

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: September 20, 2018								
Time Begin: 6:00 p.m.								
Time End: 7:31 p.m.								
Location: Jackson County Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Bonnie Claxton	X		Julie Painter		X	Scott Ogle		X
Sandy Davis	X		Ken Brown		X	Steven Johannessen	X	
Jeremy Hyatt	X		Mark Letson		X	Tommy White	X	
Jim Mincey		X	Kirk Stephens	X				

Staff Present:

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

Others Present:

Tony Elders, Director of Jackson County Permitting & Code Enforcement
Mike Byers, Vice Chair of Administration and Finance at WCU
Adam Tucker, Manager of Zimmer Development Company

Call to Order and Quorum Check

Chairman Kirk Stephens 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

Steven Johannessen made a motion to approve the agenda. Bonnie Claxton seconded the motion, and it passed unanimously.

Approval of the Minutes

Tommy White made a motion to approve the minutes from the August 9th, 2018 meeting. Steven Johannessen seconded the motion, and it passed unanimously.

New Business

a. Tony Elders

The Planning Board invited Tony Elders to speak about the process for Permitting & Code Enforcement, and Soil & Erosion Control. This invite is a continuation of a public comment regarding how Jackson County manages Erosion/Sediment Control and how they can be more proactive to prevent sediment runoff during projects. Tony Elders presented to the Board that he is the Director of the Code and Enforcement at Jackson County. His office handles enforcement of Building Code, Erosion and Sedimentation Control Ordinance, and Floodplain.

The ordinance states that whenever activity will disturb more than one-half acre on a tract, the person conducting the land disturbing activity shall install sedimentation and erosion control devices, and practices to retain the generated sediment as part of their Erosion and Sedimentation Control plan approved by the county. During construction of the tract, the person shall plant or provide a permanent ground cover to restrain erosion after completion of construction or development. A sufficient ground cover to restrain erosion must be completed within ten calendar days following completion of ground disturbing activity, excluding building footprint areas.

The process of issuing a Notice of Violation (NOV) for Erosion Control projects is counted from the date the report is issued, which allows 30 business days to comply with the ordinance. When the appropriate party has not received a NOV, the office must deliver in person to the property owner. However, if they are unable to deliver a NOV in person within 15 days after the violation is reported, the office will send via Certified Mail. In addition, they must offer technical assistance in developing corrective measures of the site. The office will send a copy of the NOV to the State (NC Division of Energy, Mineral and Land Resources (NCDEMLR)) Asheville regional office. Once the site is satisfactorily repaired (on or before the compliance date), they send a new Sedimentation Inspection Report, and NOV Removal Letter to the owner and NCDEMLR. However, when the site is not satisfactorily repaired, they must follow up with the County attorney to assess penalties and/or fines.

According to the ordinance, Chapter 1, General Provisions, Sec. 1-11 (General Penalty) a violation of failure to comply within any provision of a county code or ordinance is a misdemeanor as provided by G.S. 14-4 and may subject the offender to a fine of up to \$500.00, imprisonment of up to six months, or both. A violation subjects the offender to a civil penalty that must be recovered by the county in a civil action in the nature of a debt if not paid within ten days after the citation. A county ordinance may be enforced by law or by an equitable remedy, including injunction and abatement, as set forth in G.S. 153A-123. It is not a defense to the county's application for equitable relief that there is an adequate remedy at law. Each day's continuing violation is a separate and distinct offense. Any one, all, or a combination of the foregoing penalties and remedies may be used to enforce this Code.

