

**Cashiers Area Community Planning Council**  
**Minutes**  
**March 22, 2021**  
**5:00 p.m.**  
**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**

Jake Petrosky, Stewart Inc.

**Call to Order**

Chairman Michael Cox called the meeting to order at 5:00 p.m. and a quorum was present.

**Additions to Agenda**

Glenn Ubertino made a motion to approve the agenda with the requested agenda item “c) Develop Cashiers Responsibly- Presentation on maximum building size recommendation in the Cashiers Small Area Plan.” Deborah Stewart seconded the motion, and it carried unanimously.

**Public Comment**

- Tim Womick: He stated when he was in highschool his mother was on the City of Asheboro Planning Board, and he would accompany her to review sites. As time progressed, his mother became known as “whoa, now” on the board. He stated he has a unique eye on planning, and how it fits. Mr. Womick stated he was very integral in the 90s downtown Cashiers, he owned his business where the Orvis store was during that time, and was a founding president of the historic society. In addition, he stated he was a member of The Village Green board when they voted to approve the Summit Charter School. Mr. Womick stated he was here to challenge the board to act like his mother and say, “whoa, now.” The rate of growth that is going on here needs to be swung down, and there should be full due diligence on everything. In addition, he stated he initially signed up to speak about the 5000 foot limit and they should not have a building in Cashiers of that size. He stated it's ridiculous what is going on right now at High Hampton as they are clearly the employees housing, which is not on the Council's radar because it's not in the central business district. However it is in his radar, because he lives downtown, he drives by it, he walks the streets of Cashiers, he listens to the noise, he picks up the trash, and he tries to avoid the traffic. He asked the Council members to

please be very cognizant, and to do the same due diligence by sitting and looking at the properties and really analyze what is really going on. Mr. Womick stated the law of unintended consequences is a vicious thing once it lets go.

- Ann Austin: She stated she had been involved in historical preservation in Cashiers for most of her life. Ms. Austin has worked with others on the Village Conservancy Initiatives, including founding the Cashiers Historical Society, acquiring and restoring Zachary-Tolbert House, The Village Green, McKinney Meadow, Mountain Landscapes Initiative, Cashiers Planning Council and so forth. She stated we found that most everyone wants to preserve the village character of Cashiers, however if you ask ten people what that means there are ten different answers. Ms. Austin stated she thinks all agree that village character is defined in part by its architectural vernacular, and small-scale historic homes that have been repurposed into successful businesses, restaurants, boutiques, and what we call the charm of cottage shopping. In 2011, the Cashiers Historical Society sponsored three historic site surveys to identify and document historic properties in their Valley. Phase one documented 56 properties with 19 of them on highway 107 between the crossroads and the Methodist Church. The survey included Charles Hooper Grocery (currently Highland Hiker), the Roxie McCall House, Cashiers Café (currently TJ Bailey's), and the Alexander Building (currently Interior Enhancements). The Cashiers Café received the Village Heritage Award in 2008, and award giving to heritage building that has been adapted rather than torn down. Others buildings were designated village heritage fibers with plaques that are around town. Ms. Austin stated a number of these properties are within the boundaries of the proposed Hillside Development and are slated for demolition. She stated they often hear the argument that these buildings aren't worth anything with no architectural significance. Cashiers has three national register properties, the Zachary-Tolbert House, High Hampton, and the Church of the Good Shepherd. In the early days of Cashiers Historical Society, Dwight Young from the National Trust, came to visit and inspire us. Mr. Young told us that often small towns like ours, bemoaned the fact that, unlike the green cities like Charleston and Savannah, that they had nothing important to show here. She stated Mr. Young told us never to be ashamed about what we have, our village is like no other village, and it is these unique, quirky, older buildings that give it heart and soul. Ms. Austin inquired what will we lose when those buildings are gone? So please, let's bring Historic Preservation back into the conversation when we talk about plans for the future of Cashiers.

## New Business

### a) **Public Hearing: Text Amendment to the Unified Development Ordinance (UDO) Article IX Section 9.3 Cashiers commercial area Figure 9.1 & 9.2**

*Chairman Cox opened the public hearing at 5:29 p.m.*

Mr. Poston stated the Council has before them a technical correction to graphical error that was picked up during the UDO adoption process and speaks to a 5000 building size. He stated they have never had an identified maximum building size and the text of the ordinance does not include a maximum building size limitation. However, the ordinance text does include the square footage that trigger the special use permits process. Staff has determined this to be a technical error as the graphic does not provide any unit of measurement for the maximum structure size of 5000, and what it actually represents. This graphic error is not a true reflection of what the ordinance text actually states, they have always had a trigger for a special use process which has changed over the years. The 5000 was the minimum square footage in the past that would trigger a special use permit in the Cashiers General Commercial Area. The trigger was changed

around 2013-2014 which reduced the trigger for a special use permit to 1500 square foot. Staff recognizes this technical error, and wanted to clarify to the community, as there has been some confusion about what actually exists in the ordinance. Mr. Poston asked the Council review the letter from Chad Sary from Stewart, Inc included in their agenda packets. Mr. Sary from Stewart assisted the county and Council with the UDO process, and the letter states that he agrees that this was a technical error and that the Council should consider correcting the 5000 maximum building size error in the graphics.

Mr. Cox inquired if the 30 foot maximum height is even correct in these graphics. Mr. Poston stated it is not correct, but that would not be classified as a technical correction and would have to be looked at as the maximum height was amended after the UDO adoption. In addition, this graphic is not easy for staff to work with and amend, and would be further evaluating if there is a better way in the future to convey this information graphically in a format that is easy to maintain over time. Mr. Cox stated it was his understanding that we had never had a maximum square foot size, and in fact the Birkin's building that the Council recently approved exceeded this nonexistent maximum square footage of approximately 8000 square foot. Mr. Dews stated the Boys & Girls Club building the Council approved is another example of a building exceeding 5000 square foot.

