

Cherokee County Planning Commission
January 5, 2016 Minutes
7:00 p.m.

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, January 5, 2016 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Richard Weatherby, Bill Dewrell, Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith, Tom Ware and Jerald Hill. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:25 p.m.

Zoning Cases

Case #16-01-001 Gates Construction, LLC (BOC Dist. 1)

Applicant is requesting to rezone 20.0276 acres at Owens Store Road from R-30 to R-20. If rezoned, the property will be utilized for a residential subdivision. The applicant is also requesting a variance to reduce the 30 foot undisturbed zoning buffer to 0 feet along the West boundary line adjacent to the Neighborhood Commercial property for a distance of 407 linear feet, a variance to eliminate the 25 foot impervious stream bank buffer for Lot 12 only and a variance to reduce the 15 foot undisturbed zoning buffer to 10 feet on Lots 1 through 11 and Lots 16 through 20 including the proposed detention pond.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not in compliance with the Future Development Map and Comprehensive Plan. She discussed the specific variances the applicant is requesting.

Benson Chambers represented this case. Mr. Chambers stated they are proposing a maximum of 33 lots and this property adjoins neighborhoods zoned R-15, RD-3 and PUD. He stated they are proposing 1.65 units per acre and that the R-20 zoning would allow a better design with more uniform lots located in the subdivision. He stated they are requesting 3 variances due to the property characteristics. Mr. Chambers stated the homes would be built by DR Horton and would be 3,000 to 4,200 square feet home sizes with prices ranging from \$300,000 to high \$400,000.

Mr. Whitaker asked if there was anyone to speak in favor of or in opposition to this application. There being none, he closed public comment.

Dr. Whiteside made a motion to recommend approval of the rezone request with no variances. Seconded by Ms. Escondo.

Mr. Whitaker stated he feels the most of the variance requests are premature at this time however would like to leave the variance for entrance to the subdivision.

Dr. Whiteside stated yes and amended his motion to include the one (1) variance for the reduction in the buffer to accommodate the entrance to the subdivision. Seconded by Ms. Escondo.

Mr. Ware stated R-30 zoning is adequate for this property and this proposal is not consistent with the Future Development Map. He stated he cannot support this request.

Seven (7) in favor of this motion, two (2) opposed. Mr. Weatherby and Mr. Ware were in opposition.

Case #16-01-002 M. Paul Akbarzadeh (BOC Dist. 1)

Applicant is requesting to rezone 1.063 acres at East Cherokee Drive from R-30 to NC. If rezoned, the property will be utilized for commercial uses.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is in compliance with the Future Development Map and Comprehensive Plan.

Mr. Chambers represented this case. Mr. Chambers stated they are requesting this zoning to cut out the 1.06 acres that currently has the septic for the adjoining commercial building and combine in with this current NC property.

Mr. Whitaker asked if there was anyone in support of or in opposition to this application. There being none, he closed public comment.

Dr. Whiteside asked if the commercial center will be brought onto the sewer system or keep on the septic system. Mr. Chambers stated the owner is not sure at this time.

Mr. Dewrell made a motion to approve. Seconded by Mr. Ware. Unanimous approval.

Case #16-01-003 Hickory Flat United Methodist Church (BOC Dist. 2)

Applicant is requesting to rezone 1.3 acres on Hickory Flat Highway from R-80 to OI for office institutional uses.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is in compliance with the Future Development Map and Comprehensive Plan. She stated a Public Participation meeting was held with one (1) attendee.

Mr. Weatherby recused himself from this case.

Hugh Patterson represented this case. Mr. Patterson stated they have used the building for the church offices for about 10 years and are looking to consolidate the Church operations. He stated they feel it is in their best interest to sell this property and put the business offices back on the main campuses of the Church. He stated currently they have an insurance agency office and veterinarian office interested in the property.

Mr. Whitaker asked if there was anyone in support or in opposition to this application. There being none, he closed public comment.

Ms. Escondo made a motion to recommend approval. Seconded by Mr. Barnes. Unanimous approval.

Case #16-01-004 Mutual Home Solutions (BOC Dist. 2)

Applicant is requesting to rezone 5 acres on Darnell Road from R-20 to R-15 for a residential subdivision.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not in compliance with the Future Development Map and Comprehensive Plan. She stated a Public Participation meeting was held with eight (8) attendees.

Musah Lotallah represented this case. He stated they feel the development they are proposing will have a good impact to the area and Darnell Road. Mr. Lotallah stated they are proposing to build craftsman style house at about 2,500 square feet. He stated the R-15 zoning will give them a little more flexibility with the location of the homes, concept and design. He discussed the concerns from the citizens who attended the public participation meeting relating traffic, safety and drainage. He stated they are proposing a turn-around pad and detention pond to help with these concerns.

Mr. Whitaker asked if there was anyone in support of or in opposition to this application.

Charles Vermillion spoke in opposition. He discussed his concerns with no lighting and the location of the nine (9) driveways. He discussed his safety and traffic concerns.

Mark Schneider spoke in opposition. Mr. Schneider stated he is not against this development but would like to note there are a lot of drainage issues currently and would like for them to catch as much as possible to help with these issues.

Musah Lotallah spoke in rebuttal. Mr. Lotallah stated the proposed detention pond should help with the drainage and the turn-around pads should help with the traffic and safety of the public.

Mr. Whitaker closed public comment.

Ms. Escondo asked the applicant are they proposing to have sidewalks, street lights, walking community, etc.

Mr. Lotallah stated he knows they will have to do curb and gutter, the street lights they would have to get with the power company and the rest would be up to the Engineer.

Mr. Ware asked the applicant if he was sure he had enough room on the first 4 lots to provide these back out pads. Mr. Lotallah stated they have not designed the homes yet but feels they can position the homes to provide this.

Dr. Whiteside asked the applicant will they be grading to lessen the hills. Mr. Lotallah stated they will have to do a pipe system from the curb and gutters to the detention pond, so some areas will be graded.

Mr. Barnes discussed sight distance and safety issues and feels the turn-around pads would need to be included for all lots.

Ms. Escondo stated with the location of the hill, this only affects the first few lots.

Mr. Whitaker stated he noticed Engineering did not address these issues in their report, he asked staff did Engineering take a look at the driveway locations. Ms. Lee stated they did not address this however the County has a driveway inspector that will take a look at the proposed driveway locations and will adjust if necessary.

Mr. Whitaker stated the only impact of this rezone is adding one (1) lot.

Mr. Barnes made a motion to recommend approval of this application with the condition to have some accommodation for driveway safety as determined by staff so owners do not have to back out onto Darnell Drive. Seconded by Mr. Weatherby. Unanimous approval.

Approval of Minutes

Mr. Ware made a motion to approve the November 3, 2015 Minutes. Seconded by Mr. Barnes. Unanimous approval.

Mr. Barnes made a motion to approve the December 1, 2015 Minutes. Seconded by Mr. Ware. Unanimous approval.

Mr. Dewrell made a motion to adjourn. Seconded by Mr. Smith. Unanimous approval. The meeting adjourned at 8:25 p.m.