

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, April 5, 2005
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, April 5, 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, Ashley Holcomb, Bob Whittaker 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 7:00 pm. **Vice-Chairman Jay Wallace was not in attendance.**

Chairman Cutting stated the first item on the agenda to be discussed is the Interim Land Use Plan. He stated this is the second public hearing for the plan. He asked for a show of hands of those wanting to speak. He stated approximately 15 people wanted to speak and he would open up the public input for 20 minutes and see how that goes.

Chairman Cutting issued this following rezone withdrawals and postponements:

Case #05-04-026 Bell, Frady, Burkman, LLC requesting to rezone 1.86 +/- acres from R-80 to R-40. If rezoned the property would be utilized for residential uses. The property is located on Adams Road in Land Lot 1080 of the 3rd District and further described as Cherokee County Tax Map 03N05, Parcel 007. **Case Withdrawn**

Case #05-04-028 Barclay Group requesting to rezone 7.33 +/- acres from R-40 to GC. If rezoned the property would be utilized for a commercial business and office center. The property is located at the intersection of Sixes Road and Ridge Road in Land Lot 354 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel(s) 43C, 44 and part of 43.

Applicant has requested to postpone this case until May Public Hearing

Old Cases

Case #05-01-004 Premium Investment requesting to rezone 31.49 acres from AG and GC with conditions to GC. If rezoned the property would be utilized for commercial uses. The property is located at the corner of Cumming Hwy and Hwy 369 in Land Lot(s) 770, 771, 814, 815 of the 3rd District and further described as Cherokee County Tax Map 03N16, Parcel(s) 99, 100, 101, 102, 103, 104, 105, 120 and 121.

This case will need to be postponed until DRI comments are received

Bill Jarrard stated to Chairman Cutting that he would like to make a comment, in his opinion, was to correct the Chair regarding one point for discussion that this was actually the third public hearing for the Interim Land Use Plan. He stated he felt that no one should be kept from saying anything they choose to say. He stated that the Chair had full authority to set the agenda and time element on any public hearing as it relates to rezoning, but this is not a rezoning hearing. He felt it would not be fair to not hear anybody that wants to speak that is for or against something. Chairman Cutting agreed and stated that he would start with 20 minutes and if anyone were left, it would be decided to decide at that point whether to continue. Chairman Cutting stated that to his knowledge this is the

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second public hearing and not the third. Mr. Jarrard said the work session. Chairman Cutting stated work sessions are open to the public, but are not interactive. We do not take comments from the public, so that would be the second hearing. Mr. Jarrard stated this was not correct that there were public hearings 1st of February, 1st of March and then this is the third one, not that it matters, but he stated this is the third public hearing. He stated at the last public hearing of the BOC, not the Planning Commission, Planning and Zoning stated they would have a public hearing on April 5, 2005 and that made it the third public hearing. Chairman Cutting stated it was not an issue to be concerned with and the meeting would proceed.

Discussion of the Interim Land Use Plan

Paulette Haines, Director of Senior Services for Cherokee County, said she had been with the County for over six years and she wanted to make herself and agency available for any demographics, statistics and very important thing is a certified information referral person. In the last year, they had taken 9,800 calls so they can give a feel for what people are looking for. She said Olene Darby, an information and referral specialist, certified by the State of Georgia, is an available resource. Mrs. Darby also oversees the caregiver program caring for 850 people and has all the information needs for housing, etc. She presented the Board with a list of all the services they provide. She stated Earl Darby is the Chair of the Cherokee County Volunteer Aging Council and he would be available to help with any information needed. She said she wanted to make all their resources available to the Board.

Olene Darby spoke and said they get many calls and 25 percent are calling for housing for seniors. Chairman Cutting asked what age group she was talking about when she refers to seniors. She replied 60 and older. Nine-five percent that fall in that category that are asking for housing need affordable, low cost housing or an apartment. She says she gets calls everyday from people moving to the County, where their jobs have been relocated and now they want to bring their parents here from another State. When they start looking into the housing for their parents they get a little scared and often time the parent ends up living with them until they find something, the waiting lists are long to get into affordable housing. Caregivers are not necessarily the parents being cared for by their children, but someone who oversees the care of a loved one that is older. 2,690 contacts from caregivers this year of those people the care receiver were low income, approximately 75 percent. She too stated they wanted to make themselves available to the Board of the needs of the senior community.

