

Cashiers Area Community Planning Council

Minutes

January 25, 2020
9:00 a.m.
Village Green (Common Hall) & Virtual

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
Heather Baker- County Attorney
Allison Kelley- Administrative Assistant

Others Present

Stephen Macauley, Applicant
Craig Justus, Attorney to Applicant
John Noor, Attorney

Call to Order

Chairman Michael Cox called the meeting to order at 9:08 a.m. and a quorum was present.

Additions to Agenda

Glenn Ubertino made a motion to approve and amend the agenda to remove "Approval of the Minutes." Bob Dews seconded the motion, and it carried unanimously.

New Business

a) Special Use Permit: Cashiers Village

Chairman Cox re-opened the Quasi-Judicial Hearing at 9:10 a.m.

Mr. Cox stated the Council had three pending applications for standing to review from the prior meeting.

- **Anita Cramer:** Mr. Cox stated Ms. Cramer lives on Monte Vista Road, and did receive a letter from the Planning Department regarding this hearing. Ms. Cramer is alleging she would suffer special damages, as her property is adjacent to the proposed development and would forever destroy the character of the entire family homes. Mr. Brent Millis stated Ms. Cramer is his neighbor and is very familiar with her property as he was involved remodeled her house. Mr. Millis stated Ms. Cramer gets her water from the same spring the Zachary family does that was previously approved for standing. In addition, Mr. Millis stated her

property is located downhill from the development and would be affected by erosion, and would suffer from increased traffic to her property.

Bob Dews made a motion to allow Ms. Cramer to participate as a party with standing. Deborah Stewart seconded the motion, and it passed unanimously.

- **Cashiers Canoe Club LLC (Turner Inscoe, Michael Ripp):** Mr. Inscoe stated he had cleared up the confusion with the applicant but they would still like to participate as a party with standing. The Cashiers Lake Association is concerned of stormwater management, and the potential impact of stormwater to Cashiers Lake.

Glenn Ubertino made a motion to allow Turner Inscoe and Michael Ripp (Cashiers Canoe Club LLC) to participate as a party with standing. Robin Ashmore seconded the motion, and it passed unanimously.

- **Kati Miller:** Ms. Miller's property is located downslope from the proposed parking garage and is alleging that it would cause special damages of large retaining walls, fluorescent lighting, noise, erosion, and would overall decrease her property value.

Bob Dews made a motion to allow Ms. Miller to participate as a party with standing. Mark Letson seconded the motion, and it passed unanimously.

Disclosures:

Deborah Stewart stated she spoke with Heather Baker regarding what she could and could not do as a Council member. Ms. Baker approved Ms. Stewart's response to the community member emails she had received. Ken Fernandez came to her business to try to discuss the proposed project, and told him she could not discuss since she was a Council member. In addition, Ms. Stewart stated she discussed with Mike Poston regarding policies and procedures. She has not spoken with the developer or any one that works for him or any attorney. Ms. Stewart stated she had approximately 70 emails, and printed out all of these with her response and submitted to the county for the record. In addition, she did attend a holiday party where they tried to discuss the proposed project but she told them she could not discuss this topic. In addition, Ms. Stewart stated she did not make any site visits, has no fixed opinions, and she would not benefit financially from the proposed project.

Glenn Ubertino stated he received approximately 100 emails from the community but did not respond. Mr. Ubertino stated he asked Heather Baker if he decided to respond to those emails, what would be the best method. In addition, he stated community members did try to discuss the project with him but told them he could not discuss, as he is a Council member. Mr. Ubertino stated he attended a meeting with Ken Fernandez, several other local business owners where Steven Macauley wanted to meet and introduce himself while scoping out his project. In addition, Mr. Ubertino stated he did not make any site visits, has no fixed opinions, and he would not benefit financially from the proposed project.

Robin Ashmore stated she received approximately 100 emails from the community but did not respond and forwarded to county staff for the record. Ms. Ashmore stated she had not talked to the developer, attorney or other employees. However, she did have a brief conversation with Ken Fernandez as he was bringing around packets to local business owners around Highway 107 and 64. In addition, Ms. Ashmore stated she did not make any site visits, has no fixed opinions, and she would not benefit financially from the proposed project.