*Chairman Cox opened the public comment section of the public hearing.*

- **Larry Thomas:** He stated he lived off of Highway 107 by the Orchard Restaurant since 1988, and he is quite concerned about any developments to increase traffic in that area. He stated he wanted to quote the words of Mr. Schaffer of the Highlands Historic Society in the Highlands newspaper. "Growth is more destructive in a village more than in a metropolitan area where it is far less noticed. The stakes are higher in a town like Highlands. In addition he would also add a village like Cashiers than for larger cities, whose residents are there for what makes it different than duplicate life that they come from back home." Mr. Thomas stated he would leave this thought with the Council; you do not really appreciate what we have in Casbiers until you lose it and are not able to get it back. Great care should be taken to prevent any development, including care about the size of any buildings that would forever change the unique character of our mountain community.
- **Richard Ott:** He stated he and his wife and I have owned a home in the Cashers area since 1988, and last September became full time residents. He stated they have a great interest in what happens in this community. In addition, he stated he wanted to thank all the members of the Council, as he knows from his own involvement in his hometown, the job they have is somewhat thankless, especially when you're trying to please so many people. However, he believes it is critical that we understand that we all have the best interest of the Cashers Village. Mr. Ott quoted that under the general purpose of the special districts, it says specifically to preserve the community's unique, scenic quality and to protect and conserve the heritage. In addition, he stated he would like to echo everything that Ann Austin said earlier in this regard. However, the fact that the Jackson County Planning Department would have even seriously considered the Hillside Development makes me question whether or not the general purpose is fully appreciated by all the people who were supposed to be making these decisions. In addition, even though they are discussing changing some of the wording on figure 9, they would not be changing the intention, and that is that buildings shall be small in scale. Mr. Ott stated he would like to point out is that also under the item D, that the proposed use, or development of the land will be in harmony with the scale, bulk, coverage, density and character of the community. He stated he wanted to echo everything that Ann Austin

said, and he can assure them that he is not alone in the many people that they have gotten to know since 1988 that share the same opinion.

- **Mary Ellis:** Ms. Ellis stated she owned property with her husband on Monte Vista Road, which has been in her family since 1897. She stated her understanding of the Cashiers Planning Council is that they represent the interests of the Cashiers community, and not the interest of just one out of town developer, and she is referring to the Hillside Development. By removing the 5000 square foot limit without replacing it with a well thought out size limit, it certainly would appear that the Council is bending over backwards to appease one developer. Ms. Ellis stated she believes the Cashiers community has made it clear that the majority of us want responsible development and oppose high density out of control growth. In order to meet that end, there must be a reasonable building size limit, do not vote to eliminate the 5000 square foot limit, until there is a well thought out size limit to replace it.
- **Maria Partlow:** She stated the Heinz family, her husband's family has been up here since the 1950s. Her husband's his brother served as director of the Church of the Good Shepherd, and they moved to Cashiers permanently a couple of years ago. She stated we love Cashiers more for what it does not have than what it does have. Having unrestricted development, and not having size caps on the buildings is going to open the door to everything that they have left behind. She stated if they are going to take out the 5000, they need to replace it with something. In addition, there is a lot of ugly development around here, the banks, the Rec Center, strip centers, if not control. Ms. Partlow stated they have a big opportunity in the future with the Cashiers Small Area Plan already being done to augment with the ordinance and zoning to implement it in a way that keeps our character and our village life intact. She stated we respect our heritage, our historic structures, and our future architecture can count in that spirit. The citizens here want a voice in this process of moving forward, they want to help and I think this recent debacle on the hill, that we call Cashiers Hillside has made us a group of very passionate citizens who want to participate in this process. She stated she understands that in 2027 is the 100th anniversary of Cashiers and she believes together we can develop a plan the next 100 years for future generations that will accommodate growth that will help keep Cashiers, Cashiers.
- **Leah Horton:** Ms. Horton stated she and her husband are now full time residents and have been coming to Cashiers since the 1970s. She stated the reason they chose Cashiers is because it does not have much, it is a small town, simple, and quiet. Ms. Horton asked the Planning Council to delay making a decision about the proposed text amendment or any changes to the building codes tonight. There is not an emergency; they do not have a proposal for development currently in front of the Council. Therefore, there is time, and we can take time to get it right to do the diligence, and to hear from people what they want. She stated she believed that a decision to simply eliminate the typo would leave us and specifically the Council as the decision makers with a very difficult job. In addition, the Council could be faced with ongoing special permit requests and conflicts over what is appropriate, and what is not appropriate. If you eliminate maximum size, there's nothing really left for the Council to stop a Lowe's or Dollar General for buying a piece of property right in the heart of the village and putting a facility on it. In addition, similar to the McCauley development, one of the issues was that the Council had to follow the legal ordinance. Ms. Horton stated, if the ordinance suddenly has no limit the Council has no protection for their decision-making and the community. The Council has received numerous calls and emails, petitions, and letters to the editor that show decisions about the future of Cashiers matters to more people than those just with property or businesses in the commercial zoned areas. In addition, she stated the Council being only made up of

commercial district property owners, with many more people who care about the future of our community couldn't be fully represented by the Council making decisions for us. In order for everyone's concerns to be heard, we need public input on this size matter, just like you had from the small plan group in creating the ordinance that we are now using to make decisions on our community. Ms. Horton stated she understood that Stewart, Inc. has offered some suggestions on modifications and improvements to the ordinance, and time should be taken with public input to look at those plans or any other additional professional recommendations the Council believes is necessary to make sure we get it right. The long term future of the kind of town Cashers is going to be as at stake and we should not vote to the to delete, even if it's a typo, the maximum size limit until they have carefully thought through alternative limits to put in place of the 5000 square feet with public input. She stated by doing so could open the door to development that violates the character and scale of this town.

