

CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

PUBLIC HEARING MINUTES



January 3, 2017
Cherokee Hall 7:00 pm

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, January 3, 2017 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith, Jerald Hill, Richard Weatherby and Tom Ware. Bill Dewrell was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Rhonda Hilliard, Executive Assistant.

The meeting was called to order at 7:01 p.m.

The first order of business was the swearing in of Nicole Carbetta by Zoning Administrator, Vicki Taylor Lee.

Case #17-01-001 Carson Developments, Inc. (BOC Dist. 2)

Applicant is requesting to rezone 21.67 acres at Hickory Road from GC to RA to allow development of an active adult, age restricted community. The applicant is also requesting the following variances:

1. A variance for use of dead end drives in lieu of cul-de-sacs (Development Regulations, Section 4.08);
2. A variance to grade in the zoning buffer to the north and west (Zoning Ordinance, Article 10, Section, 10.6-5)
3. A variance to construct walls in impervious stream bank buffer setback (Development Regulations, Section 5.1(2))
4. A variance to encroach 7 feet into the required 20 foot front setback for units 75 and 82 (Zoning Ordinance, Table 7.1A).
5. A variance to reduce the zoning buffer on west side of property adjacent to GC from 35 feet to 30 feet and from 35 feet to 15 feet (Zoning Ordinance, Table 10.1)
6. A variance to reduce the zoning buffer on the west side of property adjacent to R-40 from 35 feet to 15 feet (Zoning Ordinance, Table 10.1)

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held and an existing site resource map was prepared. No letters were received in opposition of or in support of. She indicated that she would let the applicant explain the variances that were discussed at Work Session. She indicated that the applicant is supposed to install a pedestrian access to library as well.

Howard Carson represented this case. Mr. Carson indicated that he had the project engineer, Steve Rowe, and Steve Winch from the Orchards Group with him to answer any questions. Mr. Carson reviewed the Community Village Node Narrative. He stated that he thought this particular piece of property, sandwiched between a library and a grocery store was a perfect location for an active adult community. He said they were in complete compliance with the Community Node Narrative. Mr. Carson indicated that they would like to connect into the library to provide community access into the library. He indicated that the site is a challenge due to the location of the stream buffer. He thinks the site would not be feasible to develop commercially. Their project would produce 286 trips per day using the County formula. He thinks that doubles what would actually happen. A retail development would produce 4,294 trips per day. A residential development would reduce that by 3,600 trips per day. A huge reduction in traffic would be realized. Regarding the variances, #1 is needed and they will meet the FD requirement 150 foot length; #2 the buffers intended to grade in is the north and west buffer adjacent to commercial property. They would like to grade in those buffers and replant with something that would produce an attractive full screen; #3 to intrude into the impervious buffer and build an impervious wall, they will build palisades wall with rock baskets, it would produce a green pervious surface; #4 is no longer necessary through some architectural modifications; #5 requesting a 5 foot set back reduction changing it to 30 foot totally planted to buffer standards which will yield a much better screen; #6 is necessary to allow residents access to the library.

Mr. Whitaker opened the floor to public comment.

No one was present to speak in support of this application.

No one was present to speak in opposition of this application.

Mr. Whitaker closed public comment.

There was a question from the audience regarding a turnaround point. There are 150 foot shared driveways that would allow for turn around. The Chairman indicated that fire safety is the biggest issue and that the fire department is ok with the access for their equipment. Mr. Ware asked if the variances requested were not granted, what would that do to the house count? If the variances were not granted, it would cost about ten units. The height of walls were questioned. The west side of the creek would get to be 10-12 feet tall, the other side of the creek would be from about 18 feet but quickly gets back to zero because they are transitioning back grade as quickly as they can. Commissioner Whiteside wanted to clarify that the wall would be a pervious wall. It was confirmed that the wall would be a pervious, earth and basket wall, not an impervious wall. Ms. Carbeta asked for confirmation that there would be a dedicated left turn lane on Hickory Road. Applicant confirmed there would and that Engineering would require that.

A commissioner noted that on every application's staff report, there is nothing from the Sheriff's office.

Ms. Escondo questioned whether the wall height visibility from Hickory Road. The chances that the wall would be visible after 2 to 3 years is almost none. It was also noted that the road was engineered with a curvature and with all the street trees and everything that is going on you tend to lose the aspect of the physical development. There was further discussion about the encroachment of the baskets into the buffer and they are only talking about the impervious setback.

