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**MINUTES FOR CHEROKEE COUNTY
MUNICIPAL PLANNING COMMISSION
PUBLIC HEARING**

Tuesday, April 1, 2003

7:00 p.m.

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, April 1, 2003, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Cecil Atchley, Bill Jarrard, Marsha Lathem, Michael Oxley, Dick Hall, Wayne Kosbe, Rob Cutting, Ashley Holcomb and Jay Wallace. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Director & Jim Cain, Principal Planner, Planning & Zoning Department. The meeting was called to order at 7:00 PM.

Tabled Cases

Case #03-04-022 Chattin Road LLC requesting to rezone 36.49 acres from R-80 to LI. If rezoned the property would be utilized for light industrial uses. The property is located on Chattin Road in Land Lot 22 of the 15th District and further described as Cherokee County Tax Map 15N19, Parcel(s) 015 and 016.

****Requested to be tabled until May 6th****

Case #03-04-023 Richard A. Duncan requesting to rezone 55.98 acres from AG to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Darnell Road in Land Lot(s) 187, 246 of the 15th District and further described as Cherokee County Tax Map 15N25, Parcel 001 and Tax Map 15N26, Parcel(s) 015, 016.

****Requested to be tabled until May 6th****

Case #03-04-024 Michael A. White requesting to rezone 2.02 acres from R-80 to OI. If rezoned the property would be utilized for office use. The property is located off Eagle Drive in Land Lot(s) 901, 972 of the 21st District and further described as Cherokee County Tax Map 15N05, Parcel 110.

****Requested to be tabled until May 6th****

Case #03-04-026 McDonald's Corporation is requesting to rezone 1.3 acres from R-40 to GC. If rezoned the property would be utilized for a McDonald's Restaurant. The property is located on Sixes Road in Land Lot 563 of the 15th District and further described as Cherokee County Tax Map 15N15, Part of Parcel 007.

****Requested to be tabled until May 6th****

Mr. Cutting made a motion to table the above listed cases. Seconded by Mr. Kosbe. Passed unanimously.

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Old Cases

Case #03-03-016 Todd Ellerbee and Brian Seagraves requesting to rezone 17.72 acres from R-40 to RZL. If rezoned the property would be utilized for a residential development. The property is located along Bells Ferry Road in Land Lot(s) 127 of the 14th District and further described as Cherokee County Tax Map 14N18A, Parcel 071.

Mr. Cain gave Staff recommendations for support of RZL with technical difficulties to be addressed.

Mr. Jarrard stated he understood this property to be adjacent to City of Canton property with a R-3 zoning. He asked Mr. Cain the comparable zoning the County has to R-3. Mr. Cain stated he had received a sheet from the City of Canton, but it was not detailed. Mr. Cain stated he could clarify as to what is comparable. He understood the staff report stated high density for the present adjacent zoning.

Chairman Holcomb stated he understood the higher density is also to the south as far as being comparable heavy density.

Mr. Cain stated he would get that information. Mr. Jarrard stated that would not help right now. Mr. Cain stated that all he knew was it was a higher density and that Vicki Taylor, Zoning Administrator had done the research on it.

Mr. Cutting asked Mr. Cain if the requested zoning was more or less dense than City of Canton. Mr. Cain replied less dense. Mr. Cain stated the purpose of the transitional zone is to have some type of a density that is less than the City but a little more than what the County presently allows. In the Comp Plan that has been defined as the transitional zone, basically the transitional density between a higher and a lower density.

Mr. Hall wanted the sewer issue clarified. He understands there is no sewer available from anybody, but at the same time with these very, very small lot sizes. He understands this is a development issue more so than a zoning issue.

Chairman Holcomb clarified the issue of sewer would be addressed when they go forward with plans. He stated it may not be readily available sewer, but in so many cases they can find a way to connect.

