

Regular Meeting Minutes of the Town Board of Commissioners Meeting of Thursday, February 19, 2015 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Mayor Pat Taylor, and Mayor Pro Tempore Brian Stiehler.

Town Board Absent: Commissioner Donnie Calloway and Commissioner Eric Pierson.

Also Present: Town Manager Bob Frye, Town Clerk Rebecca Shuler, Town Attorney Tom Kelly, MIS/GIS Director Matt Shuler, and Planning & Development Director Josh Ward.

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 7:00pm.

2. Public Comment Period

Mayor Taylor reminded the public there would be a public hearing on the zoning reaffirmation to hold those comments until that time.

There were no public comments.

3. Adjust and Approve Agenda

Mayor Taylor adjusted the agenda to move Item 7 Public Hearing: Reaffirmation of Town Zoning Map and Zoning Ordinances to Item 4. All other items would shift down.

Mayor Pro Tempore Stiehler made a motion to approve the agenda as adjusted, which was seconded by Commissioner Dotson and the vote was unanimous.

4. Public Hearing: Reaffirmation of Town Zoning Map and Zoning Ordinances

A. Open Public Hearing

Mayor Pro Tempore Stiehler made a motion to open the public hearing at 7:02pm, which was seconded by Commissioner Dotson and the vote was unanimous.

B. Staff Comments/Recommendation

Planning and Development Director Josh Ward gave a brief history of this item stating that back in December 2014, the Board of Commissioners requested the reaffirmation of the Zoning Map of the Town of Highlands. The in January, the Board resolved to reaffirm the Zoning Ordinances of the Town of Highlands as well. By reaffirming the map and ordinances, the Town can ensure that record-keeping procedures are being followed correctly according to the General Statutes.

C. Public Comment

Citizen John Shearl presented the board with a written statement and then read it out loud. The statement is as follows:

Thank you for this opportunity to speak. I will keep it as short as possible. As some of you know, I have been in litigation with the Town of Highlands since 2009 over my property located at 1663 S. 4th street, known as John Shearl's property and also the location of J&J Lawn & Landscaping Services, Inc. since November 1993. I disagree with the zoning map that is here before us tonight for many reasons.

One, zoning is supposed to be made with reasonable consideration as to the character of the zoning district and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town. You are proposing the split zoning of my property. It is practically impossible to use the land shown as residential for residential purposes for several reasons. The acreage is significantly less than the .75 acres that you require for a residential dwelling in a R-1 zoning district. There is no buildable envelope when you take into account the small amount of acreage, the 25-foot building setback from the 45 foot wide road right of way and the 10-foot building setbacks from property lines. There is no public sewer. There is no room to put in a septic system to support any dwelling. Due to the extreme topography on material portions of the part proposed for residential, you could never get a dwelling constructed with sewer. You are leaving me without any reasonable value for my property. The only reasonable use of this acreage is for the ongoing commercial parking and storage which has been a part of my landscaping business since November, 1993.

Reviewing the Town's Land Use Plan, I understand that along NC Highway 28 a commercial island of zoning was intended by the Town to preserve the long-standing commercial uses located there, which for my property dates back to the 1940's. Putting aside the legal battle mentioned above, splitting the commercial portion at 130 feet in width makes no sense. At that width, there is no room on the commercial side to park vehicles, store adequate quantities of materials, etc. You are basically splitting the property to leave neither side with any practical use or reasonable value.

I am not aware of any other property in the entire Town of Highlands that is split zoned at 130 feet in width of commercial and the remainder at residential. There are several areas allowing the main corridors throughout the Town with 200 foot split zoning for commercial and residential (from the adjoining road right of way line). At 200 feet of commercial, my property would at least be split zoned in a way that I could make some practical use of my land. Split zoning by the Town is the exception and it is not the standard. Why is my property being treated differently? I believe that it is based on the Town's misguided pride in winning the lawsuit and sticking it to me, not for any practical zoning reasons. Why would 2 properties just north of 1663 be zoned the entire property line at around 400 feet or so? One of the properties was just rezoned to remove a split zone line that now belongs to Art Williams/Old Edwards Inn. Not sure if they had it done or the owner before them. I don't remember that case going to court for 6 years to get it settled. It was done here with you the Town Board.

Since early 1994 when I was able to start moving onto my newly acquired property, I have used for my business the entire useable acreage going back approximately 200 feet from edge of Highway 28. When I originally started my business in 1988 I didn't own a lot of vehicles or equipment but I thought the American dream was to work hard, do a good job, be honest and you will be successful in life and to the best of my ability I have done that. Since 1988, my business has really grown and I am very proud of it.

Please reconsider the split zoning proposal. Zone the property with objectivity and with leaving me some practical use. Please don't zone it out of spite.

The current proposal is unreasonable.

Mayor
Pat Taylor

Town Board
Donnie Calloway Amy Patterson Brian Steihler John Dotson
Eric Pierson

Planning Board
Thomas Craig-Chair Jerri Talley-Sec Tony Potts
Glenda Bell Steve Abranyi Patrick Leonard Chris Boltz Vacant

Zoning Board
Steve Chenoweth-Chair John Underwood-Vice Chair Jack Peay

Charles Dasher Michael Rogers Sam Green-alt Vacant—alt

Meeting Recessed

Commissioner Patterson made a motion to recess the meeting due to weather and reconvene Thursday, February 26, 2015 at 7:00pm where the Board would continue the public hearing on the reaffirmation of Town Zoning Map and Zoning Ordinances and hold the remaining portion of the regularly scheduled meeting of February 19, 2015. The motion was passed unanimously.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk