project by applicant Sequoyah National Golf Club, LLC. Located at 79 Cahons Road (PIN 7604-80-8746) located in the Golf Course Community Zoning District (GC). He stated the applicant is proposing the construction of a 7 floor, 125 guest room hotel on the property of the existing Sequoyah National Golf Course. The placement of this proposed hotel will be on eastern side of the property where the current overflow parking lot is located. Amenities offered will be a fitness center, swimming pool, full service restaurant, tavern (with dining), lounge (lobby), a roof top terrace bar and conference meeting space. Access to the Sequoyah National Golf Club is from Cahons Road which is paved, approximately 22' in width and directly connected to U.S. 441 North on the east of the property. The total area of this property is 249.40 acres and has an average slope of 29%. The proposed structure exterior, parking areas and grounds will meet or exceed the US 441 Gateway District Ordinance for building materials, plant species, parking stalls, etc. as required. The immediate surrounding properties are a mix of commercial and residential uses. Utility service will be provided by Tuckasegee Water & Sewer Authority (sewer), EBCI Utilities (water) and Duke Power for electricity. Fire protection will be provided by the Qualla Fire Department.

Regarding U.S. 441 Gateway District Section 9.5.5, he stated the Council and Planning Board recommended a Special Use Permit standards regarding building height that exceeds 35' that was adopted by the Board of Commissioners. The Golf Course Community character area is defined as a golf course community includes a golf course and clubhouse; with surrounding residential home sites available for sale or lease. Commercial activities supportive of golf course operations may also exist.

Special Use additional standard for Hotel/Motels with a primary structure height greater than 35 feet are as follows:

- Dumpster locations shall be screened and comply with Section 9.5.6 of this article.
- All outdoor activities shall conclude by 10:00 p.m. Sunday - Thursday and by 11:30 p.m. Friday - Saturday.
- All outdoor lighting shall comply with the Jackson County Lighting Ordinance.
- A balloon test be required to identify the proposed structure height along with photo simulation of the structure.

Mr. Jeleniewski stated the applicant has submitted supporting documents including site plans, building elevations and the required balloon test results. The approximate building height for the proposed structure (hotel) is 75' and exceeds the district maximum for building height without a Special Use Permit.

Chair Cowan stated she appreciated that the balloon test was completed in February at a time when there were not leaves on the tree. This allowed clearer visibility to adjacent property owners to see the potential impact of the hotel.

Mr. Jeleniewski informed the Council that the county conducts balloon tests for new cell tower requests, and in this case, due to the increase in building height the Council added this standard. The applicant notifies adjacent property owners within a particular radius of the proposed structure of the day the balloon test would be conducted, as well as advertise for two weeks in the Sylva Herald prior to the balloon test. Both staff and the consultant worked together to identify specific locations at major intersections along the highway around the property to have as much coverage as possible in different directions. In addition, the photo simulation would show at direct perspectives of the potential view within the surrounding area.

Chair Cowan inquired from staff the height of the building. Mr. Jeleniewski stated the building height is approximately 75 feet. In addition Ms. Cowan asked what the steep slope ordinance imply, as the average slope is 29%. Mr. Jeleniewski stated it falls below 35%, which at 35% and above requires minimum lot sizes when subdividing for land area for residential structures, which is enforced by the Jackson County Subdivision Ordinance. In this case, it is a minimal impact in



regards to land disturbance, and erosion control. In addition, the footprint of this project is small compared to the overall property (249.40 acres).

The applicant, attorney Fred Jones representing the Sequoyah National Golf Club LLC stated they would be presenting evidence from witnesses to the Council indicating this project is an appropriate use for the property and is consistent with Jackson County land standards. Even though it is a higher structure, he stated they believe this project will benefit the community.

