

Approved 7/1/2003

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, June 3, 2003
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, June 3, 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, Rob Cutting, Ashley Holcomb and Jay Wallace. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator. The meeting was called to order at 7:30 PM.

Old 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.

Vicki Taylor gave staff recommendation that staff cannot support this project due to the property being surrounded by R-80 and that it is not in compliance with the Future Lane Use Map.

Jimmy Bobo represented this case. He stated they had the property for two years without any offers for residential use. He stated this is because of the entrance to the property having a jail, shooting range and other County uses.

No one spoke in favor.

Ursula Cox spoke in opposition due to adjacent property owners opposing this rezone. She stated this case is a poster child for the Steinberg Act criteria. She stated it is not in compliance with the Future Land Use Map. She stated this is spot zoning and they had worked hard in that area with input to the Future Land Use Map to keep this from happening. She stated the property the jail came from came from her family's land. She stated the reason the Gateway Industrial Park is in place is because it was a hardship case and there wasn't greenspace to buy it out. She stated the property is not in the I-575 Technology Ridge Corridor. She stated developers assume the County will continue to expand their operations on Chattin Drive, but the County has not approached any private landowners to expand and the adjacent owners do not want this to happen anyway. She stated the roads are not suitable for industrial traffic, the land is a plateau bounded by streams and the radical reconfiguration of the property for development would affect streams and waterways with water contamination, that the streams have endangered

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aquatic species documented by UGA Ecology Department, concerns for the green space area, devaluation of their property, there is no control over chemicals or uses since the applicant has asked for all uses under Light Industrial and that is very broad, it is also the site of the old Owl Hollow Gold Mine and it contains pits and tunnels and that this would be spot zoning at its' worst.

Mr. Bobo spoke in rebuttal. He stated there are no creeks on the property except for one corner. He stated little by little Cherokee County has expanded their facilities on Chattin Drive. He stated this rezone would bring jobs and more revenue for the County as LI. He stated revenue generated for the County for residential is 63 cents according to the County's report and for light industrial/commercial industrial for every dollar you spend you get \$8.50. He stated the County now is in a 2.5 million dollar contract to improve the road and installed a lift station to serve the jail. He questioned if the property is in the I-575 overlay. He stated to even break even he would have to build \$663,000 homes in order to justify the cost and he stated he could not justify this price given the entrance he is given going by the jail. He restated they had tried for two years to sell it for residential purposes with no luck. He stated they had tried to sell the property for \$5 or \$6,000 dollars per acre lower than the market with no luck. He stated he did not want to go in there and put inexpensive rental units and he was looking for another way with light industrial.

Mr. Cutting asked if he had any committed buyers. Mr. Bobo stated he had two interested parties, one is a present tenant of Gateway and the other a wholesale nursery both with letters of intent only.

Mr. Jarrard made a motion to deny. Mr. Atchley seconded.

Mr. Hall stated he believed the Steinberg Act does not apply to Cherokee County due to not meeting the population criteria. Mr. Mahler agreed. He stated it was not appropriate for either side to state the Steinberg Act, as a criteria, for them to look at.

Mr. Cutting stated he is a supporter of the light industrial developments in the County, but felt this property is too removed and isolated in its location for the Light Industrial classification.

Mr. Bobo stated no one knows what the future is for that property within the next 10 years. Mr. Cutting stated it may just be a timing issue. Mr. Bobo stated he owns the property.

Motion to deny 6 to 1 with Mr. Hall opposing.

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New Cases

Case #03-06-032 Four Seasons Development Corporation requesting to rezone 38.52 acres from AG & R-20 to R-20. If rezoned the property would be utilized for a residential subdivision. The property is located on Ranchwood Trail in Land Lot(s) 530, 531, 551 of the 15th District and further described as Cherokee County Tax Map 15N21, Parcel(s) 120A, 120B, 121, 122A.

Vicki Taylor gave staff recommendation for approval.