- **Craig Pendergrast:** Mr. Pendergrast stated it is so important for the zoning code to be done right and not rushed. In addition, there is no reason to rush to eliminate what is in the law, whether the 5000 square foot limit is a mistake or not should be well considered when replacing this limit. He stated a 5000 square foot limit is actually rather large, and it can accommodate most of the projects that we are discussing, and as mentioned there is no application that is pending where it could cause a problem. The approval of the Boys & Girls Club and Brookings Fly Shop projects are safe as more than 30 days have passed since those approvals. Mr. Pendergrast stated the only way to challenge that is if an appeal is filed within 30 days after the permit is granted, therefore the Council does not need to change to get rid of the 5000 foot limit in order to have those projects go forward. The ordinance does say that a requirement that buildings shall be small and scale, which is called a narrative standard in law. Narrative standards are best hacked by numeric standards that set building size limits numerically by footprint limits, impervious limits, floor area, ratio limits, etc. Cashers would not be the first of the regulated districts in Jackson County to have numeric limits, the highway 441 gateway district has floor area ratio limits, and Highlands has numeric limits. If the Council were to eliminate the 5000 limit without replacing it with other numeric limits, then the door stage would be set for a 45 foot high building of limitless threat. The Council would be protecting themselves from having to go through a lengthy and painful special use hearings by having numeric limits because then that serves as a gatekeeper that the planning department would apply before presenting to the Council. In addition, this would be a benefit for the development community by giving it numeric standards to work with instead of having to make specious arguments in some cases and good arguments about something being small in scale or consistent with the small area plan. It is time to put flesh on the bones of the Cashers zoning ordinance to bring it into conformity with the small area plan, which is a guidance document and is not legally binding. He suggested the Council listen to Mr. Stewart, engage the community, and take their time to do this right. He stated he believes that to do it right would most likely take a few months, and everybody would feel much more honored, heard, comforted and protected by going through that process.
- **Suzanne Graham Wallet:** She stated she was a homeowner in Cashers and she believes she is located in the General Commercial District outside of the crossroads. Ms. Wallet stated she bought the home in 2017 to get out of Atlanta and away from the chaos in that area. She stated she finds herself constantly being bombarded with Council decisions regarding development in the area, which she moved here to get away from. Ms. Wallet stated she opposed the notion of repealing the 5000 square foot building size limit in both the Village Center and the General Commercial District. She stated she believed that ordinance limitation had to have been mindfully and purposely included to comply with the vision of the Cashiers Small Area Plan and the desires of the surrounding community.

In addition, she believes the important limitation was included in the ordinance for several reasons, one to allow the council to more efficiently approve applications for building small scale. Secondly, to assist the Council in making mindful unrushed community center decisions regarding applications for building sizes large in scale by calling for public comment to receive feedback on all large scale projects under their consideration. Once again, the notion of repealing the 5000 square foot building size limit without replacement of some limit is contrary to the community interest, and she quoted, "buildings shall be small in scale" as found in the Cashiers Small Area Plan. She stated she also questions whether simply removing that building size limit does not give the Council power that was never really intended by the ordinance or the community. Finally, as an alternative, instead of removing the current 5000 square foot limitation from the ordinance, please consider a thoughtful unrushed collaboration between counsel and its constituents, along with expert guidance regarding the future building size limitations.

- **Mary Palmer Dargan:** Ms. Dargan stated she has been a resident and business owner in Cashiers for a couple of decades, and had served on the board of the Village Green, and varies planning bodies. In addition, her building was in the Cashiers survey that Ms. Austin mentioned and was awarded a 2013 village heritage award and they are happy about small scale buildings here as it is part of the village character. Ms. Dargan stated the pressures of progress are bombarding our tiny village from all sides, and to protect the quality of life we enjoy in this rural mountain village we really need an updated plan. The proposed text amendment that is to delete the 5000 square foot maximum building size is not simply just a typo, and they need a recommendation to be offered as a replacement. She stated our village would otherwise be left open and unguarded from larger buildings being proposed tomorrow, perhaps by opportunistic developers. She asked the Council to please press the pause button or the "whoa now", as was coined by Tim Womack, on eliminating the 5000 square foot building size, and to take the time to simply study immediate short term problems. For example, setting a maximum building size, reducing pervious surface minimums, increasing required open space and a change in special use permits application requirements. She stated these requirements should include traffic impact analysis, demonstration of water and sewer availability, stormwater and grading, etc. In addition to the typical subdivision application, we do not ask enough developers to understand their plans. really what their plans are. She stated she is a supporter of the Develop Cashiers Responsibly group, and believes in positive development that preserves and enhances the things that makes Cashiers a wonderful community for future generations. In addition, now is the time to shape our community's vision for the future.
- **Robert Savelson:** Mr. Savelson stated he supported all of the people who have spoken out and said that the 5000 foot limitation should not be deleted until there is a comprehensive review, report and community participation. He stated when his wife Susan Bianchi invited him to the Cashiers area it was like coming home again. He stated he is a New York Washington person, but spend a lot of time outdoors, and visiting small towns while traveling. In addition, there is something special about the environment here that really must be preserved, and that something special could easily run up against any large-scale developer. Mr. Savelson stated that it is important in finding a balance, with a careful review, study, and recommendations to preserve the environment here. He asked the Council to take their time, do not rush this decision, as there is something much worth preserving here.
- **Susan Bianchi:** Ms. Bianchi stated she would like to thank Michael Poston and Allison Kelley at the Jackson County Planning Department for being extremely diligent and very responsive to answering questions. In addition, thanked them for their hard work along

