

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

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, April 6, 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, and Cecil Atchley. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. Jay Wallace, Ashley Holcomb and Wayne Kosbe were not in attendance. 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.

Vicki Taylor explained that the applicant had requested that this case be postponed and that they had waived their right for the Planning Commission to vote on the case within a 60 day required time line.

Chairman Cutting explained to the audience that the case would be re-advertised in the local paper, signs would be re-posted and another new public hearing would be conducted since such a long time had elapsed since the original public hearing.

Mr. Jarrard made a recommendation to approve the postponement along with new a new public hearing as described by Chairman Cutting. Seconded by Marsha Lathem. Motion passed 6-0.

Case # 04-02-007 Perimeter Group Corporation is 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 be postponed until May*.**

Upcoming Cases

Case #04-04-024 Sam A. Scaffide requesting to rezone 2.16 acres from R-40 to R-20. If rezoned the property would be utilized for a single-family residential subdivision. The property is located at the intersection of East Cherokee Drive and Waters Road in Land Lot(s) 681, 682, 687 and 688 of the 15th District and further described as Cherokee County Tax Map 15N28, Parcel(s) 252, 253, 253A and a portion of 291.

***Applicant has requested this case be postponed until May*.**

Case #04-04-020 Turnman, Inc. requesting to rezone 38.56 +/- acres from AG to R-20. If rezoned the property would be utilized for a residential subdivision and a church. The property is located on East Cherokee Drive in land lot(s) 397, 398, 468 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 111.

Vicki Taylor gave Staff findings that the subject property is in an area primarily in residential use and is located near Meadowbrook and Bradshaw Farms subdivisions with lots less than 20,000 square feet and densities of 1.085 and 1.28 respectively. It is also approximately one-half mile to commercial zoning and use. In addition, East Cherokee Drive is a full width two lane major county collector adequate for the proposed development.

Benson Chambers represented the case.

Reverend Pete Smith spoke regarding the Church's plans representing the Sunnyside Church Congregation. He stated the church wanted to retain a portion of the property for the church and sell a portion of the land to the developer in order to pay for the church expenses for building a new church.

Jim Hubbard spoke in opposition stating that the high density that the developer is proposing is out of place in this area.

Bill Majure spoke in opposition and made general zoning comments that did not refer to this case. Chairman Cutting asked him to be more specific to the case at hand. Mr. Majure was not aware of specifics of this case.

Donna Currie spoke in opposition due to the high density, school overcrowding, concerns over the lake on their property being affected due to soil erosion and asked that a fence and 50 foot buffer be imposed and that sewer cannot be placed to run across her property to Mill Creek.

Terri Confer spoke in opposition to the density and her farm being affected because she has horses, her concerns about increased traffic and requested one-acre lots.

Joel Allen spoke in opposition, as he is a substitute teacher, that schools are already overcrowded.

Bill Garrett spoke in favor that every property owner has the constitutional right to make the best use of their property.

Benson Chambers spoke in rebuttal. He stated R-20 is not out of line with the Zoning Ordinance at 2 units per acre. He stated 2 units per acre are not classified as high density.

Bill Jarrard described his attendance at the public participation meeting and wondered if a compromise could be met. He discussed one-acre tracts without sewer. He stated no one was against the church in the community, but the consensus was no one wanted the R-20 zoning.

Benson Chambers stated R-40 would not be acceptable.

Dick Hall stated there is density within 1,000 feet of this property the same as R-20 and higher.

Mr. Jarrard stated he may be wrong, but he didn't think there was zoning of this density or higher.

Michael Oxley stated the density is too high separating from the church property.

Mr. Jarrard made a recommendation for R-40. Marsha Lathem seconded. Motion passed 5-1 with Dick Hall in opposition.

Case #04-04-021 Falling Water, Inc. requesting to rezone 68.33 acres from AG and R-40 to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Bates Drive in land lot(s) 107, 109, 110, 111, 179 of the 2nd District and further described as Cherokee County Tax Map 02N13, Parcel(s) 94A, 95, 96 and 121.

Vicki Taylor gave Staff findings that more than 17 acres of the subject property is already zoned R-40 and that is the predominant zoning in this area. The subject property is shown on the Future Land Use Map as "Undeveloped" allowing for flexibility in the zoning designation. This is in an area primarily in residential use adjacent to The Oaks, a conventional R-40 subdivision.

Benson Chambers represented this case and stated part of the site plan is already R-40. He stated the minimum lot size as 25,000 sq.ft. and the request is consistent with other zoning in the area.

Chairman Cutting asked if the School Board had been conferred with and Mr. Chambers said he had to get the numbers pinned down first.

