

**Cherokee County Planning Commission  
Public Hearing  
Minutes  
July 6, 2004  
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, July 6, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Jay Wallace, Vice-Chairman, Donnie Henriques, Bill Jarrard, Michael Oxley, Dick Hall and Ashley Holcomb. In attendance for Cherokee County staff were Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. Cecil Atchley, Marsha Lathem and Rob Cutting did not attend. The meeting was called to order at 7:45 pm.

Mark Mahler swore in new Planning Commission member Donnie Henriques and welcomed him to the Board.

**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 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N06, Parcel 221.

**\*Applicant requested this case be postponed until August\***

**Case #04-06-039 Medallion Properties, Inc.** requesting to rezone 26.3 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Bells Ferry Road in Land Lot 126 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 14N12A, Parcel 120.

**\*Applicant requested this case be postponed until August\***

**New Cases**

**Case #04-07-042 Streetside Developers, LLC** requesting to rezone 0.85 acres from LI to GC. If rezoned the property would be utilized for retail, restaurant or service. The property is located on Bells Ferry Road in Land Lot(s) 901, 902 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N05, Parcel 5D.

**\*Applicant requested this case be postponed until August\***

**Case #04-07-043 Ryland Homes** requesting to rezone 41.48 acres from R-40 to RZL. If rezoned the property would be utilized for a residential subdivision. The property is located on Bascomb Carmel Road in Land Lot 1086 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12, Parcel 014.

**\*Applicant has requested this case be postponed until August\***

**Case #04-07-044 Robert Harris Homes, Inc.** to rezone 29.7 acres from R-40 and AG to R-20. If rezoned the property would be utilized for a residential conservation subdivision. The property is located on Cox Road in Land Lot(s) 1114, 1119 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 15N30, Parcel(s) 203, 203A, 173 and 174.

Vicki Taylor gave Staff findings that the Future Land Use Map shows Low Density Residential for this area. The Comp Plan defines Low Density as 0.0-1.0 dwelling units per acre without sewer or 1.01-3.0 dwelling units per acre on public sewer. This subdivision as proposed would have a 1.717 dwelling units per acre, therefore meeting that definition. There is an R-20 development to the west and a large area of R-15 development to the north.

Joel Larkin represented this case. He stated there would be 29 percent green space and an average lot size of 14,000 sq.ft. at 1.7 DUA.

Rocky Morris spoke in favor.

Charles Wharton spoke in opposition due to traffic concerns and safety issues. He stated he thought there should be two entrances to relieve traffic, one entrance on Rosewood Drive and one entrance at Cox Road.

Sandra Cleghorn spoke in opposition because Wylie Bridge Road cannot handle the traffic because it is a very windy road. She further stated that she did not want to see the property clear cut.

Joel Larkin spoke in rebuttal. He stated Mr. Wharton had suggested a three way stop at the intersection and he could agree to that, but does not want a second entrance. He addressed Ms. Cleghorn's concerns of the trees and stated there would be a 50 foot undisturbed buffer.

Jay Wallace stated there were future improvements planned for Wylie Bridge and Cox Road.

Joel Larkin stated he could agree to accel and decel lanes and a three way stop. He stated the 50 foot undisturbed buffer would be outside the deeded lots.

**Ashley Holcomb made a motion to recommend approval of R-20. Seconded by Dick Hall with a friendly amendment to add the following conditions: 1) 50 foot undisturbed buffer outside the deeded lots and turned over to the Homeowners**

Association, 2) improvements to roads as deemed necessary by Engineering and 3) 51 lot maximum. Motion passed 5-0.

Case #04-07-045 Spectrum Realty Investments, LLC requesting to rezone 1.0 acre from R-40 to R-20. If rezoned the property would be utilized for a single family house. The property is located on Barnes Road in Land Lot(s) 911, 962 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N23, Parcel 056.

Vicki Taylor gave Staff findings that the Future Land Use Map shows Medium Density Residential for this area. The Comp Plan defines Medium Density as 1.01-2.0 dwelling units per acre without public sewer, therefore this density is in compliance with the Comp Plan. Additionally, there is the existing R-15 development to the southeast. The applicant may still have difficulty in securing enough area for two complete septic systems with secondary field line area on this one acre tract.

Joe Porter represented this case.

No one spoke in favor.

Will Warren spoke in opposition to R-20 zoning as spot zoning. He stated he was concerned of the traffic using his easement Debbie Lane for access. Several members in the audience were there supporting Mr. Warren.

Ed Smith spoke in opposition and talked about water drainage and stated Mr. Porter will have trouble with the septic systems.

Deborah Rodger spoke in opposition because her property has water problems now.

Mr. Porter spoke in rebuttal and stated he would not be creating further water damage and he could not be held responsible for the existing damage.

Discussion ensued as to the impact of this development.

**Dick Hall made a motion to recommend denial. Seconded by Bill Jarrard. Motion passed 5-0.**

Case #04-07-046 Union Hill Partners, LLC requesting to rezone 42.0 +/- acres from AG to R-30. If rezoned the property would be utilized for a residential subdivision. The property is located on Union Hill Road in Land Lot(s) 1154, 1155, 1156, 1223 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 03N06, Parcel 058.

