

**Cherokee County Planning Commission  
Minutes  
Tuesday, November 2, 2004  
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, November 2, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Jay Wallace, Donnie Henriques, Bill Jarrard, Michael Oxley, Ashley Holcomb, Betty Callahan, Marsha Lathem and Dick Hall. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. The meeting was called to order at 7:10 pm.

Chairman Cutting explained that Liberty Grove, LLC, Case Number 04-08-054 had been withdrawn by the applicant. In addition, that K. B. Homes Atlanta, LLC, Case Number 04-09-057, would not be heard because City of Woodstock had requested it be postponed.

**Bill Jarrard made a motion to postpone K. B. Homes Atlanta, LLC until the next regular scheduled public hearing. Seconded by Dick Hall. Motion passed unanimously 9-0.**

**New Cases**

**Case #04-11-070 Tommy Turner, Inc.** requesting to rezone 77 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Hamby Road next to Cobb County in Land Lot 1266 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N12F, parcel 010A and Tax Map 21N12, Parcel 112A.

Vicki Taylor gave Staff findings that the Engineering Department noted significant access issues for this development, both with the condition of Hamby Road and the requirement of two entrances for subdivisions of over 150 homes. The density of the proposed development as applied for, is 2.9 D.U.A., consistent with R-15 zoning. However, the RZL designation provides for greater flexibility in the lot layout around the onsite streams.

Benson Chambers represented this case. He stated the applicant would request an RD-3 zoning classification instead of the original RZL request. He stated a new plan had been submitted as a result of the public participation meeting consisting of eleven stipulations agreed to by the applicant.

Richard Spinks spoke in favor of this case for RD-3 with stipulations.

Bret Hinckley spoke of concerns regarding stream protection on the property. Chairman Cutting explained there would be a mandatory 50 foot stream bank buffer.

Cecilia Ellsworth spoke in opposition to the additional traffic.

George Mowery asked if these were to be single family homes and Mr. Benson confirmed they would be. Mr. Mowery spoke in opposition to the density.

Jerry Kinzy spoke in opposition to the high density.

Janet Hays asked what RD-3 zoning classification meant. Chairman Cutting explained. She spoke in opposition to the density and increased traffic.

Michael Plochinski spoke in opposition to increased traffic. He stated the rezones signs were not posted properly. Discussion ensued as to the placement.

Planning Commission discussion ensued as to Cobb County density adjacent to this property.

Dick Hall commended the developer and public for their working together and stated the public participation does work.

Ashley Holcomb discussed that an R-20 Conservation Subdivision would yield 169 lots and RD-3 would yield 233 lots. The applicant has requested 202 lots.

Discussion ensued as to the granting of the variance requested for the garage and would granting said variance stay within the spirit of the RD-3 zoning.

Jay Wallace suggested a RD-3 zoning and capping the lots at a R-20 conservation density.

Bill Jarrard made a motion to recommend R-30 zoning. Motion failed for lack of a second.

**Ashley Holcomb made a motion to recommend approval of RD-3 at 2.4 DUA with a maximum 186 lots and addressing all stipulations applicant had agreed to with the exception of striking number 8 as it relates to a variance for garage placement. Seconded by Dick Hall. Motion passed unanimously 9-0.**

**Case #04-11-071 Tal Mar Holdings, LLC** requesting to rezone 67.83 acres from AG to R-15 and GC. If rezoned the property would be utilized for a residential subdivision and retail commercial. The property is located at the intersection of Bells Ferry Road and Steels Bridge Road in Land Lot(s) 358, 359, 360, 363 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N02, Parcel 020.

Vicki Taylor gave Staff findings that the proposed development is more consistent with the residential and emerging commercial character of this area than the current AG zoning. The retail components of the GC area would serve the subdivision as well as the

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surrounding area. The site plan shows landscaped buffers including the strip along Bells Ferry Road.

Parks Huff represented this case. He submitted a letter dated November 2, 2004, addressed to Vicki Taylor, Zoning Administrator, a list of 14 stipulations that the applicant would agree to as a result of the public participation meeting. Additionally, he stated the School Board would receive approximately \$670 per home and his client would agree to no access other than Bells Ferry Road.

Linda Hedrick spoke in favor of the development.

Dick Hall spoke of concerns of the GC requested and stated he would prefer NC zoning.

Donnie Henriques spoke of stipulation number 9 and his concern that the ROW should read "donate" instead of "dedicate."