with county attorney Heather Baker for serving the Cashiers Planning Council very professionally. She stated she supports everything that everyone has said, and would urge the Council to not make any immediate decision on this 5000 square foot building size issue without considerable input from the community. She stated it is her understanding that they do not have to make an immediate decision, and as someone mentioned, this change is not an emergency. However, it is also true that they do have the opportunity to give the community two to three months or more to get input. In addition, she stated she heard Mr. Cox speak that this is simply a typo and Mr. Poston speak that it was a mistake, but if the public looked at those ordinances they would see the implication of 5000 square feet and this mistake is news to the public. In addition, she stated she would suggest that the language that is used in the newspaper to advertise that there is a text amendment or public hearing should be clarified. No one could really understand what it is we're discussing here unless it is the same group that had been following the Macauley development. However, the average person is not going to understand and what is actually going on, she urged them to give the public a chance understand the context of their meeting who has not been closely following the Council. She stated they are a community board and they do not make decisions just for the sake of making decisions. In addition, she stated it is about community advocacy, providing information regarding projects that people care about, support that improves this village and does not take us in a completely different direction. Ms. Bianchi asked the Council to postpone the decision for a later month to allow more input.

- **Nichole Hayler:** Ms. Hayler stated she was the director of the Chattooga Conservancy, and is speaking on behalf of the interests of our members who reside in Jackson County, or own property here. In addition, she is also engaged on behalf of our organization's mission that seeks to protect the natural resources and cultural heritage of the Chattooga River watershed. Concerning this mission, Cashiers plays a critical role due to the community's position at the headwaters of the national wild scenic Chattooga River. In addition, the Cashiers area is experiencing an unprecedented pressure for growth due in part to the anticipated completion of the new sewage treatment plant on the Horsepasture River. The issue before us this evening is directly tied to an aggressive proposal for growth, as laid out in the recent special use application to build a mega development at the crossroads in the center of town. Cashiers is now at such a crossroads both literally and figuratively. Concerning the proposed text amendment to delete the 5000 square foot maximum building area in the Unified Development Ordinance (UDO). She urged the Council members to proceed thoughtfully, carefully and to adhere to the guidelines expressed in the 2019 Cashiers Small Area Plan. This plan calls for small to medium sized buildings and for maintaining traditional scale of development in the village center. Ms. Hayler stated to simply delete the 5000 square foot maximum building area rule from the UDO without simultaneously replacing it with reasonable constraints, as suggested in the Small Area Plan would leave Cashiers wide open for unbridled development, that surely would have negative impacts to the unique quality of life values that Cashiers residents hold so dear. She asked the Council members to defer and table the proposed text amendment. She further suggested moving forward the appropriate maximum square foot building areas consistent with the Small Area Plan that should be determined through a timely deliberative planning process that includes community input. In addition, she stated rushing to simply remove the 5000 square foot limit and leave no limit at all would amount to a dereliction of the Cashiers Planning Council's duty and an application of the council's trust in serving the citizens of Cashiers.
- **Paul Anderson:** Mr. Anderson stated there is a saying that size matters, and in the case of the tiny mountain village charm, in the scenic beauty called Cashiers North Carolina, size matters a lot. In addition, he stated he also understood that it might have been an

error to include the 5000 square foot limit in the graphic in the UDO. However, the residents of Cashiers need and deserve to have building area limits in the UDO to guide the Planning Department and Council in the evaluation of future special use permits, and ensure that new development is consistent with the intent and the goals in the Cashiers Small Area Plan. He stated he would ask the Council not act in haste to remove the existing building area limit, but to enact appropriate maximum building areas consistent with the Small Area Plan and best planning practices. This would allow Cashiers not to be vulnerable to unlimited area buildings, which would be a disaster. As one of the supporters of Develop Cashiers Responsibly, he stated he believes both Council and residents of Cashiers have the charge to encourage positive development that preserves and enhances things that make Cashiers the wonderful community that it is for generations to come. In addition, we believe the residents of the Cashiers deserve a deliberative planning process that is inclusive to address the current topic, as well as other potential improvements to the UDO and special use permit process. Develop Cashiers Responsibly retained the planning firm Stewart, Inc. to review the current UDO and make limited recommendations for improvements consistent with the provisions and intent of the Small Area Plan. Stewart was the firm that facilitated the development of the Cashiers Small Area Plan in 2019, and he has provided the Council with the Stewart, Inc. report and recommendations for improvements to the UDO. This report is not intended to be comprehensive, but rather to start the conversation and serve as a catalyst to initiate a thoughtful reevaluation of the UDO that will keep Cashiers, Cashiers and shape our community vision for the future.

