

**Cherokee County Planning Commission
Minutes
Tuesday, January 6, 2004
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, January 6, 2004, 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, 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 7:00 pm.

Old Cases

Case # 03-11-057 ISI Commercial is requesting to rezone 117+/- acres from AG & R-80 to RZL. If rezoned the property would be utilized for residential/detached dwellings (homes). The property is located on approximately .25 miles east of the East Cherokee Drive & Hwy. 20 intersections in land lot(s) 849, 850, 878, 879, 880, 881 of the 3rd district, 2nd section of Cherokee County, Georgia and indicated as parcel 24 on tax map 03N17, parcels 193, 194, and 196 on tax map 03N11 and part of parcels 128, 130, and 189 on tax map 03N10.

Chairman Holcombe excused himself from this case due to a possible conflict of interest.

Vicki Taylor gave Staff findings that this property has no demand for agricultural or forestry use and would provide a transition buffer between the contiguous school and commercial uses. She stated it was her understanding that the owners and developers of the subject property have come to an agreement for considerations requested by adjacent property owners.

Grover Swilley represented the case. He stated as a result of the Public Participation plan they had agreed to a maximum of 256 homes and the square footage requirements for the homes.

Roy Taylor spoke in favor of the development.

Jerry Kinzy spoke in opposition. He asked for a R-80 or R-40 zoning classification.

Brenda Beckwith spoke and asked for conditions as a result of the Public Participation meeting of R-20 zoning, 256 maximum number of homes, single-family residential with one story homes having a maximum of 1,600 sq.ft. heated floor space and two story homes having a maximum of 1,800 sq.ft. heated floor space, two car garages, no access to Cotton Road. She spoke of concerns of school overcrowding, would like to see a Homeowners Association, underground utilities, she spoke of concerns of the pump station location, the houses to be stone, brick or masonry or a EFSS (stucco) finish, decel lanes and she submitted 400 plus signatures in opposition to RZL.

Steve Brooks spoke of concerns of entering and existing onto Hwy 20 and would like to see turn lanes both east and west bound and a traffic light due to dangerous traffic conditions on that road.

Donald Benson spoke of concerns of school overcrowding and would like the developer to add an athletic facility to the area.

Grover Swilley spoke in rebuttal and addressed the areas of concerns.

Bill Jarrard asked Mr. Swilley about school board donations. Mr. Swilley stated he had met with Mr. Sims, Board of Education representative and they working out a dollar amount at this time. Mr. Jarrard stated he thought this particular case was a good example of how the Public Participation Meetings as both sides, developer and community, negotiated terms both could live with.

Discussion ensued as to R-20 zoning, buffers and traffic problems.

Rob Cutting asked that Mr. Swilley and Mr. Sims meet and have a number amount ready when they come before the Board of Commissioners.

Bill Jarrard made a motion to recommend approval of R-20 with friendly amendment by Dick Hall to condition with the following and seconded by Marsha Lathem. Motion passed unanimously 7-0:

- 1) 256 lot maximum.
- 2) Minimum 1,600 sq.ft. heated area for 1 story home.
Minimum 1,800 sq.ft. heated area for 2 story home.
- 3) Two car garages.
- 4) No access to Cotton Road.
- 5) Gated access at East Cherokee Drive.
- 6) Developer and school to work out fencing between the locations.

New Cases

Case # 04-01-001 THO Associates are requesting to rezone 158 acres from R-40/AG to R-20. If rezoned the property would be utilized for residential neighborhood. The property is located on Old Dawsonville Road in Land Lot(s) 310 & 311 in the 2nd District and further described as Cherokee County Tax Map 04N04, Parcel(s) 77.

Vicki Taylor gave Staff findings that this request is clearly in compliance with the Future Land Use Map and provides a good transition density (1.46 dwelling units per acre, as proposed) between the City of Ball Ground and unincorporated Cherokee County. She stated there are 25.3 acres set aside for green space which equates to approximately 16%. She stated that while this proposal is less than the allowed density of 2.178 dwelling units per acre, she would like to see the perimeter buffer outside the platted lots.

Benson Chambers represented this case. He said this property has been annexed to the City of Ball Ground and this will be a recommendation to that City Council. He stated there is no R-30 zoning classification in the Ball Ground zoning ordinance.

No one spoke in favor.

Brian Vezmar spoke of concerns of the County road being inadequate and asked for the case to be postponed until these concerns are resolved. He spoke of school overcrowding and opposed the density and wetlands on the property. He stated the neighborhood wanted it kept at R-40 zoning.

Benson Chambers spoke in rebuttal. He stated the developer has agreed to donate ROW at his property for future upgrades to the road. He stated R-40 would not bring sewer to the area or have buffers and open space.

Chairman Holcombe, as a Ball Ground City Council member, stated a R-30 zoning classification would be in place by February.