**Dick Hall made a motion to recommend approval of NC and R-15 with the stipulations provided by applicant with the exception to alter number 9 to read "donate" instead of "dedicate" the right-of-way and by striking number 11 in its entirety. Seconded by Marsha Lathem. Motion passed unanimously 9-0.**

Case #04-11-072 OCS Enterprises, Inc. requesting to rezone 132.5 +/- acres from AG & LI to TND. If rezoned the property would be utilized for retail, office warehouse & residential uses. The property is located at the intersection of Howell Bridge Road, Ball Ground Hwy and I-575 in Land Lot(s) 65, 66, 79, 80, 137, 138, 152 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N01, Part of Parcel 087.

Vicki Taylor gave Staff findings that this property is located at the entrance to Ball Ground from the south. This project could make a welcoming and attractive entryway for the City.

Mr. Rickman represented this case.

Neva Hansen spoke in opposition to the density.

Jerry Kinzy spoke in opposition to residential zoning in a light industrial designated area.

Leonard Clayton asked if the mapped property was all that was being rezoned as he is adjacent to this property and was concerned that his property would be rezoned.

Mr. Rickman spoke in rebuttal.

**Bill Jarrard made a motion to recommend approval with Staff sending a written recommendation to include a serious consideration to tax map parcel 111 due to its historical value. Seconded by Dick Hall. Motion passed 8-0, with Ashley Holcomb not participating as he is on the Ball Ground City Council.**

**Case #04-11-074 Robert Harris Homes, Inc.** requesting to rezone 15.2083 acres from R-40 & RTH with conditions to RTH with new conditions. If rezoned the property would be utilized for an attached cottage style townhome community. The property is located off Bells Ferry Road in Land Lot 1117 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06, Parcel(s) 133, 134, 135, 136, 136A, 137, 138, 139.

Vicki Taylor gave Staff findings that there is existing RM-16 zoning as well as additional RTH zoning adjacent to this property. The R-40 property is predominantly occupied by mobile homes. Parcels 133 and 134 were a part of a previous rezoning case that was approved site plan specific. The applicant for that case, PrideMark Homes did not purchase these parcels and their use while approved at 6.5 D.U. A., is restricted because all of parcel 134 was held as greenspace rendering it currently un-developable.

Parks Huff represented this case. In addition, he stated that \$250 per home would go to the School Board.

Vickie Twigg spoke of general concerns of expansion and growth in the County.

Tracey Pucci spoke in opposition to the increased traffic and loss of wildlife.

Janice Riordon spoke in opposition to the high density and this projects inconsistency with surrounding adjacent property.

Mr. Huff spoke in rebuttal.

Discussion ensued as to the density and possible circumvention.

Mr. Jarrard spoke to the concerns of Mrs. Twigg and explained why he would recommend approval of this rezone due to adjacent zoning.

**Bill Jarrard made a motion to recommend approval. Seconded by Marsha Lathem. Motion passed unanimously 9-0.**

**Case #04-11-075 Union Hill Road Associates, LLC** requesting to rezone 37.56 +/- acres from GC to RZL. If rezoned the property would be utilized for a residential subdivision. The applicant is also requesting a variance to disturb and replant along the eastern, southern and western property lines and to eliminate the required 35' buffer along the northern property line. The property is located on Evans Cook Road and Union Hill Road in Land Lot(s) 1008, 1009, 1010 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 14N29, Part of Parcel 139.

Vicki Taylor gave Staff findings that the Applicant has requested the elimination of the 35-foot buffer between RZL and GC to the north, however, as designed with the Parkway no buffer would be required here. Applicant has also requested permission to disturb and

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replant the buffers along the eastern, southern, and western property lines. The density of the proposed development is 3.51 D.U.A. with a minimum of 10% greenspace.

Gee Harvey represented this case.

Chairman Cutting asked for a show of hands in favor of this request. He counted two.

Chairman Cutting asked for a show of hands in opposition. He counted approximately 25.

Dan Liburdi spoke in opposition to the high density.

Debra Haynes spoke in opposition and stated she wanted the property to stay zoned GC and further stated she had spoke to some residents in Forest Creek and they felt to rezone the property to the residential requested would depreciate their property.

Paul Corley, President of PEC, spoke in rebuttal.

Bill Jarrard made comments to the fact that this intersection is most critical between Canton and Cumming.

Donnie Henriques stated he did not think RZL was appropriate for this area.

Chairman Cutting stated he did not think RZL appropriate, but thought some type of transitional zoning to be more appropriate.

Dick Hall stated there may be GC uses not good for the neighborhood such as mini-warehouses.

