

Cashiers Area Community Planning Council

Minutes

August 24, 2020

5:00 p.m.

Virtual Meeting

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond		X	Robin Ashmore		X	Michael Cox	X	
Bob Dews		X	Mark Letson	X		Deborah Townsend Stewart	X	
Glenn Ubertino	X							

Staff Present

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

Others Present

Tim Greene, Design Professional for Wormy Chestnut
 Ann Self, Village Green

Call to Order

Chairman Michael Cox called the meeting to order at 5:08 p.m. and a quorum was present.

Additions to Agenda

Debi Stewart made a motion to approve the agenda as written. Mark Letson seconded the motion, and it carried unanimously.

Approval of the Minutes

Mark Letson made a motion to approve the July 27th, 2020 minutes presented to the Council. Glenn Ubertino seconded the motion, and it carried unanimously.

Public Comment- Sign-up sheet- 3 minutes per speaker

❖ Lucy Christopher (Public Comment Submitted):

My specific concern about the Wormy Chestnut proposal is WATER. Three decades ago, we moved to Cashiers Valley. For almost a decade of the time before that, I had attended weekly meetings, listening and learning from the land proposals and arguments before the Charlotte/Mecklenburg Planning Commission. I became alerted to the issue of development. And so, I have watched with more than mere interest for 31 years—first the slow, then steady and now the rather-rapid development of this once tiny village.

- One thing I have learned is that the business village of Cashiers is situated in Wetlands on a plateau south of the 107N Continental Divide—capturing water from the thousands of springs and streams flowing down.
- On a plateau beneath the northern side of that divide sits Blue Ridge School, where in the early '90's, the school was forced to reduce a small development plan below 107N and

across from the Rescue Squad building. The Army Corp of Engineers had deemed that plot—a wetland.

- The current Chronicle stated that the Wormy Chestnut plans include a 25-vehicle parking area, but failed to no mention the wetland issue.
- The fragilely-developed wetland, known as the Village Green, directly abuts the proposed development and would only be further compromised by any contiguous disturbance.
 - Acreage behind the Cashiers Post Office boasts a lovely locally-planted “pond” with a bridge crosswalk to the Village Play (ground).
 - During the week assigned to build The Village Play, it rained a lot! I was one of those who actually sank knee-deep walking from one work-area to another. That was an eye-opener!
 - Beyond the Village Play, is a Marsh-like pathway that extends all-the-way behind the proposed development to the rear of the old Bonds Builders Supply.
- Paving and cutting trees for a parking lot in this new development will have wide and unknown effects of “where all the water will settle?” Wouldn’t an overview from the Army Corp be appropriate now—before any approval of this proposed development?
- Perhaps tons of the pebbles that are being used for other local frontages would suffice as a parking lot surface—or one of the porous-type concretes—at the very worst.
- Owners of the 4 new businesses, including the Wormy Chestnut structure, would obviously prefer their clients enter their new buildings without muddy feet.
- However, the future of Cashiers demands that new developments*curb all tree removal and paving instincts.

Thank you for considering my WATER concern—which I believe bodes severely for Cashiers’ future.

Lucy Christopher—2451 Whiteside Cove Road, PO Box 2382 Cashiers 28717

>Former Co-owner of Cottage Inn, Inc. 1989-1998. During the 1990’s Board Member of The Cashiers Chamber of Commerce, The Jackson County Travel & Tourism Authority, The founding Village Green Committee and Board of Directors.

*An extreme development in Cashiers beyond The Crossroad Intersection and Whiteside Cove Road (State Rd 1107) floods along the 107S roadside and has created long-standing pollution in Fowler Creek around homes off Spring Valley Road—miles away from the former High Hampton—which is the site of the aforementioned development.

*Water, this past weekend, was awash in rain all across Hwy. 64, at the site of the yet-to-be-approved development.

New Business

a) **Special Use Permit: Wormy Chestnut Shops**

Chairman Michael Cox opened the public hearing at 5:12 p.m.

Mr. Cox disclosed that he had advocated for connection from the Village Ramble through the proposed site to the Village Green. He does not believe that is sufficient grounds to recuse himself. The remainder of the Council had no disclosures regarding the proposed project.

