

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, February 1, 2005
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, February 1, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Bill Jarrard, Michael Oxley, Betty Callahan, Garland Stewart, Vice Chair Jay Wallace, Ashley Holcomb, Bob Whitaker and Donnie Henriques. In attendance for Cherokee County staff were Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. The meeting was called to order at 7:05 pm.

Case #05-01-007 ISI Commercial, LLC requesting to rezone 16.27 acres from R-40 & AG to GC. If rezoned the property would be utilized for commercial businesses. The property is located on Cumming Hwy in Land Lot(s) 1041, 1047, 1048 of the 3rd District and further described as Cherokee County Tax Map 03N29, Parcel 007.

Vicki Taylor gave Staff findings that The Future Land Use Map shows an Activity Center for the subject parcel, making this request in compliance. This property on State Route 20 is no longer viable for agricultural use. Engineering Staff is of the opinion that State Route 20 can handle the trips generated by this commercial development provided the intersection of State Route 20 with the development entrance are in place and constructed in accordance with Georgia Department of Transportation standards prior to the opening of any businesses. Based upon the site map, it appears that the development entrance is aligned with the existing signalized intersection of Highway 20 and Holbrook Campground Road. Permits for the access drive for this project must be authorized by Georgia Department of Transportation. Public water service is available and onsite sewage management systems will be required.

Planning Commission members Ashley Holcomb and Jay Wallace recused themselves of participation in this case.

Grover Swilley represented this case.

No one spoke in favor or opposition.

Chairman Cutting stated that during work session the subject of DOT expansion to S. R. 20 was discussed in as far as setting aside enough ROW.

Planning Commission member Garland Stewart asked if anyone knew the amount of ROW necessary.

Discussion ensued as to 100 to 200 feet would probably be appropriate for a 4 lane.

Garland Stewart made a motion to recommend approval. Seconded by Donnie Henriques. Motion passed 7-0, Ashley Holcomb and Jay Wallace recused themselves from voting.

Case #05-02-009 Riverstone Development Group, Inc. requesting to rezone 36.26 acres from AG to R-40. If rezoned the property would be utilized for a residential neighborhood. The property is located on Pinyan Lane in Land Lot(s) 105, 112 of the 15th District and further described as Cherokee County Tax Map 15N25, Part of Parcel 177.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of Agriculture/Forestry although the area has predominant residential use. The density of the proposed development is approximately 0.91 dwelling units per acre and a minimum lot size of 25,000 square feet. The site plan shows 8.98 acres (24.77%) set aside for greenspace. The Engineering Department has expressed the opinion that the traffic generated by the proposed 33 addition residences will not adversely affect the existing level of service on the County road system. Public water is available but may have to be upgraded and on-site sewage disposal systems will be required. The School Board estimates the addition of 24 students from this development.

Benson Chambers represented this case.

No one spoke in favor or opposition.

Bill Jarrard made a motion to recommend approval with conditions: 1) No access to Pinyan Lane and 2) 50-foot undisturbed buffer outside the deeded lots. Garland Stewart seconded. Motion passed 8-0, Jay Wallace recused himself.

Case #05-02-010 KADCO Landing, Inc. requesting to rezone 46.11 +/- acres from AG to R-20. If rezoned the property would be utilized for a residential subdivision. The property is located on Curtis Road in Land Lot(s) 1025, 1026, 1027, 1062, 1063 of the 3rd District and further described as Cherokee County Tax Map 03N17, Parcel 031H.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of Undeveloped, nevertheless, the area is predominantly in residential use. The density of the proposed development is 1.453 dwelling units per acre nearly meeting that of R-30. The Engineering Department has expressed the opinion that placing the additional traffic from this development on this inadequate roadway would add to the existing safety and maintenance concerns of the County. Once Curtis Road is reconstructed (late 2005 or early 2006) the volumes from this development and others should be well tolerated by the roadway. Applicant is requested to provide an additional 10 feet of right-of-way across the site frontage for future widening of Curtis Road by the County. Public water and

sewer is available. The School Board estimates the addition of 49 students from this development.

Benson Chambers represented the case and stated there were School Board issues and litigation of sanitary sewer issues that remained opened and would ask that this case be postponed.