Earl Darby spoke and said the senior citizens of Cherokee County are those that have worked hard and paid taxes and have done a lot for us. People are moving here everyday and they are bringing their parents with them. So many seniors only make \$700 per month plus pay for their medicines and things. He said it is very important when considering the land use plan to consider those who have given much to this country, even if they were not raised in Cherokee County. Without finding a way to help them they will become a burden to our society and no one wants that. There are good programs and affordable ways to have housing for these seniors and make sure they are looked after and taken care of and he would like the Board to find a way in the Future Land Use Plan to look after our senior citizens. He said he cannot tell who quoted it but somebody said, "A Nation and a People are best looked at by how they look after their children and their elderly." He thought by all the volunteer work he had seen in Cherokee County and with the Volunteer Aging Council, they had never asked anybody on an individual basis to help them when they did not. He asked that that spirit continue in Cherokee County when addressing future land use.

Debra Haynes spoke said she was a little frazzled because as she left home workers were tearing out her cabinets in her kitchen and tearing a whole in the ceiling so that's what she would be returning home to. As was mentioned earlier, this Interim Land Use Plan has been heard multiple times and I she felt that anyone who wanted to express their opinion has had multiple opportunities to do so. She said she is a little unnerved that it is being delayed so long in looking at the fact that last Spring there had been town hall meetings with many of the Commissioners and in those town hall meeting they were told of a need for a new Land Use Plan and were also told it would take anywhere from 18 to 24 months to complete the Plan. Now here we are a year later and is it still going to be 18 to 24 months from now? She thought Cherokee County needs protection from growth run rampant. Tighter controls on land use are needed now, not later. A Plan lets all development, community, residents and potential residents know what to expect. It establishes standards and enables the Commissioners make quicker well founded decisions on rezoning requests. It ensures consistency in the application process, weeding out rezoning applications that deviate from the plan prior to submission to the Planning Commission. The result is less wasted time on deviations. The Interim Lane Use Plan certainly accomplishes these benefits. Let's put it in place. We now hear that there is a push for 55 plus communities to be added to the Interim Plan. We have plenty of high-density zoning designations that communities like this would easily fit into. Why the need for another high density zoning designation? There is a place for these communities in this County; however, this type of high density does not belong in the rural areas like Ball Ground, Macedonia, Free Home and Hickory Flat. They should be established in high-density areas nearest cities where there are commercial and economic centers to support them. We should also take a hard look at the demographics of the County to plan these communities. Consider as to proximity to medical facilities, emergency and fire services, shopping and work since many of these people are not yet retired and these are important considerations for this age group. Do we have the infrastructure to support this? How many people potentially would be interested in making this move? AARP indicates that the rate of people over 55 moving is minimal at 5%. Additionally, any high-density subdivision adds cars and traffic to the roads. These individuals may not use the public schools, but they could potentially place a drain on other areas of the infrastructure like roads and emergency services. We all know the heavy burden our firemen currently have. Let's do the studies to make sure Cherokee County has a market for these types of communities and then plan so we can meet their demanding needs. In the meantime, please do not hold up the Interim Plan to include these communities; they have a home within the official high density zoning designations.

Bill Majure spoke and said he would like to refer back to the town hall meetings last Spring and the common theme of the half he attended was outcry that we the public do not trust you because you do not honor your own land use plan and he hoped that the Interim Land Use Plan is a result of you having heard that anger. First, then he is excited at the very existence of an Interim Plan. We need it and need it now because we still are in limbo between a plan that is not honored and one that is yet to be drafted. Further information has he has it suggests that at least the Board of Commissioners have agreed to honor and respect this Interim Land Use Plan. Folks that is fantastic because that gives everyone an understanding of the ground rules. The public, the Planning Commission, the Commissioners, the landowners and the builders. He likes the existing version. There are areas in the existing version for high density, commerce, preservation of County's character and zonings in between. We do not need spot zoning across the County contrary to the Interim Plan for any reason no matter how noble the reason given. You can leave those causes to the high-density portion of the Interim Land Use Plan (ILUP) or to the ambitious Cities which we have numerous. He urged the Planning Commission to adopt the ILUP as is and do so as soon as possible.