Mr. Cox asked planning staff, the applicant, and parties with standing for consent to hold the quasi-judicial hearing in a virtual format. All planning staff, applicant, and parties with standing consented to the virtual quasi-judicial hearing.

Planning staff (Mike Poston, John Jeleniewski, Heather Baker, the applicant (Tim Greene), and parties with standing from the Village Green (Ann Self - Executive

Director, Sue Lewis - Chair of Board of Directors, Rob McNeal - Chair of Board Governance Committee, Joe Thompson - immediate past-chair of Board of Directors) were sworn into the Quasi-Judicial Hearing.

John Jeleniewski presented the staff report for the proposed project *Wormy Chestnut Shops* by the applicant Cashiers Properties of Jax, LLC located in the Village Center District at 95 US Highway 64 West, Cashiers NC 28717 (PIN 7572-31-3478). He stated the applicant is proposing the construction of four new commercial structures, 1,400 square feet each in floor space with the existing 1,480 square foot building remaining for a grand total of 7,080 square foot. The location of this proposed project is on the south side of Highway 64 West and approximately 600 linear feet west from the intersection of the Highway 107/Highway 64. The total area of this property is 2.38 acres and has an average slope of less than 1.0%. The proposed structures exterior will be traditional board and batten siding and architectural shingles or alternate metal roofing; the proposed architectural features will be in harmony with the existing structure that will be remaining. All new perimeter and interior landscaping will meet or exceed the Cashiers Development Ordinance regulations for species and buffering. The ingress/egress access to this property will be from Highway 64. The immediate surrounding properties are a mix of commercial and community (The Village Green) uses. This proposed commercial development will have shared parking on-site. Utility services will be provided by Tuckaseegee Water & Sewer Authority for sanitary sewer and a private well for potable water. Fire protection will be provided by the Cashiers Fire Department.

Staff's review is the proposed use and structure appear to meet the standards set forth in Section 9.3.5 – Site and Building Design Standards of the Cashiers Commercial Area Regulated District; Approval of the use and the design is recommended with the following conditions:

- The owner/developer shall work with Planning Department staff in the final building design, site design, site construction, stormwater and landscaping of the overall project.
- This project will require sidewalk construction along US Highway 64 West. Final site construction plans must show this design standard and the applicant must coordinate permits with the NCDOT.

Mr. Jeleniewski stated staff's recommendation is to approve proposed *Wormy Chestnut Shops* project and issue the Special Use Permit subject to the conditions identified above.

In addition, Mr. Jeleniewski stated the landscape buffer is not shown on the concept site plan the Council is reviewing, but they would be submitted and reviewed with the final site plans. The requirements for the minimum and maximum setbacks would not be applied to the building in the rear, as it is located on its own parcel that is not adjacent to the roadway. The landscape ordinance encourages the applicant to get credit and maintain existing vegetation. He stated there is running water on the property lines and is not in a flood hazard zone, and the project is centered on the property. If there were to be any disturbed areas in the area that has running water they would have to be prepared but is unlikely they will disturb those areas. In addition, there may potentially be wetlands on the property, and the county's environmental and erosion control staff would ensure those are identified. In addition, the applicant would be required meet the requirements of stormwater regulations in the cashiers ordinance.

Glenn Ubertino inquired what was the timing for the sidewalk to be installed on this property. Mr. Jeleniewski stated the applicant would have the sidewalks in place before a zoning certificate of compliance is issued. In the past with some projects staff has had to coordinate with NCDOT because of the location of the sidewalk that falls within the right-of-way. The applicant would have to obtain a three-party encroachment agreement with the county and NCDOT prior to installation of the sidewalk.

Ann Self stated she appreciated the opportunity to represent the Village Green Board, and they are in favor of developing the Cashiers area. She appreciated staff addressing the landscape buffer as the project shares two property lines with the Village Green and they want to ensure the natural resources are maintained. She stated the Village Green's mission is to conserve, manage the park for public use, and protect its esthetic value. Ms. Self stated the Board has questions and concerns about the optional elevated deck walk and potential connection into the Village Green. The Board is in favor of promoting pedestrian traffic and walkability in Cashiers. However, the plans are very unclear from an esthetic perspective, and from a safety standpoint, the optional elevated deck walk would be leading from the children's playground area into an active business center parking lot. In addition, she inquired the reason of the dumpster location and if the applicant would consider relocating the dumpster.