b. The Landing Phase 2

John Jeleniewski presented the staff report for the proposed project. The Landing Phase 2 by the applicant Broadstreet Partners. This proposed multi-family development will be located on a property of 21.27 acres located at 4616 Little Savannah Road in Cullowhee; PIN's 7549-92-9237, 7549-92-5129 and 7559-02-0987(remote parking), and is

approximately 1,200 ft west of Highway 107. This property is mostly located within the Cullowhee Community Planning Area and the proposed project is mostly located in the Commercial District (C District). A portion of the property is in Multi-Family Residential Medium Density (MFM) District and will not be developed at this time. Currently there is a single family home on the property identified as PIN- 7549-92-5129 (west parcel) and will be removed at the commencement of construction. Access to the development will be from Little Savannah Road, which has a pavement width of approximately 24'. Little Savannah Road currently provides access to multiple single family detached homes, multi-family apartments (student housing), commercial properties, the Cullowhee Fire Department and the WCU Health and Human Sciences Campus. This proposed development will consist of 26 residential buildings, 2 – multi-family buildings (each with 8-4 bedroom and 6-3 bedroom units), 14 – 5 bedroom units and 10 – 4 bedroom units for a total of 210 bedrooms overall. Site amenities will include a clubhouse central to the development. Site grading (cut and fill) will be moderate as the existing topographic features of this property are somewhat sloping. The average slope of this property is 34%, therefore, compliance with the Mountain and Hillside Development Ordinance will not be required. Retaining walls ranging from 5' to 22' in height will be used to reduce the amount of cut and fill by forming building "tiers". Stormwater treatment measures will be achieved in an engineered, subsurface collection system that was completed in phase 1 of this development. Water and wastewater service will be provided by TWSA and these utility plans will be reviewed by TWSA when final construction plans are submitted to their office. A site plan will be provided to the NCDOT for review and they will be coordinating their requirements with the project engineer of record (Alec Stillwell) for encroachment or driveway connection permits. Fire protection will be provided by the Cullowhee Fire Department. This property is not located within a designated flood hazard area. The applicant is also providing a remote parking site (property PIN 7559-02-0987) which will satisfy the minimum parking requirements for this project. Remote parking is permitted per Section 6-4.d.2 of the *Cullowhee Planning Area Ordinance*.

Staff's recommendation was to approve the Landing Subdivision-Phase 2 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 Little Savannah Road and encroachment (grading/drainage) improvements. Also the applicant shall coordinate with NCDOT on a crosswalk over Little Savannah Road connection to the existing sidewalk network.
- The applicant will need to coordinate any building codes, 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 Tuckasee Water and Sewer Authority for the water and wastewater services (utility plans).
- The applicant shall provide a statement from an Engineer licensed to practice in the State of North Carolina verifying that a Traffic Impact Analysis is not warranted for this project.

Tommy White stated he had received numbers from staff in private. Pending the approval of both The Landing Phase 2 and WCU Millennial Housing, will include approximately 1,600 beds on Little Savannah Road. However, those numbers are not

including the private homes, post office traffic, and trash/recycle facility traffic. He inquired when would DOT say that Little Savannah Road is at fully capacity.

John Jeleniewski stated Little Savannah Road is unique due to the pedestrian bridge over Highway 107. He feels most students would most likely not drive to campus when they have the ability to walk to campus and park for free.

Mike Poston stated it is important to note any potential development will add additional trips to the existing road. However, roads are always designed by the DOT to handle more capacity for future anticipated potential growth. Little Savannah Road is most likely one of the highest designed roads in the Cullowhee community other than Highway 107.

Mike Byers informed the Board that the corridor of Little Savannah Road is going to be served with transit (Cat-Tran) by Western Carolina University (WCU). The Cat-Tran moves more students between HHS and campus than students driving to campus. He however is unaware of the traffic count from each building, but could gather data of the number of students getting on and off the buses. He believes the Cat-Tran will have a positive impact on both student housing developments. This impact will decrease single vehicle passenger traffic that would be expected on Little Savannah Road.