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Wayne Wheeler spoke and said all are on the same page and want a good quality of life and he thought Cherokee County if not the most beautiful county in the whole country at least close to and he has been proud to have lived here all his life. He stated he is a real estate developer and a residential builder and he has developed and built only in this county so far. His Dad had a saying to plan your work and work your plan and he was a commercial builder that worked on many of Atlanta's skyscrapers and the dam project including Allatoona dam. He is from a family that works and builds and each of us have a house over our heads due to the effort of builders and developers. So he doesn't believe that developers are a bunch of criminals like some people believe they are. He does agree that we need a land use map because builders and developers need to look at it and tell what is going on in this county and to guide them as far as what would be acceptable in certain areas. He stated he believed the cities and the land use plan that they are proposing is for high density and developers are interested in high density and he believes the cities are where the high density needs to be developed. He stated he was at the meeting with Mr. Donald Ratajczak and he mentioned the need for parkways. Mr. Wheeler said the county needs to make road improvements to parkways as populations increase such as E. Cherokee Drive with tree lines, etc. and also Arnold Mill Road because one of the main concerns about population increase is traffic. No one likes overcrowded roads, accidents and extreme burdens on our infrastructure. He said he had always had the attitude that he would rather have more neighbors than less jobs and would rather sit in a lot of traffic than to be standing in an unemployment line, which he had to do in his life before. He stated his Dad grew up in the Great Depression so that is one reason why he defends growth, building and prosperity and he does believe people should be granted their constitutional rights. He stated the elected officials are entrusted by the voters to make decisions on their behalf because if you had to get an opinion from everyone in the county there probably wouldn't be a land use plan at all. The officials are to make good decisions on their behalf, however, he doesn't think any Commissioner or any public official has a mandate not to be flexible. He stated that is his biggest concern with this Interim Land Use Plan or the Land Use Plan of the future that the Commissioners should be flexible from time to time and he doesn't think that this is a concrete wall you have to run into that you can't expect the Board of Commissioners to work with you on certain issues. Mr. Donald Ratajczak also mentioned act or re-act. Mr. Wheeler had a change to that and felt you have to act and re-act. As growth comes to this county sometimes you can't tell what growth is going to do. There could be a major recession at any moment and stop development and growth in its tracks for years at a time. He had seen it happen many times in this county so you have to act and re-act. If you need new schools, you need to plan for them and get them built. He does not believe the future land use plan should be a toy for so-called Citizen's Action Committee composed of one or two dozen people when the property rights of hundreds of thousands of property owners are at stake. He believes, the land use plan although it is a good plan, is probably too restrictive. He said he didn't believe certain Commissioners have a total mandate to strangle hold this county and he does believe Commissioners should be flexible from time to time.

Mike Kelly signed up, but said he would like to wait to speak at a later time.

Bess Kelly signed up, but said she would like to wait to speak at a later time.

John Ridings spoke and said he very seldom comes to the Planning and Zoning meetings and hearings and never really actively involved in the Planning and Zoning, but as he has been hearing through the grapevine and from other people about the Future Land Use, he understood they would be voting on it tonight, but he had been hearing about the debating over it and the thing about that that bothers him is the Board has been able to pass so much based on the Future Land Use Plans. The past year he had been watching passing on zoning and rezoning in accordance with the Future Land Use Map when the FLUM was not in fact voted into place. How the Board could do that has

