

Approved July 6, 2004

**Cherokee County Planning Commission
Public Hearing
Minutes
June 1, 2004
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, June 1, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Bill Jarrard, Michael Oxley, Chairman Rob Cutting, Marsha Lathem, Dick Hall and Ashley Holcomb. In attendance for Cherokee County staff were Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. Cecil Atchley, Wayne Kosbe and Jay Wallace did not attend. The meeting was called to order at 8:45 pm.

Public Hearing

Discussion of proposed R-15 zoning district regulations.

Jeff Watkins gave a presentation of the proposed R-15 zoning district.

Bryan Kovacs spoke in opposition to density, traffic, erosion.

Lyn Priegal spoke in opposition to density.

Bill Majure lives in Macedonia and wanted to know the basis for the proposed R-15 zoning district.

Deborah Marcia spoke in favor of the proposed R-15 zoning district and stated she lives on a one acre tract of land in off Arnold Mill Road. She stated she bought the property in the '80's, but today she would not be able to afford an acre due to the prices land sells for today. She stated that Cherokee is part of the metro area. She stated the Courts cannot discriminate for race, religion and Cherokee County should not discriminate against people because of their income. She stated homes are being built only to people who make an upper income level and that's discriminatory against people that need reasonable housing. She stated that teachers, police and fire fighters cannot afford to live in Cherokee because of unreasonable housing available.

Albert Ahlstrom spoke in favor.

Chairman Cutting explained the reasoning to look at a density between R-15 and RZL as a tool necessary to be used where appropriate in the County.

Discussion ensued to the pros and cons of this R-15 tool.

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Ashley Holcomb made a motion to recommend approval of Resolution 2004-0-001 amending the R-15 zoning district with the following changes: 1) garages to have a 5 foot setback from the rear property line, 2) minimum lot area of 7,500 sq.ft., 3) minimum lot width of 60 feet, 4) 20 foot front yard setback and other setbacks to remain the same. Seconded by Dick Hall. Motion passed 5-1, with Mr. Jarrard in opposition.

Old Cases

Case #03-11-055 Centennial Lakes Partners, LLC is requesting to rezone 165.4 acres from NC & R-40 to RTH & RZL. If rezoned the property would be utilized for a residential community. The property is located on Woodstock Road on the right as you enter Cherokee County from Cobb County in Land Lot(s) 1199, 1200, 1201, 248, 1249, 1250, 1271, 2173 in the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 221.

Postponed until further notice from Applicant

Case #04-05-026 East Cherokee/Waters, LLC requesting to rezone 25.98 +/- acres from AG to R-30. If rezoned the property would be utilized for a residential community. The property is located on East Cherokee Drive in Land Lot 473, 536 of the 15th District and further described as Cherokee County Tax Map 15N27, Parcel 028.

Vicki Taylor gave Staff findings that the Future Land Use Map shows an Undeveloped designation allowing for flexibility in zoning. A predominate portion of the adjacent property is in residential zoning and use. The density of this proposed development is 1.347 DUA. According to the Master Plan, the overall density for Bradshaw Farms is approximately 0.82 dwelling units per acre; however the density for the phase to the north is 1.30 DUA with and a minimum lot size of 25,000 square feet. The phase of Bradshaw Farms to the west has a density of 1.35 DUA and again a minimum lot size of 25,000 square feet. The adjacent R-40 density would allow 1.089 dwelling units per acre.

Benson Chambers represented this case. He stated that the original request for R-20 zoning had been changed to R-30 as a result of the public participation meetings. He stated the houses would range in price between \$300 & \$400,000 at a density of 1.35. He pointed out surrounding densities to this property and that this request was in line with those densities.

Ray Milligan spoke in favor.

Lee Rusk spoke in favor.

Emily Mikkelsen spoke in favor.

Barbara Smith stated she is in favor

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Dennis Jane, President of Bradshaw Farm HOA spoke in opposition due to it backing up to golf course and those being customized homes. He requested R-40 zoning designation and no less than a minimum of 25,000 sq.ft. lot size, 50 foot undisturbed buffer owned by HOA and outside of the lots.