Mark Letson stated he received approximately 160 emails from the community but did not respond and forwarded to county staff for the record. Mr. Letson stated Ken Fernandez approached his wife at his pharmacy and they went over to Mr. Fernandez's office that tried to show images of the proposed project, but he denied viewing these images, as he must remain impartial as a Council member. In addition, he stated he would have no financial gain in the proposed project, and has no fixed opinions.

Bob Dews stated he had received numerous emails from concerned community members, but did not respond and forwarded to county staff for the record. In addition, he stated two months ago he had a phone conversation regarding Cashiers and the community with Paul Anderson, which was before the Council was advised not to discuss the proposed project. Mr. Dews stated he had no further conversation's regarding the proposed project, and remains impartial and would like to hear from both sides.

David Bond stated he had received numerous emails, but did not respond and forwarded to county staff for the record. He stated he knows a number of people in the Gana-Sita community including Mr. Millis, and Ms. Zachary. In addition, stated Ken Fernandez is a friend that reached out to discuss the proposed project, but he explained that he could not discuss, as he must remain impartial as a Council member. In addition, Mr. Bond sells building products, and could potentially benefit from products being sold into the proposed development but stated he is neutral in the Council's decision.

Michael Cox stated that sometime in July before the application was submitted he met with Steven Mccauley, Ken Fernandez and had a general conversation about planning, and the different ways communities have been developed across the globe. Mr. Cox stated that both he and Mr. Fernandez are real estate agents, and have discussed other real estate matters. Mr. Cox stated he has had no communication with the applicant's staff regarding this project since the applicant submitted their application. In addition, he stated he did not have a fixed opinion on the proposed development, and as the chairman to this Council he discussed the procedural process with county staff. Mr. Cox stated he received approximately the same amount of emails as the other Council members, and did not open 98% of these emails, as he could not take any of the communities' opinions into consideration. Mr. Cox stated he had community members approach him in town and received phone calls wanting to discuss the proposed project. However, he inform those individuals he could not discuss the matter, and must remain neutral with no fixed opinion on the case. He stated does not believe he would financially benefit from the proposed project. He currently does not have any deals with Mr. Fernandez, but does have a deal with another employee from his office that is separate on a residential home.

Craig Justus inquired the nature of the email response Ms. Stewart made to community members. Ms. Stewart stated she spoke with Ms. Baker regarding an appropriate response that thanked them for their interest, but said as a council member she could not comment.

John Noor inquired if Mr. Bond friendship with Mr. Fernandez would affect his overall decision of the proposed project. Mr. Bond stated no, their friendship would not affect his decision in any way. In addition, Mr. Noor inquired in relation to him selling a building and financial interest he asked if there were any existing contracts associated with the project. Mr. Bond stated there were no promises or existing contracts that are associated with the proposed project.

Mr. Noor inquired from Mr. Cox from his work as a real estate agent if he had met with any individuals that have standing with the purchase of their property. Mr. Cox stated he did discuss with Giuliana Kaufman regarding the purchase of her property for clients that are unrelated to the proposed project. Mr. Cox clarified that they spoke in the prior to the hearing date in the fall of 2019, and he would make a profit off the proposed

property if Ms. Kaufman did sell her property. This property has a history of being listed for sale as there is not many commercial buildings, and he did approach Ms. Kaufman to inquire if she would be interesting in selling, but no price was set or further discussions were made. Mr. Noor asked Mr. Cox if the development was approved, did he hope to list any of the properties that may come off of this development for sale. Mr. Cox stated yes, he earns his money through Cashiers real estate, and hopes to list any future Cashiers real estate that is built as that is how he makes a living. Mr. Noor stated Mr. Cox met with Ms. Kaufman who is an adjoining property owner that has standing; he believes this is a conflict of interest and asked Mr. Cox to recuse himself from this matter or the Council. Mr. Justus stated the conflict of interest standpoint relates to having a direct financial interest, which in this case it was a conversation, and there was no contract in place. In addition, Mr. Justus opposed the recusal as during Mr. Cox and Ms. Kaufman's conversation, the Council had not had a meeting regarding this project, and she was not a party with standing.

Mark Letson made a motion that Mr. Cox did not need to be recused from the quasi-judicial hearing regarding the proposed project. Deborah Stewart seconded the motion, and the council voted 6/6 to deny Mr. Cox's recusal. Mr. Cox was excused from voting on this motion and did not vote.