- EBCI Principal Chief Richard Sneed stated the vision for the project is to expand their offerings and create a major draw for the region with the supporting attraction to the existing amenities that they offer at the golf course. Currently there is a small clubhouse, with no restaurants, no place to accommodate for events. Due to the location of the golf course, they believe this hotel addition would provide significant revenue to Jackson County, as all sales tax revenue goes to the county. This hotel addition would be beneficial for a first class experience for both visitors and locals can enjoy. Its appearance is similar to Grove Park, and if seen from the road and at the points of the balloon test it would be aesthetically pleasing and would be in harmony with the mountain motif. Mr. Sneed stated an example of collaboration and relationship that exists between the Eastern Band of Cherokee Indians and Jackson County is they have recently purchased 470 acres of land at Shooting Creek with a conservation easement. He stated they are working with the Town of Sylva to develop hiking and mountain biking trails, and campsites that would be an ecotourism attraction to bring tax revenue for the county. Mr. Sneed stated he did not believe that the project would affect adjacent property owners as hotels are permitted in the district, and they are requesting a height variance for an existing use. The hotel would bring employee opportunities and investment opportunities that will be mutually beneficial to the community.
- Sharon Bradley stated she is a business, finance, entrepreneurship teacher at Cherokee High School for over 25 years and was appointed a member on the Golf Club Board to represent the youth and schools within the community. She stated it is difficult to find space for events without having to go within the parameters of the Harris Cherokee Casino and this space would allow for such events for both high school students as well as adults. In addition, there is not many inclusive hotels with the amenities that the hotel will offer west of Asheville. She stated the management team for the golf course is looking forward to enhancing the area and believes the hotel will set a standard of how the community will want to develop in the future. She stated the golf course is the home for the WCU Golf Team and look forward with working the collage to have a facility that will accommodate their team.
- Zeke Cooper stated the tribe has been successful with Harris Cherokee Casino and there is still a need for hotel rooms. The tribe conducted a full market study from the firm CVRE stating the tribe would be successful in a 125-175 room model hotel, with approximately 2000 to 5000 square foot of meeting space, and restaurant. As hotel developers, Mr. Cooper stated they conduct our own independent market study to setup the management team and tribe for success. During the independent study they arrived at the same numbers as CVRE, and began looking at the cost, and quality level needed in the market place. He stated there is not much market wise west of Asheville other than the Harris Cherokee Casino that will have this quality of rooms. It will serve multiple purposes, such as the casino, those visiting families, and collage athletes that are staying for weekend golf matches. Mr. Cooper stated they reviewed the site and determined the top of the property where the overflow parking lot exists was the best location where there would not be a lot of excavation, and 360-degree views. He stated they do not want the length of the hotel to spread out and disturb more of the land, and the reason the height will not exceed 75 feet is to avoid a high rise building code. The site was selected, as it does not encroach with roadways and intersections, or other adjacent property owners. There will be minimal grading where the overflow parking area had previously been smoothed out along with clearing of vegetation that had already been cut and cleared in the area. In addition, they hired a consultant to look



at wetlands and environmental concerns in the area. He stated the consultant found the proposed project would not impact any streams, wetlands, or endangered species. Mr. Cooper stated they hired a geotechnical engineer to do ten soil boring places, to estimate the cost and determined there would be no need for blasting.

- Charles Bryson stated they have an automatic aid agreement between Qualla Fire and Rescue and Cherokee Fire and Rescue. This is an establish agreement that when a notice of fire goes through Jackson County dispatch, there are protocols where assistance or specialized equipment is needed will be sent to the location on the Qualla boundary. Through that automatic aid agreement Cherokee Fire and Rescue has specialize equipment they can bring to the hotel property that would fit with the height of the structure, two fire ladder trucks (102 feet in length, and 106 feet in length).
- Anthony Sequoyah stated he is here to discuss the mutual aid agreement between Harris EMS and Tribal EMS. They are automatic response just like the fire department when a call comes through dispatch if the county does not have a unit in the vicinity they will cover up to Highway 74. Tribal EMS is in the top three of North Carolina as far as services and protocol. He stated they have six trucks, the area is well maintained, and they will continue these efforts.
- Will Thompson went through the process of the Traffic Impact Analysis (TIA) report. He stated they conducted the study by coordinate with NCDOT and set the parameters at intersections at US 441 (Shoal Creek Church Loop North/South, Cahons Road, Hospital Road-Smokey Mountain Elementary School) to begin to collect traffic counts. Due to the stay-at-home order they utilized the data of enrolled students at Smokey Mountain Elementary and staff members. The municipal school transportation assistant unit through the NCDOT purpose is to help plan out schools or expansion to accommodate traffic flow and safety. Mr. Thompson stated the unit has a calculator that uses the enrollment number and staff number to calculate the number of trips anticipated at school access points. In addition, he stated they counted the number of dwellings that are served on the road, used ITE trip generation rates for residential dwellings to determine the number for each intersection. NCDOT daily traffic volumes of through traffic for existing trips for the golf course was also used during the TIA. Mr. Thompson stated the road that had school access had a higher number in peak hours due to pick up and drop off of students. The net change of additional traffic from the project, NCDOT would need to review the road for safety measures. All other intersections remained consistent with proposed project structure.
- Richard Robson stated he has been a real estate appraiser for 43 years and was hired to review 40 properties adjacent to the golf course to determine if the value would be impacted by the increase height of the proposed hotel. Firstly, they review the view of the proposed project, and the balloon study was conducted in February that helped depict the worst-case scenario of the view which they determined the view was not much of an issue. He stated the Golf Course is accessed off of 441 and there would not be a traffic impact as most of the adjacent properties are residential. Thirty-five of the properties are residential and the other five are commercial on 441, which may improve value with the increase traffic. Thirty-two of the properties are located over ½ mile from the hotel site which would indicate they would not likely be impacted or experience any of the hotel operations. However, there are three residential properties on the access road to the golf course and would likely be impacted by traffic. In addition, those properties would be more valuable as commercial verses residential, and he determined there is no negative value in regards to the proposed structure height. Mr. Robson stated there is a shortage in affordable housing within our region but based on the increase in height would allow the hotel to spend more money which would be an economic incentive for other investors to come in and build affordable housing.