always been a mystery to him. It doesn't seem feasible how you can vote in accordance when you don't have them intact, but yet and still you are. He said a lot of citizens and property owners are upset about it and he was asked to speak tonight because people in general feel their citizen's rights are being deprived of them, Mr. Chairman. They do not have the rights and opportunities because you all seem to continuously get the cart before the ox so to speak and don't give them their rights. You can have all the meetings you want, but how you all have been able to pass all these in the past is beyond him. There are no land use plans enacted. He thought that is a violation to the citizen's rights and trying to overthrow and under power them and deprive them of their rights and abilities. A lady asked him to speak tonight and he had to call it the way he sees it. He had been around Cherokee County for 65 plus years and he has seen all this growth and all these changes. He sees all these new proposals coming in and he has seen and heard agreements to the Planning & Zoning and seen the Board of Commissioners pass and enact ludicrous acts that he knew was going against the grain. If you do it for one, you have to do it for all. You cannot violate citizen's constitutional rights. The Board needs to slow down. Not only the Planning and Zoning Board, but the Board of Commissioners because he comes to a great deal of the meetings because he is a concerned citizen. He stated he is against the proposed Future Land Use and also is against what the Commissioners had agreed on with the cities. Chairman Cutting asked Mr. Ridings to limit his comments to the Interim Land Use Plan because that will confuse the issue. Mr. Ridings agreed. He said what he was about to say would tie in with the ILUP, but the Commissioners made an agreement with all the cities to up to a point they couldn't go beyond and that has upset a lot of people and they think that is taking their rights away and not giving them any chance or opportunity to at a later date to annex if they wanted to. The City of Canton will be the first one to jump bounds on that agreement surrounding Puckett Creek from what he has heard. He knew with all the growth there has to be plans and guidelines and all this coming in the roads need to be addressed. Some of the Commissioners have said we don't need more roads, but we have to do something.

Chairman Cutting said that Commissioner Hubbard had asked him to make a clarification before we began, but he got side tracked that we are currently operating under a future land use plan called the Future Land Use Map and it was adopted in 1999. That is what we look at when we look at zoning. What we are talking about tonight is, currently by law we are required to update that every 10 years and there is a Citizen's Round Table in the process of meeting at least every other month and more frequently very soon to update that plan. What we are talking about tonight is between what we are using and that plan coming into being in somewhere around 18 months and that's the Interim Land Use Plan and that is what we are talking about tonight. He wanted to clarify what they were operating under.

Mary Catarineau Ware spoke wanting to reiterate their support of the Interim Land Use Plan (ILUP) for the next 18 months it would give people a feeling of stability because people move into the community and they really don't know what to expect and this ILUP will give them some mechanism for knowing what they can expect when down the road they see a rezoning sign. So they all are in favor, they do know that some people would like to see the annexation boundaries removed. They are not in favor of the 55 plus high-density development in the rural areas and believe these should be in the cities and the high density zoned areas, but generally speaking, we do support the ILUP and hoped it will be adopted.

Gerald Kelley spoke and said he was born and raised on Brick Mill Road in Canton and been here all his life and was raised on a farm and years ago used to have crops, corn, cotton, etc. over the years they went to cattle. He would like to continue with their farm and he is really worried about this growth plan and maybe extending the city limits. He is concerned of it changing his way of life they had been used to for 67 years. He asked that his property be taken out of the growth agreement

area. He looked at the map and the colors are pretty, but to him with no identification on it, it is hard to figure where he really belongs on it. He appreciates the Board hearing about his family's concern of it.

Donald Massey spoke and said he is dead against this map. To him it is just another way of pulling the wool over his eyes. It hasn't been several years ago that they tried to get 1,200 apartments on Brick Mill Road that they had to go before everybody to stop that. 1,200 apartments on Brick Mill Road is ridiculous when it's a gravel road. 1,200 cars on a little pig trail. He said he couldn't make heads or tails of the map and he doesn't know where he's located on it and it doesn't say. Pearson Properties is doing the same thing on the other side of Brick Mill Road. They tried to ease us in to the city limits and widen the roads and take property from people. Mr. Massey said he had just paid taxes on the property and their trying to come in and take it and widen the roads and put us in the city limits isn't right. If he wanted to live in the city limits, he would move to the city limits, but he likes to live in the country. He said he is dead against this and this high density is too much traffic anyway. If anyone tries to get on Hwy 140 or Hwy 20 in the mornings between 7 and 8:00 a.m. you would know what he is talking about. There are too many cars now and too many wrecks now.