- **Jeff Schulman:** Mr. Schulman stated both he and his wife are new to the area, and they bought their home here in January and recently sold their house in Johns Creek, Georgia. He stated he has seen this before, as he came from a small town in Massachusetts, who adhered to their principles and their rules and the intent of what their community was and it remains a beautiful, undisturbed, pleasant place to live. In addition, he stated he had lived through the growth of places like Alpharetta, Georgia where he moved 25 years ago that was a nice rural community, easy commute, and easy to meet new people to a place that removed all of those restrictions, takes 40 minutes to drive 10 miles to get to the highway in rush hour. He stated he do not know if he agreed with the idea that it was a typo when he read the entire document, as is one of the more specific text boxes with language about structure size of 5000, and conditional use permit of 1500 square feet. Mr. Schulman stated he thinks about the infrastructure and if they remove restrictions like this, what improvements to roads are they going to make? How are you going to increase the fire department, police department, places that we shop it is going to make that place that be completely different and not enlightened with why all us of moved here.
- **Morgan Cloud:** Mr. Cloud stated both he and his wife had a home here since the 1990s along with a home in Decatur, Georgia. In addition, his family has been here for a century or more both living here and in a variety of business activities, therefore they have a long tradition here and do not expect this area to change. Mr. Cloud stated he believes the community recognizes there is going to be change and development. He stated he had a different perspective on development, as he used to practice law and represent developers. He stated from the developer's and/or their lawyer's point of view, there is a difference going into any community. Particularly in a small town or rural area of what is allowed or what they could get away with depending upon the quality of the local ordinances and zoning, and the vigor with which the local government bodies who are involved would act to enforce those rules and to protect the broader interest, and not just developers demands. Mr. Cloud stated he hoped the Council would listen to the public comments today suggesting that they see this as an opportunity to develop rules and plans that are of a higher quality than what we have now. In addition, he stated the

idea of just getting rid of the 5000 square foot limit is the worst choice they could make if their intent is to protect the interest of the broader community. The local ordinance states the purpose of the village center district is established to provide an area for development that will enhance traditional commercial core village. In addition to maintaining the traditional scale of development in the village center is an important goal of this emergent district. He stated having numerical standards helps developers plan properly and to propose plans effectively, it helps the community, and it helps the Council do their job.

- **Budd Litowitz:** Mr. Litowitz stated he and wife Tina are residents and property owners since 2013. He stated we love Cashiers, and have been visiting the area for 15 years. In addition, he stated they are active participants in the Cashiers community, contributing our time and resources to initiatives, including development of a new Boys & Girls Club, the Vision Cashiers, pedestrian safety sidewalks, dog park projects, and others. He stated they are concerned about both encouraging and regulating responsible development and growth while maintaining the feel of Cashiers. The Board of Commission (BOC) acknowledged in the Cashiers Small Area Plan, which was adopted on March 19, 2019. The BOC They quoted their public survey response to “what do you like best about Cashiers?” and the feedback was “small, quiet, friendly, beautiful landscape, cool summers and lots of recreational opportunities.” During the three day Charette of developing the small area plan the picture that received by far the most likes by attendees was a pedestrian oriented low rise mixed use village photo which is in the plan report. He stated during the BOC discussion before adopting the plan, Chairman McMahan stated that this plan was a guiding document about overall goals. Mr. Litowitz stated the issue today is whether the standard shown in these two figures were typos. In Figure 9.1, Cashiers Village Center District intent and character states “Maintaining the traditional scale of development in the Village Center is an important goal of this district” and it limits structures to be less than or equal to the 5000. In Figure 9.2, General Commercial District intent and character states “Development in this district caters to the motoring public while acknowledging the need to preserve the small-town character of Cashiers” and it limits structures the same maximum of equal to or less than 5000. The point that 5000 maximum structure is a typo, would render the language of the intended character on both of these districts meaningless. In addition, maintaining the traditional scale of development and acknowledging the need to preserve the small town character of Cashiers.
- **Jamie Moran:** Ms. Moran stated her and her husband owned a house about 25 years ago in the Cashiers area, and they sold it and proceeded to try to find another cute little village like Cashiers. Ms. Moran stated they traveled all over North Carolina, only to end back in Cashiers. She stated the Council are the guardians of Cashiers, and she hopes they listen to the community to support their decisions to keep the character of Cashiers. In addition, as we are thinking about growth and development, think about correcting and replacing the graphic typo with thoughtful guidelines on building size and use.
- **Richard Yow:** Mr. Yow stated I am following great speakers, wonderful community leaders, and thoughtful friends and members of this of this area. He stated this is a community mostly of first and second homeowners, and if they turn it into a tourist destination, it would forever change the character of the town. In addition stated he loved tourists and business and they do need sidewalks for a pedestrian flow and need many other things. However, they do not need Gatlinburg here in Cashiers. He stated it is important to be mindful of what we have, appreciate where we are, and enjoy the outside and not bring many lights that make the things that that we want to see invisible.
- **Robert Brown:** Mr. Brown stated he was a retired justice of the Arkansas Supreme Court, and has been coming to Cashiers for 63 years. Initially, he would come because

his father would preach at the church of the Good Shepherd during the month of August and his family would stay in the house adjoining the church and have all the benefits of High Hampton. In addition, he inherited property from his father and owns a home on Chattooga Wood Road with his wife Charlotte Brown. He stated as second homeowners and part time residents, they cannot compare their time in Cashiers to those families that have poured their blood and sweat into this community for generations. He stated they are the true bedrock of Cashiers, and it is their history and culture that made Cashiers what it is. Cashiers is at a crossroads and our beloved community has been facing and is currently facing an assault and intense population growth. Now in addition to that, people are exiting the cities due to the pandemic and an increased number of professionals want to work remotely from their cities in comfortable situations like Cashiers. It is critical and that the uniform commercial building standard accommodate this growth. Now's the time for more standards, not the less standards. Mr. Brown stated he asked the council what we are replacing the 5000 square foot standard, as this has been the rule of thumb for commercial buildings for a while. He urged the council to adopt the 5000 square foot limit and make that the uniform standard that would be applicable to all new commercial construction, or to adopt a new standard for commercial buildings based on input from experts, and the community. In addition, stated without a uniform standard applicable to all new buildings, every commercial developer will be able to build their buildings at their own whim, the floodgates will be open, and a hodgepodge of oversized buildings will be the result. Cashiers as we know it today will be unrecognizable, and it is only fair that all builders play by the same rules.

