**PUBLIC HEARING MINUTES**  
The Hartwell Planning & Zoning Commission held a Public Hearing on April 22nd, 2021 at 6:00 p.m. in the Council Chambers at City Hall.  
  
The following members were present: Mary Gidley, Charles Rushing, Lenford Smith, Tina Howard, Michelle Wetherbee, and Jermaine Durham

Absent: Marcus Hurley

At 6PM, the planning and zoning hearing was called to order by Chairman Charles Rushing.

CASE NO. 2021-08

Chairman Rushing explained the procedure for how the hearing would be conducted. The room recited the Pledge of Allegiance.

Jason Ford presented the case, the resolution between the city and the county, and the consistency with the 2020 Comprehensive Plan.

George Butler, the attorney representing an objector asked if the subdivision would be considered and the answer was yes.

Charlene Fields presented the plan for the proposed annexation, zoning and development including an updated proposed zoning boundary. She explained the need for housing in Hartwell. She also provided an overview of the utility plan that the US Army Corps of Engineers would need to approve.

Commissioner Gidley asked about the square footage of the multifamily units.

Commissioner Durham asked about the second layout and second exit.

Charlene Fields explained that the commercial area is intended to be an approximate 40 seat restaurant.

Lenford Smith asked about the location of the restaurant on the proposed site sketch.

Speaking in opposition:

George Butler, representing Billy and Cecilia Howell, bought the property based on a recorded plat that contemplated 17 plats with restricted covenants with 3500 sq foot structures that was later reduced to 3000 square foot structures.

Stated that client has interest in the property because he neighbors the proposed development and concerned that the plat provided did not meet minimum standards. Also was concerned that the proposed subdivision layout did not meet the standards to decide that issue. Mr. Butler also pointed out that typically subdivisions are approved after annexation. He shared concerns about existing easements and that at least the proposed development appeared to interfere with that easement. He felt the board could not rule on the subdivision issue. He provided a handout with the 17 recorded lots and easements. See attached. With the submission of an updated proposed zoning plat, his client did not have due process to review it.

Alan Brown spoke in opposition. See attached letter. He referred to the 2015 City Comprehensive Plan.

Shannon Vansike spoke in opposition, chose home based on 17 lots on the water. She understood growth but is opposed in the plan to go from 17 lots to 50.

Commissioner Wetherbee asked the City Attorney, Rob Leverette, about the legal issues Mr. Butler presented. He said he would need to review the matter.

Charlene Fields spoke in rebuttal of issues presented. She suggested the boat traffic will be on the other side of the cove from Shannon Vansike. Charlene explained there was no land use in the county, that you annex and zone at the same time. She said the sketch provided is what you use and then it gets engineered after annexation. She stated that the property owner at the end at one said he didn’t want to annex but he would.

Aaron Blomberg, the surveyor, said that before a former Commissioner Chris Calloway stated these proceedings were for the residents of Hartwell, also the city has no control over what boat docks the Corps approves. He said title work resolves the title discrepancies and doesn’t affect zoning.

Commissioner Gidley asked is zoning in the county? Aaron answered there is no zoning in the county.

Dr. Durham asked Mr. Butler about the restrictive covenants.

Commissioner Gidley made a motion to accept annexation and approve zoning as permitted – table the subdivision issue until a time if the city council approves the annexation with conditions that the area meets the agreed upon resolution between the city and the county. It was seconded by Lenford Smith. The vote was 3-3 with one commissioner absent.

Commissioner Wetherbee then made a motion to recommend approval of the annexation subject to the resolution between the city and the county, removing zoning until a plat is provided with meets and bounds and setting aside the subdivision issue. Commissioner Gidley seconded and a vote was taken 5-1.

Aaron Blomberg committed to providing that map in the morning and a hearing was scheduled to consider zoning of the area to Thursday, April 29th, 2021 at City Hall in the Council Chambers.

Commissioner Gidley made a motion that the hearing be scheduled for April 29th at 6PM.

Commissioner Durham seconded and all present voted unanimously.

The meeting was adjourned at 7:48PM

Faithfully Submitted,

Jason Ford

Zoning Administrator