Ashley Holcomb made a motion to postpone this case until the March 1, 2005 Planning Commission public hearing in order for the developer to address issues still pending. Seconded by Betty Callahan. Motion passed unanimously 9-0.

Case #05-02-011 Turnman, Inc. requesting to rezone 3.098 +/- acres from R-40 to R-20. If rezoned the property would be utilized for an addition to a residential subdivision. The property is located on Little Ridge Road in Land Lot 1054 of the 21st District and further described as Cherokee County Tax Map 21N11, Parcel(s) 003, 005, 010F.

Vicki Taylor gave Staff findings that The Future Land Use Map indicates Low Density Residential designation for this property, which the Comp Plan identifies as 1.01 - 3.0 dwelling units per acre on public sewer. The proposed development shows an overall density of 1.70 dwelling units per acre. It is the opinion of the Cherokee County Engineering Department that the additional traffic generated by the four additional homes will not appreciably worsen the existing conditions on this local roadway. There is public water and sewer service. The School Board has indicated no impact anticipated from the 3 additional students.

Benson Chambers represented this case.

No one spoke in favor or opposition.

Ashley Holcomb made a motion to recommend approval with previous conditions to apply in Rezone Case Number 04-08-052, Resolution Number 2004-R-086. Seconded by Donnie Henriques. Motion passed unanimously 9-0.

Case #05-02-012 Richard A. Duncan requesting to rezone 5.0 +/- acres from AG to R-20. If rezoned the property would be utilized for 8 single family homes. The property is located on Darnell Road in Land Lot 247 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 16A.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of Agriculture/Forestry, nevertheless, the area is predominantly in residential use. The density of the proposed development is 1.6 dwelling units per acre. The density of the adjacent PUD (Middlebrooke - Phase 2) is 2.60 dwelling units per acre. The Engineering Department has expressed the opinion that the County and State road system should be able to handle the traffic generated by these additional eight homes once the mandatory

road improvements required as a condition of zoning of the adjacent parcel are completed on Darnell Road. Cherokee County Water and Sewer Authority have stated that public water is not available and an 8-inch line will be required. Public sewer is available within 500 feet. The School Board has indicated no impact anticipated from the 6 additional students.

Richard Duncan represented this case.

Keith Butler, Lot 119 Middlebrook Subdivision spoke in favor and stated the elimination of the 50-foot buffer with the condition that Mr. Duncan put up a 6-foot privacy fence was agreeable to him and any stipulations that the drainage that comes through to drainage easement on Middlebrook property be addressed.

Richard Fossum, Lot 118 Middlebrook Subdivision stated they did have a drainage easement on their property that comes from Mr. Darnell's property and his one concern is that the water doesn't get any worse than it was during Hurricane Ivan because it was a substantial problem and there is a hill that comes down through there. He stated he was in favor of the project, but wanted the drainage monitored.

No one spoke in opposition.

Discussion ensued as to the reduction of the 50 foot buffer.

Garland Stewart made a motion to recommend approval with the following conditions: 1) The 50-foot zoning buffer adjacent to the PUD be eliminated and 2) A 6-foot privacy fence be erected along the east, west and south property line. Seconded by Ashley Holcomb. Motion passed unanimously 9-0.

Case #05-02-013 Robert Lemel requesting to rezone 0.64 +/- acres from R-20 to GC. If rezoned the property would be utilized for an office and appliance repair business. The property is located at the intersection of Lovejoy Lane and Bascomb Carmel Road in Land Lot 1159 of the 15th District and further described as Cherokee County Tax Map 15N12B, Parcel 201.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of High Density Residential, but the property lies within the Highway 92 Village Overlay and the High Technology Mixed-Use Corridor. This parcel, being a part of a recorded subdivision is not eligible to use the Highway 92 ordinance to develop commercially without rezoning. It should be noted that the existing structure will have to be brought up to commercial standards prior to opening a business at this location. The Engineering Department has expressed the opinion that Bascomb Carmel Road could tolerate traffic from this business if the application is approved without a significant change in the existing level of service. The problem remains as to how to get the traffic in and out of the parcel at the intersection. In order to situate a business at this location, additional property should be secured if possible so an access driveway could be positioned a

reasonable distance away from the existing all-way stop. Cherokee County Water and Sewer Authority have stated that public water is available and public sewer is available through the City of Woodstock.

