

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

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, October 7, 2003, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Bill Jarrard, Michael Oxley, Rob Cutting, Dick Hall, Wayne Kosbe, Cecil Atchley, Jay Wallace and Chairman Ashley Holcomb. 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.

Vicki Taylor advised Chairman Holcomb that **Attic Self-Storage Case Number 03-09-043** was withdrawn.

New Cases

Case #03-10-048 KB Home Atlanta, LLC requesting to rezone 154 acres from AG to R-20. If rezoned the property would be utilized for a residential conservation subdivision. The property is located on Cumming Hwy in land lot(s) 802, 803, 854, 855 & 874 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 019.

Applicant has postponed this case until next public hearing

Case #03-10-049 The Landon Group, Inc. requesting to rezone 59.7 acres from R-80 to R-20. If rezoned the property would be utilized for a residential conservation subdivision. The property is located on East Cherokee Drive in land lots 606, 607, 618, 619, 678 & 679 of the 15th District and further described as Cherokee County Tax Map 15N27, Parcel(s) 003 & 005.

Vicki Taylor gave Staff findings. She stated the density of this proposed development is 1.7 DUA, that the development across the street, Bradshaw Farm, was developed at approximately 1.28 DUA within the residential area, that the minimum lot size was set at 25,000 square feet as a condition of the 1993 rezone. She stated if this property were developed as a regular R-20 with 20,000 square foot lots, it would be more consistent with Bradshaw Farms; however, the benefit of green space would be lost.

Garvis Sams represented this case. He asked that those in favor of this rezone to stand and be recognized. He stated these were contiguous property owners. He reviewed the site plans, density and the proposed development with its relationship to the Bradshaw Farms Subdivision across the street. He stated there were 17.9 acres of open space for the conservation subdivision that constitutes 30% of open space for this development. He stated they did have a Public Participation Meeting and have had dialogue with adjacent landowners in groups on 6 separate occasions. He referred to his letter of September 8, 2003 to agreeable stipulations by the Landon Group as a result of these meetings in regards to landscaping, berms and buffers. He stated the Landon Group had agreed to a total of 104 homes at a density of 1.74 DUA. He stated they had agreed to architectural standards for the homes and a mandatory Home Owners Association (HOA). He stated they had been in touch with the Board of Education, Russ Sims, for voluntary contributions for the schools.

Jim Hubbard spoke in objection to the density and asked for a R-60 or R-40 conservation subdivision. He stated the project is one of the best conservation subdivisions he has seen but reiterated the density is too high.

Jayne Stephenson spoke in favor of this development. She stated the developers had met with the adjacent owners and had agreed to buffers and berms that would shield the surrounding landowners. She stated that East Cherokee Drive would be developed and she thought this development to keep others from coming in and clear cutting all the trees.

Sue Morris, 2376 E. Cherokee Drive, said she did not sign any agreement with the Landon Group and she objected to the density and suggested the R-60 zoning classification. She spoke of traffic concerns.

Dennis Jane, President of Bradshaw Farms HOA, representing 621 homes spoke in opposition due to density and suggested a R-40 zoning classification.

Bill Jarrard stated he agreed with Dennis Jane, President of Bradshaw Farm HOA.

Mr. Jarrard made a motion that the request for R-20 Conservation Subdivision be denied. Seconded by Jay Wallace.

Dick Hall spoke in favor of the project due to the buffers and he did not think the project to be a high-density project. He stated a straight R-20 would ruin the adjacent properties because the development would be right up against where they are. He stated there would be bigger lots, but this concept would be better.

Rob Cutting asked if this motion fails could another motion be reintroduced. Mr. Cutting seconded Mr. Hall's opinion that the Board should try to make a

recommendation that is more suitable to the immediate area to the Board of Commissioners.

Mr. Hall asked if Mr. Jarrard would consider withdrawing his motion to deny and allow another motion. Mr. Jarrard stated it would be appropriate to consider another motion, but his motion to deny still stands.

Chairman Holcomb asked for all in favor of this application being denied, to signify by raising their right hand. 3 voted in favor of this motion to deny. 5 voted in favor of not denying this application. Motion failed.

Mr. Hall made a motion to approve the rezoning for R-40 with the understanding that this is a conservation subdivision with stipulations as they had previously submitted in the letter of September 8, 2003, modified as necessary to the number of lots approved.

Mr. Cutting asked Russ Sims of the Board of Education would he for the record like a dollar amount assigned to the lots. Mr. Sams stated the amount would be \$762.00 per house as the certificate of occupancy is issued. Mr. Cutting stated the Board could not make it a condition of rezone, but certainly it could be entered into the record.