Bonnie Claxton made a motion to approve The Landing Phase 2 project with staff's recommended conditions. Steven Johannessen seconded the motion, and it passed unanimously.

c. WCU Millennial Housing

John Jeleniewski presented the staff report for the proposed project WCU-Millennial Campus- Student Housing by the applicant Zimmer Development Company. This proposed student housing development will be located on a property of 64.40 acres (total) located at 261 Dr. Killian Road in Cullowhee (PIN 7549-83-7905), and approximately 720 linear feet west of Blackhawk Road (S.R. 1325). The owner of this property is Western Carolina University (State of North Carolina) and is located just outside of Cullowhee Community Planning Area jurisdiction. Currently there are no structures on this property, however, the southwestern portion of the property is being used for medical studies by WCU. Access to this proposed housing development will be from Blackhawk Road (S.R. 1325) which has a pavement width of approximately 18 feet. Currently, Blackhawk Road provides access to multiple single family homes and four multi-family housing developments. This proposed development will consist of 8 residential buildings; up to four stories; containing a mix of one, two, three and four-bedroom dwelling units for a total of 494 bedrooms. Site amenities will include a single-story clubhouse and open space in the form of open yards. A significant amount of grading (cut and fill) will be required for this development and the applicant is seeking a modification to the ordinance grading (benching) standards by providing an engineered slope alternative. At this time, retaining walls are not proposed. The concept site plan does indicate a minimum 5' wide sidewalk network to the interior of the proposed development as well as adjacent to Dr. Killian Road. In addition, the submitted concept plan indicates that 505 parking stalls will be provided for this proposed student housing development. Water and wastewater service will be provided by TWSA and these utilities will be reviewed by TWSA when final plans are submitted to their office. A concept plan has been provided to the NCDOT for review and they will be coordinating their requirements with the project engineer of

record for encroachment or driveway connection permits as well as traffic safety issues. Fire protection will be provided by the Cullowhee Fire Department. A portion of this property is located in a designated flood hazard area (100-year floodplain), however, is not in the protected watershed. The average slope of the property is 33% and compliance with the Mountain and Hillside Development Ordinance will not be required.

Staff's recommendation was to approve the WCU Millennial Campus-Student Housing project under the condition that all proposed site construction, final site construction plans and the following conditions be in accordance with the Jackson County Subdivision Ordinance:

- The applicant will need to receive approval of permits from the NCDOT for the driveway connection and encroachment (grading and drainage).
- The applicant would need to coordinate any building code, fire safety and access issues with the Jackson County Building Inspections Department.
- The applicant will need to receive approval from Tuckasegee Water and Sewer Authority for the water and wastewater services (utility plans).
- The applicant will need to secure any necessary easements (stormwater and utility) from adjacent property owners and would need to be shown on the final site construction plans.
- The applicant will need to comply fully with the recommended alternate grading design for slope construction completed by the Geotechnical Engineer (Bunnell-Lammons Engineering).
- The final site construction plans will need to identify the complete storm water control system.
- The final site construction plans will need to identify the complete sidewalk network including crosswalks and curb-cut ramps.
- The final site construction plans will need to identify required "leveling areas" at intersections.
- The final site construction plans will need to identify vertical curve information for the roadway system on this project.

John Jeleniewski stated the modification is a 2 to 1 grade, therefore it lowers the slope and makes it safer by adding benches. However, if the grade was 1.5 to 1 with the benches, grading will be at a steeper angle with a remotely flat area in between every 10 vertical feet. The benefit this method is to break up any flow of stormwater runoff. However, there are ways to protect against stormwater runoff at top and bottom of the slopes that are cut and disturbed. The benefit of a gentler slope compared to a steeper slope will be safer and easier to maintain and allow growth in vegetation.

Steven Johannessen inquired the location of the flood plain on the property. Mr. Jeleniewski responded the flood plain is very narrow and follows the stream down the hill from the property. Therefore, the development is not impacted due to its elevation and the location of the flood plain along the border of the property.

Tommy White asked why the proposed project has 494 bedrooms with 505 parking stalls. Mr. Jeleniewski stated the Subdivision Ordinance does not have parking requirements. The Planning staff does not have a standard to lean on to state what is required for parking requirements, due to it not existing in the ordinance.

