

**Cherokee County Planning Commission
Minutes
Tuesday, May 4, 2004
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, May 4, 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 Jay Wallace. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk. Cecil Atchley, Wayne Kosbe and Ashley Holcomb did not attend. The meeting was called to order at 7:00 pm.

Old Cases

Case #03-11-055 Centennial Lakes Partners, LLC 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 entering 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.

Postponed until further notice from Applicant

Case #04-04-024 Sam A. Scaffide requesting to rezone 37.38 acres from R-40 to R-30. 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.

Vicki Taylor gave Staff findings that while the Future Land Use Map shows Agriculture/Forestry, the entire area surrounding this property is zoned for residential use. The density of this proposed development is 1.34 DUA, less than the 1.452 allowed. Additionally this layout represents 33% preserved open space. The nearby PUD development, Mill Creek Overlook, has an overall density of 1.66 DUA.

Kevin Moore represented this case. He stated that revisions had been made to the site plan to compromise with the adjacent property owners. He explained that the larger lots were kept to the outside of the development; while smaller lots were kept to the interior.

Mark Scofield, Pete Penny, Bill Godwin and Mark Waters spoke in opposition. Discussion involved accel/decel lanes, driveway cuts and distance to Meadowbrook.

Bill Jarrard made a motion to recommend denial. Marsha Lathem seconded. Motion to deny passed unanimously 6-0.

New Cases

Case #04-05-026 East Cherokee/Waters, LLC requesting to rezone 25.98 +/- acres from AG to R-20. If rezoned the property would be utilized for a residential community. The property is located on East Cherokee Drive in Land Lot 473, 536 of the 15th District and further described as Cherokee County Tax Map 15N27, Parcel 028.

Applicant has requested this case be postponed until June

Case #04-05-027 Tigeress Corporation, LLC requesting to rezone 5.217 acres from R-80 to GC. If rezoned the property would be utilized for a climate controlled and regular self storage facility. The property is located on Big Springs Road in Land Lot 582 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel 227.

Vicki Taylor gave Staff findings that the Future Land Use Map shows an Undeveloped designation adjacent to Commercial, allowing for flexibility in zoning. A predominate portion of the adjacent property is in commercial zoning and use. While development issues remain, primarily traffic concerns and water supply, the land use is compatible with the FLUM.

Harold Elrod represented the case.

Robert Pierson spoke in favor of this case.

Jay Wallace spoke of problems with Big Springs Road dropping off and who would pay for it. Mark Mahler stated the applicant would pay impact fees.

Motion made by Dick Hall to recommend approval with the condition that the applicant would provide road improvements to Big Springs Road – full width of subject property to intersection with Highway 140. Seconded by Marsha Lathem. Motion passed 6-0.

Case #04-05-028 Nickel Creek Development, LLC requesting to rezone 78.21 acres from AG to R-15. If rezoned the property would be utilized for a residential

subdivision. The property is located on East Cherokee Drive in Land Lot(s) 996, 997, 1020, 1021 of the 3rd District and further described as Cherokee County Tax Map 03N11, Parcel(s) 122, 123, 124, 125, 127, 87 and 88A.

Vicki Taylor gave Staff findings that the Future Land Use Map shows an Undeveloped designation and Agriculture/Forestry for this property. It is adjacent to the R-15 zoning of Woodmont along the east and approximately one-half the north side. A predominate portion of the adjacent property is in residential use with little if any agricultural use remaining. There are significant development issues remaining, primarily traffic concerns, sewerage, and floodplain management. However, current land use supports the change from agricultural zoning to residential.

Benson Chambers represented this case.

Rudy & Sara Free spoke in favor of the case.

Gerald Pouncey spoke in opposition regarding environmental issues on the property such as draining the lake on the property and its affect as far as soil erosion issues.

Tom Ware spoke in opposition.

Don Lucas spoke in opposition.

Vicki Smith spoke in opposition.

Kenny Norton spoke in opposition.

Benson Chambers spoke in rebuttal.

Michael Oxley asked about the environmental issues.

Bill Jarrard spoke at length about his thoughts on the project.

Dick Hall stated the zoning should be less dense along the west property line. Rob Cutting agreed.

Bill Jarrard made a motion to recommend rezoning part to R-30 and part to R-60. Motion failed for lack of second.

Dick Hall made a motion to recommend approval of R-20 and R-60 with the conditions that 1) All portions of the subject property lying to the east side of the line dividing Land Lot(s) 996 & 997 to be zoned R-20, and 2) All portions of the subject property lying to the west side of the line dividing Land Lot(s)

996 & 997 to be zoned R-60. Seconded by Chairman Cutting. Motion passed 5-1, with Bill Jarrard in opposition.

