

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: December 19, 2019								
Time Begin: 6:00 p.m.								
Time End: 8:05 p.m.								
Location: 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:

Jamie Lopez, University Property Group LLC
 Shawn Escobar, J.M. Teague Engineering
 O'Neal McCall, Development
 Victorio Lofquist, Project Engineer

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

- ❖ Brain Gastle: Mr. Gastle has worked in administration positions at WCU for over twenty years, and involved in the recruitment and retention of WCU employees. He has experienced firsthand the housing market to keep local residents in the area, and recruit new residents. He agrees with the Board that it is necessary to support affordable housing developments that balance the needs of county residents, both present and future. Mr. Gastle stated he believes the proposed development does not meet those needs and the Boards criteria at this time. Especially in the matter of providing affordable single-family housing, and if the proposed units end up becoming primarily rental properties for transient or student populations, projected enrollment declines suggest they would not be successful for either the developer or the county. He provided data that suggests the proposed development would not be providing affordable single-family homes, when 75%-90% of the employees at the largest, closest employer in the county cannot afford them based on national standards. In addition, he stated higher education research predicts “college-going population will drop by 15% between 2025 and 2029 and continue to decline by another percentage point or two thereafter.” Mr. Gastle stated the probable enrollment decline would be financially detrimental to not only the developer, but also the county. He asked the developer and the county to consider pursuing truly affordable residential single-family homes in support of those county workers that need those types of homes.

- ❖ Joseph Pechmann (Oak Forest resident): Mr. Pechmann presented to the Board the Oak Forest community wants to be good neighbors and welcome new neighbors. He stated he believes the developer has good intentions; however, he believes they have not seen solid enough evidence from the applicant regarding this development. During the Cullowhee Planning Council quasi-judicial hearing on December 2, 2019 those with standing in the community raised concerns regarding endangering the public health and safety as follows:
 - Endangering the safety of children from Oak Forest and Forest Hills walking to Cullowhee Valley School.
 - Increasing the runoff sediment burden of Cullowhee Creek into the Tuckaseegee River, which might be expect to affect the recreational users of the Tuckaseegee further downstream and the Jackson County recreational economy.
 - Increasing noise pollution in the area through the addition of up to 265 new people (applicant’s estimate) to the neighborhood.
 - Potential increase of crime from the addition of the proposed development described as “single family housing”, proposes price point for its housing which make the development more likely to become student rentals. As the ordinance allows within a certain distance from the university up to five unrelated people can share a dwelling unit.
 Mr. Pechmann asked the Board to table approval of the application for the applicant to provide satisfactory evidence that these potential threats to the public health and safety are being fully addressed by the application or add conditions that may reduce the possible threats to health and safety in the neighborhood.
- ❖ Karen Kandl (Oak Forest resident): Ms. Kandl stated she believed the development would not be combatable with the topographic features and natural areas of the property. She asked the Board to consider adding the condition of increasing the riparian buffer zone for Cullowhee Creek from 25 feet to 200 feet. Ms. Kandl stated the reason is that buffer zones in WNC are lax as it only requires a minimum of 25 feet buffer from the trout stream. The Environmental Protection Agency suggest that 100 feet buffer zone should be the minimum, and that number would increase depending on stream order, percent slope, 100-year floodplain, and wetlands or critical areas. She stated buffer zones contribute to the ecological role of streams and asked the Board to consider increasing the buffer zone along Cullowhee Creek.
- ❖ Gene Norton (Oak Forest resident): Mr. Norton stated he had concerns of good new neighbors in the proposed development. He addressed that the community at the Cullowhee Planning Council meeting expressed concerns that the proposed development would injure the value of abutting properties as follows: noise pollution, light pollution, and increase in crime. However, the Council found the proposed development would not injure the value of abutting properties due to no evidence presented by the applicant. He asked the Board to table the approval of the application or consider adding conditions regarding lighting not be above a 90-degree angle, or the Home Owners Association (HOA) place restrictions that only allow 3 unrelated people in one dwelling unit.
- ❖ Catherine Carter (Oak Forest resident): Ms. Carter stated the issues of transportation, water supply, protection, waste disposal, and other similar facilities were barely touched upon, and no evidence of appropriate location relative to these facilities were presented or discussed during the quasi-judicial hearing on December 2, 2019. Council members stated that the burden of proof that the proposed use was appropriately located with regards to facilities was upon the application, not the community. She stated they have no idea how the applicant would handle water and sewer demands, what effect those demands will have on the integrity of the hatchery-supported trout waters of Cullowhee Creek, what burden the development will place on the community for fire and police protection, or how waste will be disposed. Ms. Carter requested the Board table approval until the applicant provides evidence, and how they propose to handle water, sewer, and waste disposal demands.