Mike Poston informed the Board there is no ordinance that addresses multi-family home developments outside of the zoned districts. Before 2013, the Subdivision

Ordinance did not even apply to multi-family home developments. John Jeleniewski stated River Walk apartments was a catalyst for this decision. The development impacted the Cullowhee community because they did not have to comply with the Subdivision Ordinance. The River Walk development was put on staff's radar due to the number of buildings. There were no parking standards, and staff's actions were limited to capture the student housing industry as it was starting to grow at a rapid pace in Cullowhee.

The applicant Adam Tucker presented to the Board. He informed the Board he is the Project Manager for Zimmer Development Company out of Wilmington, NC. He stated that the company strives to have one bed to one parking stall. Everywhere the company has implemented this decision, they have not had an issue of students being unable to find a parking spot. College students are on different schedules from the rest of the world. For example, students are not all leaving at the same time and returning home at the same time, they are on their own schedule. Therefore, all of the students will not be home at the same time. Most students do have cars, however there is a surprising number of those that do not have a car. Students still share rides to school, or finds other means of transit to decrease having to drive to campus.

Mike Byers stated, as part of WCU's agreement with the proposed properties, Cat-Tran will move through its current route that runs up and down Little Savannah Road to allow some new stops that will pick up students from both new developments. If this developer proposed 1.25 parking stalls per bedroom, WCU would not have been interested. An issue with development on campus is that 1.25 parking stalls leans more towards a single passenger vehicle mindset. However, their intent is to guide faculty, staff and students away from that mindset. WCU provides other travel management tools, especially including transit. WCU would not want their campus property to be consumed by that much more parking from The Millennial Student Housing project. WCU is pleased the developer stayed with the one to one ratio. In addition, they also have the ability to partner with the applicant if parking did become an issue with this development. Currently, they are building a 1,000 space parking garage and can distribute parking around campus.

Steven Johannessen made a motion to approve the WCU Millennial Housing project with staff's conditions. Bonnie Claxton seconded the motion, and it passed unanimously.

d. UDO Articles VI, VII and X

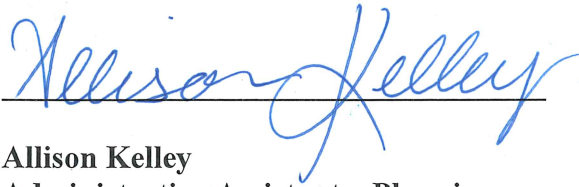
Mike Poston presented UDO Article VI, the Development Standards section. The section includes general development standards related to Outdoor Lighting, Wireless Communications Facilities, Manufactured Home Parks, Industrial Development, and Adult Establishments. The Planning staff kept the same standards but removed the Administration & Enforcement, and definitions. Staff will revisit Outdoor Lighting due to LED technology becoming a new type of lighting system in the future. Article VII is the Signs section. The Supreme Court case, *Reed v. Town of Gilbert, Arizona*, is known as the *Reed* decision. This decision limits the ability of jurisdictions, local, and state governments to regulate non-commercial content. The draft now reflects the duration, size, and location of the sign. Article X is the Violations and Enforcement section. Under Procedures, staff added both Planning and/or Permitting and Code Enforcement Director will make enforcement actions that may lead to certain types of procedures. In addition, Article X references the state statute that governs how notices are issued and standardized

throughout the ordinance. Both Planning and/or Code Enforcement decisions can be appealed to the Board of Adjustment when outside the zoned districts or to the appropriate Board/Council within the zoned districts.

Adjournment

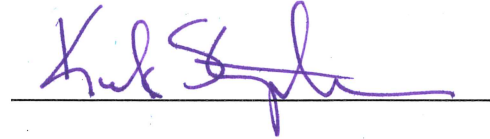
With no further business, Chairman Stephens adjourned the meeting at 7:31 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Kirk Stephens
Planning Board Chairman