Benson Chambers represented this case.

No one spoke in favor of this case.

Vickie Summey, 101 Spring Way, spoke in opposition. She stated the majority of the zoning in the area is R20 and R-40 and only a small triangular portion is commercial which is City of Woodstock. She stated the majority of the traffic related to the general commercial sites exit onto Highway 92. She stated that where the applicant's property is located is just at the intersection of Lovejoy and Bascomb Carmel. She stated they have a tremendous traffic problem now. Bascomb Carmel Road is a major throughway between Highway 92 and Bells Ferry Road sometimes it is backed up a half mile to get through these intersections at Lovejoy and Dupree Road. She stated in the application it indicated that at the north property line the adjacent property is vacant; however, it is presently under construction for homes. She thought they were trying to justify their case because of Ingram's Wrecker Service across the street, but she had talked to the County and Mark Mahler about this and this is an actual non-conforming use that is grandfathered in. It has received numerous complaints in the past from residences with the level of wrecked vehicles being stored behind the facility. She was worried about a snow ball affect for commercial businesses coming in a residential neighborhood.

Chuck Byrge, 104 Bascomb Drive, spoke in opposition to this commercial due to increase in traffic, it will increase the commercial atmosphere where he lives and he just asked that this case be denied.

Danny Dickens spoke in opposition and said he did not receive a mailing for the public participation. He is all for a man starting a business, but the problem he has is there are other buildings out there that are vacant, they could be utilized heading towards Loew's. It is dangerous coming in and out of Lovejoy. He feels residential should be kept as residential and commercial stay commercial. This property is part of residential and not commercial.

Thor Goricki spoke in opposition and stated he is developing the property just north of this property as residential into five lots. He stated the wrecker service is R-40 and not commercial. He stated he had no notification and only saw a sign after they had broke ground. They were in the process of purchasing and rezoning and that may be why he did not get notification. He stated he considered this to be a spot zoning, there is no commercial property touching this property whatsoever.

Benson Chambers spoke in rebuttal. He stated this is a low impact use. He stated if you look towards Dixie Beverage and the junk yard you don't think of this as a residential area. He stated this lot fronts on Bascomb Carmel and doesn't have a residential character. He stated the traffic is not going to change due to this business. He asked for a favorable

recommendation and that the Zoning Ordinance has ways of dealing with the impact in that buffers would be required.

Chairman Cutting stated to the Board that the requested use is applicable in Neighborhood Commercial (NC) and secondly if it were rezoned to NC, then a 30 foot buffer would be required.

Discussion ensued as to the area's residential and commercial and the property's relationship with The Future Land Use Map. He stated the legal non-conforming of the wrecker service did not make it alright to compound that issue as an argument for commercial. Essentially, two wrongs don't make a right. Discussion ensued as to non-conforming uses. Discussion ensued as to the condition of the road. Discussion ensued as to the house now is sitting in one of the buffer requirements and cannot be property buffered.

Garland Stewart made a motion to recommend denial. Seconded by Michael Oxley. Motion passed 8-1, with Jay Wallace in opposition.

Case #05-02-014 William & Dorothy Cline requesting to rezone 5.427 +/- acres from R-40 to GC. If rezoned the property would be utilized for retail sales and general merchandise. The property is located inside the City of Waleska on Hwy 140 in Land Lot(s) 40, 69 of the 14th District and further described as Cherokee County Tax map 95N01, Parcel(s) 11, 12, 14 and 21.

Vicki Taylor gave Staff findings that this property is within the City of Waleska and any future designation for this property is unknown. It is the opinion of the Cherokee County Engineering Department that State Route 140 can tolerate the traffic generated by this commercial establishment provided sufficient traffic control methods are in place at the intersection of the new driveway and State Route 140. The driveway permit for this location will have to be approved by the Georgia Department of Transportation. Department of Public Health has stated that public water is available and individual on-site sewage management systems will be required.

