

**Cherokee County Planning Commission
Minutes
Tuesday, March 2, 2004
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, February 3, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Bill Jarrard, Michael Oxley, Chairman Rob Cutting, Marsha Lathem, Dick Hall, Cecil Atchley, Jay Wallace, Ashley Holcomb and Wayne Kosby. 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 7:30 pm.

Old Cases

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.

***Applicant has requested this case to be postponed for 30 days.**

Case #04-01-002 Margaret V. Sapp is requesting to rezone 340 +/- acres is sought to be rezoned from AG and R-80 to R-20. If rezoned the property would be utilized for an equestrian residential community. The property is located on East Cherokee Drive and Union Hill Road in land lot(s) 1229 and 1292 of the 3rd District and land lot(s) 4, 5, 6, 69, 68, 67, 75, 76, 77, 140 of the 2nd district, 2nd section of Cherokee County, Georgia and indicated as parcel(s) 117, 139 on tax map 02N01.

Vicki Taylor gave Staff findings that:

This property is located near the crossroads of two Cherokee County roads classified as a major collector and a minor collector. This area is predominately residential with a presence of equestrian use and there is little agricultural or forestry use remaining. The applicant has submitted a letter of agreement that resulted from dialogue established with County staff and area residents. This document is attached for your information. The Atlanta Regional Commission DRI report along with Georgia Regional Transportation Authority recommendations have been received and are

attached for your information and use, also. The development as proposed has a density of 1.45 dwelling units per acre, consistent with R-30 zoning. It is the R-20 designation that allows for the smaller lots and the greater open space areas.

Benson Chambers represented this case and presented a petition of names in favor of this development.

Michael Bray spoke in favor of this development.

Dan Miller spoke in opposition due to traffic concerns.

Jim Hubbard spoke in opposition due to density, traffic, variances needed to complete the project and safety concerns.

David Reeves spoke in opposition due to density and school overcrowding.

Cheryl McFadden of Shiloh Subdivision asked the Board to explain what R-20 means and the formula for density. She asked how school buses could make the turns in the community.

Dan Lilurn spoke in opposition due to traffic concerns.

Peggy Paris spoke in opposition due to lot sizes and concerns over it being a real horse community. She asked for R-60 and not conservation.

Mike Bray spoke in rebuttal.

Ashley Holcomb explained to Ms. McFadden the R-20 Conservation formula. Total acreage x 2.178 density and this case asks for 1.452 density. He stated turning issues on roads will be addressed by Engineering Technical Review.

Cecil Atchley asked radius plans for the road. Benson stated a 25 or 22 width.

Dick Hall stated this was a technic for slowing traffic down.

Mr. Jarrard made statements commending the audience for their control with this very controversial issue and commending the developers for the unique development presented. He spoke of concerns over an equestrian community with such small lots. He spoke of the variances needed to complete the project. He suggested a 30 day postponement to study effects of this community or if not a R-60 Conservation Subdivision with a maximum 340 lots.

Michael Oxley stated concerns of density with horses.

Ashley Holcomb stated the developer was actually proposing a R-30 density and not a R-20 density.

Dick Hall restated that 1.45 density is a R-30 density. He stated the smaller lots are internal and larger lots are along exterior property line. He stated any variances would have to be brought before Engineering and Fire for public safety concerns. He stated this community would give someone an alternative to Wills Park in Fulton County to ride horses.

Russ Sims of the Board of Education stated they were talking with the developer regarding running sewer at a cost of approximately \$325,000 to \$350,000 or as a credit to the \$662 per lot agreement.

Mr. Jarrard made a motion to recommend approval at R-40 with a maximum of 370 lots. Motion failed for lack of a second.

Michael Oxley made a motion to recommend approval of R-40 Conservation Subdivision with 15,000 sq.ft. lots. Seconded by _____. Motion failed 6 –3 with Dick Hall, Marsha Lathem and Ashley Holcomb in opposition.

Ashley Holcomb made a motion to recommend approval of R-20 as submitted. Seconded by Dick Hall with amendment to conditions of Garvis Sam's letter of February 17, 2004, DRI conditions and review by Engineering. Motion failed 6-3 with Dick Hall, Marsha Lathem and Ashley Holcomb in favor.