Planning staff, applicant, expert witnesses, and parties with standing were sworn into the quasi-judicial hearing.

Mr. Noor presented an objection and motion to dismiss the application. There are certain items that the development has to comply with that are included in the Unified Development Ordinance that the Council cannot excuse. Mr. Noor noted two particular issues with this development as it has been proposed that both he and his clients believe are fatal flaws to the development. Mr. Noor asked the council to dismiss the application rather than go through an evaluation that they could not approve because of the following errors. The first error is the number of access points the development proposes. The UDO states "Points of access shall be limited to not more than two per development along any street or road." In the site plan that was submitted, they found there are five access points on Monte Vista Road and five access points on Highway 107. Mr. Noor stated these proposed access points violate that provision of the code from UDO 9.3(d)(vi)(9). He stated the board cannot waive these requirements as they must be met by the development. The second issue relates to the size of the buildings, in the UDO Section 9.3 Figures 9.1 and 9.2 state that the maximum structure size within both Village Center and General Commercial zoning districts is less than or equal to 5,000. Mr. Noor highlighted from the site plan buildings that exceeded over 5,000 square feet limit. He asked the board to dismiss the application because it lacks the jurisdiction to approve a plan that would exceed portions of the UDO. In addition, he stated the council is tasked in their review to ensure the development meets all of the requirements set forth in the ordinance for the proposed special use. Mr. Noor stated due to the applicant having more than two access points to the development, and buildings that exceed 5000 square feet they do not comply with the ordinance and asked the board to dismiss this application.

Mr. Justus stated the application had been submitted months ago and has been vetted by staff. The application would not be before the Council if it were not complete and compliant with the standards set forth in the ordinance. He stated one of the problems with Mr. Noor's approach is he is taking things in isolation by pulling up a section of the ordinance that discusses points of access for development, but he doesn't explain the meaning of development and how it is defined in the code. Mr. Justus asked the council to consider the definition of development in the UDO, "a development is any activity that requires a building permit." This project is on 55 acres and is not a single lot

development or building, and will have multiple buildings, and components under the ordinance that is considered a development. Mr. Justus stated they have different definitions for multi-family, single-family, and non-residential development and this project is consisting of multiple developments with multiple parcels involved and it is not a single lot with a building where there would be some concern about one building on a single lot having more than two points of access. This is not a question of jurisdiction, if there is a question about this it will be discussed throughout the process. Meaning if you contend that there shouldn't be access points we have delineated then you can indicate to the applicant as a condition of development...you will hear a testimony that the DOT has reviewed the points of access onto the state roads...with different uses...the ordinance does not limit this project, nor should it to two points of access. Building size...reading in isolation parts of the ordinance that deals with special use indicate that we come before you with any building that is greater than 1500 square feet without any limitation on the size of the building. It is part of what the council considers when they make their final conclusion but it is not an impediment for a special use permit.

Mr. John Jeleniewski stated he is the senior planner for Jackson County Planning Department. He stated Mr. Noor showed a graphic of the six access points, and the way staff determines access points is for a property, and it is correct that it is required two access points per development, however that is speaking to driveway access points not road construction and how they intersect with existing roads. The project there are a couple of cases where existing roads and intersections were being improved. The ordinance standards are for driveway access and the development plan speaks to roadway construction which supports the development as a whole and the interior roads that is where the driveway access points would be located along those.

Mike Poston stated he is the Jackson County Planning Director in regards to the building size what Mr. Noor referenced in his motion is based off of an infographic that has an incorrect citation. These infographics for the zoning districts are a quick guide reference to the actual text that is defined in the ordinance that does not specify a maximum size but stated any building larger than 1500 square feet would require a special use permit. Unfortunately, there was an error in the graphic during the creation of the UDO but the infographic does not reflect the actual text of the standard that is found in the ordinance, and that is why staff still comes before the council with applications with buildings that trigger the special use permit process.

Deborah Stewart made a motion to deny the objection to dismiss the application. Bob Dews seconded the motion, and the motion passed unanimously with a vote 7/7.