Jim Hubbard spoke in opposition and requested R-40.

Bill Proud spoke in opposition and requested R-40.

Albert Ahlstrom spoke in opposition and requested R-40 zoning.

Benson Chambers spoke in rebuttal.

Bill Jarrard made a motion to recommend approval of R-40 with the following conditions: 1) minimum 25,000 sq.ft. lots, 2) 50 foot undisturbed buffers outside the lots, 3) those additional stipulations submitted by Mr. Chambers dated June 1, 2004. Seconded by Michael Oxley. Motion failed 2-4, with Mr. Holcomb, Mr. Cutting, Ms. Lathem, and Mr. Hall in opposition.

Dick Hall made a motion to recommend approval of R-40 with the following conditions:

- 1) **Maximum of 28 lots.**
- 2) **Minimum lot size of 20,000 sq.ft.**
- 3) **Maintain a minimum 50 foot perimeter buffer included as part of the platted lots along the North, East and West boundaries.**
- 4) **Install a 3 foot berm and 6 foot wooden privacy along the east property line with Mr. and Mrs. Sears. Install a 6 foot wooden privacy fence along the southwest property line with Mr. and Ms. Mikkelsen extending from the right of way of East Cherokee Drive to the northwest corner of lot 18.**
- 5) **Provide for a minimum of 5 acres in open space or 20% of total acreage.**
- 6) **Minimum house size of 2,400 sq.ft. of heated space.**
- 7) **House architecture consistent with Bradshaw Farm.**
- 8) **Installation of a landscape and fencing for the entrance and along East Cherokee Drive.**
- 9) **Payment to Cherokee County School System in the amount of \$650.00 per lot.**
- 10) **Installation of a left turn lane onto East Cherokee Drive within the limits of the projects frontage.**
- 11) **Mandatory Homeowners Association for maintenance of open space and entrance.**

Motion seconded by Marsha Lathem. Motion passed 5-1, with Mr. Jarrard in opposition.

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Case #04-05-029 Bethany Manor, LLC requesting to rezone 8 acres from R-80 to RM-16. If rezoned the property would be utilized for a senior apartment community. The property is located on Lower Bethany Road west of Ball Ground Hwy in Land Lot 295 of the 14th District and further described as Cherokee County Tax Map 14N27, Part of Parcel 080.

Vicki Taylor stated that the Planning and Zoning Office had received a letter from Atlanta Regional Commission (ARC) that this case may go forward to be heard. Ms. Taylor gave Staff findings that the Future Land Use Map shows this property located within the High-Technology Mixed-Use Corridor with an underlying Industrial designation. While the recent rezoning to RZL across Ball Ground Highway supports mixed-use, its underlying zoning was for medium density residential and this property's underlying zoning is for Industrial. Even though currently there seems to be an excess of vacant Industrial zoning, the County has supported this area between Highway 5 (Ball Ground Highway) and I-575 as projected Industrial zoning. Also, to be considered, however, is the County's apparent lack of Independent Senior housing.

John Donaldson represented this case.

Angie Williams spoke in favor.

Dick Hall stated his reservation to taking away from an area that was potential LI (Light Industrial).

Michael Oxley stated he also agreed with Mr. Hall.

Chairman Cutting stated he felt that this was not the area for this zoning request.

Mr. Jarrard made a motion to recommend denial. Seconded by Marsha Lathem. Motion to deny passed unanimously 6-0.

Case #04-05-032 ISI Commercial, LLC requesting to rezone 12 +/- acres from AG to R-20. If rezoned the property would be utilized for a conservation subdivision. The property is located at the intersection of Hwy 20 and East Cherokee Drive in Land Lot(s) 950, 951 of the 3rd District and further described as Cherokee County Tax Map 03N11, Part of Parcel 187.

Ashley Holcomb abstained from participating in this case due to a possible conflict of interest.

