

Cullowhee Planning Council

Minutes

April 4, 2022

6:00 p.m.

Department on Aging
Heritage Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Rick Bennett	X		Jim Lewis	X		Chris Stuckey		X
Joel Setzer	X		Mike Byers	X		Donna Huguelet	X	
David Claxton	X		Carol Burton	X				

Staff Present

Michael Poston, Planning Director
John Jeleniewski, Senior Planner
Anna Harkins, Planner I
Allison Kelley, Administrative Assistant
Heather Baker, County Attorney

Others Present

Todd Baucom, DT Ventures II
Jim Rodgers, Rodgers Brothers Restaurant
Lisa McBride, WNC Farm to Table

Call to Order

Chairman David Claxton called the meeting to order at 6:01 p.m. and a quorum was present.

Approval of Agenda

Jim Lewis made a motion to approve the agenda as written. Rick Bennett seconded the motion and it passed unanimously.

Approval of Minutes

Jim Lewis made a motion to approve the minutes from January 3, 2022. Carol Burton seconded the motion and it passed unanimously.

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

Hiddy Morgan: Ms. Morgan inquired about the rezoning request from DT Ventures II once it is rezoned to Commercial could it be easily moved into a multifamily property. In addition, she inquired what is the distinction of a commercial property.

Mr. Jeleniewski stated a Commercial property could include multifamily, restaurant or retail market. In addition, Mr. Poston stated both zoning districts, Institutional and Commercial allows for multifamily development.

New Business

a) **Rezoning Request: DT Ventures II**

Chairman David Claxton opened the public hearing at 6:05 p.m.

Anna Harkins presented the staff report for the map amendment request. The subject property is located at 3264 Old Cullowhee Road and is identified by PIN 7559-45-1434. This property is 0.74 of an

acre (32,234 square feet) and the existing residential structure currently on this property is approximately 1,910 square feet. Access to this property is directly from the public right-of-way of Old Cullowhee Road (SR 1002) and this property was used as the parsonage for Cullowhee Baptist Church until the change of property ownership. The abutting properties to the north (PIN 7559-35-9606), east (PIN 7559-45-2354), and northeast (across Old Cullowhee Road, PIN 7559-45-2590) are in the Commercial District of the Cullowhee Planning Area jurisdiction. The abutting property to the west (PIN 7559-35-8382) is in the Institutional District. In addition, an 850 square foot portion of PIN 7559-45-2354 is included in this map amendment due to an overlap and is owned by the applicant.

The *Commercial District* offers a broader range of permitted and special uses such as residential, multi-family, recreational, governmental, offices and retail. The current property designation of Institutional allows uses limited to single family and multifamily dwellings, semi-public uses such as churches and community centers, and some recreational uses.

Any new development on the subject property would require compliance with ordinance standards such as sidewalk construction, setbacks, landscaping, parking, signage, etc.

Ms. Harkins stated the application response is the applicant is requesting that the existing *Cullowhee Planning Area Map* be amended to designate the subject property as Commercial.

Ms. Harkins stated staff findings include the following:

- The requested map amendment would not constitute “spot zoning” as the abutting properties are currently designated as Commercial.
- The requested map amendment is consistent with the Jackson County Comprehensive Plan.
- The requested map amendment is consistent with the Cullowhee Small Area Plan and future land use map as the commercial district permits a wide variety of commercial, residential, and recreational uses that are aligned with the goals for the Campus Edge District and River District.

Ms. Harkins stated for the record letters were sent to adjacent property owners regarding the public hearing meeting, notice of this meeting was posted on the subject property, and advertised in the newspaper two weeks prior to the hearing.

Mr. Lewis inquired what were the adjacent property owner’s reaction regarding the proposed map amendment. Ms. Harkins stated staff had not received any feedback from adjacent property owners.

Applicant, Todd Baucom stated rezoning the property to *Commercial* would follow the Cullowhee Small Area Plan better than keeping it zoned *Institutional*, as there is a retail component that is completely extracted out. Mr. Baucom stated it is more reasonable to develop a site plan with stormwater controls, etc. on one parcel with the same zoning classification as opposed to trying to create two different exposures that would be allowed.

Chairman David Claxton closed the public hearing at 6:12 p.m.