Evidence:

John Jeleniewski presented the staff report for proposed project Cashiers Village by the applicant Steven Macauley. The properties are located in the southeast corner near the intersection of Highway 64 and Highway 107; PIN's: 7572-51-4656, 7572-51-8525, 7572-51-7004, 7572-40-9539, 7572-50-0232, 7572-40-8445, 7572-40-9466, 7572-40-6689, 7572-40-9807, 7572-41-5031, 7572-41-5028, 7572-41-6231, 7572-41-9317. He stated the applicant is proposing the construction of a multi-use development on 55.52 acres in two phases near the southeast corner of the intersection of Highway 64 and Highway 107 which will consist of a Town Center with lodging, retail and commercial uses; multi-family, single family and condominium residential uses. The ingress/egress for this property will be from Highway 107 South, Marigold Street, Monte Vista Road and indirectly from Highway 64 East; all of which are public roads and right-of-ways. The immediate surrounding properties are a mix of commercial, civic/community and residential uses which are in both the Village and General Commercial Districts. The

exterior materials for the proposed structures are shown to include a mix of stone, stucco and traditional lap siding with architectural shingles and metal roofing accents. This proposed development will have shared and remote parking on-site to support all uses and 1,406 parking stalls are required, however, Phase 1 - Town Center (The Hamlet) provides 896 stalls; Phase 1 outside the Hamlet provides 239 stalls and Phase 2 provides 338 stalls and the concept plan indicates that 1,473 parking stalls are provided over the three phases. This project will require 20% open space over the entire 55.52 acres; the submitted concept plans indicate that 11.44 acres (21%) of open space area is provided. The overall property has an average slope of 19% and the Mountain and Hillside Development Ordinance will not require a density standard for this project, however, other standards in that ordinance (stormwater, grading, etc.) would apply. Storm water management measures, perimeter and interior landscaping will need to meet or exceed the Cashiers Development Ordinance regulations. Detailed utility plans have not been submitted for this review, however, Planning Staff has been advised that sanitary sewer services for this overall project will be a potential mix of public and private systems provided by Tuckasegee Water & Sewer Authority (public utility) and private, on-site treatment package systems; potable water service will be provided by private, on-site well/pump systems. Both utility services will need to meet or exceed the standards and regulations set forth by the appropriate agency with jurisdiction (Health Department, State Health, TWSA). Fire protection will be provided by the Cashiers Fire Department and Planning Staff will coordinate with the local Fire Chief and Building officials concerning fire hydrant placement and any required storage tanks.

Staff's review of the submitted concept plans appear to indicate that the proposed uses and structures would 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 design shown is recommended by Planning Staff with the following conditions to be considered by the Planning Council:

- The applicant shall work with the Planning Department staff for the final approval of architectural plans; site design, stormwater and landscaping plans and comply with the site construction requirements for the entire project.
- This project will require sidewalk construction fronting all public roadways including Highway 107, Marigold Street and Monte Vista Road. Final site construction plans must show this design standard and the applicant must coordinate permits with the NCDOT.
- That the applicant constructs an interior sidewalk/pathway network which will be identified on the final site construction plans and connects to the required public sidewalk network.
- That the final architectural and landscape plans be examined by the Cashiers Planning Council and that the plans demonstrate compliance with the ordinance standards set forth.

Mr. Jeleniewski stated that staff's recommendation is to approve the proposed Cashiers Village project application based on the technical standards reviewed (three phases) and Staff conditions identified above. This recommendation is hereby submitted to the Cashiers Planning Council for review of the Special Use Permit standards.

Ms. Baker clarified if the staff report did not recommend approval for the project based on the standards that the council would be reviewing, but that it has met the technical standards that were required to be submitted to council for review. Mr. Jeleniewski stated Ms. Baker was correct. In addition, Ms. Baker clarified that staff has not received an application for subdivision approval by the same applicant. Mr. Jeleniewski stated Ms. Baker was correct. Ms. Baker stated that she would like to move

to introduce into the record the staff report, presentation slides, application, and all of the exhibits with the applications officially into the record. Chairman Cox approved the staff report, presentation slides, application, and all of the exhibits with the applications officially into the record.

Mr. Cox inquired staff if they did anything different when reviewing the proposed project, applying the ordinance standards, and developing a recommendation. Mr. Jeleniewski stated he did not do anything different and it is the same process. He would classify this project as a large multi-use development but it is also a major subdivision based on the number of lots of units. Mr. Jeleniewski stated he applied the same standards that he normally would in a similar proposed project. In addition, he stated they do have a lot of projects in Cullowhee where their ordinance is similar to Cashiers of a local level, but they also apply the subdivision ordinance. In Cullowhee, with the student housing projects they apply this same process.