Brian Flaherty, The Oaks Subdivision, spoke of concerns about the wastewater treatment. Further, he stated that Lot 31 has three creeks going through it. He stated Chicken Creek is in a flood plain and asked how the water treatment would be conducted and asked about the overflow.

Scott Funk, The Oaks Subdivision, spoke of safety concerns at entrance being in a blind curve. He stated the stream running through the Oaks Subdivision had large trees that continued through this proposed property rezoning and he would like to have these trees saved. He stated that red hawks nest in the area. He stated a 50-foot buffer is shown on the site plan and he would like to see a 100-foot buffer. He stated he was in favor of sewer.

Benson Chambers spoke in rebuttal and stated Environmental Protection Division (EPD) and 50-foot Cherokee County buffer would be in affect. He stated the sewer system is the same as the Polo Fields in Fulton County and the system has been EPD approved. He stated the flood plains would not be built in. He stated the Road Department and Engineering would have to approve the entrance for safety issues.

John Sutton said he had lived in the area for 40 years. He stated he had now concerns of the sewer system to be put in place as it is the same used in Disneyland.

Mr. Jarrard stated the same zoning is in the area.

Dick Hall made a recommendation to approve at R-40 with buffers being outside deeded lots and 31% green space. Mr. Jarrard seconded. Motion unanimously 6-0.

Case #04-04-022 Leroy Faber requesting to rezone 34.01 acres from GC, R40 and R-80 to GC (General Commercial). If rezoned the property would be utilized for commercial uses. The property is located on I-575 and Ball Ground Hwy in land lot(s) 243, 244 and 262 of the 14th District and further described as Cherokee County Tax Map 14N21, Parcel(s) 31, 31A, 34.

Vicki Taylor gave Staff findings that the subject property is clearly no longer suitable for residential use and lies between I-575 and adjacent general commercial zoning. There

are development concerns that will have to be addressed at the time construction plans are submitted.

Larry McLaughlin represented this case.

Dick Hall spoke of access to Highway 5.

Dick Hall made a recommendation for approval. Mr. Jarrard seconded. Motion passed unanimously 6-0.

Case #04-04-023 PEC Development Group requesting to rezone 51 +/- acres from R-80 to RZL. If rezoned the property would be utilized for a single-family residential subdivision. The property is located on Ball Ground Hwy in Land Lot(s) 296, 317 of the 14th District and further described as Cherokee County Tax Map 14N27, Parcel 072.

Vicki Taylor gave Staff findings that RZL can be a reasonable transition between the light industrial and commercial uses, as well as I-575 and the other residential uses currently in place. This property is within the High Technology Mixed-Use Corridor with the old Herman Miller Plant and the Airport Industrial Park is nearby, making the higher density not inconsistent with the Future Land Use Map.

Gee Harvey representing PEC Development Group represented this case. He stated there had been proposed 280 lots at 5.5 dwelling units per acre (DUA) originally, but that amount had been changed to 231 lots at 4.5 DUA with 33% green space.

Reg Hines stated he was not in opposition where this type zoning is appropriate, but stated this is not an appropriate area. He stated this area was a designated area for light industrial with the Board of Directors with the Chamber of Commerce back in the 1980's when he was a Board member. Mr. Hines stated all the Engineer's drawings were of different properties than this property. He stated when the Howard Miller plant opened, he had to close windows at night because of the noise and if this is rezoned to a subdivision that a lot of people would be affected by the noise putting the subdivision between two Light Industrial (LI) uses.

Gee Harvey spoke in rebuttal. He stated the developer had agreed to pay the Board of Education \$160,000.

Paul Corley spoke in favor that this subdivision would be of high quality.

Mr. Oxley asked owner some history of property. Discussion ensued if this would be creating a market that shouldn't be there. He stated he was not comfortable with the present zoning of R-80 or the proposed zoning of RZL.

Dick Hall stated the airport is nearby and this wouldn't be appropriate for homes.

Dick Hall made a recommendation for denial. Marsha Lathem seconded. Motion passed unanimously 6-0.

Case #04-04-025 Ultima Holdings, LLC requesting to rezone 40 acres from AG to R-15. If rezoned the property would be utilized for a single-family residential subdivision. The property is located on Haley Farm Road in Land Lot(s) 1093 and 1139 of the 3rd District and further described as Cherokee County Tax Map 03N12, Parcel(s) 119 and 119B.

Vicki Taylor gave Staff findings that while the Future Land Use Map shows an Agriculture/Forestry designation, the area on two sides of this property is Woodmont subdivision and zoned PUD. The density of this proposed development is 1.75 DUA, well under the 2.904 allowed.