John Jeleniewski stated the rear building would be subjected to landscape buffer, and the building would likely shift to accommodate the buffer. The optional elevated sidewalk is not a requirement from the county, and its intent was to have more inner connectivity. However, he believes the applicant would not enforce if the Village Green does not want this connection. In addition, the dumpster location would be screened with fencing or landscaping, he assumed its location was for ease of access for the trash collection system.

Tim Greene, design professional for the proposed project stated the walkway was shown as optional until they had communicated with the Village Green. Mr. Greene stated he would remove the inner connectivity to their property, and would look for another location for the dumpster.

Chairman Michael Cox closed the public hearing at 5:53 p.m.

County attorney Heather Baker moved to include the staff report and all related materials into evidence and it was allowed into evidence.

Board Discussion:

The Council reviewed the special use permit application for compliance with the requirements of the Cashiers Area Community Planning Council development standards as follows:

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

Mr. Cox stated to make the revision to allow staff to ensure that the design review complies with the ordinance.

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 community.*
Vote: 4-0, 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:*
 - *The owner/developer shall work with Planning Department staff in the final building design, site design, site construction, stormwater and landscaping of the overall project.*
 - *This project will require sidewalk construction along US Highway 64 West. Final site construction plans must show this design standard and the applicant must coordinate permits with the NCDOT.*
 - *Staff will communicate with the adjacent property owner Village Green in regards to final design plans for landscaping and final dumpster location.*

Debi Stewart made a motion to approve the Wormy Chestnut Shops project with staff's conditions and to communicate with the Village Green on final site plans. Mark Letson 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.*
Chairman Cox instructed staff to prepare the order, and include findings based on the evidence presented and entered into evidence during the Quasi-Judicial Hearing.

b) Draft Edge and Gateway District Discussion

Caroline LaFrienier presented the following changes made to the draft Edge District as follows:

- Buildings with a height greater than 35ft.
 - A balloon test is required to identify the proposed structure height along with photo simulation of the structure.
- Setback standards
The following setbacks shall be required for structures in the Edge District.
Front: **15 feet minimum, 40 feet maximum**
Side: None required
Rear: None required
Corner lot, street side: **15 feet minimum, 40 feet maximum**
The landscape and buffering standards (Section 9.3.7) may require additional setbacks; if so, more restrictive requirements shall apply.

Mr. Jeleniewski asked stated to keep in mind that the Edge District is a higher traffic speed area, which would make it harder to do front parking. He sated typically a parking area is 60 feet wide, with 18 feet deep parking stalls, and a 24 feet wide alley. He asked the Council to consider keeping a minimum in this district and eliminate the maximum

setback in this district. In addition, they can re-introduce the maximum setback moving closer to the Village Center to encourage development closer to the road.

Caroline LaFrienier presented the following changes made to the draft Gateway District as follows:

- Prohibited Uses:
 - Self service storage facilities
 - Camps, campgrounds
 - Golf courses
 - Distributive businesses
 - Manufacturing, assembly, or finishing operations
 - Sales lots

- Setback standards
 - The following setbacks shall be required for structures in the Gateway District.
 - Front: ***15 feet minimum, 35 feet maximum***
 - Side: None required
 - Rear: None required
 - Corner lot, street side: ***15 feet minimum, 35 feet maximum***
 - The landscape and buffering standards (Section 9.3.7) may require additional setbacks; if so, more restrictive requirements shall apply.

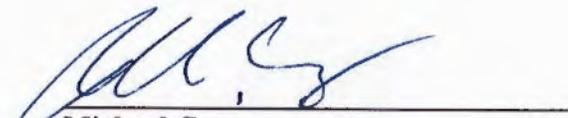
- Building Façade Character
 - At least two of the following elements must comprise ***35 percent*** of front façade length and at least one of the following elements must comprise ***35 percent*** of any façade length fronting a major public street and/or parking lot.

Adjournment

With no further business to discuss, Glenn Ubertino made a motion to adjourn. Mark Letson seconded the motion, and the meeting adjourned at 6:18 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Michael Cox
Cashiers Planning Council Chairman