

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, June 7th, 2005
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, June 7th, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Ashley Holcomb, Bill Jarrard, Michael Oxley, Betty Callahan, Garland Stewart, and Bob Whittaker. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk. The meeting was called to order at 7:00 pm. **Vice-Chairman Jay Wallace did not attend.**

The meeting began with Mark Mahler, County Attorney, swearing in the new Planning Commission member, Richard Spinks, who is replacing Donnie Henriques.

Case #05-06-041 **Boyd & Julia Cupp** requesting to rezone 1.5 acres from R-20 to GC. They are also requesting a variance to reduce the 35' zoning buffer on the eastern property line of Lot #87 to a property will be utilized for commercial uses. The property is located on Hwy. 92 in Land Lot(s) 1196, 1197 of the 15th District and further described as Cherokee County Tax Map 15N24C, Parcel(s) 80, 81, 82.

Vicki Taylor presented the case to the Planning Commission.

Boyd Cupp represented the case. Rob Cutting asked if the research on the three points brought up at Work Session had been done. Vicki Taylor explained that it had.

Bill Jarrard said approval of this case might create spot zoning, but he wasn't necessarily against it.

Mr. Cutting asked what was on the neighboring lots. The Cupps explained that the adjacent lots were vacant and their neighbors were all in favor of their request.

Richard Spinks asked about the Public Participation Report. Vicki gave a summary of the report provided to the Planning and Zoning Department.

Discussion ensued about the elevation of surrounding lots.

Vicki Taylor said the Cupps have proffered to adhere to the permitted uses in accordance with the Highway 92 Overlay Regulations, and not the General Commercial uses.

Discussion ensued about traffic concerns.

Ashley Holcomb said that traffic issues would be handled by the State since the property was located on a state highway, so there was really no reason for them to discuss it.

Public input was closed.

Ashley made a motion to recommend approval with the condition that any new construction must meet the Hwy. 92 Overlay District Regs. Bob Whitaker seconded the motion.

Motion approved 8-0

Case #05-06-042 **Ronnie J. & Betty A. Moore** requesting to rezone 32.2321 +/- acres from R-40 to AG. If rezoned, the property would be utilized for residential/agricultural uses. The property is located on Putnam Ford Drive in Land Lot 1010 of the 15th District and further described as Cherokee County Tax Map 15N05, Parcel(s) 167 & 168.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case.

Garland Stewart asked if the adjoining property owners had problems with this case. Mr. Chambers explained that there was no opposition that he knew of.

Mr. Jarrard made a motion to recommend approval. The motion was seconded by Mr. Stewart.

Motion approved 8-0

Case #05-06-044 **Province Development Inc.** requesting to rezone 17.51 acres from AG to RTH. If rezoned, the property would be utilized for multi-family town homes. The property is located on Bells Ferry Road in Land Lot(s) 293 & 294 of the 15th District and further described as Cherokee County Tax Map 15N02, Parcel 154.

Vicki Taylor presented the case before the Planning Commission.

David Swails represented the case.

Rob Cutting asked if elevators for the development would be internal. Mr. Swails said that they would be.

Michael Oxley asked about what types of exteriors would be used, and if they would all be like the design that Mr. Swails brought with him. Mr. Swails said that there would be a mixture of materials used, such as brick, stucco, and the like.

Mr. Jarrard asked what the density of the adjoining properties were. The answer was 2.34 DUA to the north and 3.62 DUA to the west.

Katie McDonald spoke in opposition.

Carrolyn Fountain also spoke in opposition.

Mr. Swails rebutted their concerns by showing other developments they have done locally.

Mr. Oxley asked how much greenspace was in development. Mr. Swails said that about 3 acres would be greenspace. Vicki Taylor then showed the PC members where this greenspace would be on their site plan.

Mr. Jarrard asked about the Public Participation Report

Richard Spinks asked where the golf course was located. He was shown where it was by Vicki Taylor.

Mr. Cutting asked about mitigation to the School Board. Mr. Swails said they had not yet come to an agreement with the School Board. Rob told him that it wasn't a requirement, but that it is something that is normally done prior to the public hearing.

Discussion ensued about the 2 acres that Mr. Swails said would not be developed. Mr. Cutting asked what they intended for the two outparcels. Mr. Swails said it was not part of their density calculations.

Discussion ensued about buffers around the development. Mr. Holcomb said the corner of the development should be buffered.

Mr. Cutting said there were three main points that he saw with the case. The first was that the developer needed to meet with the School Board. The second was the north and west line buffers. The third was the overall density.

Mr. Stewart thought the density should be 7 DUA overall.

