

Cashiers Area Community Planning Council Minutes

November 28, 2016

5:00 p.m.

Cashiers-Glenville Recreation Center

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Ann McKee Austin		X	Robin Ashmore	X		Sallie Peterkin	X	
David Bond	X		Keven Hawkins	X		Deborah Townsend Stewart	X	
Will McKee	X							

Staff Present

Mike Poston

John Jeleniewski

Heather Baker

Shelby Cook

Call to Order and Quorum Check

Sallie Peterkin called the meeting to order at 5:00 p.m. and a quorum was present.

Approval/Additions to Agenda

Keven Hawkins added "Form Based Code" as an agenda item of new business.

Approval of the Minutes

Debi's name was corrected in the minutes from October 24th, 2016. *Keven Hawkins made a motion to approve the minutes. Robin Ashmore seconded the motion and it carried unanimously.*

Public Comment

There were no public comments.

New Business

1) Prohibited Uses:

As Keven Hawkins explained, the Cashiers ordinance is currently a use-based ordinance, and both zoned areas have the same list of uses. Two conditional uses are listed, and both pertain to the size of a building. Keven would like to see the council develop a list of prohibited uses that he believes will not harm growth, but will instead preserve real estate value and the small town character of Cashiers. Once a prohibited uses list is established in both zones, he would like to look into the possibility of adding a third zoned area.

Mike asked that each council member collect a list of possible prohibited uses and send it to Planning staff by the end of December so they can be discussed at January's meeting. County Attorney, Heather Baker, said council members need to be very specific in their list of prohibited uses. If there's no clear descriptions in the ordinance, it is the obligation of the jurisdiction to go with the closest use and apply those regulations.

2) Standing:

Heather Baker presented the council with a handout explaining when the public can speak during a meeting or hearing. The Cashiers Planning Council by-laws state that each meeting must have a Public Comment segment and members of the public have three minutes to speak on any topic. During legislative public hearings, anyone can speak on any topic for three minutes.

During quasi-judicial hearings (conditional use permits, variances, appeal from staff decision), a speaker must have "standing" as required by 160A-393 to participate. A person with standing will either be the applicant, the Board, have a legal interest in the property, suffer special damages as a result of the

decision, or existing HOA with at least one member with Standing. A person may be called as witness without standing (up to the board), but they must present competent, relevant evidence. Persons who received notice of hearing or have suffered damages distinct from the public at large have generally been determined to have standing.

Notices of quasi-judicial hearings must be given to the applicant, property owner, owners of abutting parcels, and anyone else provided by the ordinance. Notices always tell the recipient to call the Planning Department with any questions. Council members would like notices to be more detailed and state that a decision will be made at the hearing.

3) Conditional Use:

In addition to a list of prohibited uses, council members would like to establish a greater list of conditional uses. This list would not rely solely on building size, but could possibly still utilize size limitations on the footprint. Once a list is established, Keven would like to see the uses mapped. The Highlands zoning map is an example of what he's looking for. Council members should begin collecting lists of possible conditional uses in addition to prohibited uses to discuss at the next meeting.

4) Design Review:

Council members feel as if they have lost their ability to participate in discussion on design review. The Design Review Committee is to review applications for compliance with the design standards set forth in the Cashiers ordinance. They may recommend design revisions, but the findings of the committee are not mandatory for the applicant to follow. The Cashiers Planning Council currently also sits as the Design Review Committee, which can be tricky in a quasi-judicial setting. As Mike explained, to limit the quasi-judicial process, the council would need to limit what requires a conditional use permit, since all conditional use permits require a quasi-judicial hearing. Putting conditional use aside, Will McKee would like the council to return to a more design review function; he is personally interested in landscaping and the aesthetic issues of fitting into the Cashiers community.

Perhaps there's not enough guidance for developers to let them know what Cashiers is really after in the Architectural Design Standards. Currently, developers only have to pick three design elements provided by the ordinance to work with, which can result in buildings all featuring the cheapest requirements. Will said if the council chose just four or five of the most critical elements, developers might propose projects closer to what the Cashiers community is looking for.

5) Form Based Code:

A consultant helped develop some of the ordinance in 2002-03 and it maybe doesn't represent what the council wants to see today. Keven thinks starting with use is the first big step in moving forward, and he would like to establish an ordinance that produces predictability. Ultimately, creating a form-based code in the future would be desirable. Form-Based Codes Institute (FBCI) has a lot of helpful information and resources on their website. A consultant would likely have to be hired to help guide the Cashiers ordinance transition from use-based to form-based. The council can possibly seek aid from private funding and grants to go toward the ordinance project.

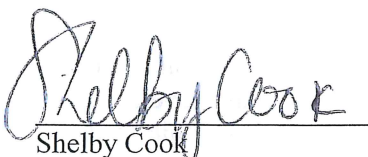
Informal Discussion

The December 26th meeting will be cancelled due to the holiday season. The Cashiers Planning Council will reconvene in January.

Adjournment

With no further business to discuss, Sallie Peterkin adjourned the meeting at 6:15 p.m.

Respectfully Submitted,



Shelby Cook
Planning Administrative Assistant



Sallie Peterkin
Planning Council Chair