- **Cara Lynn Cannon:** Ms. Cannon that her and her husband are relative newcomers and own two properties in Cashiers. She stated their permanent residence has been Charleston, South Carolina and they are no strangers to overdevelopment, constant construction, and all the discourse that goes along with it in the changing of the community. Ms. Cannon stated they came to Cashiers as they had fallen in love with the area and because of its charm. She asked the Council to slow down, take the time, and collaborate that community to help reestablish these guidelines.
- **Susan Gregory:** Ms. Gregory stated the reason she visits the area is because of her grandparents that purchased property in 1958 in the Glendale area, and she had been coming to the area for 54 years along with the four generations of her family. She asked the Council to keep their heritage in mind and the wishes of the community that we honor Cashiers, by ensuring that we retain the existing character, which is a quaint, friendly mountain town, by design. In addition, inquired why design as all of the surrounding areas, which might include Highlands, 411, Cullowhee, and Sapphire all have size limits. She stated she is not convinced that this is a technical error, and it is difficult to believe that our code would have no limit. Ms. Gregory stated she opposed repealing the existing limit, and urged the council to adopt the 5000 square foot limit. However, if the council is going to insist that it is in fact a mistake, let us not make another mistake by repealing it without replacing it with an appropriate size limit. Finding an appropriate replacement size limit would require community input, and professionals to review the Small Area Plan and the UDO that would work together to avoid another mistake that quite frankly can not be undone by the stroke of a pen or a keyboard. She urged the council to table any decision, as there is no rush to repeal the text tonight. In addition, she provided a general comment that she believes there should be a permanent seat on the council for an historical society member to balance the community interests and our heritage.
- **Laura Flaherty:** Ms. Flaherty stated both her and her husband have been residents of the area since 2013. She asked that the council move slowly, and they do not need to make corrections to that typographical error until there is a well-considered plan to replace it.

In addition, she stated to move slowly so that they can continue to give citizens a voice in any future decisions for the vision of Cashiers in regards to building size.

- **Helen Harmon:** Ms. Harmon stated she had been coming to the area since 1971, and owns two parcels of property in Cashiers. She stated they should not emit a maximum building square foot size as there would be no way to continue responsibly developing this beautiful community. The Cashiers Small Area Plan calls for buildings to be small and for maintaining traditional scale of development in the Village Center. She stated village is in its name, and let us keep it a village by having a discussion on a reasonable maximum structure size. We want to enhance the commercial core, and it is imperative to set a maximum square foot limit before going forward considering any future development. Ms. Harmon stated she personally finds it disingenuous for anyone to suggest that 5000 was a technical error or that a reasonable person cannot infer that 5000 is in square feet.
- **Dan Chasins:** Mr. Chasins stated he is a full time resident and has owned property in the area since 2002. He is the head of the homeowners association of the High Meadows Community on Found Forest Road. In accordance with recent sequence of events including development, has created substantial alarm amongst our group including full and part time residents. He asked the council not to believe 5000 square foot limit, have a thoughtful discussion of what the limit should be replaced with, and listen to the voice of the community. In addition, he stated everyone who has spoken this evening has standing in this manner, whether they live here full time or part time, work, pay taxes, or support local businesses. All have strong opinions regarding what makes Cashiers a great place to live and they what to preserve that through a thoughtful process. He asked the council to use a logical process regarding the maximum building size limit.
- **Maria Chasins:** Ms. Chasins stated rather than eliminating the 5000 square foot limit to be proactive and put limits in place that makes sense. Eliminating the number to let it be infinity does not seem to be in keeping with the characterization of a small scale buildings. She stated building should be small scale, and what is considered small, is it 5000, 10,000, or greater than 100,000. Ms. Chasins stated there is no need to rush the decision of what to replace the 5000 number with, as it will affect the community for generations and decades. She stated please do not eliminate the 5000 number without replacing it after careful consideration and discussion.
- **Ben Hill:** Mr. Hill stated he and his wife had been part time residents since 1999. They settled on Cashiers because of its small town character and the people that they had met in the community. He stated all the individuals that are speaking have the same interest to preserve Cashiers from what it is not; it is not Atlanta, Gatlinburg or Tampa. He stated Cashiers offers not only outstanding beauty, but also the ability to live in a small town that we hope will remain a small town. The small area plan speaks about smallness and scale. The special use standards state that the use will be in harmony with the scale, bulk, coverage, density and character of the community. Mr. Hill stated we need to have objective standards to enable our planning staff to grade future requests for permits against a number, and if 5000 is not the right number then we need to pause, and study to come up with the right number. He urged the council that is working hard to preserve Cashiers to pause to defer this until we have time to study it further and come up with the right answer.
- **Glen Cox:** Mr. Cox stated he is in opposition of deleting the 5000 square foot building limitation without there being some replacement. He stated he lives in Gana Sita and has been a part time resident of Cashiers for over 40 years. The impact of future development in Cashiers is of significance important in maintaining his property values, and his lifestyle. Having a building limitation is a critical element of the nature of future

development. In addition, his understanding that the basis for removal of the 5000 foot limit is a typographical error. However, he believes that removing the current limit without a replacement would be at odds with not only the spirit of the Cashiers Small Area Plan, but also potentially even some of the strategic initiatives of our Chamber of Commerce. Mr. Cox asked the council not to delete the current limitation but rather hold off until a future meeting to allow input and agree upon an appropriate replacement.