Vicki Taylor gave Staff findings that while the Future Land Use Map indicates Agriculture/Forestry use for this property, clearly it is no long suitable for that classification. Residential use is appropriate here, and adjacent zoning is compatible to the north and west.

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Mark Moore and Grover Swilley represented this case. It was stated that these homes would have a minimum of 1,800 sq.ft. heated floor space, two car garages, price range would be in the \$200,000 and made of brick, stone, stucco or siding.

Dick Hall made a motion to recommend approval of R-20. Seconded by Marsha Lathem. Motion passed 5-0, with Ashley Holcomb abstaining.

New Cases

Case #04-06-033 Robert Harris Homes requesting to rezone 17.85 acres from R-80 to R-20. If rezoned the property would be utilized for a residential subdivision. The property is located on Cherecobb Drive in Land Lot(s) 1265, 1266 of the 15th District and further described as Cherokee County Tax Map 15N30, Parcel(s) 18, 19, 20, 21, 22, 23 and 54.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates High Density Residential use for this property, however, the area supports the more moderate R-20. The close proximity to Highway 92 commercial zonings and use, the adjacent R-20 zoning, as well as the nearby RZL developments make the proposed change compatible.

Joel Larkin, Attorney, Sams, Larkin & Huff, represented this case. He stated that the applicant would be willing to upgrading Cherecobb Lane, with a 30 foot buffer not undisturbed for the purposes of grading and replanting and would sidewalk up to Hwy 92 and the amenity would not be located on the Cherokee County portion of this development.

Pamela Raines spoke of concerns of lights shining in her windows at night and wanted specimen trees maintained. She spoke of run off concerns since her property is down hill.

Dick Hall made a motion to approve with stipulations to be submitted in writing by Attorney Joel Larkin. Seconded by Ashley Holcomb. Motion passed unanimously 6-0.

Case #04-06-035 Turnman Inc. requesting to rezone 21.91 +/- acres from R-40 to R-20. If rezoned the property would be utilized for a residential conservation subdivision. The property is located on Woodstock Road in Land Lot 1109 of the 21st District and further described as Cherokee County Tax Map 21N12, Parcel(s) 75, 76, 77 and 79.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Low Density Residential use for this property, which the proposed density meets for a development on public sewer. The close proximity to several R-20 developments, as well as a nearby RZL development, makes the proposed zoning change compatible.

Benson Chambers represented this case.

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Thelma Prance was not in opposition, but spoke of concerns that the traffic is already bad in the area and suggested a red light.

William Ragsdale stated he does not want his land rezoned as part of this project (Parcel 75).

Jerry Kinzey spoke in opposition due to the high density and school overcrowding. He requested the property remain as R-40.

Benson Chambers spoke in rebuttal. He stated the School Board would receive \$700 per lot. He stated Mr. Ragsdale's property is a civil issue.

Dick Hall made a motion to recommend approval of R-20. Seconded by Marsha Lathem. Motion passed unanimously 6-0.

Case #04-06-036 David Pearson requesting to rezone 1.2 acres from R-40 to RTH. If rezoned the property would be utilized for residential town homes. The property is located on Dupree Road in Land Lot(s) 1089, 1090, 1143, 1144 of the 15th District and further described as Cherokee County Tax Map 15N12, Parcel 095.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates High Density Residential under the High Technology Mixed-Use Corridor overlay making the proposed development is compatible. The subject 1.2 acre is surrounded by the development for which this would be an addition.

Ralph Walker represented this case.

No one spoke in favor or opposition.

Mr. Jarrard made a motion to recommend approval of RTH with the condition of : Compliance with the conditions of rezone applied in Rezone Case No. 03-01-004.

Case #04-06-037 Sara Elaine Brannen & Sue Rowland Candy requesting to rezone 1.86 acres from AG to R-40. If rezoned the property would be utilized to construct a new home on the property. The property is located on Haithcock Drive in Land Lot 263 of the 4th District and further described as Cherokee County Tax Map 04N01, Parcel 039.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Medium Density Residential under the High Technology Mixed-Use Corridor overlay making the proposed change in zoning compatible and of little or no impact to the surrounding area of the County.