- ❖ Odell Thompson (Oak Forest resident): Mr. Thompson stated he had practiced architecture for 34 years, and 23 of those years have been in Jackson County. He informed the Board and developer his knowledge of construction costs in the mountains of Jackson County. He stated assuming 1800 square foot structures with nice finishes as the developer presented (green construction, granite counter tops, fiber cement “wood” siding, photo voltaic solar ready) would cost to construct in today’s market averaging \$175 to \$200 per square foot. He stated the developer may be able to get a break on material costs due to their volume, and they may not have to pay overhead and profit to a general contractor. Mr. Thompson stated he could assume \$140 to \$150 per square foot, the construction cost of each unit would be over a quarter of a million dollars in the structure alone, and every four houses constructed would be another million dollars. He stated Lofquist & Associates would have to help quantify the cost on the following:
 - The original cost of the land
 - The cost of earthwork such as removing a great deal of the upper part of the mountain, and constructing a massive 80% grade earthen bank below the duplexes
 - The cost to raise the grade for the 11 units proposed in the 100 year floodplain
 - The cost of utilities infrastructure (water, sewer, stormwater management, electricity, street lighting, cable, telephone, etc.)
 - TWSA impact fees
 - The cost of extensive retaining walls that will be required to provide flat buildable areas on the side of a mountain
 - The cost to construct the parking areas and the roads (some appear steep)
 - The cost of the final landscaping and hardscaping which will hopefully “heal” the barren hillside that will exist during construction

Mr. Thompson stated the developer should be aware that due to the demographic changes, experts predict that colleges are about to see a significant reduction in enrollment in the future and should be cautious if they plan to rent all of these units.
- ❖ Drew Virtue (Oak Forest resident): Mr. Virtue stated he is more concerned of the potential development as a parent with children that attend Cullowhee Valley School. He is concerned that the setup of the proposed development is in line with student renters and is concerned of the safety of his children and others walking to school.

Approval of the Agenda

Mike Poston requested to add “Planning Updates” under “New Business” as letter 5c. Steven Johannessen made a motion to add letter 5c to the agenda as. Ken Brown seconded the motion, and it carried unanimously.

Approval of the Minutes

Mark Letson made a motion to approve the minutes from November 21st, 2019. Jeremy Hyatt seconded the motion, and it carried unanimously.

New Business

a) Planned Unit Development: Elevate

John Jeleniewski presented the staff report to the Council of *Elevate Planned Development* project by applicant University Property Group, LLC. He stated the applicant is proposing the construction of a planned development consisting of 27 single family detached homes (3-4 bedrooms each) and 23 duplex units (4 bedrooms per unit). This property is in the *Single Family Residential – (SF) District* and the *Single Family Residential – Manufactured Home (SF-MF) District* of the Cullowhee Community Planning Area jurisdiction. These districts allow for *Planned Developments* as an allowed use with approval from the *Cullowhee Community*

