

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, November 4, 2003
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, November 4, 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, Marsha Lathem, Dick Hall, Wayne Kosbe, Cecil Atchley, Jay Wallace and Chairman Ashley Holcomb. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. The meeting was called to order at 7:08 pm.

Old Cases

Case # 03-10-048 KB Home Atlanta, LLC is requesting to rezone 154 acres from AG to R-20. If rezoned the property would be utilized for a conservation subdivision. The property is located $\frac{3}{4}$ of a mile west of the intersection of East Cherokee Drive and Highway 20 in Land Lot(s) 802, 803, 854, 855, 874 in the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 19.

Requested to be withdrawn

New Cases

Case # 03-11-054 Georgia Gunite & Pool Co. is requesting to rezone 5.29 acres from R-40 to LI. If rezoned the property would be utilized for a pool company with equipment. The property is located at 2342 Bascomb Carmel Road in Land Lot(s) 973 in the 21st District and further described as Cherokee County Tax Map 15N05, Parcel(s) 069 & 075.

Requested to be postponed until next month

Rob Cutting made the motion to postpone. Jay Wallace seconded. Motion passed unanimously 8-0.

Case #03-11-055 Centennial Lakes Partners, LLC is requesting to rezone 165.4 acres from NC & R-40 to RTH & RZL. If rezoned the property would be utilized for a residential community. The property is located on Woodstock Road on the right as you enter Cherokee County from Cobb County in Land Lot(s)

1199, 1200, 1201, 248, 1249, 1250, 1271, 2173 in the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 221.

Requested to be postponed until next month

Rob Cutting made the motion to postpone. Jay Wallace seconded. Motion passed unanimously 8-0.

Case #03-11-056 Mitchell & Donna Wheeler are requesting to rezone 1.687 acres from R-80 to GC. If rezoned the property would be utilized for office retail. The property is located on Cumming Highway in Land Lot(s) 890 of the 3rd District and further described as Cherokee County Tax Map 03N22, Parcel 29A.

Vicki Taylor gave Staff findings that the subject property is in an area of transition and commercial use. She stated because of this and the heavy traffic volumes, the property is no longer suitable as zoned. She stated the proposed use has limited impact on utilities and no impact to the school system. She stated a site plan showing a commercial driveway and parking would be required.

Benson Chambers represented this case.

No one spoke in favor or opposition.

Bill Jarrard made a motion to approve with the condition that the development must meet development requirements. Seconded by Marsha Lathem. Motion passed unanimously 8-0.

Case #03-11-057 ISI Commercial, LLC is requesting to rezone 177+/- acres from AG & R-80 to RZL. If rezoned the property would be utilized for residential/detached dwellings (homes). The property is located approximately .25 miles east of the East Cherokee Drive & Hwy. 20 intersections in Land Lot(s) 849, 850, 878, 879, 880, and 881 of the 3rd District and further described as Cherokee County Tax Map 03N10, part of parcels 128, 130, and 189; tax map 03N11, parcels 193, 194, 196, and tax map 03N17, parcel 024.

Requested to be postponed until next month

Rob Cutting made the motion to postpone. Jay Wallace seconded. Motion passed unanimously 8-0.

Case #03-11-058 Ralph Davis is requesting to rezone 12.5 acres from R-40 to RM-16. If rezoned the property would be utilized for an apartment complex. The property is located approximately 1,000 ft. east of Bells Ferry Road on Red Barn Road in Land Lot(s) 1116 & 1117 of the 21st District and further described as Cherokee County Tax Map 15N06, Parcel(s) 141 & 143.

Vicki Taylor gave Staff findings that the subject property is currently in use as a weekly trailer park with 82 units. She stated there are adjacent apartments and townhouses with more slated for the area. She stated the proposed use is consistent with the area and stated there are development concerns to be addressed at the time of technical review.

Ralph Davis represented this case.

No one spoke in favor or opposition.

Rob Cutting made a motion to approve with two conditions: 1) as site plan specific and 2) planting of Leland Cypress trees along the eastern property line. Seconded by Wayne Kosbe. Motion passed unanimously 8-0.

Case #03-11-059 Howell Bridge, LLC is requesting to rezone 2.6 acres from AG to GC. If rezoned the property would be utilized for a business office & equipment storage. The property is located on Howell Bridge Road in Land Lot(s) 141 of the 3rd District and further described as Cherokee County Tax Map 03N01, Parcel(s) 42.

Vicki Taylor gave Staff findings that the subject property is not only within the Interstate 575 High Technology Mixed Use Corridor, but also within the City of Ball Ground Transition Zone. She stated the adjacent property is a high voltage transmission line and there is a nearby automotive salvage yard. She further stated the property is no longer appropriate to AG zoning and the proposed use is consistent with the area.

Benson Chambers represented this case.

John Wofford spoke in favor of this development.

Dr. Rebecca Ray spoke in opposition. Dick Hall asked how close this project was to her. She stated approximately 1/10 of a mile. Dr. Ray stated that she considered this spot zoning in a residential area.

Joe Davis spoke in opposition because of the area being residential.

Benson Chambers spoke in rebuttal.

Bill Jarrard made several comments that the adjacent property is R-80 and AG and that the property is near a high intensity transmission line.

Bill Jarrard made the motion to approve. Marsha Lathem seconded. Jay Wallace made a friendly amendment for two conditions: 1) A 35 foot undisturbed buffer and 2) Site plan specific. Motion passed unanimously 8-0.

Other Agenda Items

Consideration of amendment to the Zoning Ordinance, Section 7.7-39(f)(3) to allow parking within the front yard setback of community or neighborhood centers including subdivision club houses.

Mark Mahler explained the zoning ordinance prohibiting parking in the front yard setback for amenity packages for subdivisions. He stated several variances before the Zoning Board of Appeals had been approved to allow parking in the front yard setback.

Discussion ensued.

Dick Hall made the motion to recommend approval of removing this restriction. Michael Oxley seconded. Motion passed unanimously 8-0.

Dick Hall made a motion to adjourn. Wayne Kosbe seconded. Motion passed unanimously 8-0.

Meeting adjourned at 7:50 pm.