Elaine Brannen represented this case.

No one spoke in favor or opposition.

Mr. Jarrard made a motion to recommend approval of R-40. Seconded by Ashley Holcomb. Motion passed unanimously 6-0.

Case #04-06-038 Gary Standridge requesting to rezone 6.4 acres from R-80 to GC & LI. If rezoned the property would be utilized for a business office and contracting firm. The property is located at the corner of Ball Ground Hwy and Roberts Road in Land Lot 281 of the 14th District and further described as Cherokee County Tax Map 14N27, Parcel(s) 46, 38, 38A.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Industrial zoning under the High Technology Mixed-Use Corridor overlay making the proposed change in zoning compatible with the County's Comp Plan. Engineering Department Staff recommends significant conditions of development for the requested rezoning.

Benson Chambers represented this case. He stated that the applicant would upgrade Robin Road for a 90 degree turn.

No one spoke in favor or opposition.

Ashley Holcomb made a motion to approve GC & LI with the stipulation of Engineering approval for relocation of Roberts Road. Seconded by Bill Jarrard. Motion passed unanimously 6-0.

Case #04-06-039 Medallion Properties requesting to rezone 26.3 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Bells Ferry Road in Land Lot 126 of the 14th District and further described as Cherokee County Tax Map 14N12A, Parcel 120.

Applicant has requested this case be postponed until July

Case #04-06-041 Innovative Capital, LLC requesting to rezone 5.58 acres from AG & R-40 to NC. If rezoned the property would be utilized for neighborhood retail, restaurant and office use. The property is located on Bells Ferry Road in Land Lot 209 of the 15th District and further described as Cherokee County Tax Map 15N07, Parcel 012.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Medium Density Residential for this property, however, with current zoning and land use, along with the GDOT's proposed widening of Bells Ferry with intersection improvements, commercial zoning is more compatible. Certainly AG is no longer a viable zoning, nor will R-40 zoning be appropriate for this corner location following the roadway improvements.

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Neighborhood Commercial uses will be of much less impact to the remaining residential uses.

Benson Chambers represented this case.

Jim Ney spoke in favor representing the Thomas', an adjacent property owner.

No one spoke in opposition.

Dick Hall made a motion to approve NC with those conditions contained in Exhibit A between Innovative Capital, LLC and its contiguous neighbor Mr. and Mrs. David Thomas. Seconded by Marsha Lathem. Motion passed unanimously 6-0.

Case #04-06-048 Riverstone Industrial Properties, LLC requesting to rezone 13.94 acres from LI to HI. If rezoned the property would be utilized for an inert landfill. The property is located on I-575 off Ball Ground Hwy in Land Lot 281 of the 14th District and further described as Cherokee County Tax Map 14N27, part of parcel 030A.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Industrial zoning under the High Technology Mixed-Use Corridor overlay making the proposed change in zoning compatible with the County's Comp Plan. Full use of the Article 10 Buffers should be implemented while adjacent land is still zoned for residential use.

Scott Merrell represented this case.

Jerry Kinzy spoke in opposition and asked if this is a permitted use in the corridor and he hoped this use would not be allowed in that corridor.

Vicki Taylor stated that development guidelines for the I-575 corridor have not been officially adopted.

Scott Merrell spoke in rebuttal and stated he had walked the land and knew what the best use was. He stated Mr. Kinzy had not been on the property and offered to take any one of the Commission members out to the site.

Ashley Holcomb made a motion to approve HI with the stipulation the property is used only for an inert land fill. Dick Hall seconded. Motion passed unanimously 6-0.

Other Items

Approval of May 4, 2004 Minutes.

Dick Hall made a motion to approve the minutes. Seconded by Marsha Lathem. Motion passed unanimously 6-0.

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Dick Hall made a motion to adjourn. Seconded by Marsha Lathem. Motion passed unanimously 6-0.

Meeting adjourned at 11:45 pm