- **Deborah Bryant:** Ms. Bryant stated both her and her husband have lived and worked in this community since 1984, and own and operate a small business. In addition, she stated they raised their two children here, and have contributed their time, talent and money to many community building efforts, including the village play, summit charter school and good shepherd and have supported the local economy. Ms. Bryant stated she does not wish to see this outsize development smack in the middle of our quaint village. It would be too dense and create untold nightmares on our roads at the grocery store and the post office. A large development could destroy the character of our natural charm of our village, which includes the quirkiness of many historical structures in our area that is what draws people here along with our local businesses. She stated she hopes that they can improve recreation choices for youth, and more protected green spaces that would benefit everyone keeping as many trees as possible. In addition, opposed any change or removal of the 5000 square foot building code without a simultaneous replacement that is thought out and reflects the character and the size of Cashiers.
- **Laura King:** Ms. King stated she and her husband Roger have been second homeowners since 2015 as they were lured to the area by the lack of commercial activity, quaintness and quirkiness of the village. She asked the council to take their time in making this decision on growing Cashiers, and allow the community to have input into this because the community it is very special.
- **Linda Stone:** Ms. Stone stated she and her husband have had a home in Cashiers since 1999, and she is still in awe of this special place largely because of the people as they are the backbone of Cashiers. She stated she was in favor of defeating the proposed text amendment. In addition, stated her favorite John Denver song said we do not need more scars upon the land, and that is what the proposed development would be.
- **Tom Vann:** Mr. Vann asked the council to postpone a decision to correct the 5000 square foot error until a replacement has been studied, vetted, and is ready for adoption. His hometown is Thomasville Georgia, and it received national recognition for its historic downtown of brick streets and Victorian storefronts. Mr. Vann stated he lived there for over 60 years, and practiced law there for over 40 years and watched the difficult process of preservation. He stated that the driving force of leadership came from individuals that have spoken this evening including charitable organizations and asked the council to listen to the community.
- **Ivy Cooper:** Ms. Cooper asked the council to consider holding off making a decision to listen to Stewart Inc. recommendations and consider replacing the maximum with a considerable number. She stated she was representing a different group that have spoken tonight she and her husband moved to Cashiers seven years ago to raise their children.

*Chairman Cox closed the public comment section of the public hearing.*

*Chairman Cox closed the public hearing.*

#### **Board Discussion:**

Mr. Cox stated they have received a letter from Stewart Inc. stating that Figure graphic 9.1 and 9.2 was drafted in error and should be corrected, and we will hear from Stewart later regarding recommendations for building size. In addition, he stated he was

not in favor of having language in these graphic that does not match the written text of the ordinance.

Mr. Poston stated the council cannot make a decision today as there is a minimum 24 hour period for additional public comment to be sent to the council for consideration, and they will recess the meeting today.

Mr. Cox stated that staff presented earlier that it was their recommendation that the council should correct this error. In addition, staff stated the only time the 5000 square foot was initially a trigger for a special use permit in the initial drafting of the ordinance but there has never in the text of the ordinance been a maximum building size limit.

Mr. Poston stated that was correct and in the original ordinance graphics appeared in the mid-2000s. The graphic in the ordinance, it simply stated structures exceeding 5000 square foot footprint, including decks, porches, and other additions would require a conditional use permit. During the Unified Development Ordinance (UDO) UDO process the goal was simply to take 22 ordinances and fit them into one framework document. He stated, during the process they did not make any big policy changes for fear that those changes might get lost in the conversation. Mr. Poston stated the ordinance never actually called out and delineated a maximum square footage, but over time it has changed the threshold of what required a conditional or special use permit. He stated staff believes the 5000 maximum is an error, because historically the council has not ever passed a maximum building size. In addition, he stated the conditional/special use permit requires that council to review the standards found in the ordinance such as the development being in harmony, scope and scale of the community.

Mr. Cox stated the council was presented with a letter from Stewart, Inc. that was hired to create the UDO, included the history of this topic and stated it was not supposed to be in the adopted ordinance and it is an error and should be corrected. He asked Mr. Jeleniewski to speak as he has reviewed the special use applications for nine years for the Cashiers Commercial District, and inquired if he had ever applied a 5000 square foot size limitation. Mr. Jeleniewski stated he has not applied a 5000 square foot size limitation. Mr. Cox inquired how many of the last projects the council has approved that has exceeded 5000. Mr. Jeleniewski stated Boys & Girls Club, Brookings Fly Shop, and the Village Green (Commons Hall) is over 5000 square feet. In addition, he stated they also reviewed an expansion to the Baptist Church several years ago, which was over 5000 square feet. Mr. Jeleniewski stated he believes most of the churches in Cashiers are over 5000 square feet. In addition, the Jackson County Recreation Center, and the expansion for the fire department was over 5000 square feet.

*Chairman Cox tabled the agenda item to discuss at the next meeting.*

**b) Approval Process Discussion**

Mr. Poston stated staff has discussed feedback regarding the quasi-judicial approval process from the Cashiers Planning Council, Cullowhee Planning Council, and 441 Planning Council. There has been discussion regarding the rigid nature of the quasi-judicial process in the regulated district regarding the limited ability for the community to be involved in the decision making process that requires an individual to be a party with standing to participate. He stated staff wanted to discuss about looking to potential move towards a legislative and more open community process called conditional zoning. The conditional zoning process is a rezoning process that gives the council the ability to discuss higher thresholds of standards to be met with the developer, and more ability for community input. Mr. Poston stated community input could not only be limited to the hearing process, but they may also consider build in tools to require a community meeting prior to the application submitted to the planning department. He stated there are three different types of approval processes including quasi-judicial, legislative and

administrative. Conditional zoning would allow for more participation by the community during the process and they could build in tools of requirements to be accomplished before a formal submittal. In addition, Mr. Poston stated the conditional zoning process would allow negotiation of some of these standards to ensure that the proposed project is consistent with the Cashiers Small Area Plan, and other planning documents. He stated at the last Cullowhee Planning Council meeting asked staff to move forward and present more information regarding how the conditional zoning process could be set up. Mr. Poston inquired if the council would like staff to move forward gathering more information regarding this process.