Benson Chambers with Bray and Johnson represented this case. He discussed that the Woodland Village Project adjacent to said property is in the City of Canton and is zoned R-3 and has 8 DUA (dwelling units per acre). He stated the density for this proposed case is 4.4 DUA. At the Public Participation Meeting, one of the issues of concern was apparently a developmental problem that existed with Woodland Village and some water runoff. The water runoff, in fact, is coming over on this applicant's property. The applicant is aware he will need to move water away from the Woodland Village side down into a lower area which will part of the common

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area or flood zone area. He stated the applicant does have a commitment from the City of Canton to provide sewer even though the project won't be inside the City limits.

No one spoke in favor or opposition.

Mr. Jarrard expressed concerns about the Engineering Departments comments regarding Bells Ferry having very poor visibility, very poor geometry and has an accident history including fatalities and wonder why we would want to add to those problems.

Chairman Holcomb stated in many instances like this Engineering obviously will be addressed in planning, but also in some cases the road may actually be improved for accessibility and are pretty extensive requirements.

Mr. Jarrard said he would like to see that done, but has nothing that says they will do it.

Chairman Holcomb stated these issues would come up in plan review.

Mr. Hall asked if they were providing reasonable buffers to larger lots that are adjacent and further down Bells Ferry away from Moore Pontiac.

Mr. Holcomb stated between the west property line and RZL is a 30-foot buffer.

Mr. Atchley made comments that he would prefer this project come back to them with all these questions answered as well as transportation and schools.

Mr. Cutting stated in light of the fact it is adjacent to the Canton City Limits, he thought is was proven the density was about 50% to what it is adjacent to. Assuming if we do not pass this it will go to the City for annexation. Mr. Cutting made a motion to approve the project as requested. Seconded by Mr. Kosbe. Motion passed 6 in favor with Mr. Jarrard and Mr. Atchley opposing.

Case #03-03-019 Greystone Partners, LLC requesting to rezone 104.73 acres from R-40 and AG to R-20. If rezoned the property would be utilized for a residential conservation subdivision. The property is located along Cox Road and Wiley Bridge Road in Land Lot(s) 1046, 1115, 1117, 1118, 1187 and 1190 of the 15th District and further described as Cherokee County Tax Map 15N30, Parcel 228, 229, 229A.

Jim Cain, Principal Planner advised that the site plan for this project was amended. The density has changed from 1.8 DUA (dwelling units per acre) down to 1.43 DUA. He stated the 1.43 DUA would be comparable to the R-30 zoning classification. He stated the Planning and Zoning Office has received approximately 80 to 100 letters of opposition to this project. Staff recommendation is for R-30 as a compromise.

Parks Huff, with Sams, Larkin & Huff represented this case. He pointed out Cox Road to the north would be the primary entrance. He stated the property abuts on the south to Mountain Park

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Road that will also be an entrance. He stated at the Public Participation Meeting they had heard their concerns and as a result of that meeting new plans were drawn to address those issues. Such as originally there were 189 units and as been reduced down to 150 units and that the lot widths had been increased to have a side entry garage as opposed to a front entry garage. He is aware of concerns to the entrance on Mountain Park Road and the applicant had tried to reduce the number of curb cuts required.

He stated to address the concerns of the County, they had a company called Street Smarts conducted an independent traffic study. This study looked at the existing traffic load and the additional traffic load created due to this project and the reported conclusion of that study was that there will be no negative impact on the road. The Street Smart study that was done was with the original 189 units and not the 150 units. He addressed the Engineering comments and noted their comments were that access is adequate, but marginally and they are willing to do anything necessary to not create further problems.

Rick Buffington, 159 Mountain Park Road, spoke in opposition to the entrance on Mountain Park Road as it is not designed for high flow traffic, safety issues and loosing the front part of his yard down the road.

Bruce Rowley spoke in opposition to the proposed R-20 zoning due to the surrounding property being primarily R-40. He stated the future land use is for low density, one home per acre. He expressed concerns over school overcrowding or school donations. He stated he had been in contacted with Fulton County Sewer and they have had no contact with this applicant. He stated a 50 foot buffer now shows on current plan and personally feels this is too short of notice for the Planning Commission to decide with good judgment about this rezoning since the revised plans were distributed just prior to this meeting. He stated the traffic is a mess on Mountain Park Road. He stated he would like to see the traffic study done by Street Smarts, was it for Cox Road or a combination of both roads.