Gerald Green expert witness to the applicant presented evidence to the council. He stated he received his bachelor's degree from Virginia Tech, a Master's degree from University of Tennessee, and has practiced city planning for approximately 40 years. Mr. Green stated his first job in North Carolina was in 1982 as Planning Director for Brevard and Transylvania County, then went to the City of Asheville starting as Senior Planner and was promoted to Chief Planner and worked there for 14 years, then built his own planning firm for 8 years. In addition, he was asked by one of his clients to come be the Planning Director for Jackson County and his first task as a private sector consultant was drafting the Cashiers Commercial Area Zoning Ordinance. He stated he also worked with the administration of that ordinance, Jackson County, and the Cashiers Planning Council on updates to the Cashiers Commercial Area Zoning Ordinance, subdivision regulations including the open space standards and the standards for cutting fill along public and private streets. Mr. Green stated he left Jackson County and was hired as director of the Knoxville Knox County planning department to help guide the city of Knoxville through a new zoning ordinance and updated several sections of the Knox County zoning ordinance and subdivision regulations. In addition, he stated he has been a member of the American Institute of certified planners for over 30 years.

Mr. Justus stated Mr. Green has prepared a written statement report for the council identified as exhibit one, he passed out the report to the council, clerk to the board and asked for it to be admitted into evidence. Mr. Cox accepted Mr. Green's report into evidence.

Mr. Green stated he would point out a couple of changes from the initial submittal. Based on comments from the public, in the southwest corner, there was a proposed multifamily building with 39 units, and that has been changed to five townhome buildings with three units each to compliment the neighboring properties on Bustle Lane. In addition, Mr. Green stated they have also changed the large multifamily buildings to be reduced in scale for an overall 20% reduction in density. He stated the proposed project would be a pedestrian oriented development with a number of sidewalks along all straights, sidewalk connections along the public roads and connections to the existing pedestrian network The Ramble in Cashiers. The Cashiers Small Area Plan enables the community to address future challenges and opportunities, and provides a tool for flexibility and application of regulations.

Mr. Green stated that reviewing the built environment, one must consider what dictates the community scale character, is it Ingles or the farmers market? In addition, an interesting note is that the Ingles development contains more square footage than the commercial square footage proposed for this development. He stated Cashiers has a variety of scale and character, off of Highway 64 there is very dense development, the

Ingles development, and Subway and the farmers market that has a lot of square footage of building and parking on a limited square footage of land area.

Mr. Green stated the proposed project is located within the Cashiers Commercial Area zoning jurisdiction, mostly within the Village Center district, and a small section within the General Commercial district. He stated these are quotes from the zoning ordinance; uses are permitted at a density that will preserve and enhance a central commercial area of Cashiers. Density standards encourage the ease of access between businesses and the sharing of parking, and the bulk, scale, and height of structures are dictated by the zoning ordinance. Mr. Green stated that there is no limit on the structure footprint, and there is a 45 foot height limit that was recently adopted pursuant to the recommendation of the Cashiers Small Area Plan. In addition, he stated there is a minimal setback in this district, and there is an unlimited residential density. He stated that based on the standards it is clear that the zoning intends to permit dense development in the Village Center.

Mr. Green stated the Cashiers Small Area Plan was adopted in 2019, and it provides a guide for the future development and policy decisions of this body, as well as the Jackson County Planning Board and the Board of Commissioners. It identifies goals to create a more vibrant and sustainable Cashiers community. He stated our nation is changing, and people's desires are changing, and since he has been coming to Cashiers since 1982 he has seen the change in the community. Mr. Green stated that we have to accept change and the Cashiers Small Area Plan provides a footprint for change that many communities do not have. In addition, those goals laid out in the Cashiers Small Area Plan were the guiding light for the development of the Cashiers Hillside master plan, to create a vibrant year round village by increasing activity and growth and density in key areas. Mr. Green stated other goals and recommendations from the Cashiers Small Area Plan is to extend the tourism season, increase housing diversity, connect people to nature, and improve transportation connectivity. He stated they cannot continue to exist the way Cashiers has over the last 100 years, and they must look towards the future. The proposed development is located within the Village Core that is defined within the small area plan to be the heart of Cashiers with small to medium scale building footprints with multiple stories, with a variety of uses, short block lengths, connected pedestrian paths, and residential housing. Mr. Green stated some of the proposed development falls within the transition areas, and on the site plan, they made those transitions to match the neighboring uses. In addition, near Bustle Lane, they have scaled down to townhomes, and to better match the neighboring properties on Monte Vista Road they are proposing single-family dwellings, and other varieties of homes to accommodate a variety of lifestyles. There is over 11 acres of open space in the proposed Cashiers Hillside Development, and that is more than is required by the ordinance and it does not account for the space that is less than 2500 square feet in area as the county standards were written for residential subdivisions.