Chair Cowan inquired if there were efforts made to make a hotel not as tall. Zeke Cooper stated there is limited buildable land on the golf course, and to avoid a high amount of grading and exposed soil it is best to go vertical with the building.

Susan Kinsland asked the applicant how they determined the number of rooms. Sharon Bradley stated they needed enough rooms to create a revenue stream large enough to pay for the project. She stated the Harris Cherokee Casino has added more rooms however; they do not have access to those rooms for teams and events. Myra Cloer asked if she could expand on the school children of Cherokee, golf teams, and other schools potentially using the facility. Ms. Bradley stated all schools use Sequoyah, such as Smokey Mountain, Swain and Murphy utilize the course and schedule events. She stated events such as proms and wedding receptions would have the opportunity to utilize the facility.

Adjacent property owner Mr. Alan Morris stated there is no public sewer and asked for consideration to the applicant of putting in a sewer line for the surrounding properties. He stated they approve the project and creating job opportunities. However, they will be bringing in workers that will need housing, as there is already a shortage of housing.

Chair Cowan asked if there were any consideration for a pull off or turning lane for the school entrance. Will Thompson stated NCDOT would review when the applicant applies for a driveway permit, and would potentially look at generous curve radius to increase safety and reduce traffic hazards.

*County Attorney Heather Baker moved to include the staff report and all related material and attachments into evidence and it was allowed into evidence.*

*Chair Debby Cowan closed the Public Hearing at 7:56 p.m.*

#### **Board Discussion:**

The Council reviewed the special use permit application for compliance with the requirements of the U.S. 441 Gateway Community Planning District Development Standards as follows:

1. *The Design Review Committee recommends that the proposed development make the following revisions to become more compliant with 9.5.6, 9.5.7 of the Development Standards.*

The Council voted based on staff's recommendations, and with the condition that final site plans be submitted confirming the design criteria.

***Vote: 4-0, in favor***

2. *That the proposed use or development of the land will not materially endanger the public health or safety.*

***Vote: 4-0, 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.*

***Vote: 4-0, in favor***

4. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting properties.*

***Vote: 4-0, 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 US 441 Gateway Community.*

***Vote: 3-1, 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.*

***Vote: 4-0, in favor***

7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*

***Vote: 4-0, in favor***

8. *The application for Special Use permit is approved with the following conditions:*

- o Final site construction plans submitted that confirm the Council's findings.

Myra Cloer made a motion to approve the special use permit with the conditions.

Dora Robinson seconded the motion.

***Vote: 4-0, 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.*

Chair Cowan instructed staff to prepare the order, and include findings based on the evidence presented and entered into evidence during the Quasi-Judicial Hearing.

***Vote: 4-0, in favor***

**Adjournment:**

With no further business, Myra Cloer made a motion to adjourn. Dora Robinson seconded the motion and the meeting adjourned at 8:31 p.m.

**Submitted By:**

  
Allison Kelley, Administrative Assistant

**Approved By:**

  
Chairman, Debby Cowan