Joel Setzer made a motion to approve the rezoning map amendment request and the consistency statement. Donna Huguelet seconded the motion, and it passed unanimously.

b) Architectural Review: Rodgers Brothers Restaurant

Mr. Jeleniewski presented the staff report for the architectural standards for Rodgers Brothers Restaurant. He stated this proposed restaurant development will be on a property of 0.70 acres located at the northeast corner of Old Cullowhee Road and Wayehutta Road intersection (PIN 7559-46-3580) with shared/remote parking being on an adjacent property (PIN 7559-46-4579). This property is located within the Cullowhee Community Planning Area and is in the Commercial District and both of these properties are vacant. Two access points are provided to this development from Old Cullowhee Road, which has a pavement width of approximately 40 feet; sidewalk is required and provided along the frontage of both properties included in this development. This proposed development will consist of restaurant with drive-thru (PIN 7559-46-3580) and a future retail center (PIN 7559-46-4579). A significant amount of grading (cut and fill) will be required for this development; retaining walls are proposed and these walls will approach 41 feet in height which will be designed by a structural engineer. Proposed siding material for the structure reviewed will be stone veneer with “Hardie” board & batten accents. Water and wastewater service will be provided by TWSA and these utilities will be reviewed by TWSA when final plans are submitted to their office. Final plans have been provided to the NCDOT for review and they will be coordinating their requirements with the project engineer of record (Jeff Carter) for encroachment or

driveway connection permits as well as traffic safety issues. Fire protection will be provided by the Cullowhee Fire Department.

This property is not located in a designated flood hazard area (100-year floodplain) or a protected watershed. The average slope of the property is 34% and the administration of the Mountain and Hillside Development Ordinance will not be required.

Carol Burton inquired what was the capacity of the restaurant. Jim Rodgers stated currently 120, there is a back patio and they would expect approximately 25 but they do not have that area drawn out and planned yet for seating.

Mike Byers inquired if their standards addressed the retaining wall construction. Mr. Jeleniewski stated there is no standard in their ordinance regarding height or setback from buildings and this would be a building permit process. Mr. Setzer inquired if the appearance of the retaining wall is in any other county process. Mr. Jeleniewski stated no, however a structural engineer must design the retaining wall and must go through the building department to be permitted.

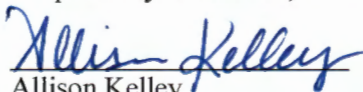
c) Public Involvement Discussion

Heather Baker stated the Council asked staff to look into adding a section of public comment later in their regularly scheduled monthly meetings. Currently the Council has a public comment section as the fourth item on the agenda depending on if they have a public hearing scheduled. Ms. Baker stated general public comment is under the purview of the Council and they limit those comments to three minutes to follow the Board of Commissioners standards. In addition, she stated advisory boards, councils, and planning councils are not required to have any public comment only the Board of Commissioners are required once a month to have public comment. The Board of Commissioners choose to have public comment at both meetings and all of the county councils have chosen to have public comment even though it is not required. Ms. Baker stated during a public hearing having a general public comment section gives the community a second opportunity to make public comment. The Council has been discussing adding another section of public comments after new business. Ms. Baker stated neither their planning director or from a legal perspective recommend to add a third public comment section as it sets a perception and expectation to have during every meeting. However, if the Council wants to proceed she recommended that every couple of years to review the book *Suggested Procedural Rules for Local Appointed Boards* from the UNC School of Government. She stated the book throughout the rules gives options that the Council can consider when making modifications. The Council's order of business as recommended by the UNC School of Government is a call to order, quorum check, approval of the agenda, approval of the previous minutes, public comment, and new/old business. Ms. Baker stated staff recommends if the Council wants to move forward with a second public comment section to make it optional to add on during any business meeting. The Council's rules of procedure would allow for an optional order of business so at any meeting before or during they can add a second public comment section.

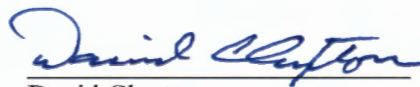
Adjournment

With no further business, Rick Bennett made a motion to adjourn. Joel Setzer seconded the motion and the meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant- Planning



David Claxton
Planning Council Chair