Planning Council. The subject properties (PIN's 7558-28-2984, 7558-18-8604 and 7558-18-9344) are located on the northerly side of Lyle Wilson Road (S.R. 1545) and the three properties total 27.23 acres in area. Approximately 5.31 acres of the total 27.23 acres will be impervious area with the remaining property, 21.92 acres+/- being common area, open space or preserved wetland. The average slope of the total property (all three PIN's) is 20%; compliance with the Mountain and Hillside Development Ordinance will not be required, however, site grading (cut and fill) will be moderate for infrastructure improvements and retaining walls are proposed (maximum of 10' in height) to minimize grading impacts. The residential clusters will be connected by interior paved roadways that will be a minimum 14' wide with 2' shoulders and maximum of 20' wide with 3' shoulders. The proposed structures will be single-family detached and duplex units (all individual ownership) and there will be a Home Owners Association in place for this planned development which will govern interior appearance, maintenance issues and have ownership of the preserved wetland/open space/common areas. The applicant is proposing an elevated wetland/wildlife boardwalk for viewing and potential educational purposes as well as a reserved easement for a future County Greenway link. Existing perimeter vegetation and interior trees will be preserved as much as possible; however, all new landscaping will meet or exceed the *Cullowhee Community Planning Area Development Standards* for species and buffering. The ingress/egress access of this neighborhood will be from Lyle Wilson Road (S.R. 1545) which is located off of Highway 107 and the interior subdivision roadways and parking will meet design standards set forth in the *Cullowhee Community Planning Area Development Ordinance* and *Jackson County Subdivision Ordinance*. A portion of this property is located within a designated flood hazard area (100-year floodplain) and the proposed residential structures in this zone will be built in accordance with state and federal regulations. The immediate surrounding properties are private residential and Cullowhee Valley Elementary School is located to the southeast of this project and across Cullowhee Creek. This proposed planned development will be served by Tuckasegee Water and Sewer Authority for water and sewer. The applicant met with Jackson County Planning staff October 15, 2019 for a pre-application meeting to discuss this proposed project. The applicant submitted the completed Special Use application, concept site plan and supporting documentation on November 4, 2019.

Staff's recommendation was to approve the *Elevate Planned Development* project under the condition that all proposed site construction be in accordance the *Jackson County Unified Development Ordinance*, the *Cullowhee Community Planning District Ordinance*, all other applicable County ordinances and the final site construction plans.

Mr. Jeleniewski stated the Cullowhee Planning Council recommended approval for Elevate Planned Development project with the conditions as follows:

- All proposed plantings shall be selected from the recommended species list provided in the ordinance and a "Landscape Plan" shall be provided at the time of final review/approval of the project site construction plans.
- The owner shall work with Planning Department staff in the final design, construction and landscaping of the overall project to comply with the Cullowhee ordinance standards.
- Design the collector road standards Lyle Wilson Road to be improved and widen to a standard two-lane road to be consistent with the state maintained portion of the road or follow county requirements for road width.
- Applicant to explore pedestrian bridge connectivity to Cullowhee Valley School with due diligence providing documentation.
- The applicant to reduce the overflow parking area to 68 parking spaces to be consistent with the number of beds in the proposed development.

Kirk Shufelt inquired from staff in regards to engineering of underground utilities and stormwater is the applicant required to have a bond to ensure responsibility. Mr. Jeleniewski

stated the Subdivision Ordinance requires a performance guarantee with the engineer's testament the infrastructure is completed.

Sandy Davis inquired if the portion of Lyle Wilson Road that connects to the Cullowhee Valley School and Highway 107 could handle the additional traffic from the proposed development. Mr. Jeleniewski stated the proposed development did not trigger the ordinance require a Traffic Impact Analysis (TIA), however, the applicant conducted a TIA on their own by a certified engineer and can answer additional questions by the Board.

Ken Brown (Director of the Watershed Association), stated he did not believe the current stormwater drain standards or engineering practices are sufficient to protect the waterway and wetland areas around the proposed development.

Chairman Claxton inquired for additional information from the project engineer of the riparian buffer and if they could address any of the concerns, the community presented to the Board. Mr. Lofquist stated Cullowhee Creek is the main concern, and that is the intention for the plan indicating a future greenway and 25 foot trout stream buffer along the creek. The previous owners consulted an environmental specialist that surveyed the property, and mapped the streams and wetland areas and for this project, there are a few areas they would impact for driveways and utilities. Ms. Claxton clarified that the buffer area varies and inquired if it would be possible to increase the buffer area. Mr. Lofquist stated they might be able to get further away from the creek, but there are linear wetlands and small streams they are trying to avoid. He stated the intent and goal is to optimize the buffer areas and minimize impact, which is why the concept design shows clustered development.