Benson Chambers represented this case.

Catherine Seiple spoke in opposition to this rezone due to additional traffic along S.R. 140 and due to the placement of Cline's Store and this proposed development's drive could cause greater traffic accidents. She submitted to the Board a drawing where the driveways would intersect flowing onto S.R. 140.

Mayor Marquerite Cline, City of Waleska, spoke in favor of this rezone. She thanked Catherine for her comments, but if Catherine were ever to run for Mayor, she would need to move to the City of Waleska. Mayor Cline stated that the City of Waleska has 615 residence and no one has told her they are against this rezone. In fact, people are quite

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excited and say to one another that they are going to get a Dollar Store. She urged the Board on behalf of the town to make a favorable recommendation.

Commissioner Wallace stated that Ms. Seiple's concerns were valid if nothing else but that the alignment should be considered for any future traffic problems. However, at the same time this area is where typically commercial businesses would go.

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

Case #05-02-015 Andrew & Cindy Addis requesting to rezone 4.10 +/- acres from R-80 to GC. If rezoned the property would be utilized for general commercial, retail sales and office space. The property is located on Hwy 140 in Land Lot 507 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel 128.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of Low Density Residential, being 1.01 to 3.0 dwelling units per acre. However, there is commercial adjacent to the north, south and nearby as well as this being a busy state highway. It is the opinion of the Cherokee County Engineering Department that State Route 140 can tolerate the traffic generated by this commercial establishment provided sufficient traffic control methods are utilized at the intersection of the new driveway at State Route 140. The driveway permit for this location will have to be approved by the Georgia Department of Transportation. Cherokee County Water and Sewerage Authority states that public water and sewer is available at the site.

Benson Chambers represented this case. He stated that the Addis' as a result of the public participation meeting was agreeable to change their request from General Commercial (GC), to Neighborhood Commercial (NC).

Bill Love, 306 Park Creek Ridge, spoke in opposition to GC, but could support NC.

Tonya Levy, Park Creek Subdivision, spoke in opposition to GC, but could support NC and submitted a petition of 77 signatures supporting NC.

Garland Stewart made a motion to postpone until March 1, 2005 Planning Commission public hearing. Seconded by Bill Whitaker. Motion failed 2-7, with Chairman Cutting, Michael Oxley, Ashley Holcomb, Betty Callahan, Bill Jarrard, Jay Wallace and Donnie Henriques in opposition.

Ashley Holcomb made a motion to recommend approval of NC. Seconded by Michael Oxley. Motion passed unanimously 9-0.

Case #05-02-016 Bobby Judd Bates & Tim Roland requesting to rezone 1.2 acres from AG to NC. If rezoned the property would be utilized for neighborhood commercial uses. The property is located on East Cherokee Drive in Land Lot(s) 951, 994 of the 3rd District and further described as Cherokee County Tax Map 03N11, Part of Parcel 186.

Vicki Taylor gave Staff findings that The Future Land Use Map shows a designation of Agriculture/Forestry. However, there is commercial zoning adjacent to the north in addition to said applicants, and most of the area is in residential use. The Cherokee County Engineering Department notes that this parcel is situated just north of a severe crest vertical curve on East Cherokee Drive. It is a concern of the Engineering Department that it would be difficult to situate an access driveway in a location where adequate intersection sight distance can be obtained. The high speed, high volume traffic on the 45 MPH posted facility dictate that any commercial access driveway on East Cherokee Drive be carefully considered. Further, the access cannot be located too close to the existing intersection with Owens Store Road. For these reasons it is recommended that should this application be approved that the applicants seriously consider a single access off Owens Store Road. Cherokee County Water and Sewerage Authority states that public water is available and public sewer needs to be planned for this site.

Benson Chambers represented this case.

No one spoke in favor or opposition.

Chairman Cutting noted that in the work session the access off of Owens Store Road should be pushed to the east boundary as far as possible and a right out only onto E. Cherokee Drive.

Discussion ensued that the Engineering Department would be best to determine road issues.

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

Other Items

- Public Hearing on Interim Land Use Plan

Chairman Cutting stated this Board would not make a recommendation at tonight's meeting, but public input would be heard and further discussion would be conducted among the Board at their next work session. He then stated it would be on the March agenda and a recommendation would be made at that time.