Mr. Green stated the following are the special use permit standards the Council will review to consider issuance of a special use permit. The Council must find that the proposed use or development will not materially endanger the public health and safety. Mr. Green stated there are no noxious, emissions, fumes, a loud noise or chemical waste from this development. In addition, there is a well-planned network of low speed streets, and will be developed in accordance with the county standards for streets including the design, construction, and the addressing of the cut and fill slopes around those streets. In addition, he stated sidewalks would be provided out on all internal streets on the public fronting highways, and connections to the existing pedestrian facilities in the town particularly The Ramble. Mr. Green stated there will be fire protection, the water system will enable hydrants, and adequate water storage to meet the fire protection needs of the

community, and even possibly some fire protection for adjacent uses. The Cashiers/Glenville volunteer fire department is less than a half mile from the proposed development, so there should be no problem with access, or availability of the fire department if needed for this development and the buildings will have sprinklers. He stated the mixed-use concept promotes safety, as the eyes on the street concept of 24-hour residents and neighborhood has proven to be one of the most advantageous ways to ensure safety. In addition, in regards to public health one of the key elements of community health related to community planning is pedestrian access, connectivity, and a more walkable sidewalk network. Another finding is that the proposed use of the land is reasonably compatible with significant natural and topographic features on the site. Mr. Green stated the applicant has considered when designing the site the land area slope and to address any concern they have placed the buildings to step up with the slope. The building structures will serve as the retaining walls in many places and not create a large footprint. In addition, stated their project engineer will address Stormwater more completely, but they will be using best management practices and complying with the county and state regulations for stormwater to minimize the impact. In addition, a geotechnical engineer will address more completely the retaining walls and the foundations of the buildings, and the care that would be taken when working with the topo and the grading of the site. Another finding for the Council is the proposed use of development and land is in harmony with a scale, bulk, coverage, density and character with the community. Mr. Green stated there is a concern that Cashiers wants to remain a small town, another small town is Highlands or Bowling Rock and their character is maintained not only by the built environment, but also by activities and social networks within the community to bring tourists and future residents. In addition, there is a requirement for landscape buffers that range between 10 to 20 feet and the proposed applicant has committed to a minimum of 15 foot buffers in the general commercial area and 10 foot minimum buffer in the village center area. There will also be interior landscaping, street trees, and garden areas scattered throughout the development. Transportation facilities are available as the proposed project fronts the state highway 107 and has access to US 64. The water supply to the development will be by private wells and some capacity from the community water system in Cashiers. Wastewater collection treatment would be a combination of TWSA allocation and private on-site systems that would be permitted, and approved by the NC Department of Environmental Quality.

Mr. Justice asked Mr. Green how far Ingles was from the proposed development. Mr. Green stated it is less than a mile from the east end of the project near Monte Vista Road. In addition, Mr. Justice inquired along Highway 64 where he mentioned there were denser developments how far that is from the proposed project. Mr. Green stated it is east of the intersection of Highway 107 and U.S. 64, which is a stone's throw from the proposed project. In addition, Mr. Justice inquired where the concept of loop road on the plan derives from. Mr. Green stated it came from the community vision council, when he was charged to work on the zoning ordinance for Cashiers in 2004, there was discussion to create loop roads around Cashiers, one on Frank Allen Road and another connecting to Monte Vista Road.

Chairman Cox admitted the Cashiers Small Area Plan certified copy, and minutes of approval from the board of commissioners into evidence.

