

Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, April 5, 2011 7:00 PM

The Cherokee County Planning Commission held its regularly scheduled meeting on April 5, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, Vice Chairman Tom Hill, members Scott Barnes, Betty Callahan, Thais Escondo, Garland Stewart, Elizabeth Semler, Charles Kirby and Rick Whiteside. In Attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Kathy Dunn, Administrative Assistant.

Chairman Bob Whitaker called the meeting to order at 7:00 pm.

Case #11-04-005 – Michael King for Glenn White: Vicki Taylor Lee presented the case. Michael and Stephanie King represented the case stating the reason they wanted AG zoning was to be able to keep their livestock. Attorney Drew Bishop spoke in opposition stating he was representing several homeowners in the surrounding area. The major reason for the opposition was due to the small area of land and the inability to provide reasonable care for all of the animals. Also, there were issues of how the animals were being cared for and whether or not they were being abused. Another opponent, Ms. Karen Richards, spoke stating that she did not live near there but she has a horse boarded nearby and she felt the animals were not being cared for as well as the place had become an “eye sore” since they moved in. Mr. Whitaker then gave the King’s time for rebuttal. Stephanie King stated that they took care of their animals, that the alpaca’s had a type of worm which was not detectable until it had already caused untreatable harm. At this time Ray Waters, County Marshal, spoke stating they had issued several citations regarding the number of animals and their care but it was due to the current R-40 zoning. Mr. Whitaker then closed public comment. Thais Escondo asked Vicki Taylor Lee about this being two parcels. Vicki stated that according to the Tax Assessors’ information it is only one parcel. Betty Callahan asked Vicki if she thought they could meet the 75 foot setback for a barn if this was approved. Vicki stated it would be close. Betty then asked if the animals run loose on their property and Ms. King stated that only the alpacas and chickens run loose. Ms. Escondo asked about the 2 acres zoned AG and a discussion ensued as to what is determined as residential farming. Mr. Whitaker then discussed the issue of a small lot being zoned AG with too many animals. He also detailed the issue that the land around them was currently zoned AG but they were very large tracts of land. At this point Garland Stewart made a motion to recommend denial and Rick Whiteside seconded. The motion passed 8 to 1 with Mr. Kirby voted nay.

CASE #11-04-008 – QUICKTRIP: Vicki Taylor Lee presented the case. Mr. Nathan Richardson represented QuikTrip with a technical presentation showing where and how the building, entry and exit along with landscaping would look. He also indicated that QuikTrip hoped to bring Old Doss Road into alignment with the entry to Canton Market Place which is directly across Highway 20 and have an entry there. During the presentation Ms. Escondo asked about the surrounding land which Mr. Richardson detailed that it is still owned by Billy Hasty but with his approval QuikTrip would be placing a large detention pond on it as well as sloping that back on the north, northeast and east sides. Dr. Rick Whiteside interjected that the back might be a slope easement and Mr. Richardson said that was exactly what it was. Charles Kirby asked if there could be a condition placed on this surrounding piece of property stating that nothing could be built on it. Garland Stewart asked Vicki if this would be legal and Vicki stated that, not being an attorney she couldn’t really answer that but that the BOC would be making the final decision anyway. At this point Bob Whitaker opened the floor to public comment.

No one spoke in favor. Mrs. Martha Cowart spoke in opposition. She indicated she had a petition signed by 27 neighbors for whom she was speaking. They specifically asked that Old Doss Road be aligned with the Market Place entry or that the case be denied due to the enormous amount of traffic and their inability to enter and exit currently. She stated that further business at this location would only add to their inability to get to and from their homes. Then Ms. Deborah Murdoch spoke in opposition, basically stating the same issues. Mr. Richardson rebutted both issues stating that one of their main goals is to get Old Doss Road realigned or, if necessary, they would access straight off Highway 20. Ms. Escondo asked if they had considered coming in off Boyd Road and he stated this would not be feasible. Mr. Kirby mentioned the current conditions on the property next to them as well as the City of Canton stipulations. A brief discussion on this issue, Mr. Whitaker closed the public hearing. Ms. Escondo stated that she has some real concerns about the surrounding property and the fact that QuikTrip does not actually own it. Mr. Stewart stated that he thought they had made their intentions clear. Dr. Whiteside and Scott Barnes both interjected that they feel there is more to the surrounding area than meets the eye and Tom Hill then read some of the criteria of the rezoning process.

Mr. Stewart then made a motion to recommended approval with the following conditions:

1. That no further development be allowed on Tract 2, which is currently owned by Billy Hasty (excluding the small portion which QuikTrip is purchasing) after the retention pond and the slope easement are completed.
2. That Old Doss Road be realigned and improvements made to Highway 20 along with a traffic signal, with the approval of Cherokee County and the DOT, before QuikTrip is allowed to obtain their Certificate of Occupancy and open.
3. That the conditions of Resolution 09-05-010 – Dr. Austin Flint, be applied to this piece of property also.

Betty Callahan seconded with said conditions. A vote was taken with Mr. Kirby, Mrs. Callahan, Mr. Whitaker, Mr. Hill and Mr. Stewart voting for and Ms. Escondo, Mr. Barnes, Dr. Whiteside and Mrs. Semler against. Motion passed 5 to 4.

Minutes for the March meeting were reviewed and Mr. Hill stated there was one thing regarding road elevations on Case Number 11-03-004 that needed to be edited.

Work Session for May will be held on April 18th with only one case to be heard.

Mr. Whitaker then adjourned the meeting at 8:35.