Chairman Cutting asked Commissioner Johnston to summarize the changes proposed. Commissioner Johnston stated he was looking at a plan that the County could stick to for the next two years, in most cases, while the Citizen's Round Table does their work to

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create a major updated plan to submit to the Atlanta Regional Commission (ARC). He stated what he wanted to do was bring the land up to current reality and to make some text updates which is minor updates and keeps the future land use plan from going into a major update for review by the ARC. He discussed density. He stated the Hwy 20 and Hwy 140 corridors and those fronting on the corridors are not really appropriate for residential use and the map should reflect this common understanding. He referred to other areas such as East Cherokee Drive where R-40 density would be more appropriate than agriculture or undeveloped. He referred to a proposed set of changes in a document named *Cherokee County Land Use Plan, Proposed January/February 2005 Amendment (updated 1/21/05)* and stated he would not go through each item, but that this document is a start for the interim plan. He reiterated he did not want to trigger a major update and any issue other than updating the map due to rezones and clarifying some text that would trigger a major update would be put in a separate Zoning Policy Resolution file for future consideration. He stated he would like to see transition zoning between R-20 and R-80 or AG as would be the instance around Woodmont Subdivision once the map is updated to reflect zonings since 1999.

The Board asked if the ARC was in agreement with what they were trying to do. Mr. Watkins, Planning Director, said he had been given a verbal go ahead with current zoning, but obviously he needed to get something in writing. He further stated no wholesale changes would be agreeable without going through the complete review.

Planning Commissioner Jarrard commended Commissioner Johnston for his work and leadership role in regards to this Interim Update Plan. Further, he stated this is a most crucial Public Hearing leading to a decision as to whether to proceed or not with an Interim Land Use Plan. This sets the stage for the guidelines for the next one and a half to two years, and more on Planning & Zoning, and even more important, on the confidence of the Cherokee County electorate as to how it will dovetail into the new County's Land Use Plan for years in the future. A short six to twelve months ago, history resulted in a change in the Board of Commissioner's make up in the July 20th election with over 60 percent of the vote, slow growth won, along with what were in his opinion some character issues versus fast, heavy residential growth on rezoning requests. He stated that the Board of Commissioners and Planning and Zoning had known for a year that they were going to have a County Land Use Plan and during that future two year period while the County Land Use Plan was to be finalized, the County had no basic guideline to follow or use in making zoning decisions. He stated that for the past year or so, virtually no attention has been paid to the existing Land Use Plan and as a result zoning recommendations and decisions floundered and flustered without having a strong basic plan or consensus to follow. Even though this group is call a Planning and Zoning Board, again for many months there has been virtually no "planning" done. He stated in his opinion what has been lacking is leadership from any decision making body in the County. He stated he attended, along with a very few others, every land use town hall type meeting held throughout the County last year and the theme he heard at every meeting, after traffic and school overcrowding issues, was a consensus from the electorate asking, "Why can't we be convinced that our Board of Commissioners will stand by a land use plan that evolves from a new County Land Use Plan?" So confidence and credibility

are extremely important in communities through the County. He stated he was talking about "leadership" which is defined as "clear vision and then action, not just conversation, to put a well conceived plan into effect." He stated Commissioner Johnston has put a great amount of time and effort into this Interim Land Use Plan and has reduced it to a well conceived guide. He stated this was leadership and he should be applauded for his efforts.

Ursula Cox spoke and stated this idea is great in spirit, but she comes from an area of the County that needs changes for much lower density. She would like to see Univeter Road to Highway 140 be mindful of law enforcement, public works, emergency services all use Univeter Road and that no more industrial be on Univeter Road. She discussed City growth boundaries and the properties still in the County and did not think they should be included in these City boundaries because the property owners would be disenfranchised from a stake in future development. She stated she did like Commissioner Johnston's comment as to inadequacies of roads, schools and other infrastructure should be a reason to approve lower density rezones.