**Bill Jarrard made a motion to postpone until the next public hearing for the purpose of strongly suggesting that a contingency of adjacent property owners get together with the developer and come up with a compromise of residential or other possibilities for the property. Seconded by Dick Hall with the understanding that a public hearing is kept open. Motion passed unanimously 9-0.**

**Case #04-11-076 William & Elaine Bell** requesting to rezone 2.15 acres from R-80 to GC. If rezoned the property would be utilized for a landscaping/nursery business. The property is located at the corner of Cumming Hwy and Harmony Drive in Land Lot 938 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N05, Parcel 044.

Vicki Taylor gave Staff findings that the Future Land Use Map shows a classification of Industrial which is clearly inconsistent with this area. Georgia D.O.T. does have plans for intersection improvements and realignment of Harmony Drive with Union Hill Road within the next three years.

Elaine Bell represented this case.

Ashley Holcomb removed himself from this case due to a possible conflict of interest.

**Bill Jarrard made a motion to recommend approval. Seconded by Dick Hall. Motion passed 8-0, with Ashley Holcomb abstaining.**

Case #04-11-077 Mark Tate requesting to rezone 15.42 acres from R-40 to GC. If rezoned the property would be utilized for a parking area. The property is located on Kellogg Creek Road in Land Lot 1100 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N06, Part of Parcel 050.

Vicki Taylor gave Staff findings that the Future Land Use Map shows a classification of High Density Residential which would be more consistent with the current zoning in the area. There is ample GC and LI in the immediate area. Therefore, due to the Overlay, whether this property use changes from residential to commercial is not necessarily the decision to be made. It may be developed commercially now with restricted uses. The decision has more to do with the appropriate commercial use for the area.

Mark Tate represented this case along with Stacy Jackson.

Richard Twigg spoke in opposition and stated boat storage on Kellogg Creek in this area would not be appropriate.

Richard Spinks spoke in opposition and stated GC is not contiguous with any other GC in the area but is surrounded by R-40.

Jerry Lanham spoke in opposition and stated this development would not be safe on Kellogg Creek due to traffic and that commercial is not appropriate.

Phil Clark spoke in opposition due to site distance problems on Kellogg Creek.

Patrick Adler spoke in opposition that this development would decrease property values.

Mike Tate spoke in rebuttal and stated an excel and decel lane would be installed and that lighting would be soft light.

Discussion ensued as to the integrity of the Highway 92 in such as this use is not a permitted use under the regulations.

**Marsha Lathem made a motion to recommend denial. Seconded by Donnie Henriques. Motion passed unanimously 9-0.**

Old Cases

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**Case #04-08-054 Liberty Grove, LLC** requesting to rezone 196 +/- acres from AG to R-30. If rezoned the property would be utilized for a single family residential subdivision. The property is located at the intersection of Union Hill Road and Liberty Grove Road in Land Lot(s) 123, 124, 127, 163, 164, 165, 166, 196, 197, 162, 198 of the 2<sup>nd</sup> District and further described as Cherokee County Tax Map 02N10, Parcel(s) 064 and 107.

**\*Applicant withdrew this application\***

**Case #04-09-057 K B Home Atlanta, LLC** requesting to rezone 90 +/- acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located off Neese Road at Dachsund Court in Land Lot(s) 1097, 1098, 1099, 1100 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N18, Parcel(s) 61, 82, 85, 86, 116, and 117.

**\*City of Woodstock requested this case be postponed\***

**Case #04-10-071 Eric Rafalik (The Paradise Group)** requesting to rezone 0.47 acres from R-80 to NC. If rezoned the property would be utilized for commercial retail. The property is located on East Cherokee Drive in Land Lot 806 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N10, Portion of Parcel 114.

Eric Rafalik represented this case

**Ashley Holcomb made a motion to recommend approval with the reduction of buffer to 10 feet as requested. Seconded by Dick Hall. Motion passed unanimously 9-0.**

### **Other Items**

- (1) Discussion of Article 18, Section 18.3-2(e) – Procedures for applications with postponement, withdrawal or amendments.
- (2) Discussion of Article 18, Section 18.3-9 – Conduct of Hearings
- (3) Approval of September 7, 2004 and October 5, 2004 Minutes.

**Ashley Holcomb made a motion to recommend approval of minutes with the exception of adding changes to the September 7, 2004, minutes to case number 04-09-058 that Bill Jarrard made a motion to deny case number 04-09-058 FMC Partners and Mach Cochran and seconded by Dick Hall. Seconded by Marsha Lathem. Motion passed unanimously 9-0.**

**Ashley Holcomb made a motion to adjourn. Seconded by Marsha Lathem. Motion passed unanimously 9-0.**

Meeting adjourned at 11:00 p.m.