Ursula Cox spoke and said anytime you leave the public out of land use decisions and land use is people, anytime they don't clearly understand something or don't have their input regarded and realize you don't want this to drag on and on and on, but this is the first time she has seen this map displayed. She said she spent a lot of time looking at maps and her area from Univeter Road to Hwy 140 has one road through the middle of it and that is Brick Mill Road and this Interim Land Use Plan (ILUP) doesn't do us any favors because of the city future growth boundaries split the area. She said she, as well as some of her neighbors, would like their properties taken off this map because it will call confusion, as you have already heard confusion tonight about it. Also, it will encourage annexation and how can you plan for something you don't know is going to happen. It really disenfranchises these people and she knows Perry and he is a friend of hers, but he is a detail man and she is a detail girl. This is one detail where the citizen's input should count on this. She hasn't seen any of the tweaking that Ms. Marcia was so scared about early on take place. There has been some input by Dr. Petrecello. Ms. Cox said very little input from herself, but that was the detail of moving where Univeter was and that didn't really matter, but there are so many issues and only the people that live there really know the land and the area she lives in does face the city. This is very serious and we call Donald Massey the Mayor of Lower Scott Mill and when even people on Sunset Drive ask if you've talked to the Mayor about this...he's in the trades, he knows these things and knows about the roads and we do face this from time to time. She said the Interim Land Use Plan in ways doesn't do enough and in ways does too much. She felt there is not enough citizen's input. A lot of times the same people go to the public hearing instead of just the real public, public. The citizens in Cherokee County for the most part don't know what a land use plan is and for something this important. She said Mr. Ridings wasn't off when he says that the growth boundaries disenfranchises people and that is still county properties. She said she would like the public input heeded, there's been input to density. Future commercial along highways has been addressed and the other Active Adult Communities is trying to get away from zero lot lines that doesn't necessarily mean high density, but they do need to be near community centers. The problem she has with the ILUP is not enough people have had input and that causes confusion.

Jimmy Kelley spoke and said people live in Cherokee County because of the beauty and what we do today will affect us all our lives because once you lose it you can't get it back. So please be diligent when giving it up because we will never get it back. The County is a good place where people can speculate on making some good, fast money and I know that's true because we have seen it in the

past. Look around you, then those people move on and we're there to pay for it. Please think about the repercussions of it and to our way of life.

Citizen that lives on Brick Mill spoke regarding having input and should be able to vote on these issues. He spoke of his mother-in-law who has since moved to the county and her attempt to sell her property in the City of Canton for a musical instrument shop, but they said no. His child goes to Canton Elementary, all there is are low income Hispanics, he has nothing against Hispanics they work with him also, but she goes to school and she has two teachers, she has an Hispanic teacher and an English speaking teacher. She carries a lot of sickness back with her a lot of times. He said he thought about moving out of that district. We need to build up what we have, correcting the problems we have before start making the City bigger than it is. We talk about elderly and low income and we already have a lot of low income and Hispanics and a lot of young kids with education problems. He said his child is on a higher echelon in her grades and she is smart, but he doesn't know if that is because she is in an Hispanic class. He is worried about this and how she would compare to Bascomb Elementary. He said he is against the Interim Land Use Plan.

Garland Stewart asked Ms. Cox to point out Brick Mill, Lower Scott Mill and Univeter Road area they are talking about.

Jerry Kinzy spoke of residential densities not only for the Land Use Plan (LUP), but also the Interim Land Use Plan (ILUP). He stated he would like to see Low – AG & R-80 (.50 to .55 units/acre), Medium – R-60 & R-40 (1.1 units/acre), High – R-30, R-20, R-15, RD-3 & RZL (1.6 to 4.0 units/acre) and Multi-family – RTH, RM & RA. Anywhere density is mentioned in this plan, it should be considered to mean these densities outlined. He said those areas of the Sutallee community at and near the intersection of Highways 20 and 108, not already zoned, to be designated Rural east/west from Bartow County to the Etowah River and north/south from Lake Allatoona to Lost Town Trail (entrance to Lake Arrowhead Golf Course). He said he would like to see a 400 foot right-of-way for Highways 20 and 140 from county line to county line to allow for future widening. He said no commercial development at the corners of Upper Sweetwater Trail and Highway 20. He said more research needs to be done before deciding on the need or want for Active Adult Communities. If it is decided to include these in the ILUP or LUP, they should be located in areas where there is shopping, medical facilities, doctor's offices and any other facilities needed to serve the 55 plus citizens.

