

**Cherokee County Planning Commission
Public Hearing
Minutes
October 5, 2004
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, September 7, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Jay Wallace, Donnie Henriques, Bill Jarrard, Michael Oxley, Ashley Holcomb, Betty Callahan, Marsha Lathem and Dick Hall. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk. The meeting was called to order at 7:00 pm.

Old Cases

Case#04-09-056 The Pacific Group, Inc. requesting to rezone 133.75 acres from R-40 to R-20. If rezoned the property would be utilized for a conservation subdivision. The property is located on Hendon Road in Land Lot(s) 617, 768, 679, 680, 690, 691 of the 15th District and further described as Cherokee County Tax Map 15N28, Parcel(s) 103, and 103A.

Vicki Taylor presented the case to the Planning Commission.

Parks Huff represented the case. He said that there had been three total community meetings to appease the neighbors. He also said that their plan didn't even max out R-30 conservation.

Kim Hampton spoke in opposition.

There was a discussion as to whether nose counting was allowable by anyone other than the Chairman. It was stated that only the Chairman could take these kinds of polls.

Ms. Hampton also spoke about traffic congestion. She further spoke about school overcrowding.

Pete Penny also spoke in opposition. He said that growth should be restricted.

Parks Huff spoke in rebuttal. He said that only 25 homes more would be built verses what would be allowed as currently zoned. He also said that 40% of the total property is green space.

Dick Hall and Michael Oxley said they didn't see a reason to rezone the property. Ashley Holcombe said it was difficult because they had worked very hard to make the community happy.

Mr. Jarrard motioned for denial. Ms. Lathem seconded. Motion passed 8-0

New Cases

Case #04-10-064 Circle H Development requesting to rezone 31.80 acres from AG to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Johnson Brady Road in Land Lot(s) 1000, 1001 of the 3rd District and further described as Cherokee County Tax Map 03N05, Parcel 2135B and Tax Map 03N11, Parcel 008.

Vicki Taylor presented the case for the Planning Commission.

Jarred Wright represented this case. He said that due to size there would be little to no impact on traffic and schools.

Barrett Flansburg spoke in opposition. He said he built an observatory on his property and the destruction of the dark skies would cause a serious impact on his investment.

Nancy Hunt also spoke in opposition. She spoke about the property being a watershed area.

Elizabeth Senter also spoke in opposition.

Marla Weibel also spoke in opposition.

Jarred Wright spoke in rebuttal. He said that Mr. Flansburg knew when he bought a small lot to put his observatory on it that any development of surrounding areas could cause problems.

Mr. Holcomb said he would abstain due to personal conflict. Mr. Jarrard spoke about how crowded the road was. Mr. Henriques said that it needed to remain the way it was.

Discussion ensued about the R-20 property in the area.

Mr. Jarrard made motion to rezone property to R-80. Mr. Hall seconded the motion. Motion passed 7-0.

Case #04-10-065 K.H.O., LLC requesting to rezone 19.8 acres from AG to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Lower Union Hill Road in Land Lot(s) 79, 138 of the 2nd District and further described as Cherokee County Tax Map 02N01, Parcel 153.

Vicki Taylor presented the case for the County to the Planning Commission.

Nate Cochran represented the case. He said that the property around the subject property is going towards R-40. He said that The School Board doesn't issue opinions for developments of 25 lots or less. He also said that they were also seeking a variance to the buffer required between R-40 and AG.

Pierce Neese spoke in opposition.

Bill Law also spoke in opposition.

Jerry Jennings also spoke in opposition. He spoke about not getting enough info at the public participation meeting.

Mr. Oxley asked about Carmichael Farm's zoning. Mr. Jarrard suggested R-80. Mr. Hall mentioned that if the land use could support it, then a variance would be unnecessary. Mr. Holcomb abstained from the vote.

Mr. Jarrard made a motion to recommend R-80. Mr. Henriques seconded the motion. Motion failed 3-4.

Mr. Hall made motion for R-60. Seconded by Ms. Lathem. Motion passed 4-3.

Case #04-10-066 H & H Development Associates, Inc. requesting to rezone 221.55 from AG to R-40. If rezoned the property would be utilized for a conservation subdivision. The property is located on Fincher Road (Hwy. 108) in Land Lot(s) 56, 57, 87, 88, 89 of the 22nd District and further described as Cherokee County Tax Map 22N11, Part of Parcel 060 and Parcel 092.

Vicki Taylor presented the cast to the Planning Commission.

Ken Patton represented the case.

Jerry Kinzy spoke in opposition of the case.

Douglas Harter also spoke in opposition. He spoke mainly about traffic concerns.

David Strickland also spoke in opposition.

Jack Harris also spoke in opposition.

Linda Holmes-Rubin also spoke in opposition.

Ken then rebutted most of their concerns.

Mr. Hall restated his previous point that if a variance is needed in order to make the plan work, then it doesn't make sense to rezone the property.

Mr. Jarrard made the point that he thought the case should be denied because of the amount of opposition the case had received.

Mr. Hall interjected that he thought the case should be denied as well, but because of the facts of the case and not because of popular opinion.

Mr. Jarrard made motion to deny. Motion was seconded by Mr. Wallace. Motion passed 8-0.

Case #04-10-068 Loannis and Angeliki Parashis requesting to rezone 2.59 +/- acres from R-20 to NC. If rezoned the property would be utilized for a retail center. The property is located on Hwy.

140 in Land Lot 798 of the 2nd District and further described as Cherokee County Tax Map 02N04, Parcel 217.

Vicki Taylor presented the case to the Planning Commission.

Benson Chambers represented this case. He said that the public participation had a low attendance, but the people who were there were favorable.

Catherine Grabowski spoke in opposition.

Benson then rebutted her concerns. He stated that NC was the best commercial zoning to go there.

Mr. Jarrard said that commercial was appropriate.

Mr. Jarrard made a motion to approve with 50 foot rear yard setback and 30 foot buffer. Mr. Holcomb seconded the motion. Motion passed 8-0.

Case #04-10-069 Blake Bremer and William Bozeman requesting to rezone 2.59 +/- acres from R-20 to NC. IF rezoned the property would be utilized for a retail center. The property is located on Hwy. 140 in Land Lot 798 of the 2nd District and further described as Cherokee County Tax Map 02N04, Parcel 217.

Vicki Taylor presented the case to the Planning Commission.

Blake Bremer represented the case.

James Denson spoke in opposition.

Laura Chimielewski also spoke in opposition. She spoke mainly about the dangerous road and the need to keep the property AG.

Discussion ensued about the contiguous zoning of the subject property.

Mr. Wallace stated that it was better for the development to not be visible from Avery Road and that the buffer be maintained up front.

Mr. Hall made a motion to recommend R-60 with the buffer intact as shown on the site plan. Seconded by Ms. Lathem. Motion passed 8-0.

Case #04-10-070 Stanley and Linda Barrett requesting to rezone 16.7 +/- acres from AG to GC. IF rezoned the property would be utilized for a retail business center and office complex. The property is located on Hwy. 372 in Land Lot(s) 604, 621 of the 3rd District and further described as Cherokee County Tax Map 03N21, Parcel 045.

Vicki Taylor presented the case to the Planning Commission.

Benson Chambers represented the case.

No one spoke in opposition.

Mr. Wallace abstained from voting on this case. Motion to approve by Mr. Jarrard. Seconded by Ms. Lathem. Motion passed 7-0

Other Items

Discussion ensued about postponement, withdrawals, and amendments.

Motion to adjourn was made. This motion was seconded. Motion passed unanimously 7-0.

Meeting adjourned.