Case #04-05-029 Bethany Manor, LLC requesting to rezone 8 acres from R-80 to RM-16. If rezoned the property would be utilized for a senior apartment community. The property is located on Lower Bethany Road west of Ball Ground Hwy in Land Lot 295 of the 14th District and further described as Cherokee County Tax Map 14N27, Part of Parcel 080.

****Case tabled pending Atlanta Regional Commission (ARC) review.****

Case #04-05-030 John Lineberger requesting to rezone 0.73 +/- acres from R-40 to GC. If rezoned the property would be utilized for commercial business uses and retail sales. The property is located at the intersection of Hwy 20 and Big Oak Drive in Land Lot 267 of the 14th District and further described as Cherokee County Tax Map 14N23C, Parcel 28C.

Vicki Taylor gave Staff findings that the Future Land Use Map shows this property located within the City of Canton transition zone with a Commercial designation. There are significant traffic concerns that must be addressed at the time any development plans are submitted. While residential use is clearly not indicated on State Route 20, access issues will continue to be a problem on this busy road.

Jay Wallace excused himself due to a possible conflict of interest.

Benson Chambers represented the case.

No one spoke in favor or opposition.

Marsha Lathem made a motion to recommend approval. Seconded by Dick Hall. Motion passed unanimously 5-0, with Jay Wallace abstaining.

Case #04-05-031 JLCS Enterprises requesting to rezone 43.41 +/- acres from R-80 to R-15. If rezoned the property would be utilized for a residential subdivision. The property is located on Hwy 140 and Mountain Road in Land Lot(s) 573, 580, 645, 646 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel(s) 154, 154A and 152.

Vicki Taylor gave Staff findings that the Future Land Use Map indicates Low-Density Residential adjacent to a Commercial pod at Highway 140 and Sugar Pike Road. Certainly residential use is appropriate here, however, adjacent residential property

shows a traditional R-40 subdivision and non-platted R-40 and R-80 along with the adjacent GC.

Benson Chambers represented this case.

C. V. Dinsmore spoke in opposition.

Kermit Carpenter spoke in opposition.

Benson Chambers spoke in rebuttal.

Bill Jarrard asked if they could get a curb cut on Hwy 140 and would the entrance on Mountain Road be closed.

Dick Hall made a motion to recommend R-30 to the north, R-40 on Lot 152 with conditions of a 50 foot perimeter buffer and 2,500 sq.ft. minimum house size. Motion failed for lack of second.

Bill Jarrard made a motion to recommend approval of R-30 and R-60 with the conditions that 1) Parcel(s) 154 and 154A be rezoned to R-30, parcel 152 to be rezoned R-60, 2) Minimum 2,500 sq.ft. house size, 3) 35-foot buffer around exterior of the R-30 area and 4) If DOT approves access to Hwy 140, recommend that the BOC grant any variances necessary.

Case #04-05-032 ISI Commercial, LLC requesting to rezone 12 +/- acres from AG to R-20. If rezoned the property would be utilized for a conservation subdivision. The property is located at the intersection of Hwy 20 and East Cherokee Drive in Land Lot(s) 950, 951 of the 3rd District and further described as Cherokee County Tax Map 03N11, Part of Parcel 187.

Applicant has requested this case be postponed until June

Case #04-05-034 Turf Masters Lawn Care, Inc. requesting to rezone 1.43 +/- acres from R-40 to GC. If rezoned the property would be utilized for a landscape business. The property is located on Gunnin Road in Land Lot 1131 of the 15th District and further described as Cherokee County Tax Map 15N24, Parcel 065.

Vicki Taylor gave Staff findings that the Future Land Use Map shows Multi-Family Residential designation and this property is adjacent to the City of Woodstock on three sides. Obviously, this site is too small for a multi-family development, and the traffic associated with such would make a significant impact of the road. In addition to the extremely large church, there are general commercial uses in the area and the likelihood of a new single-family dwelling on this property is minimal.

Benson Chambers represented this case.

No one spoke in favor or opposition.

Dick Hall made a motion to recommend approval. Marsha Lathem seconded. Motion passed unanimously 6-0.

Other Items

- Proposal to postpone discussion and recommendation on the proposed R-15 zoning district until June Public Hearing.
*****To be readvertised for public hearing to be heard at June 2004 meeting.*****

- Adoption of Rules and Regulations for Municipal Planning Commission.

These rules and regulations were formally adopted.

- Approval of April 6, 2004 Minutes.

Minutes were approved.