Mr. Brown asked what the buffer area is near the driveway in the southwestern portion of the development in the floodplain area. Mr. Lofquist stated there is very little buffer within that area, and there is no requirement for the trout buffer since that portion is not located in the wetlands. He stated the road could flood in that area but the houses would be elevated above the base flood.

Mr. Letson inquired if the adjacent property owners on the North side in Forest Hills of the development were notified of the proposed development. Mr. Jeleniewski stated staff recommends the applicant in the pre-application meeting to reach out to the surrounding property owners to setup a meet and greet to introduce themselves and the concept plan (approximately 20 community members attended). In addition, for the Cullowhee Planning Council quasi-judicial hearing staff is required by law to notify adjacent property owners of the meeting.

Mr. Brown stated due to ecological sensitivity and the importance of wetlands it does not seem prudent to develop around a wetland area with no buffer. Wetlands are biodiverse and the community should preserve those areas. *Ken Brown made a motion to table the discussion in light of the evidence presented.*

Jeremy Hyatt stated staff had been diligent and made a motion to approve the project with staff's conditions. Scott Ogle seconded the motion.

Chairman Claxton inquired if the Board had any conditions to add to the proposed project. Ms. Davis stated it was apparent the Board had a consensus that the buffer area should be increased. Mr. Shufelt asked staff if there was a time limit that would allow the Board more time to develop reasonable conditions. Mr. Poston there is a 90-day time limit from the date the application is submitted the Board must review (approve, approve with conditions or deny).

Jeremy Hyatt and Scott Ogle withdrew both motions.

Ken Brown made a motion to table this decision for the Board to further consider and discuss reasonable conditions. Steven Johannessen seconded the motion and the motion carried unanimously.

Mr. Ogle informed the Board he is concerned as their responsibility is to review the plan and determine if it complies with the ordinance as written. He stated staff has applied the

ordinance, and it meets and complies with the ordinance. He cautioned the Board the developer already has money invested for the engineer, and final plans. He is concerned and cautioned the Board of avoiding adding conditions that are unreasonable.

b) Public Hearing: Text Amendments to UDO Article IV, Section 4.3.5, Article V, Section 5.3, Article X, Section 10.3, Article XI, Section 11.2.

Chairman Claxton opened the Public Hearing at 7:52 p.m.

Mr. Poston presented to the Board the proposed text amendments discussed at the previous Board meeting. Staff included in the new proposed "heavy industry" definition the word "soil" under adverse impacts that was discussed at the previous Board meeting. Mr. Poston stated staff added language for stronger enforcement measures under the Erosion Control sections. One of the main differences in this section is the number of days required for seeding and stabilization of disturbed areas. Staff has had issues of disturbed areas being exposed longer due to developers still in the phased portion of the project, they have removed the word "phase" and require 7 days after any land disturbance the exposed areas must be covered. Mr. Poston stated in Section 5.3.8 the maximum peak grade for the 10-year storm to modify to 25-year storm has been discussed amongst staff. He stated they would bring this conversation to the Board in a later meeting as staff has some questions and concerns of technicalities before moving forward with the amendment.

Chairman Claxton closed the Public Hearing at 8:03 p.m.

Ken Brown made a motion to approve the proposed text amendments and consistency statement. Jeremy Hyatt seconded the motion, and it carried unanimously.

c) Planning Updates

Mr. Poston informed the Board the following members are rotating off (Chair Bonnie Claxton, Ken Brown, Scott Ogle, and Steven Johannessen). Staff presented a Certificate of "Awesomeness" and Appreciation of Service to those Board members.

Adjournment

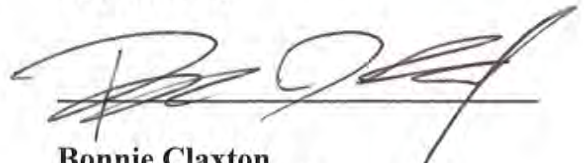
With no further business, Chairman Claxton adjourned the meeting at 8:05 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Bonnie Claxton
Planning Board Chairman