Vicki Taylor gave Staff findings that the Future Land Use Map shows the Undeveloped classification for this area, which indicates the property has never been developed for a particular use, or the use for which it was developed has been abandoned. The proposed density of 1.05 dwelling units per acre is in compliance with R-40 zoning. While the

subject property is surrounded by AG zoning, the land use is predominantly residential in nature and many of the permitted uses in AG would not be compatible with this surrounding residential use.

Benson Chambers represented this case.

No one spoke in favor.

Buzz Ahrens, as an adjacent property owner and representing the Homeowners Association at Garrison Farms, spoke in opposition to the density, water supply and traffic. He requested a zoning of R-60 and not conservation.

Joey Howard spoke in opposition to the density proposed and requested R-60.

Benson Chambers spoke in rebuttal.

Michael Oxley stated he could not support R-30.

Ashley Holcomb stated R-30 would be isolated to this area.

**Ashley Holcomb made a motion to recommend approval of R-60. Seconded by Bill Jarrard. Motion passed 5-0.**

Case #04-07-047 Jack and Mary Ann Lockaby requesting to rezone 5.11 +/- acres from R-40 to GC. If rezoned the property would be utilized for a barber shop and commercial uses under the zoning ordinance. The property is located on Eagle Drive in Land Lot 972 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 15N05, Parcel 108.

Vicki Taylor gave Staff findings that the Future Land Use Map shows Multi-Family Residential classification for this area, however, this parcel has been in commercial use for some time, is adjacent to General Commercial and is just off a dynamic intersection complete with road improvements and new development. Any new buildings would have to comply with the County's new design criteria for commercial development.

Benson Chambers represented this case.

No one spoke in favor or opposition.

**Bill Jarrard made a motion to recommend approval. Seconded by Donnie Henriques. Motion passed 5-0.**

Case #04-07-048 Edward & Tari Furey requesting to rezone 4.5 +/- acres from R-40 to NC. If rezoned the property would be utilized for an eye clinic and associated retail

sales. The property is located on Sixes Road in Land Lot 516 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N09, Parcel 065.

Vicki Taylor gave Staff findings that the Future Land Use Map shows the High Technology Mixed-Use classification for this area, making the proposed zoning and land use in compliance with the map. It is possible that Office/Institution zoning would also support the eye clinic use as well as the associated retail sales. Any new buildings would have to comply with the County's new design criteria for commercial development. She stated this property is outside the Holly Springs boundary agreement.

Teona Olson spoke in favor.

Mr. Thomas spoke in favor.

Garland Stewart spoke in opposition that this area is a residential area and not meant for commercial.

Mark Preetorius spoke in opposition representing 285 persons in the Falls of Cherokee and asked for denial.

Curtis Dickerson representing Cherokee Falls Subdivision of 120 homes spoke in opposition.

Robert Dobbins of Old Farm Mill Estates spoke in opposition.

John Krueger representing Lake Sovereign Homeowners Association spoke in opposition.

John Seufert, Falls of Cherokee, spoke in opposition.

Paul Coppemrath, Falls of Cherokee, spoke in opposition.

Chip Pilchard spoke in opposition.

Karen Metcalf spoke in opposition. She lives in Old Farm Estates.

Celia Caldwell spoke in opposition.

Dick Hall stated he felt like the residential should remain with the commercial nodes being at each end of Sixes Road.

Mr. Jarrard agreed with Mr. Hall.

Mr. Oxley agreed with Mr. Hall.

**Dick Hall made a motion to recommend denial. Seconded by Michael Oxley. Motion passed 5-0.**

**Case #04-07-049 Bruce Arnett, Sr. Carnett's Carwashes** requesting to rezone 1.15 acres from NC to GC. If rezoned the property would be utilized for a full service carwash. The property is located on Hwy 92 in Land Lot 1220 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06, Parcel 298.

Vicki Taylor gave Staff findings that the Future Land Use Map Commercial classification for this area, making the proposed zoning in compliance with the map. However, this property lies within the Highway 92 Village Overlay Ordinance and is subject to the design guidelines of that Ordinance. The Overlay Ordinance allows a service station facility (with or without a car wash facility) to operate in the district, however, a car wash is not on the permitted use list. In order for this facility to develop as proposed at this location, relief will have to be granted from several of the requirements. It will be up to the applicant to identify and request relief from those requirements.

Robert Shores represented this case.

Discussion ensued as to architectural standards of the car wash, interior illumination of signs and fencing.

**Ashley Holcomb made a motion to recommend approval of GC. Seconded by Bill Jarrard. Mr. Oxley stated with a strong recommendation to the Board of Commissioners that there be no variances to the Highway 92 Village Ordinance standards. Motion passed 5-0.**

#### **Other Items**

Approval of June 1, 2004 Minutes.

**Dick Hall made a motion to approve the minutes. Seconded by Mr. Jarrard. Motion passed 5-0.**

**Ashley Holcomb made a motion to adjourn. Seconded by Donnie Henriques. Motion passed 5-0.**

Meeting adjourned at 9:15 pm