Jay Wallace made a motion to recommend R-60 with a maximum of 255 lots. Seconded by Michael Oxley. Motion failed 6-3 with Bill Jarrard, Michael Oxley and Jay Wallace in favor.

Ashley Holcomb made a motion to approve as R-30 with conditions of the Garvis Sam's letter dated February 17, 2004, with DRI conditions and review by Engineering. Seconded by Dick Hall. Motion passed 5-4 with Jay Wallace, Michael Oxley, Bill Jarrard and Wayne Kosbe in opposition.

Case # 04-02-007 Perimeter Group Corporation are requesting to rezone 39.54 acres from R-80 to RZL. If rezoned the property would be utilized for single-family detached residences. The property is located on Bailey Road in Land Lot(s) 435 & 436 in the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel(s) 164 and part of 143.

***Applicant has requested this case to be postponed for 30 days.**

Upcoming Cases

Case #04-03-014 Lynn T. Sewell requesting to rezone 2.55 +/- acres from R-80 to GC. If rezoned the property would be utilized for a commercial automotive center. The property is located on Cumming Hwy at Weaver Circle in land lot(s) 273, 274 of the 15th District and further described as Cherokee County Tax Map 14N29, Part of Parcel 038.

Vicki Taylor gave Staff findings that:

This proposed rezoning and change in land use is compatible with the Future Land Use Map and current land use. There is no indication in the application concerning the intended use of the existing structure. Also, Engineering staff had some significant concerns with access and had several recommendations.

Benson Chambers represented this case.

Barbara Shearin spoke in opposition to access to property from Weaver Road because it is such a narrow road.

Benson Chambers said Weaver Road entrance and exit would have to meet Engineering access.

Ashley Holcomb excused himself from voting as he owns the General Commercial piece diagonally to the property.

The Board asked what was planned for the existing house. The owner stated to remain and to be rented. Discussion ensued as to residential use in General Commercial zoning.

Dick Hall made a motion to recommend approval with conditions: 1) to allow legal non-conforming status to residence on property, 2) use to be a auto repair center and 3) improve Weaver Road to two lane road from the property entrance on that road to Cumming Highway. Seconded by Jay Wallace. Motion passed 8-0 with Ashley Holcomb abstaining.

Case #04-03-015 Tam & Debbie Forrester requesting to rezone 5.49 acres from AG to R-40. If rezoned the property would be utilized for residential uses. The property is located on Steels Bridge Road in land lot(s) 290, 359 of the 15th District and further described as Cherokee County Tax Map 15N02, Parcel(s) 37, 37A.

Vicki Taylor gave Staff findings that:

This proposed rezoning is compatible with the Future Land Use Map and current land use.

Tam Forrester represented this case.

Tom Cole spoke of concerns what this would mean to his property value and any buffers required.

David Nugent spoke with concerns where house would be located and driveway placement.

Tam Forrester stated he owns the woods that both gentlemen look out on.

Ashley Holcomb made a motion to recommend approval with a 30-foot buffer along the west and north (adjacent to the PUD) property line. Seconded by Michael Oxley. Motion passed unanimously 9-0.

Case #04-03-016 Michael & Elizabeth Johnson requesting to rezone 10.37 acres from R-80 to AG. If rezoned the property would be utilized for a horse farm. The property is located at the intersection of Old Brown Road and Sugar Pike Road in land lot 153 of the 2nd District and further described as Cherokee County Tax Map 02N06, Parcel(s) 002, 012.

Vicki Taylor gave Staff findings that:

This proposed rezoning is compatible the current land use and would result in no real change to the area. The applicant could develop this property under R-80 to add four new residences, however, their wish is to preserve the rural character and land use.

Michael and Elizabeth Johnson represented this case.

Deborah Adornato spoke of concerns on entering and existing the property with horse trailers, manure removal and number of horses.

Mr. Johnson spoke to address these concerns and stated they had tested the entrance and it would accommodate horse trailers, that they have contracted with a manure removal company and that there were 15 stalls for horses.