Debbie Marcia spoke and stated she was disappointed that no more people came out to speak about this issue. She stated she was suspect to people expected to happen in this next month. She stated that what started out as a slight twit to the existing Plan, but when mention of the ARC came out it has turned out to be a slight of hand; if it would trigger a review. She stated she did not see this as an attempt to rezone the County, but to rezone certain areas to satisfy special interest groups. She felt that the County is two years away from utilizing a new Future Land Use Plan. The consultants hired to do that, without an exact quote, said this has the appearance of a back room deal and she said she must concur with them. It appears to protect from poor actions, zoning denials that would not be congruent with what has already gone on in this County. The wheels are in motion and the ARC has said that we are going to double in size in the next 20 years. She said this has too many things to it that is not necessary for the short period of time; if it was less than two years just make sure there are no spot zoning within that time. She does not feel that R-40 is appropriate for all those areas as she has heard over and over.

Jerry Kinzy commended Commissioner Johnson for his efforts and thinks he is headed in the right direction. He stated he would like to see the Interim Plan and as well as the new Land Use Plan, when density is described in Section 1, Paragraph A1, see low density be no more than AG and R-80, medium density R-60 and R-40 and high density anything below R-40. He stated his area, Sutallee, he would like to see no more R-20 at Hwy 20 and Hwy 108 and it be developed as more rural, as well as, Clayton and Salocoa at the same time. He stated until Hwy 20 on the west side is widened he would like to see nothing below R-60. He further stated he would like to see no commercial anywhere at the intersection of Highway 20 and Highway 108 and Upper Sweetwater and White Road. He would commend Commissioner Johnson for the elimination of mixed use designation at Butterworth and Bells Ferry Road. He stated in areas that have few R-20, R-30 and R-40 zoning and the greater portion is zoned AG, do not let the few zonings determine zoning for the greater area.

Chuck Dean stated he would like to congratulate Commissioner Johnston for the concept of the Interim Plan as an essential contract between landowners, future landowners, developers, business and industry as to what will be allowed and what won't. In 2003, Cherokee County spent several thousands of dollars, between \$75,000 and \$100,000, to the Economic Alliance and the plans that came back to guide our business leaders and government officials, it spoke about the torrid pace of residential zoning requests that flies in the face of logic and should use the greatest restraints in legal parameters granting high density residential. The report warned that the projects would produce serious problems in funding essential services such as roads, schools and safety. He stated that it takes years to address road issues and currently I-75 and I-575 is a headache that won't be solved for the next 10 years. This cannot be ignored. The damage has been done with Commissioners, and those in other Counties; he does not believe Cherokee County Commissioners can afford the luxury and ignore this problem. He stated 65 percent of the County works out of the County where there are three major escape routes I-575, State Routes 20 and 140. Citizen Bill Majure, at last month's meeting, when he pointed out these traffic disasters, was given the response that well they are State Routes and Cherokee County does not have jurisdiction, but only you can control the amount of added traffic as to developments. He gave DOT traffic count statistics on 140 and said there was no plans for 10 years to improve the road and it already exceeded what it could handle.

Brenda Sexton thanked Commissioner Johnston and said as business owners they could not go forward to make day-to-day decisions without a current business plan and what she was hearing is that the plan we have now was last updated in 1999. She stated she could not make decisions if she did not have accurate information on what she currently had. She recommended that an Interim Plan that reflects reality just makes common sense. She stated she does not understand how a plan that reflects what's actually here is a special interest or does anything for anybody's back pocket, its just saying this is what we have today and this is our Ground Zero and the definitions are this and this is what we're working for. She stated the amount of land just discussed tonight is 118 acres, which comes out to approximately 3,000 acres a year that the Planning Commission is making decisions on and she urged the Board to get a realistic Interim map that they could make future decisions on.

Mary Catarineau spoke and stated she is the President of the Cherokee Coalition for Responsible Growth and stated that organization is in support of the Interim Plan. She stated she has lived in Cherokee County for a year and a half and during that time at least 2 or 3,000 homes that have been approved within a 3 to 4 mile radius of where she lives with no more schools (one elementary school proposed), but no schools, no more roads, not even traffic lights where we need them. She stated if the proposed plan helps to stop the chaos of the over development of Cherokee County, it is necessary and welcomed. She stated she appreciated the job Commissioner Johnston has done on this Interim Plan. She stated it would create a realistic blueprint of the kind of development we can expect over the next two years and hopefully prevent spot zoning and the high density zoning she felt had been inappropriate. She stated the Coalition did feel comfortable with the Interim Plan and does support it.