Ralph Walker represented this case and went over concerns of adjacent property owners discussed at the public participation meeting such as no access from Billings Farm Lane, a buffer or a fence along Billings Farm Lane, minimum 2,000 sq.ft. for homes, protective covenants had been drafted, no vinyl siding, \$250,000 minimum home cost, planting of 20 foot Leland Cypress along the Walnut Creek Subdivision border, water drainage issues were discussed and further discussion of subdividing the lots into 5 acre tracts and the land being purchased by Billings Farm residents.

No one spoke in favor.

Michael Lepley, 1061 Walnut Creek Drive, spoke in opposition because homes in the nearby subdivisions still had homes for sale and did not feel this subdivision had demand. He asked the Planning Commission to approve a lower density or asked them to deny.

Martin Keller spoke in opposition representing residents along Billings Farm Lane. He stated their homes are 5 or 6-acre tracts of land. In stated the application was misleading listing R-20 zoning surrounding this property, but actually the larger portion is surrounded by AG. He discussed the telecommunication tower on the site plan being on 2 of the lots with no safe fall zone. He expressed concerns of water run off for the number of lots draining into the detention pond and eventually a private lake. He stated developers of existing subdivisions in the area are offering incentives to buy because the lots are not selling now so he felt there is no demand. He spoke of school overcrowding and traffic concerns. They tried to come up with \$1.4 million to buy out Four Seasons' contract, but they fell short. He stated he would like Mr. Ousley to honor his previous agreement to let the adjacent owners purchase the property with a first option to buy.

Tony Moore spoke of concerns about sedimentation he is already getting from Bradshaw Park and Mr. Ousley's property due to the way his lot is situated.

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Mr. Walker spoke in rebuttal.

Mr. Jarrard stated the zoning in the surrounding area is R-20, R-30, R-40 and AG which he felt is very unusual. He stated he would like to see R-60 as a transition between zoning.

Mr. Oxley stated he thought that R-20 zoning could infringe economically on the lots containing 5 acres. He stated he could support an estate-like neighborhood.

Ms. Lathem asked Mr. Millholland had the property owners met to try to purchase the property. Mr. Millholland stated they had not come to an agreement. Mr. Hall asked if time would make any difference. Chairman Holcomb stated the County really should not be involved in brokering. Ms. Lathem made a motion to table to give the parties involved time to come to an agreement. Chairman Holcomb said he did not want to set a precedence to delay applications is to enter into negotiations for a piece of property. Motion failed for lack of second.

Mr. Hall made a motion to approve as R-40 Conservation Subdivision. Mr. Cutting stated he did not think they could designate conservation subdivision. Chairman Holcomb stated it was not an appropriate zoning classification as conservation subdivision, but only as R-40. Mr. Mahler agreed. Mr. Hall amended his motion to R-40 with a maximum 1.089 density. Motion failed.

Mr. Jarrard made a motion to approve as R-40 with lots abutting AG or adjacent to Ranchwood Trail or Billings Farm Lane meeting the R-80 standards and no driveway entering onto Billings Farm Lane. Ms. Lathem seconded. Motion passed with Mr. Hall and Mr. Cutting opposing.

Case #03-06-033 AJNJ, LLC requesting to rezone 5.5 +/- acres from R-40 to GC. If rezoned the property would be utilized for a commercial retail center. The property is located on Hwy 140 in Land Lot 45 of the 15th District and further described as Cherokee County Tax map 15N19, Parcel 204A.

Vicki Taylor gave staff recommendation for approval.

Ralph Walker represented this case. He stated that DOT plans between July 1 of this coming year and June 30 of next year is to put a center turn lane on Hwy 140 and Univeter Road. He stated he will work with Engineering to make sure that the driveways

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meets proper Engineering specks. He stated sewer is approximately 8,800 feet away and he would wait until the sewer is developed and the road is upgraded before doing any building. He stated the buildings would be all brick and a green tin roof type.

No one spoke in favor or opposition.

Ms. Taylor said she had spoke with Christine DelPozzo, County Arborist regarding buffer enhancements, but there was just so much they would be able to do because of power lines. She stated she did not have a problem with the third party driveway pre-existing in the buffer.