Mr. Cox asked staff to put this discussion item on the next agenda, and bring forward additional information to discuss how this would differentiate from their current approval process.

**c) Develop Cashiers Responsibly- Presentation on maximum building size recommendation in the Cashiers Small Area Plan**

Jake Petrosky, Stewart Inc. stated they produced on behalf of the Develop Cashiers Responsibly group completed a zoning assessment along with recommendations in line with the Cashiers Small Area Plan. During the assessment he stated they looked at the standards in the existing zoning districts, and then highlights from the small area plan. Mr. Petrosky stated that you can measure character based on measuring the built environment and natural environment. The Cashiers existing regulated district includes two zoning districts the Village Center district, and the General Commercial District. The village center district is meant to reinforce the village character, walkability, smaller scale, and is permissive in terms of mixed uses. The general commercial district is the more permissive for mixed of uses it does have some different conventional criteria, slightly bigger setbacks, and some minimum lot lists. The Cashiers Small Area Plan speaks about the different characters areas of Cashiers, and should be treated differently for the long-term understanding. The following are character areas identified in the plan; village core, transition areas, gateway areas. He stated the scale of new buildings was talked about in the small area plan, it did recommend considering increasing the height of buildings in the village center, to allow this area to be the center of town. The small area plan also recommended update building footprints, considering a floor area ratio, or maximum buildings square footage in parts of the district. The average building footprint in the village core was about 2,000 square foot, and max building footprint was 12,000 square foot. The largest buildings in this district are west of Highway 107 in redevelopment areas of the existing core. In addition, he stated south of Highway 64, and east of Highway 107, there was 32 buildings and some existing buildings preserved, along with the steep bridge line preserved. The average building footprint in this area was 2,200 square foot and a maximum building footprint of 8,000 square foot. Mr. Petrosky stated they quantified existing buildings in the village core and the average building footprint is about 4,000 square foot, and the maximum building footprint is the 27,000 square foot Recreation Center (institutional use). He stated approximately 11% of buildings have a building footprint of over 8,000 square foot, and all buildings with those larger footprints are close to a road. In the village core, southeast of crossroads the average building footprint of existing buildings is 3,700 square foot and the largest building footprint in the Laurel Terrace Shops that was built prior to the zoning ordinance. Mr. Petrosky stated in that transition areas, the average building footprint was 2500 square foot and a outlier the Freeman Gas building which was built prior to zoning ordinance.

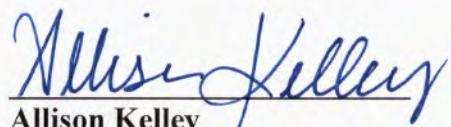
Mr. Petrosky stated presented the short-term recommendations. He stated the first would be to set a maximum building size, footprint size and floor area ratio for both the village center and general commercial districts. He stated the following are recommended ranges for the village center are 8,000 to 12,000 square foot with a floor area ratio of 1.4. The general commercial district range is 5,000 to 10,000 square foot with a floor area ratio of 1.0. In addition, he stated it would be advisable to consider language to restrict larger buildings within a certain distance of major roadways. The village center zoning district revision is recommended in regards to reducing the size of the village centers zoning district and creating a new transitional residential zoning district. The creation of a transitional residential zoning district would be set for a lower building footprint size and a density dwelling unit maximum for new development to fit the character existing nearby uses. Another recommendation he stated is to consider differentiating between the existing village center and expansion area, and shrink the village center district. The third short term amendment recommendation is to look at reducing lot coverage or impervious surface and increasing open space. Mr. Petrosky stated option one would be to reduce maximum lot coverage or impervious surface limit to 50% with the exception of redevelopment. In addition, he stated also consider producing lot coverage impervious surface allowance for steep slope area to alleviate if there is a big concern over grading and increased runoff and sedimentation on these steep slopes. The option two would be to increase open space requirements by modifying existing requirements that vary based on lot size. Mr. Petrosky stated either of these options would have a similar result; it would shrink the building envelope and development, increase open space and reduce impervious surface. Another recommendation is to update special use permit application requirements by amending the current process for major development with a threshold to be discussed to include traffic impact analysis, demonstration of water and sewer availability, and stormwater and sedimentation impacts. In addition, he recommended to review the subdivision application requirements for large scale developments, which could be specified by based on overall trip generation or acreage.

Mr. Petrosky stated long-term recommendations include updating parts of the code that really deal with environmental and historic features. He stated they could consider a minimum tree protection requirement that could vary based on zoning district, which would allow existing trees to be preserved and would influence the percentage of sites graded. In addition, a site analysis map that includes natural resources and historic features could be included as a requirement in the submittal process. He stated that a conservation overlay district could be targeted to some specific natural resources in a particular area, and they could look at requiring 40% or 50% open space in exchange for flexibility with lot width or some other dimensional requirement. In exchange for more quality open space it could be targeted at steep slopes or designated natural heritage areas or areas of high biodiversity or other special features. Mr. Petrosky stated he agrees with the planning staff in considering an alternative review and approval process to a legislative process. He stated this process would allow for more interaction between the public, council and developers.

**Recess Meeting**

With no further business to discuss, Glenn Ubertino made a motion to recess the meeting for March 24, 2021 at 5:00 p.m.. Deborah Stewart seconded the motion, and the meeting recessed at 8:15 p.m.

Respectfully Submitted,



Allison Kelley  
Administrative Assistant



Michael Cox  
Cashiers Planning Council Chairman