

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, July 1, 2003
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, July 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, Rob Cutting, Jay Wallace and Chairman Ashley Holcomb. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, and Vicki Taylor, Zoning Administrator. The meeting was called to order at 7:00 pm.

New Cases

Case #03-07-035 HI-92-II requesting to rezone 37.1 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Priest Road in Land Lot(s) 1177, 1178 of the 21st District and further described as Cherokee County Tax Map 21N06, Part of Parcel 270, Parcel(s) 270A and 271.

Vicki Taylor, Zoning Administrator stated the plat submitted did not meet minimum requirements as far as buffers and adjacent zoning of properties. She also stated the Planning & Zoning Department received notice that a public participation meeting due by June 16, 2003 had been held on June 18, 2003, but there was no supporting documentation that this occurred. Ms. Taylor gave staff recommendations and noted there are three development issues to be resolved, the required public sewer, the required 8-inch water line and the portion of the project area lying within the Highway 92 Overlay District. She stated application to remove this area from the District must be made to the Zoning Board of Appeals. She further stated this proposed rezone is consistent with the Future Land Use Map, however, Staff would suggest if this rezone is recommended for approval, consideration of the adjacent R-40 and R-20 zoning be given with enhancement to the required 30 foot buffers.

Michael Bray, Esq. of Bray and Johnson represented this case. He stated as far as he understood there were 5 attendants at the public participation meeting. He stated that letters were put in the household mailboxes instead of mailing them. He stated he felt the spirit of the notification process was done. He

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stated the intent of the applicant is to enhance the buffer from 30 feet to 60 feet. He stated all staff concerns and requirements will be met.

No one spoke in favor or opposition.

Mr. Jarrard asked what constitutes a high density zoning classification. Ms. Taylor stated three to four dwelling units per acre. She answered R-20 would be considered medium density at Mr. Jarrard's question to that zoning classification. Mr. Jarrard asked if knowing the applicant would have another rezone in August and September adjacent to this property, should the rezone stand on its own or as a total overall project. Mr. Mahler stated each rezone stands on its own merit. Mr. Jarrard stated that during the work session that the consensus among the Planning Commission is that the public participation did not meet the County Ordinances, but that we would make our recommendations, but to point out to the Commissioners the issue of the public participation plan. Chairman Holcomb stated the lack of opposition is of consideration, but that the Planning Commission did want to make clear there is a serious problem that the public participation was not met in accordance to the Ordinance.

Mr. Dick Hall made a motion to approve with the condition of 111 lots maximum and a 60 foot buffer contiguous to R-20 and R-40 zoning classifications and recommend that Mr. Bray's client and associate be admonished to have a more polished presentation in the future. He stated it is not fair to Staff, not fair to the Commission and not fair to the the people of Cherokee County for people to come before the Commission without having done their homework completely.

Mr. Rob Cutting seconded and made an amendment that the applicant have a public participation meeting before they go before the Board of Commissioners and one properly done.

Mr. Bray stated he stood admonished for his client. He stated he thought the Ordinance was not clear that it had to be by certified mail. Mr. Cutting stated it was by a certificate of delivery. Mr. Bray stated if the applicant certified that he took it and put it in the mailboxes of the adjacent owners that would be certifying delivery.

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Mr. Cutting stated he would withdraw his amendment because the last thing the Planning Commission would want to do is make the Board of Commissioners' meeting a public hearing for their cases.

Mr. Jarrard stated he knew he was in the minority and he had ridden the area and he felt the Commission is put in the position of compromising zoning because of bad zoning decisions in the past. He stated this was not the case here but what he observed there was no development in the area. He stated he did not think high density was appropriate for this area. He stated R-40 was more appropriate.

Mr. Hall stated he too had ridden the area and this is an area where the Comprehensive Land Use Plan and the Future Lane Use Map makes sense. He stated at his recent meeting at the Atlanta Regional Commission (ARC) this is exactly the type of development that is in demand not only in people of he and Mr. Jarrard's age but also people as young as the Chairman or younger. He stated he thought this project would be a revitalization of this area.

Motion passed 6 to 1 with Mr. Jarrard in opposition.

Other Agenda Items

Approval of June 3, 2003 Minutes.

Mr. Dick Hall made a motion to approve the minutes. Seconded by Mr. Cutting. Motion passed unanimously.

Meeting adjourned at 7:30 pm.