Mr. Cox asked if those with standing had any questions for Mr. Green. Ms. Zachary (party with standing) inquired what Mr. Green did in Brevard to maintain a small town character, and why should they tear down every building to make them look consistent. Mr. Green stated upon the closing of Ecusta and DuPont film plant, the economy of Brevard and Transylvania County was devastated. He stated he worked with Brevard to stimulate interest in downtown as there were many vacant buildings that needed to

maintain businesses. During this time there was not only a need to fill existing buildings but provide the opportunity for new building as a new more urban type of development was built across from Brevard College. He stated the architectural standards are set forth in the zoning ordinance, and one of those standards are architectural unity that the development would undertake. He stated the applicant would work closely with staff and any architectural committee of the planning council.

Giuliana Kaufman (party with standing), inquired how the proposed development would help with transportation connectivity. Mr. Green stated the proposed development would involve transportation not only with vehicle traffic, but with pedestrians and bicyclists as the development will have sidewalks on all fronting streets, and a connector road through the development. In addition, the applicant has conducted a Traffic Impact Analysis that will identify the issues that may be generated by the project and the appropriate steps to mitigate those issues.

Mr. Noor inquired from Mr. Green that this is his revised affidavit. Mr. Green stated that is correct. Mr. Noor inquired that he had already submitted an affidavit in the case back in November. Mr. Green stated that is correct. Mr. Noor inquired if Mr. Green could walk him through his revised affidavit of the changes that were made as his original affidavit was posted publicly on the county website. Mr. Green stated he had revised it many times before submitting for this final affidavit. He stated he suggested that the best way to identify the differences is for the reader to compare the documents so he is not accused of missing something. Mr. Green stated he has made several revisions after receiving additional information for review of the site plan. Mr. Cox stated since this was a late addition with a revised affidavit if Mr. Noor could review the two affidavits to ask questions at the next meeting. Mr. Noor stated he would be fine to save his questions regarding the affidavit and followed up asking Mr. Green if there were any inaccuracies in his original affidavit. Mr. Green stated no not that he was aware of and he is very cautious not to make inaccurate statements. Mr. Noor clarified that the original plan had 39 units which has changed to three multifamily townhome units. Mr. Green stated that was correct, and the change was made last week in response to concerns from residents on Bustle Lane. Mr. Noor inquired how many units are there after the new changes. Mr. Green stated the applicant has committed to a 20% reduction in the number of dwelling units based on concerns of residential density. That would be a reduction of approximately 145 units for a new total of 581 dwelling units. Mr. Noor stated in that particular area Mr. Green stated there was originally 39 units, and with the revised plan how many units is there in that area? Mr. Green stated 15 units. Mr. Noor inquired if there are any renderings that show the revised plan. Mr. Justus stated there will be a drawing presented at the next meeting. Mr. Noor inquired if Mr. Green reviewed that rendering and he replied yes.

Mr. Cox inquired from Mr. Green is the road presented on the development plan would take pressure off the crossroads relative to the amount of new homes and people that would come from the proposed development. Mr. Green stated yes, he believed it would help take some of the pressure off. In addition, Mr. Cox inquired if Mr. Green when reviewing the plan thought Cashiers would not benefit by a more direct route through this development. Mr. Green stated the intent of the plan was not to develop an alternate transportation route, it was to provide safe pedestrian, bicyclists or motorists alternate route.

Ms. Deborah Stewart stated in the small area plan one of the goals was to be true to place, and ensure scale and pace of growth in keeping with the character of Cashiers. Ms. Stewart inquired if Mr. Green believed that this development aligned with that goal. Mr. Green stated that it does because of the architectural design, site design and phasing of the development. Mr. Noor inquired if the road within the development would be private

or public. Mr. Green stated at this time it has not been decided if the road would be private or public, however the development would be accessible to the public. Mr. Jeleniewski stated the subdivision ordinance would dictate the road type and the number of units that are served. In addition, he stated once they cross over the 100 unit threshold for residences it is required to design the road systems based on the NCDOT subdivision manual.

Steven Maccauley stated they came to Cashiers not looking to do a project, but fell in love with the area and this opportunity. He stated when considering to start a project is what does the community want. In this case, we were blessed in that the community had already spent literally years with hundreds of people giving their input and what they wanted the vision for their village to become. Mr. Maccauley stated they used the Cashiers small area plan to create this plan, to do what is best for Cashiers.