Mark Bache, Estates of Wiley Bridge, spoke in opposition and he reiterated concerns of overcrowding of schools, property values, and traffic issues. He stated he believes that R-40 zoning should remain the same.

Joyce Ayers, Mayor for City of Mountain Park spoke in opposition. She addressed the Conservation Subdivision as it refers to the flood plain below Lake Cheerful. It is not useable and there is 32 acres of flood plain that allows a conservation subdivision of this density. She objected to the 50-foot buffer not being shown anywhere. She objected to not knowing the plans had changed and not being aware of this. She objected to the R-30 in favor of the R-40. She spoke of traffic concerns on Mountain Park Road and that it cannot be widened. She spoke of the damn at Lake Cheerful as being a Category 2 damn. If the State categorizes it as a Category 1 because of this development, and the State will have to determine that, she wanted some type of assurances that the developer will undergo that expense or the County, because Mountain Park cannot afford to upgrade the damn to a Category 1.

Danny Taylor spoke in opposition to the density as being misleading due to the open space that is unusable.

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Blake Whitly spoke in opposition due to Cox Road traffic being unbearable.

Roy Stubbs, spoke as President for the Wiley Bridge Homeowners Association, in opposition due to lowering of property values.

John Wrigley, Jr., spoke in opposition due to traffic and accidents on Cox Road.

Don Strickland spoke, as an adjacent property owner, opposing the whole project.

Doyle Oran spoke in opposition and stated all the reasons given were valid reasons, but the Staff itself said it does not meet the Planning and Zoning requirements. He suggested to the Commission that there should be some reason for changing the zoning other than making a more lucrative deal for the developer.

Parks Huff spoke in rebuttal. He stated that they had met with the school board and they will make the contribution, but it has not been formalized. He addressed the Mayor of Mountain Parks comments and apparently there is a boundary line dispute at the damn and that is not anything that would not be resolved in the development phase of the project. He stated, if necessary, they would enter into a boundary line agreement. He stated Cox Road would be the main entrance and Mountain Park would not be a convenient cut through because it is a smaller subdivision type road.

Mr. Jarrard made a motion to deny for the following reasons it does not comply with the Future Land Use Plan and the Cherokee County Water & Sewer Authority states they do not believe they will be able to access the Fulton County Sewer. The access roads to the site are too narrow with too many accident problems. He added Mr. Sims with the Board of Education has been talked to but there is no indication that almost a million dollars per year annual school problems would be addressed. He stated further the majority of the community is against it. Seconded by Mr. Wallace. Mr. Wallace, Mr. Jarrard, Mr. Atchley opposed to approval and four to approve the project.

Chairman Holcomb stated the vote could open the board to another motion or further discussion.

Mr. Hall stated he had some of Mr. Jarrard's concerns and stated further concerns of the road and that he has not been privy to the Street Smart study. He stated the part that you can't build houses on is still part of the overall equation. Further is stated there is good and bad to the overall equation, but wonders if there is something other to be considered to make this work.

Chairman Holcomb asked the applicant if there was any information as to the water and sewer. Mr. Huff answered that the water would be supplied by the Cherokee County Water & Sewer Authority with an agreement with Fulton County for the sewer going back 30 years.

Mr. Cutting asked for clarification as to damn concerns. Mr. Huff stated it seems that the damn is partially on the applicant's property. Mr. Cutting asked why that would be a concern to the Mayor of Mountain Park.

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Chairman Holcomb directed that question to the Mayor and Mr. Huff concerning the damn.

Mr. Cutting asked if there is a runoff impact to the damn? Mayor Ayers stated her concern was that the State designates the damn structure by life down stream and her concern was this project if approved having an affect of upgrading the damn...that the damn may break and flood.

Chairman Holcomb explained in many cases that would be addressed because the Development Regulations requires flood studies of great extent for the safety of future homeowners and all those people affected down stream.

Mr. Huff explained the applicant had reduced the number of drive cuts onto Mountain Park Road. There would be 4 driveway cuts on this road.

Mr. Oxley stated he thought R-40 is an appropriate density because there would still be other issues to resolve in that zoning.