Richard Spinks spoke and said you look at where you are and where you're going and he thought the idea of the Interim Land Use Map (ILUM) is good. The fact is that so many mistakes have been made by this Board and by the Commissioners in the last year or year and a half. They have put high density in areas where people were objectionable to it, down in the area where he lives, we all know the fights and battles we have had to put up there. The big thing is, what we've found tonight, everybody that spoke except for one or two, there is large confusion as to what's going on with the map. People here are the people that we usually see at all these meetings. The ones that are here are very, very confused so the situation is one or two of the Commissioners have taken all the zoning that have passed in the last year or so put those zonings map and surrounded those areas. Those persons in favor of this is in the low density areas that see a great protection of their area, such as the eastern or northeastern part of the county where their farms are protected, they are real happy about this. The lower part of the county, where he is from, a lot of high density has passed over the last year and now this new plan says you're going to put the high densities down here. Most of the public does not know what is going on is a factual statement. He said he is on the Board updating the Land Use Map and that is going to take them a year and a half so why does

someone think they can do this in a few months. So why is it going to take them a year and a half. He stated he was very much against the ILUM.

Chuck Dean spoke and said in 2003 the Tribune reported that the County would be spending thousands of dollars for a report to guide our government and business leaders and it's stressed that the County must concentrate on developmental balance and talking about the Interim Land Use Plan (ILUP) if we don't have a guide where are going to be screwed into the ground. One of the greatest examples of messing up was when we took the property next to Herman Miller and put RZL out there. That's classic and that's what you want to avoid. You have a map here where Ursula Cox has to point out where she is. We need to have a plan and stick to it.

Chairman Cutting closed the public input.

Chairman Cutting stated he would like to yield to Mr. Jarrard and stated Mr. Jarrard was correct in that we have had three public hearings the issue he was trying to address is tonight is the second public hearing we have had that we have actually heard from the public. This is the public land use and that was his point that the March 1 public hearing was you listening to us talk about this issue and the whole idea was, because of the confusion was to add another input hearing which is tonight and that is an important point, that the Board needed to hear more input. Mr. Jarrard said that if the Chair would check back two months ago exactly a lot of the same people who were here spoke that night on the Interim Land Use Plan so there is no point us arguing. Chairman Cutting said he simply was yielding the point. Mr. Jarrard said this is a public hearing and should have the right to say what we want to say. Mr. Jarrard said he is the most concerned with the mixed signals they are getting. Frankly, he thought some tweaking, that's the terminology that has been used when we say we made some small changes, additions or amendments to the Interim Land Use Plan (ILUP) and the architect, as you know, is Commissioner Johnston. In the first place, if we start to talking about changing the growth boundaries, he thinks we are in the wrong, wrong church and the wrong pew, too much work has been put into it by the Commissioners and the Cities. If we open up that can of worms, we will be talking about it 6 months from now and a great job has been done in that regard and we should quit talking about changing growth boundaries. There may be some tweaking that needs to be done for example Brick Mill perhaps and some tweaking around Sutallee. The thing that concerns him, in his opinion, three public hearings, we have had a full session with the Citizen's Round Table which is appointed to make the Comprehensive Land Use Plan and three meetings with Planning and Zoning although one was short, but a full discussion. Another meeting was held at Hickory Flat Library with the so-called coalition. So, there have been eight meetings and if the public is interested to tell people what they think. His mixed signals are these: The Commissioners are going to approve the ILUP that's what they hear and read in the paper; however, then we hear its not going to be done until the present meetings are going to be heard around the county and maybe four or six weeks after that so what we are talking about is getting into the summer and he thought that is absolutely out of line and we need to have the LUP approved with the tweaking needing to be done from what you are hearing tonight and let Commissioner Johnston do that. He said what we are forgetting about, in his opinion, the fact that the Citizen's Roundtable is going to start to getting in every community, that's their job and they are going to come up with a new comprehensive land use plan. We aren't talking about rezoning the county and that's the opinion a lot of people have, we're not talking about any rezoning, we are talking about a guideline, a plan, an ILUP, but if we will go ahead and adopt a plan that we can still tweak later on and get started with what the big plan is and that is the Comprehensive Land Use Plan (CLUP) which we paid 456,000 dollars for consultants to come in and help us. When that starts, the same things we are talking about tonight will be discussed in your community. That is the whole purpose of the Citizen's Roundtable, they will come into the community and that is where the changes will be