He stated they have a completed grading plan, stormwater plan, and sewer plan that they will hear later from the appropriate experts. In relation to building sizes, they have done their absolute best to keep in line with the vision of the small area plan. A big issue that that was specifically mentioned in the small area plan was diversity of housing. He stated they want this community, retail, offices, and residences open to everybody. It is not a gated community. It is not a private enclave. It is open to the public. As a commitment and the plan reflects the ability to provide housing for everyone from apartments, workforce housing, condos, small houses, midsize houses to very large houses. The phasing, the market will drive the proposed project. He stated he believes the total project would take approximately 10 years depending on the economy. In regards to the landscape buffers he stated they went beyond the minimum and have been careful to make sure connection to the development would keep the integrity of the village. In addition, regarding the architecture they started with a European look, but went back to create a more Cashiers look of a small Appalachian town. Mr. Maccauley stated they must have 20% open space and they have more than that.

In addition, he stated he had met with a lot of people who had really had concerns about the density of the project. He spoke with Laura Moser and her neighbor asked for one big lot near the top left portion of the site. They reduced from the 39 units of condos, to five buildings of three units townhomes that is total of 15 units. In addition, with a significant landscape buffer between Ms. Moser and her neighbors, and a commitment to make sure that any erosion issues flow away from their property. He stated he understands there are concerns in some cases about view sheds, and from the hilltop plaza which is the highest point on the property and approximately the halfway mark between phase one and phase two. He stated he was willing to reduce the density by 40%, and a 20% reduction in the overall residential density, and it would reduce from 726 to 581. Of the 581 units, a large portion is in phase one, that includes the 123 units of workforce housing. Mr. Maccauley stated in regards to traffic, the idea is the development would have multiple routes to get to Monte Vista Road.

Mr. Justus stated he passed out the amended site plan to the Council to review. Mr. Noor objected to the submission of an amended application at this time. In addition, Mr. Noor stated he would like to ask staff whether the amended site plan has been presented to them prior to being given to the board. Mr. Justus stated the amended plan is not an increase in units, but a decrease in units due to concerns of density.

Ms. Baker stated this is not something the council typically sees during a process, but Mr. Justus is correct that this is a reduction in density based on feedback. In addition, she stated Mr. Jeleniewski has not seen the revised plan, it has not been submitted to him and was not a part of his report. Therefore, he has not had the time to review the revised plan to ensure that the other standards are applicable. Ms. Baker stated staff would like to have time to review the revised site plan before the February hearing, and supplement his

report for the council at the next meeting. Mr. Cox asked the applicant to submit the final revised site plan to Mr. Jeleniewski, other parties of this action, and members of the Council two weeks before the next meeting.

Mark Letson made a motion to accept the amended application and plan. Robin Ashmore seconded the motion, and it carried unanimously.

Deborah Stewart made a motion to continue the Hearing on February 22, 2021 at 9:00 a.m. In addition, that the revised plan will be submitted on February 1, 2021 that shows a direct comparison of the old plan. In addition, any additional affidavits or supporting relevant documents will be submitted a week prior to the hearing. In addition, all parties represented in the original plan will be represented in the amended plan. Bob Dews seconded the motion, and it carried unanimously.

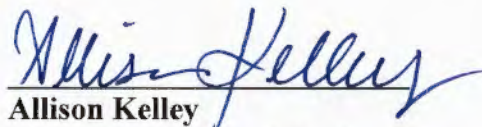
Chairman Cox closed the Quasi-Judicial Hearing at 4:30 p.m.

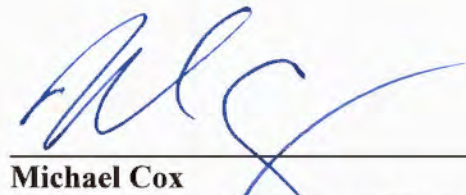
Mark Letson made a motion to call for a public hearing regarding a text amendment to the Unified Development Ordinance (UDO) related to statutory changes to NCGS Chapter 160D and other associated amendments to Article 9. Robin Ashmore seconded the motion, and it carried unanimously.

Adjournment

With no further business to discuss, Bob Dews made a motion to adjourn. Glenn Ubertino seconded the motion, and the meeting adjourned at 4:57 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Michael Cox
Cashiers Planning Council Chairman