Rob Cutting asked what the school board donation amount would be. Mr. Chambers answered \$670.00 per lot.

Rob Cutting made a motion to recommend approval of R-30 with the condition that green space be maintained at 20% or above. Seconded by Marsha Lathem. Motion passed unanimously 7-0.

Case #04-01-003 James McClearen is requesting to rezone .99 acres from R-20 to GC. If rezoned the property would be utilized for a future office building. The property is located on .1 miles west of the intersection of Bells Ferry Road & Hwy. 92 in land lot 1189 of the 21st district, 2nd section of Cherokee County, Georgia and indicated as parcel 42 on tax map 15N06B.

Case has been withdrawn

Case #04-01-004 THW Development is requesting to rezone 59.9 acres from AG to R-40. If rezoned the property would be utilized for a residential neighborhood. The property is located on Highway 108 in land lot(s) 59, 60, & 85 of the 22nd district, 2nd section of Cherokee County, Georgia and indicated as parcel 57 on tax map 22N05.

Chairman Holcombe excused himself from this case due to a possible conflict of interest.

Vicki Taylor gave Staff findings that while this property's use is reasonably residential with two adjacent subdivisions, R-40 with minimum lot sizes of 25,000 square feet would be approximately one-quarter the size of the residential lots to the south. She stated the Future Land Use Map shows this property as Undeveloped, which provides some flexibility in zoning. She stated, however, while land use itself may be agreeable, the 1.089 dwelling units per acre is debatable. She further stated that the proposed development shows an overall density of 0.92 dwelling units per acre and green space is proposed at 16.5%.

Benson Chambers represented this case and in addition stated the school board donation would be \$700.00 per lot.

No one spoke in favor.

Jerry Kinzy asked that this rezone be denied. He stated he had a petition signed by 21 people in opposition. He spoke in opposition to the density.

Duane Wedan spoke of concerns of soil and sedimentation problems that would affect the lake on his land as he is down hill from this property. He spoke of concerns that the development is to be on septic. He spoke of concerns of how the water line is proposed and that others in the area do not have County water.

Wes Frye spoke of concerns of lack of infrastructure, asked for a traffic signal due to traffic concerns and stated there is no water availability for existing property owners.

Benson Chambers spoke in rebuttal. He stated that the Water and Sewer authority said there is an 8 inch line available, but it ends at Sutallee Farms Subdivision. He stated that Technical Review and County enforcement of violations of silt fencing should take care of Mr. Wedan's concerns.

Dick Hall made a motion to recommend approval of R-60. Seconded by Cecil Atchley. Motion passed 5-2 with Bill Jarrard and Jay Wallace opposing.

Case #04-01-005 Lathemtown Corners, LLC is requesting to rezone 1 acre from AG to R-40. If rezoned the property would be utilized for residential purposes with a barn. The property is located on Claude Scott Road in land lot 1035 of the 3rd district, 2nd section of Cherokee County, Georgia and indicated as part of parcel 94 on tax map 03N23.

Rob Cutting excused himself from the case due to possible conflict of interest.

Vicki Taylor gave Staff findings that while all surrounding property is zoned AG, there are some existing parcels less than the two acre minimum in the area including a one-acre parcel to the immediate east. She stated in addition that were a subdivision developed as currently zoned, lot sizes could be a minimum of 40,000 square feet or even 20,000 square feet on public sewer. She stated that the Future Land Use Map gave this property an Undeveloped designation allowing for some flexibility in zoning and land use.

Benson Chambers represented this case.

No one spoke in favor.

Lamar Scott spoke in opposition and said he couldn't add on to his house because his home was 52 feet from the property line due to AG zoning minimum of 2 acres and this applicant was asking for an acre.

Discussion ensued that Mr. Scott could have sought a variance to add on to his property.

Bill Jarrard made a motion to recommend approval as a legal non-conforming lot of record. Seconded by Marsha Lathem. Motion passed unanimously 6-0.

Case #04-01-006 Pope Investment Co., LLC is requesting to rezone 88.46 acres from AG to R-60. If rezoned the property would be utilized for residential purposes. The property is located approximately 1 mile from the intersection of Land and Burris Road in land lot(s) 111 & 142 of the 14th district, 2nd section of Cherokee County, Georgia and indicated as parcel(s) 1 & 2 on tax map 14N13, and parcel 177 on tax map 14N07.

Case has been withdrawn

Other Items

Approval of December 2, 2003 meeting minutes.

**Marsha Lathem made a motion to approve. Seconded by Cecil Atchley.
Motion passed unanimously 7-0.**

**Marsha Lathem made a motion to adjourn. Seconded by Cecil Atchley.
Motion passed unanimously 7-0.**

Meeting adjourned at 8:30 p.m.