Ms. Escondo asked staff to confirm that the applicant is no longer asking for variance #4 on the Engineering Report. Vicki indicated that was correct. Ms. Escondo also asked if Engineering had gotten any feedback to the board regarding the variance to construct walls in the impervious buffer. Staff

indicated that this topic was ongoing as of today. Engineering does think that a variance is required even though other municipalities allow it because the material is pervious. Our ordinance does say light grading and this would not be light grading. The variance would be required and engineering wanted to sit down with the applicant and look at it.

Ms. Escondo indicated she thought this was a good location for this product. She does have concerns about the variance to construct walls in the impervious setback and asked for engineering's input at the work session. Mr. Barnes asked if the board was waiting on Engineering or if Engineering was waiting on the applicant to submit the requested information. The applicant apologized for not providing the requested information to Engineering in time for them to respond prior to the meeting this evening. Therefore, Ms. Escondo made a motion to table this request for 30 days so that Engineering has a chance to review the information and modify their Engineering report, Mr. Smith seconded. There was further discussion about the pervious/impervious material. Mr. Whiteside said he did not feel that item needed to be tabled for 30 days. The Chairman noted that at the Work Session on December 6th that there was discussion about Engineering looking at this variance request. He feels that the board should allow Engineering to provide input on the issue of the variance request.

The motion to table for 30 days pending input from Engineering was voted on with 8 in favor and 1 opposed. Motion carries (8-1).

Case No. 17-01-002 Rob Sobolewski (BOC Dist. 2)

Applicant is requesting to rezone 1.34 acres at 7211 Hickory Flat Highway from OI to NC for veterinarian office. She stated she has received no letters in support of or in opposition to this request. Ms. Lee stated this application is consistent with the Future Development Map.

Vicki Lee presented this case. There was a Public Participation meeting on December 11th and no one showed. She discussed staff comments, location, surrounding zoning and uses.

Dr. Rob Sobolewski presented the case as the applicant. He does not currently own the property but has a contract on it pending the approval of the rezoning. Hickory Flat Methodist Church currently owns the property. It will be a small animal practice. There will be no major structural improvements. New roof, brick, landscaping, improve looks of parking lot. Improve overall value of property. It will be cats, dogs and exotics. There will be no boarding. Nor will there be any outside runs. He is looking an opening of April/May. No major fencing around outside. Possibly a playpen. There will not be any animals outside after the office is closed.

There was no one present to speak in support of or in opposition to this application.

Mr. Whitaker closed public comment.

Ms. Escondo asked staff if there was anything in NC zoning that they would not want in this corner in relation to a potential stipulation. Ms. Taylor indicated that the use was consistent with zoning. Ms. Taylor also noted that a potential fence would need to be 75 feet from any property line and that there was a 30 foot zoning buffer which would help with the new subdivision going in the back.

Mr. Barnes asked the applicant if he would accept a condition that would prohibit outside runs. The applicant indicated that he would accept that condition. The intent of the condition would be for if the property would change hands and be the same business.

Mr. Barnes made a motion for approval with the stipulation that no future outside runs be allowed. Seconded by Mr. Weatherby. Unanimous approval with one (1) condition that no outside runs be allowed. (9-0)

Mr. Whitaker indicated that concluded the case agenda. Other business includes the calendar for process schedule. Two meetings need to be moved: January 16th Work Session falls on MLK Day. Moved to January 23rd. July 4th is Public Hearing date for July. There was discussion to move the date to the 5th or 6th. Ms. Taylor commented that the ZBA will meet on July 6th. July 5th was discussed. A comment was made that this is a heavy vacation week and would put the public out if they wanted to participate. Ms. Escondo asked when the BOC will meet. Ms. Taylor indicated the BOC will only meet once in July [July 18]. After discussion it was decided to meet on July 11th. The board voted and were unanimous on adopting the schedule with the revised dates.

Mr. Whitaker indicated that there needed to be an election of officers. After a brief discussion, it was decided that this would take place at the next Work Session.

Approval of Minutes

Mr. Whitaker indicated that the adjournment time was already revised to 8:30 pm on the November 21, 2016 minutes. Mr. Weatherby made a motion to approve the November 21, 2016 Work Session Minutes. Seconded by Mr. Barnes. Motion passed 9-0.

Mr. Barnes made a motion to approve December 6, 2016 Public Hearing Minutes. Seconded by Mr. Ware. Motion passed 9-0.

Mr. Whitaker indicated that the next Work Session is January 23rd. Ms. Taylor noted that the meeting would need to take place in the Conference Room due to scheduling conflict.

Mr. Weatherby made a motion to adjourn. Seconded by Dr. Whiteside. Unanimous approval. The meeting adjourned at 7:53 p.m.