

# Cullowhee Planning Council

## Minutes

July 19, 2021

6:00 p.m.

Hospitality Room, Ramsey Center Building  
Western Carolina University

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  
Heather Baker, County Attorney  
Anna Harkins, Planner I  
Allison Kelley, Administrative Assistant

### Call to Order

Chairman David Claxton called the meeting to order at 6:00 p.m. and a quorum was present.

### Additions to Agenda

Carol Burton made a motion to approve the agenda as written. Donna Huguelet seconded the motion and it passed unanimously.

### Approval of Minutes

Chris Stuckey made a motion to approve the minutes from June 7<sup>th</sup> and June 24<sup>th</sup>, 2021 with the addition of adding more detail information regarding public comments. Rick Bennett seconded the motion and it passed unanimously.

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

Karen Kandel: Stated as the Council considers the changes to the UDO that they keep the needs of the community in mind, and not just the developers.

### New Business

- a) **Public Hearing: Text Amendment related to NC G.S. Chapter 160D to the Unified Development Ordinance (UDO) and other associated amendments to the UDO including Article IX**

*Chairman David Claxton opened the public hearing at 6:08 p.m.*

Mr. Poston stated the proposed amendments NCGS Chapter 160D are required by the state. The highlights of these amendments include vested rights, new language with enforcement, some changes to the subdivision ordinance that had to be made with performance guarantees. In addition, no additional policy changes were made to the ordinance and in other sections of the proposed amendments that the Council is reviewing is clarifying existing policies that did not translate during the codifying of the UDO. Mr. Poston stated this Council and Board of Commissions has already approved these changes and because of the timing, it apparently was not dovetailed into the UDO when it was adopted. In addition, he stated during a rezoning and text amendments the North Carolina General statutes require the Planning Council review and adopt a consistency statement when moving through these approval processes. This consistency statement

states the proposed text amendments should be consistent to the Jackson County Land Use Plan 2040, and Cullowhee Small Area Plan and staff believes the proposed amendments are consistent with both plans.

*Chairman David Claxton closed the public hearing at 6:17 p.m.*

*Joel Setzer made a motion to approve the proposed NC GS Chapter 160D text amendments and other associated amendments to Article IX of the UDO and consistency statement. Rick Bennett seconded the motion, and it passed unanimously.*

#### **b) Conditional Zoning Discussion**

Mr. Poston stated at the last meeting the Council discussed the community meeting notification requirements for a potential project. He stated initially we started with a 500 feet buffer, and the Council asked staff to bring back a diagram from GIS of a property with a 500 feet, 1000 feet or 1500 feet buffer area for notification. He stated these diagrams are different scales for the buffer area to give the Council an idea of how many properties would be impacted. The Council was concerned about the direct notification of surrounding properties of a proposed project. He stated this number can be discussed among the Council but to consider that asking a developer to mail everyone in the zoning district may probably be beyond what staff believes to be reasonable. Mr. Poston stated he would like to identify a distance for the developer to notify surrounding property owners as if they do not have one in place the Planning Department would have to decide what a good distance and where the cut off line is for a potential project. The initial 500 feet buffer was a placeholder and staff wanted to bring concepts of a larger buffer area if the Council believes that that number should be increased. In addition, he stated they would require the developer to place the community meeting advertisement in the newspaper to provide enough information to the surrounding community.

Mr. Setzer clarified that this notification would be a first class direct letter to the surrounding property owners that the Council would consider an appropriate buffer area that developers would be required to send from the proposed project. Mr. Poston stated that is correct, this is a new approval process they are looking to add into the ordinance. Currently they follow state statute in all rezoning cases, which requires staff to identify the adjacent property owners, which they would still do with this new process. This would be a requirement for developer to make an effort to inform the community regarding the community meeting and proposed project. In addition, he stated this meeting would not take place of the public hearing that is required during the rezoning request. This requirement is the first step for developers before a final application is submitted to the Planning Department.

Mr. Bennett stated he is concerned as they have seen many developments that impacted the entire community and not just the neighbor. In addition, he is concerned of what development is to come down the road that may affect our community and infrastructure. Mr. Poston stated this required meeting is a point of contact, we would ask the developer to pick the date and time and push them to a good faith effort to include the community. He stated the Council could consider the newspaper notification could be located outside the legal section of the paper if they believe the community would not look in that section.

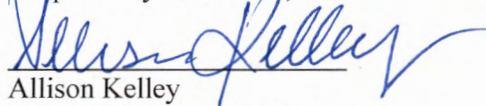
Mr. Setzer clarified that staff is asking the Council to establish rules that they can apply to developers to reach out to the community prior to submittal of a final application. He stated he believes it depends on the magnitude of the proposed development, however for a development like the Mallory & Evans project he would want the 1500 feet buffer notification requirement. However, if it is a smaller proposed project like a mom and pop store, Mr. Setzer stated he does not think it is reasonable to send out 200 letters, and inquired if they could tie in the magnitude of the project. Mr. Poston stated he stated he believed it would be less likely for a mom and pop store to come in and make use of the conditional zoning process, even if it was a rezoning of the property and turning a residential property into a commercial property. In addition, he stated conditional zoning is mostly used in more complex developments where the developer, community, and county would work together for a good project that fits the community. Mr. Poston stated he understands the question regarding scale, but he does not believe conditional zoning would be a type of process that they would see applied to smaller projects as they might already be an allowed use by right. In addition, he stated staff is still gathering information regarding this process while new information is adopted with the state legislature. Chairman Claxton asked the Council if they would want to see a 500 feet, 1000 feet, or 1500 feet buffer notification requirement for large developments. The Council unanimously

agreed that the 1500 feet buffer notification requirement of the surrounding proposed project should be required.

**Adjournment**

With no further business, Carol Burton made a motion to adjourn. Donna Huguelet seconded the motion and the meeting adjourned at 6:59 p.m.

Respectfully Submitted,



Allison Kelley  
Administrative Assistant- Planning



David Claxton  
Planning Council Chair