

APPROVED

August 06, 2002

**MINUTES FOR CHEROKEE COUNTY
MUNICIPAL PLANNING COMMISSION PUBLIC HEARING
Tuesday, July 02, 2002**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, July 02, 2002 in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Garland Stewart, Bob Whitaker, Jay Wallace, Michael Byrd, Greg Elder, Cecil Atchley, Rhon Redwine and Wayne Kosbe. In attendance for Cherokee County staff were Mark Mahler, Jim Cain and Vicki Dye. The meeting was called to order at 7:30 P.M.

Chairman Stewart asked about the status of Case #02-06-022, ContraVest, which was tabled for thirty days at the last meeting. He wanted to know if anyone was present at this meeting to represent the case. No one came forward. Chairman Stewart then made a motion to table the case for another thirty days and, if at that time, no one showed up to represent the case, then the Planning Commission would go ahead and act upon the rezone request. Rhon Redwine seconded the motion and the vote was unanimous for tabling this case.

Case #02-06-017, Kirk Driskell requested to rezone 2.431 acres from AG to R-40. If rezoned, the property will be utilized for a single-family residence. The property is located on Birmingham Highway in Land Lots 1256, 1257, 1192 and 1193 of the 3rd District and is further described as Cherokee County Tax Map 03N24, Parcel 170.

Jim Cain gave the staff recommendation. Based upon zoning information and uses of the surrounding properties, Staff recommended approval of the R-40 Zoning request, with the stipulation that the said property be developed consistent with the adjoining Birmingham Manor Subdivision.

Kirk Driskell spoke in favor. He was willing to develop the subject property consistent with Birmingham Manor. He had even made attempts to incorporate this property into Birmingham Manor Subdivision, but was not successful. Mr. Driskell plans on building his personal home here. He would have access off of Birmingham Highway. A discussion ensued.

Chairman Stewart asked if anyone wanted to speak in opposition. He mentioned the letter from the Freehome/Lathemtown EDC, which recommended denial of this application. A discussion ensued about the surrounding zoning.

Chris Chandler of the Freehome/Lathemtown EDC spoke. He said that since the writing of the aforementioned letter, he had spoken with Gary Hite and Mr. Hite was now in favor of approving the rezone.

Chairman Stewart made a motion for approval of this application. Wayne Kosbe seconded the motion. A discussion ensued about the reason for this rezone, which was to make the property more marketable. The vote was 4-3 for approval, with Rhon Redwine, Bob Whitaker and Jay Wallace opposing.

APPROVED

August 06, 2002

Case #02-07-023, The Ravines at Towne Lake LLC requested to rezone 10 acres from R-40 to PUD Multi-Family and be incorporated into the Towne Lake Master Plan. If rezoned, the property will be utilized for senior condominiums. The property is located on Towne Lake Hills South Drive in Land Lots 1015, 1016 and 1074 of the 15th District and is further described as Cherokee County Tax Map 15N11, Parcel 003.

Jim Cain gave the staff recommendation, which was for approval, with the following conditions:

1. The rezoning approval is subject to the development of a senior citizen facility as noted in the application.
2. The number of units will not exceed 48.
3. The proposed development will be subject to all of the Towne Lake Master Plan requirements pertaining to signage and architecture.

A discussion ensued about how much land is still available in this area for multi-family development.

Tony Perry and Bruce Bachtel represented the case. Mr. Perry described what the development plans were for the subject property. There were no questions from the Commissioners for Mr. Perry.

Dan Samples, President of the Towne Lake Hills South Homeowners Association, spoke. His concern was that the applicant was requesting to rezone 10.7 acres to expand the PUD and only a little more than 1.5 acres would be used for construction of the building. He wanted to know what was being proposed for the remaining 8 acres. He felt that it would obviously be commercial, considering the location. Mr. Samples thought that commercial development would significantly increase traffic hazards and cited a report by Channel 2.

John Davis spoke. He echoed the same concerns as Mr. Samples. He wanted visual and sound buffers to be required.

Mr. Perry gave his rebuttal. He described in detail how they were proposing to incorporate the subject property into the existing PUD. He pointed out that the maximum density for this development would be 48 units. He said the majority of the land (80%) would be left in a natural state. A discussion ensued. Mr. Perry said that it was too early in the planning process to determine exactly where the parking lot would be located.

Chairman Stewart referenced a previous case where the Planning Commission had approved zoning for a senior facility on Highway 140 and, after a court case, the development ended up as apartments. He explained that such situations as these are why the Commission is so cautious when considering these cases. He told Mr. Perry that they were going to be very specific in what was granted in this case. A discussion ensued.

APPROVED

August 06, 2002

Rhon Redwine made a motion to approve the application for a PUD zoning, including the three staff conditions. He also proposed that any changes in uses would have to be submitted to the Planning Commission for approval. Bob Whitaker seconded the motion and the vote was 8-0 for approval.

Case #02-07-024, Mary K. Davis-Searcy requested to rezone 7.61 acres from R-20 to AG. If rezoned, the property will be utilized for a single-family residence with horse farm. The property is located on Ranchwood Trail in Land Lot 551 of the 15th District and is further described as Cherokee County Tax Map 15N21, Parcel 119C.

Jim Cain gave the staff recommendation, which was for approval. There were no questions for staff.

Mary K. Davis-Searcy spoke in favor. She explained that she presently has a horse farm and she wants to expand and construct an additional accessory structure. With her present zoning of R-20, she would not be allowed to do that. She told the Commission that none of her neighbors had voiced objections to her plans. There was no opposition to this case.

Chairman Stewart said his only concern with this rezone was that the property abuts a residential subdivision. He asked that a condition be included, limiting the use of the property to a horse farm only. Chicken houses, goat farms, etc. would not be allowed.

Chairman Stewart then proceeded to make a motion to approve the application, with the condition that the use be limited to a horse farm only. Rhon Redwine seconded the motion and the vote was 8-0 for approval.

Case #02-07-025, Freehome Village LLC, c/o The Bishop Company LLC requested to rezone ±0.108 acres from AG to GC. If rezoned, the property will be utilized for the Freehome Village Shopping Center. The property is located on Highway 20 and S. R. 372 in Land Lot 980 of the 3rd District and is further described as Cherokee County Tax Map 03N23, Part of Parcel 186.

Jim Cain gave the staff recommendation, which was for approval, with the condition that development must adhere to the Freehome/Lathemtown Overlay District requirements.

Frank Bishop spoke in favor. He gave some background information on the property and described their development plans. Mr. Bishop was asked if he would be able to develop Phase II if this rezone was not granted and he answered that he would not be able to develop Phase I without the rezone. Without the rezone, they would not be able to set aside the tree zone. A discussion ensued.

Chris Chandler spoke in favor. He said that Mr. Bishop had worked hard to save the trees and had worked closely with the Freehome/Lathemtown EDC. The EDC voted unanimously in favor of the rezone.

Chairman Stewart made a motion to approve, with the condition that construction adheres to the Freehome/Lathemtown Overlay requirements. Michael Byrd seconded the motion. Chairman

APPROVED

August 06, 2002

Stewart said that this was one of the few cases brought before the Planning Commission where the developer worked within the framework for high quality development in the county. He personally thanked Mr. Bishop. The vote was 8-0 for approval.

The meeting was adjourned at 8:35 P.M.