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Lee Kearney stated she liked the idea and thanked Commissioner Johnston for his work. She stated the mountain areas with a much higher elevation should be looked at to avoid problems like Cobb County has had with mud slides, etc. She stated she has seen clear cutting, particularly on Sweat Mountain and Black Jack Mountain, down in Marietta and Cobb County. She stated you could look up and see house after house after house, no trees and those areas have lost all the beauty. She stated Cherokee County has beautiful views and we should be mindful to retain this beauty such as save the trees and watch for runoff.

Wayne Wheeler spoke and stated he and his family has lived in Cherokee County for a long time and that he does believe in planning, his father was in commercial construction in downtown Atlanta, and he agreed with Commissioner Johnston that The Land Use Plan should be updated because it is out of date. He stated he looks at it often and it is misleading; it does not show a lot of zoning that has taken place. He stated the current land use plan and the future land use plan if you wrap those in stone and say you won't deviate from this then in that case, and he didn't mean to be offensive, there would be no need for a Planning Commission and a Board of Commissioners because that is what you are here for is to represent the taxpayers of Cherokee County. You are suppose to be able to deviate from the plan and you are suppose to be flexible. He stated he didn't feel like the current or future land use plan should be written in stone. He stated certain land characteristics and certain area characteristics deserve and demand that you take special consideration of those areas. He stated he loves trees and living in this County and he stated there is million of acres of public land in the United States and he does believe in the constitutional rights of individual property owners and doesn't believe that people should be denied due process for taxpayers who have paid taxes for 50 to 150 years that have supported this County when there wasn't anything here. He stated that due to development we have better schools than when he was growing up, better roads, hospitals and everything is better. He stated as he is a developer, developers are not the problem, but the solution. He stated that what little development he has done he has taken abuse for it. He stated he had spent a lot of money putting in water mains, fire hydrants, providing clean drinking water and installing sanitary sewer instead of the old subdivisions being on septic systems which causes massive ground contamination and stream contamination. He stated he didn't think any development should be denied due to the schools or roads because he remembered when Highway 92 was a dirt road and he likes it better now as it is and this is due to development. He stated as far as commercial development goes, the Commissioners have been so anti-development, that commercial businesses have been scared off from Cherokee County.

Bob Johnson thanked Commissioner Johnston for the work he had put into this land use program. He stated he had been living in Hickory Flat since 1948 and he wanted to emphasize what Brother Dean said about roots. He stated if anyone would like to come sit one morning and sit in line to get through the Hickory Flat red light at E. Cherokee Drive you would be lined up to Stringer Road every morning. He stated that four red lights where scheduled to be installed at Scott Road, Univeter Road, Hickory Road and Arnold Mill Road and this will slow the traffic down in your planning that you are going to be doing to reorganize this plan, but its not going to help the problem. He stated if anybody

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in Cherokee County has any pull with DOT, that we needed road work done. He begged the Board to try to do this. He stated that he and others were ready to sell and move because of the growth, but don't cut out the commercial, this creates jobs. He stated the people needed to stay in the County to work instead going back and forth. This is where the emphasis needs to be put to help this County.

Commissioner Stewart said he had been after several generations of Commissioners that have come and gone to do some update to The Future Land Use Plan. He stated many of you four or five years ago under took to look at a plan for the Hwy 140 corridor and longest standing BOC member took heat from some of his constituents and squelched the plan. This Interim Plan does not take anything away from anybody and it was not done out behind the barn, he participated in the early part of it, so to suggest that happened reflects on him also and he didn't appreciate that. He stated that is why we are here, it's all in the open and in fact adds to some areas shown. It does give some clear indication where this County would like to go in a planning-type situation. He stated he lives on Sixes Road and has seen many changes and the City grows and the County has virtuously no say so about that. He stated that is the way our State made the law. However, a City cannot annex any property that the landowner does not want annexed. He stated growth boundaries have been agreed to by the Cities now and hope they stick to that agreement. He stated he agreed that those properties in the boundary agreement still in the City should be considered and not thrown away because they may be annexed. He applauded Commissioner Johnston in his work and that he had worked with him and that the County needed a plan they could stick by and support. He stated the biggest problem with a property owner suing the County and going to court for not giving them their constitutional zoning was because the biggest reason the County lost those cases is because we were not supporting our land use plan. He stated the Interim Plan would give direction to the consultant, committee working with the consultant and where the people want to go.