Dick Hall stated he was in favor of going from R-80 to AG.

Dick Hall made a motion to recommend approval. Seconded by Bill Jarrard. Motion passed unanimously 9-0.

Case #04-03-017 Guy Lathem requesting to rezone 2.92 acres from R-40 to GC. If rezoned the property would be utilized for storage warehouses/commercial uses. The property is located on Butterworth Road in land lot(s) 15, 16, 57, 58 on Cherokee County Tax Map 15N13A, Parcel(s) 30, 33.

Vicki Taylor gave Staff findings that:

This proposed rezoning is certainly in compliance with the Future Land Use Map and compatible with current land use. It is clearly no longer suitable for residential use. The applicant does not necessarily propose that this property be used as self-storage warehouses, but does acknowledge that as GC the current facility could be expanded should this property be rezoned as proposed. It is the applicant's petition that this property be rezoned for commercial land use.

Jay Wallace removed himself from this case as he has an interest in the case.

Benson Chambers represented this case.

Robert Gunderson spoke in opposition the the GC zoning and has lived there since 1986 and does not want it because of residential houses on the road.

Benson Chambers spoke in rebuttal.

Ashley Holcomb made a motion to recommend approval. Seconded by Bill Jarrard. Motion passed 8-0 with Jay Wallace abstaining.

Case #04-03-018 Betty C. Callahan requesting to rezone 1.01 acres from R-40 to GC. If rezoned the property would be utilized for general retail sales. The property is located inside the City of Waleska on Hwy 140 (Reinhardt College Pkwy) in land lot 40 of the 14th District and further described as Cherokee County Tax Map 95N01, Parcel 011A.

Vicki Taylor gave Staff findings that:

This property is entirely within the City Limits of Waleska and the applicant owns the adjacent property which is already zoned for commercial use and houses a gift shop.

Benson Chambers represented this case.

Bill Jarrard asked if Waleska has a future land use map.

Jay Wallace made a motion to recommend approval. Cecil Atchley seconded. Motion passed 9-0.

Case #04-03-019 Bell Corners, LLC requesting to rezone 3.6 +/- acres from R-80 to GC and OI. If rezoned the property would be utilized for a retail and business center with convenience store. The property is located at the intersection of Cumming Hwy and Harmony Drive in land lot 938 of the 3rd District and further described as Cherokee County Tax Map 03N05, Parcel(s) 46, 48.

Rob Cutting excused himself due to a personal interest in the case and the case was turned over to Vice-Chair Jay Wallace.

Vicki Taylor gave Staff findings that:

The subject property is clearly no longer suitable for residential use and is inconsistent with the current land use. It is contiguous to general commercial use and is in an area of heavy traffic volume making residential use inadvisable.

Benson Chambers represented this case.

Elaine Bell spoke and explained that DOT would be taking her house due to the road widening.

No one spoke in favor or opposition.

Ashley Holcomb made a motion to recommend approval. Seconded by Bill Jarrard. Motion passed 7-0 with Rob Cutting abstaining. Jay Wallace did not vote as vice-chair.

Other Items

Approval of February 3, 2004 Minutes.

Bill Jarrard made a motion to approve. Seconded by Dick Hall. Motion passed 9-0.

Discussion of changes to R-15 zoning classification.

Ashley Holcomb made a motion to send document to Board of Commissioners. Seconded by Dick Hall. Motion passed 7-1 with Bill Jarrard in opposition. Whose is missing here with the vote?

Discussion of Rules and Regulations for Planning Commission.

Discussion ensued as to Article VII, Officers; Section III, Duties of Officers; 1) Chairperson to read as follows: "Shall conduct all work and public meetings of the MPC. *Should* attend all meetings of the BOC at which any matter relating to the work of the MPC is to be acted upon." and [removing the last three sentences of the paragraph]

Dick Hall made motion to adopt the document with said changes. Seconded by Marsha Lathem. Motion passed unanimously 9-0.

Marsha Lathem made a motion to adjourn. Seconded by Michael Oxley. Motion passed 9-0.

Meeting adjourned at 10:25 pm