

**Cashiers Area Community Planning Council**  
**Minutes**  
**March 24, 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

**Call to Order**

Chairman Michael Cox called the meeting to order at 5:03 p.m. and a quorum was present.

**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**

The Cashiers Planning Council met in a Reconvened Meeting on March 24, 2021, 5:00 p.m., after being recessed on March 22, 2021, Virtually.

*Chairman Cox called the reconvened meeting of March 22, 2021, that was recessed, back to order.*

*Bob Dews made a motion to table the decision to change the proposed text amendment to Figure 9.1 & 9.2 until the Council can receive more clarity. Mark Letson second the motion.*

Mr. Cox stated he understood that the community is very concerned about the building size issue, but did not understand why they should delay this action. He stated the Council received a letter from the consultant (Stewart) the county hired to move the Cashiers Commercial Area Ordinance to another area called the Unified Development Ordinance on the county website. In addition, during the relocation of the ordinance Stewart added this text to the graphic, which was not voted on or adopted by the Council. Mr. Cox stated at the last meeting, Mr. Jeleniewski stated that this error has never been written or applied in the ordinance. In addition, he stated he is glad the public is engaged and interested for the Council to begin a discussion regarding building size, but the ordinance is causing confusion by these conflicting statements.

Deborah Stewart inquired why the Council could not fix the error and building size issue at once. Ms. Stewart stated there are many people upset that do not understand what is actually going on. She inquired if it was really that important that the Council make this text amendment change immediately before they review the recommendations from Stewart or others.

Mr. Dews stated he would like to receive more clarity, and does not see the urgency of making this change now as precedence has set guidelines on how staff and the Council applies the ordinance. In addition, he inquired if the Council would be governed by precedence if an applicant pointed out this error in the ordinance.

Heather Baker stated the Planning Director has made the determination that because this was an error, it never existed and the graphic error does not convey anything at all that the text applies. The graphic states "Maximum Structure: less than or equal to 5,000," however, a maximum cannot be less than or equal to, and the graphic does not clarify what unit of measurement for the 5,000. The graphic has another error with language of a conditional use permit, which is no longer in effect and the Council now uses a special use permit process. This process is triggered by structures that are greater than or equal to 1,500 square feet, and would come before the Council for review. Ms. Baker stated they are correct that removing or not removing these typographical errors does not change their current process for special use permits. These typographical errors cause confusion when reading the ordinance, and leaves open the legal liability for an applicant to challenge that would result in potentially more Council meetings, and the county in court. Ms. Baker stated from a legal standpoint, she would recommend the Council correct the error, and have the conversations of building size moving forward.

Mr. Cox inquired if the Council and county have legal liability since this error has been found, and is the Council compelled to take action to fix the error. Ms. Baker stated not necessarily, this graphic does not say anything specific that the county could apply. In addition, the Council is covered under the county's liability policy and would not have personal liability.

Glenn Ubertino stated the Council should take the next couple of months to make this correction as soon as possible with the right language. Mr. Letson stated the Council should take this time to listen to the community and consider building size to reduce backlash from the community. Ms. Stewart stated she agreed that after the scare the community has just been through, and they are now collectively taking a deep breath it would not be a good idea to stir up the community again. In addition, she does not believe this is much of a risk to postpone correcting this error, and would make the Council focus immediately on the building size discussion.

David Bond stated when they had the Cashiers Community Design Review subcommittee, he recalled discussing a maximum square footage of building size and he believes the number they considered was 8,000 square feet.

Mr. Poston stated the Small Area Plans asks to consider a maximum building size. In addition, the presentation and recommendations from Stewart has not been available to the public long enough for review. Mr. Poston stated that for a policy shift, they should provide time to receive community input, and the Council should discuss the appropriate square footage and the impacts of this decision.

Mr. Cox stated the Council's job is to guide the process, listen and serve the community. However, he thought the responsible action would be to remove the typographical error in the graphic as both the Planning Director and County Attorney recommended the Council remove.

Mr. Dews stated the Council has received emails from the public of the many different interpretations regarding this discussion. He stated that it would be a different discussion if it was a true detriment in leaving the mistake in the ordinance, but the precedence has been set and business would go on as usual until this can be resolved and fixed with input from the community.

Ms. Baker stated staff discussed how they could make this an easier decision for the Council, but based on feedback received they could leave the typographical error in

the graphic until they make a decision on what to replace it with, as she does not believe it would effect

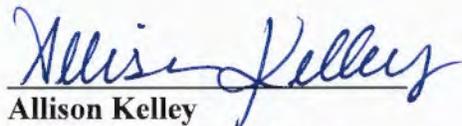
*Bob Dews restated his motion to table the decision to change the proposed text amendment to Figure 9.1 & 9.2 until they find a substitute text that is applicable to the graphic and the written ordinance rule. In addition, he clarified there is not a maximum square footage and the Council is operating under the same ordinance. Mark Letson seconded the motion, and it passed unanimously.*

Mr. Poston stated staff would bring back additional information for the Council to consider regarding building size. Ms. Stewart inquired if they could use Stewart's recommendations as a guiding tool to begin their discussion of building size. Ms. Baker stated Stewart's report is considered a public record and the Council and community are encouraged to review as it had a lot of good information.

**Adjournment**

With no further business to discuss, Bob Dews made a motion to adjourn. Glenn Ubertino seconded the motion, and the meeting adjourned at 5:30 p.m.

**Respectfully Submitted,**



**Allison Kelley**  
**Administrative Assistant**



**Michael Cox**  
**Cashiers Planning Council Chairman**