Commissioner Oxley stated it made sense where we are currently in zoning, but he would like more clarification from ARC as to the plan changes.

Commissioner Holcomb stated the only question he had and would asked in the process of achieving the official changes and he recognized there would be great positives to have right now, the existing and actual zoning to date, that is a must. The unofficial policy zoning resolution he was leery of only because of different areas of the County, and asked if public participation meeting were held in these areas. Commissioner Johnston stated this was just a starting point. He stated if developers were asked to send out public participation notices he was concerned of the legality of the County not having public participation meetings. His concern is to do what is ethical and proper for those certain areas, but getting the actual zoning on the map should be asap.

Commissioner Wallace asked for an outline of how these meetings may be conducted for the major update of The Future Land Use Map.

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Jeff Watkins, Planning Director, stated the major update is going to have quite an extensive amount of public input, in fact, when the County went out for proposals on the Comprehensive Plan we asked for not only to meet the State requirements for the major update to the Plan and there are a minimum guideline standards for the State of Georgia for updating the Plan that must be met. Those have been recently amended for a more beefed up public participation or a more community visioning that has to go along with the comprehensive plan. We are not going to just meet those minimum requirements, but plan to exceed it. The County will be divided into planning districts and there will be meetings held in those particular areas and the purpose behind that is because the vision for the northwest corner is going to very different from the southeast and southwest portions of Cherokee County. The idea is to go to those communities and learn the vision, issues and opportunities there and that bubble up into the comprehensive plan. There will be more than one public hearing. There will be community meetings to gather information to come back with different land use scenarios then go back out into the community. Come back and do some tweaking then go back out to the community. There will be several opportunities within just those planning district. In addition, there is a Steering Committee, which is a citizen's roundtable, which will meet on a regular basis and people are welcome to come to those meetings. Then there will be public hearings, of course. There will be a series of educational programs and community workshops. These will be posted to the web site and posted in the paper. It just makes sense to ARC to clean up the current map in order to determine what the vision is for the major Future Land Use Plan and Comprehensive Plan.

Chairman Cutting stated the text and map does need to be up to date, but he was concerned with restricting uses, that all would probably welcome, in the activity centers because some of this under this unofficial zoning policy resolution covers those activity centers to encompass commercial, residential, civic and educational. He pointed out one area not addressed in these activity centers that should be as active adult communities. Active adult communities by nature fit in these activity centers and are walking type communities to interact with the civic centers. These people are generally 55 and over, empty nesters, they are volunteers, they are the ones working behind the register at the grocery store or doing civic volunteering or substituting. He wanted to encourage to write a provision in this plan to allow specifically that type of use because if you use an example of The Orchards, which might not be perfect as an example, but it certainly is a good representation or model of this type of use or development. They cater, specifically, to the active adult of the 55 and over, their by-laws are written that way, the product is sold that way so people moving in there have a clear understanding what they are buying. People are looking to move their parents closer and not necessarily in their home. This represents a good consensus as to what this Board has discussed and would like to see.

Chairman Cutting stated this would be further discussed at the Citizen's Roundtable on February 9, 2005, further discussed at the Planning Commission's work session on February 28, 2005 and a recommendation would be made at the Planning Commission's regular meeting on March 1, 2005.

Minutes

- Approval of January 4th, 2005 Minutes.

Betty Callahan made a motion to approve. Seconded by Donnie Henriques. Motion passed 8-0, with Jay Wallace abstaining.

Jay Wallace made a motion to adjourn. Seconded by Ashley Holcomb. Motion passed unanimously 9-0.

Meeting adjourned at 10:05 p.m.