Mr. Kosbe asked why the 50-foot buffer is not shown. Mr. Huff stated it is shown on the revised site plan. Mr. Kosbe stated he thought R-40 was an appropriate zoning.

Mr. Kosbe made a motion to approve the entire project as R-40. Mr. Oxley seconded. Passed by 5 votes with Mr. Cutting, Ms. Lathem and Mr. Hall opposing.

New Cases

Case #03-04-021 Ultima Holdings, LLC requesting to rezone 36.1864 acres from R-40 to R-20. If rezoned the property would be utilized for a residential subdivision. The property is located on Trickum Road in Land Lot 912 of the 15th District and further described as Cherokee County Tax Map 15N23, Parcel 042.

Jim Cain, Principal Planner gave Staff recommendations for approval.

Parks Huff represented this case. He stated at the Public Participation Meeting comments from the Farmington S/D to the east were concerned with the trees along the boundary line. He stated that one of the things they have looked into is have an undisturbed buffer along that boundary line. He could agree to a 30 foot undisturbed buffer if that will help their concerns. He stated they have met with the school board and have not finalized that plan, but they are in negotiation to address these concerns and those plans will be finalized before the Board of Commissioner's meeting.

Mr. Cutting pointed out the zoning map shows 25.4 acres, but the analysis comments show 36 acres, which is it?

Chairman Holcomb stated the County mapping is an estimate, but the applicant will have a registered survey, so 36 acres.

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No one spoke in favor.

Deborah Rodgers spoke in opposition. She lives on Barnes Road and her concerns are traffic as being very congested, fire and sheriff's abilities are being tested, school overcrowding and concerns for the wildlife in the area. She stated people are moving out of Cherokee County now because of all the overcrowding.

Larry Mortimer who lives on Farmington Drive spoke in opposition due to septic systems. He stated there was no sewer in the area. He was concerned of land saturation. Since the new school and BP station were built, they are getting water runoff now. He stated there were no plans he knew of to put septic in the development. He stated concerns of traffic congestion and the original plan called for 40 homes and the new plan calls for 61 homes.

Ed Smith had a question concerning his small acreage track at the rear property line of this proposed development and the developers mentioned a 30 foot undisturbed buffer they are considering. His question was as you sale this property to individual homeowners are they going to be able to come in if their back yard comes up to his can they go into that buffer and cut the trees down? Chairman Holcomb answered no.

Mr. Huff's rebuttal addressed the sewer and septic tank concerns; they will be accessing sewer. He stated he had a letter from the Sewer Department saying that sewer is available and has capacity. He stated he would agree to the 30-foot undisturbed buffer at Mr. Smith's property. He stated this zoning request is consistent with the surrounding land use.

Chairman Holcomb explained that water and sewer in their comments stated there is a 24-gravity sewer main available approximately 3400 feet away from the southwest corner of the subject property. He stated it was Cherokee County Water and Sewer Authority.

Mr. Jarrard made a motion for the application to be approved. Seconded by Ms. Lathem. Mr. Cutting made a friendly amendment to add the condition of a 30-foot undisturbed buffer along the whole eastern and southern property line. This was acceptable. Motion passed unanimously.

Case #03-04-025 Woodall Construction Company, Inc. requesting to rezone 18.99 acres from AG to R-60. If rezoned the property would be utilized for a residential subdivision. The property is located on Darby Road in Land Lot 067 of the 14th District and further described as Cherokee County Tax Map 14N08, Parcel 013.

Jim Cain, Principal Planner gave Staff recommendations for approval.

Benson Chambers, Bray & Johnson, represented this case.

No one spoke in favor or opposition.

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Mr. Cutting asked how many lots were in the adjacent development. Mr. Chambers replied 109 lots. He stated the same applicant would be doing both projects. Discussion ensued as to Cable Road.

Mr. Hall made a motion to approve as requested. Seconded by Mr. Atchley. Passed unanimously.

Other Agenda Items

- Approval of March 4, 2003 Minutes

Mr. Cutting made a motion to approve the minutes. Seconded by Mr. Hall. Passed unanimously.

Meeting adjourned at 8:30 p.m.