Mr. Stewart made a motion to recommend approval with conditions that there should be a buffer that begins in the northwest corner of the property and extending 150' in the south and east to create a triangular shaped buffer area, and overall density of 7 DUA, not exceed 123 total units, and for a 30' continuous buffer around the perimeter of the property.

Motion approved 5-3 (Mr. Oxley, Mr. Jarrard, & Ms. Callahan in opposition)

Case #05-06-046 **C& D Properties, LLC** requesting to rezone 45.3 +/- acres from AG to TND and LI. If rezoned, the property would be utilized for medium residential uses and industrial uses. The property is located on Northridge Road and L& N Railroad (City of Ball Ground) in Land Lot(s) 80, 136, 137, 138, 152 of the 3rd District and further described as Cherokee County Tax Map 03N01, Part of Parcel 087. This property lies within the city limits of Ball Ground.

Vicki Taylor presented the case to the Planning Commission.

Brian Rickman represented the case.

Mr. Jarrard made a motion to recommend approval. Ms. Callahan seconded the motion.

Motion approved 7-0 (Ashley Holcomb recused himself from voting)

Case#05-06-048 **Steve Turner** requesting to rezone .5 +/- acres from R-80 to GC. If rezoned, the property would be utilized for retail commercial. The property is located on Lower Union Hill Road in Land Lot 81 of the 2nd District and further described as Cherokee County Tax Map 02N06, Parcel 026B.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case. Mr. Chambers stated that he believed that since the front half of the property is already zoned GC, that it would be acceptable to rezone the remaining portion of the parcel.

Debra Haines spoke in opposition. She said that it would set a precedent to rezone this property to GC.

Mr. Chambers rebutted her concerns by saying that precedent was an important factor in this case because precedent had already been set by half the property being GC for the past 15 years.

Mr. Jarrard asked how much property was being rezoned, a half acre or a full acre? Vicki Taylor said that since half the property is already GC, then they would only need to rezone a half acre.

Mr. Jarrard spoke about his concerns about too much GC in those areas.

Mr. Stewart asked if the property owner would be satisfied with NC zoning. Mr. Chambers said that he couldn't speak for the property owner in that instance because he wasn't here, but that he would suggest to him to not be in favor of that.

Mr. Holcomb said that rezoning the property to NC would be a move backwards for the property owner, since half the property is already zoned GC.

Mr. Holcomb made a motion to recommend approval as GC. Mr. Stewart seconded the motion

Motion approved 7-1 (Bob Whitaker in opposition)

Case #05-01-004 **Premium Investment, Properties, LLC** requesting to rezone 28.75 +/- acres from AG, R-80, and GC with conditions to GC. If rezoned, the property would be utilized for commercial uses. The property is located at the corner of Cumming Hwy. and Hwy. 369 in Land Lot(s) 770, 771, 814, 815 of the 3rd District and further described as Cherokee County Tax Map 03N16, Parcel(s) 99, 100, 101, 102, 103, 104, 105, 120, 121.

Vicki Taylor presented the case to the Planning Commission.

Benson Chambers represented the case.

Jack Hester spoke in favor of the case.

Mary Catrineau-Ware spoke in opposition. Debra Haines also spoke in opposition. Marcus Beavers also spoke in opposition.

Mr. Chambers rebutted their statements by saying that if GC wasn't appropriate on two state highways, that he didn't know where it was appropriate. He also said that because of the homes already planned, more residential was inappropriate since it would create more traffic problems. He also stated that commercial developments do not add to traffic problems. The traffic to them is from the surrounding residential areas. There are no permanent residents in a commercial area to add to traffic congestion.

Mr. Jarrard spoke about his concerns and that he could not support this rezoning.

Mr. Cutting asked if the developer could do a DRI anyway. Bob Whitaker said the problem with DRI's is that their vision and Cherokee County's were very different.

Mr. Holcomb said that the GC would not increase traffic accidents, but to rezone the property to residential would. He said it made more sense to have this GC than some of the others they've seen.

Discussion ensued about the validity of approving that much commercial in that area.

Mr. Cutting said that one of the problems of commercial rezones is that they don't look at the land use as much as they should. He said they rely too much on the site plan, which is preliminary anyway, and not a true example of what the final site plan will look like.

Mr. Stewart said he couldn't be in favor of it either.

Mr. Jarrard made a motion to recommend denial of the request. Mr. Stewart seconded the motion

Motion to deny approved 5-3 (Ms. Callahan, Mr. Spinks, Mr. Holcombe in opposition)

Other Items

Approval of May 3rd, 2005 Minutes.

Ms. Callahan made a motion to accept the minutes. Seconded by Mr. Stewart. Motion passed 7-0.

Meeting adjourned at 9:00.