Parks Huff represented this case. He stated that R-15 zoning classification had originally been requested, but now had been amended to R-20 Conservation Subdivision with the green space buffer to be outside the deeded lots with 29% green space, 2,500 sq. ft. homes and brick, stone or stucco on three sides. He stated the adjacent owners of Woodmont had not had a chance to look over this revised plan and felt another public participation meeting necessary and that an amenity package had been added. He stated he had a letter of agreement with the School Board for a contribution of \$685.00 per home. He stated the developer is in agreement to do what DOT requires for upgrade of Haley Farm Road.

Johnna Martin, daughter of landowner, stated the land has been in existence as a farm all her life and Dad is 70 years old and he needs to sell the land as he is unable to upkeep the farm.

Chuck Martin spoke in favor.

Beth Sisson, Macedonia Community and Woodmont, spoke of concerns of entrance on to Haley Farm Road. She stated the road is already damaged. She stated there is a cemetery on the property. She spoke in opposition to R-20 or R-15 zoning, school overcrowding, homes should be 2,500 sq.ft. minimum and agreed with having another meeting with the developer.

Chairman Cutting stated it would be good for the developer to meet with the adjacent owners before the next Board of Commissioner's meeting.

Michael Oxley discussed green space with Mr. Huff.

Dick Hall made a recommendation to approve as R-20 with a maximum of 66 lots, 29% green space, homes a minimum of 2,500 sq.ft. and the buffer to be outside the deeded lots. Marsha Lathem seconded. Motion passed unanimously 6-0.

Other Items

Revisions to R-15 zoning classification.

Jeff Watkins gave a presentation to the Board as to how this R-15 proposed revision has historically been utilized in other areas of the United States, that presentation is attached.

Commissioner Cutting thanked Mr. Watkins for his work in this area at the request of the Planning Commission.

Open discussion ensued:

Jerry Kinzey stated he felt that the present R-15 and the proposed R-15 is another type of RZL zoning. He asked that no discussion be made until others have had the opportunity to look over this proposal. He asked to have a public participation meeting and no changes be made until the Conservation Subdivision regulations have been changed and approved.

Michael Oxley stated this is just a start to look at developments.

Chairman Cutting stated it is up to the Planning Commission Board if this proceeds to the Board of Commissioners or not.

Tom Ware stated you couldn't zone quality. He stated he does not approve of 5,000 sq.ft. lots.

Mary Catarineau spoke in opposition to this R-15 proposal.

Richard Smith spoke in opposition to this R-15 proposal. He stated CVS pharmacies have about 10,000 sq.ft. and this proposal is equivalent of two lots in a CVS pharmacy.

Jerry Priquel spoke in opposition to this R-15 proposal in the County.

Chuck Dean spoke in opposition to this R-15 proposal for the County and stated this type development should be in the Cities and that it is unacceptable for the County.

Mark Santor spoke and stated this proposal would be attractive to developers and asked if any one in the room liked R-15. The audience answered no.

Tom Ware spoke of the high density. He stated there would only be 10 feet between homes. He stated he didn't like porches being set up close to the street.

Robbie Miller spoke in opposition. She stated it reminds her of a development named Celebration and this development is not a workable subdivision because there is no place to park if you have company. She reiterated it should be in the Cities and not the County.

Jerry Kinzey stated safety concerns of fire due to the houses being close together.

Deborah Hill asked why changes to R-15 are even necessary.

Dick Hall explained that the Land Use Map and the Zoning Classifications are two different items. He stated there is a market for this because RZL is not liked and R-15 allows for 3 dwelling units per acres (DUA) and RZL allows for 6 DUA and there is no density at present between 3 DUA and 6 DUA.

Michael Oxley stated this would give developers an option as opposed to asking for RZL with a less density.

Marsha Lathem stated that some compromise should be available especially to those parcels of land adjacent to the Cities to avoid annexations. She asked for input from the opposition as to an alternative to this proposal and asked for some input to how the gap from 3 DUA to 6DUA could be resolved.

Discussion ensued, but no alternatives were given.

Chairman Cutting made a recommendation to not move forward with this proposal to the Board of Commissioners and have another public hearing. Dick Hall seconded. Motion passed 5-0, Mr. Jarrard did not vote.

Approval of March 2, 2004 Minutes.

Marsha Lathem made a motion to approve the minutes. Dick Hall seconded. Motion passed unanimously 6-0.

Marsha Lathem made a motion to adjourn. Seconded by Mr. Oxley. Motion passed 6-0.

Meeting adjourned at 11:00 pm