Mr. Hall stated it should be conditioned that the buffers remain as stipulated in the plan and that the amount of land used as lots be reconfigured to the R-40 configuration.

Chairman Holcomb stated then that the common area remains the same. Mr. Hausfeld of the Landon Group said those commitments that have been made to the adjacent property owners would stay in place as their commitment to them.

Chairman Holcomb stated a motion was on the table to approve an R-40 Conservation Subdivision with the common area as shown on the site plan to remain the same and all other configuration can change. Seconded by Mr. Cutting. Motion passed unanimously.

Case #03-10-050 William G. Adkins requesting to rezone 12.129 acres from AG to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Lower Union Hill Road in land lot 150 of the 2nd District and further described as Cherokee County Tax Map 02N01, Parcel(s) 129 & 129A.

Vicki Taylor gave Staff findings that while AG surrounds the property, this property is no longer suitable for AG use and there are other R-40 developments

nearby. She stated the allowable density for R-40 is 1.089 DUA, yet the density of this proposed development is 0.82 DUA, with lots from 40,000 square feet to 48,876 square feet or 1.12 acres.

William Adkins represented this case. He stated that the Public Participation Meeting was held with no resistance, as this is an extension of the White Oaks Subdivision, called the Country Estates at White Oaks.

No one spoke in favor.

Patti Lyons stated she did not oppose this development and she said she was probably lucky that Mr. Adkins would be developing it, but expressed concerns of what the buffers would be and if her tree roots could possibly be damaged and her trees die and her concern of having no privacy on one whole side of her property. She said she wanted to make sure her property is protected and wanted it said for the record or if it was appropriate to ask that Leland Cypress be planted.

Chairman Holcomb stated then that her primary concern is of the buffers.

William Adkins stated there is a 15-foot undisturbed zoning buffer between R-40 and AG property.

Mr. Jarrard made a motion to approve. Rob Cutting seconded with an amendment to increase the buffer an additional 5 feet to allow for a 20-foot buffer. Motion passed unanimously.

Case #03-10-051 HI 92 II, LLC requesting to rezone 27 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Woodstock Road in land lot(s) 1197 & 1198 of the 21st District and further described as Cherokee County Tax Map 21N12, Parcel(s) 014.

Applicant has withdrawn this rezone application

Case #03-10-052 Estates Development Group at Brooke Park, LLC requesting to rezone 44.77 acres from AG to R-40. If rezoned the property would be utilized for a residential conservation subdivision. The property is located off Cumming Hwy in land lot(s) 276 & 301 of the 14th District and further described as Cherokee County Tax Map 14N29, Parcel(s) 047A.

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Chairman Holcomb reclude himself from participating in this case because of a conflict of interest. He then turned the Chair over to Rob Cutting and he asked if there were any others to abstain. Jay Wallace also abstained for conflict of interest.

Vicki Taylor gave Staff findings that the subject property is adjacent to Brooke Park subdivision and is to be an additional phase to that project. She stated that the property is no longer appropriate for agricultural use and R-40 zoning is established in this area.

Benson Chambers represented this case. He stated the property would be developed as a Conservation Subdivision with 30% open space and an overall density of 0.68 DUA.

No one spoke in favor or opposition.

Dick Hall made a motion to approve. Motion was seconded by Michael Oxley. Motion passes 5-0 with Chairman Holcomb and Jay Wallace abstaining.

Case #03-10-053 Northside Residential Developments, LLC requesting to rezone 26.78 +/- acres from R-80 to LI. If rezoned the property would be utilized for light industrial uses. The property is located on Ingram Lane and South Sharp Mountain Church Lane is land lot(s) 212, 213, 220 & 221 of the 3rd District and further described as Cherokee County Tax Map 03N02, Parcel 027.

Vicki Taylor gave Staff findings that the Future Land Use Map shows this area as Industrial and within the High Technology Mixed Use Corridor of Interstate 575. She stated there are development issues to be resolved, the petition for rezone is in compliance with the FLUM and is targeted development for the Corridor.

Bryan Rickman represented this case.

No one spoke in favor or opposition.

Dick Hall made a motion to approve with the condition there will be no public access from Ingram Lane. Seconded by Bill Jarrard. Motion passed unanimously.

Other Agenda Items

Approval of September 2, 2003 Minutes.

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Bill Jarrard made a motion to accept the minutes. Seconded by Dick Hall. Motion passed unanimously.

Mr. Jarrard made a motion to adjourn. Seconded by Mr. Cutting. Motion passed unanimously.

Meeting adjourned at 8:05 pm