Mr. Hall made a motion to approve with Commissioner Johnston's Proposed Replacement Standards for Zonings Conditioned on Free Home / Lathemtown Standards and noted that a driveway exists in the buffer. Those standards are 1) Building front facades, and other sides facing streets, must be finished in a quality material other than metal or concrete block. Other sides must at least be painted to blend, 2) Roofs should be pitched, except where the building is of a quality architectural style that is incompatible with a pitched roof. A false pitched roof may be acceptable in cases where a true pitched roof is not practical, 3) Signs must be monument style, and not internally lit, 4) Outdoor storage and dumpsters must be screened, 5) Development must comply with all other county ordinances and standards. Seconded by Mr. Cutting. Motion passed unanimously.

Case #03-06-034 PSP Development, LLC requesting to rezone 7.77 acres from R-40 to R-20. If rezoned the property would be utilized for a residential subdivision. The property is located on Old Dawsonville Road in Land Lot 337 of the 4th District and further described as Cherokee County Tax Map 04N04, Parcel 033.

Chairman Holcomb noted this case is located in the City Limits of Ball Ground and that after the Planning Commission makes a recommendation, the case will then go directly to the City Council of Ball Ground for a final decision. The case will not go before the Cherokee County Board of Commissioners.

Vicki Taylor gave staff recommendations for denial of R-20 and a compromise of R-30.

Anne Perrett represented this case. She stated with sewer coming into the City of Ball Ground now, there have been limited new developments in the past. She stated there would be one street coming into the community which would be paved with sidewalks, curb and gutters, street lights and underground utilities. She stated there would be

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covenants of a minimum of 1,600 sq.ft. homes. She stated there would be architectural controls. She stated the price of the homes would be \$170,000 to \$200,000. She stated a common area space would be at the back of the property giving a buffer to that landowner. This common area would be given over to the residents to develop as a park or just to leave it natural. She stated in the area there are various lot sizes the homes are on. She stated that during the public participation meeting there were concerns of adjacent property owners of additional traffic onto Old Dawsonville Road.

No one spoke in favor.

Gordon Norman, 295 Old Dawsonville Road, spoke in opposition due to larger acreage of surrounding property of 2 to 40 acre tracts. He spoke of the value of the homes in the surrounding area being valued higher than what Mrs. Perrett is proposing. He spoke of traffic concerns on Old Dawsonville Road because he has a blind driveway.

Kenneth Parker, 250 Roy Hames Drive, spoke in opposition due to traffic concerns on Old Dawsonville Road, it being a narrow road. He stated in his subdivision the lots are 2 to 4 acres. He stated the roads are narrow. He stated when the County allowed Calusa Lakes to be built, they widened the road to a foot on each side, but when they got to the City Limits, the road was left as is. He stated he would like to see the property to remain at R-40.

B. J. Weeks, 325 Roy Hames Drive, spoke in opposition due to traffic with children playing in the area from the trailer park down the road. He spoke of concerns of water drainage and runoff onto the road.

Tom Kelly, 261 Roy Hames Drive, spoke in opposition and wants property to stay R-40 and spoke of concerns over traffic and overcrowding of schools.

Mrs. Perrett spoke in rebuttal.

Mr. Hall made a motion to approve as R-30 with a maximum yield of 11 lots. Mr. Atchley seconded. Mr. Cutting asked for an amendment of a minimum of 1,800 sq.ft. for the homes. Mr. Atchley agreed. Motion passed with Mr. Wallace opposing.

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Other Agenda Items

Approval of May 6, 2003 Minutes.

Mr. Cutting made a motion to approve the May 6, 2003 minutes with the following correction to condition number 3 in case number 03-05-027 Weatherby & Associates to read:

- 3) Provide fencing along east PUD, with like height and not less than six feet where fencing absent, and provide fencing along GC and R-20 properties.**

Seconded by Mr. Jarrard. Minutes approved.

Meeting adjourned at 9:10 pm.