made and what the community wants as their plan will be done, but in the mean time we don't need to be putting off an ILUP, in his opinion, we need to get it behind us and move on to other things.

Mr. Whittaker said he served on the Board six years ago and at that time there was pretty good agreement between Planning and Zoning and the Commission and during the course of the next four years they went through some rocky times. They got to the point that they would make recommendations and the Commission would essentially ignore it. That put them in a tenuous position to be able to fight things that were really unreasonable in this county from a zoning standpoint. We now have a Comprehensive Plan that has a lot of wholes in it because of things that have been passed in the last six years. It does not show the reality, for instance, it shows an area as undeveloped and Woodmont is in the middle of it. This is an effort to get everybody back on the same page. There is a limit to how much can be done without getting into a bind with the State in terms of is this a redo that they have to review in Atlanta? To address the concern of Brick Mill Road and that it is shown in the Canton growth boundary, the fact is the County can do virtually nothing to stop an annexation that is the way the law is written in Georgia. If a rezoning comes and he is given an opportunity to vote on it, I'm going to deal with it with the reality of what is going on. He said he really didn't care if it is in the growth boundary, if it's a rural community, that is how he would address it. So the growth boundaries are there to try to reel in the Cities, but the reality is we are in a weak position. He said he isn't sure what changes had been made at the last minute, but he said be assured that just because you're in a gray area, that we are not going to throw up our hands and say, Sorry, you're in a gray area and we are not going to deal with you. That is not the intent. This is part of the process of rezoning and part of the process of defending against suits brought by petitioners. If we don't do something different and come to some rational understanding of what the ground rules are going to be until the big revision, we are going to wind up in a weak position. It is an effort to try to accomplish that. It is not perfect and will never be perfect.

Mr. Stewart stated he had been involved on and off in this Commission for eight years now. A good bit of the time when he was Chairman of this Commission, he asked and pushed and asked and said we need to do some updates, an interim plan, that referred to what Mr. Whittaker talked about, what's actually on the ground, what has happened, what we have zoned, what we put there and until now we got a deaf ear and just kept zoning willy-nilly and doing anything the Commissioners wanted especially within the last two years. The Land Use Plan was not supported and was virtuously thrown out and they would zone anything and everything that came down the pike. He said he agrees and personally likes the Interim Land Use Plan (ILUP), maybe he understands it more than others, because he had some input into working on it. The map is confusing because you have so much stuff overlaid over the top of it. He said he had hoped to at least have the county in quadrants and blown up more where you could see a little more detail. Maybe since he has seen the workings parts of that he understands it a little better. He said what has been done is not any really great expansion of the zoning classifications in any area, but rather a clarification, in main intersections on Georgia 20 and 369 were areas of currently zoned GC, we said okay we have this intersection with two pieces GC and it makes since to offer these other two pieces and that's all that has happened. Same thing as happened on Sixes Road where they have fought and fought trying to keep Sixes Road a residential road and tried to put down some sensible boundaries where commercial could be, where residential or maybe in between higher density residential that would offer an opportunity for the current land owners. Mr. Stewart said he felt comfortable with the ILUP and supports it. He said he will be involved with the Citizen's Roundtable for the Comprehensive Land Use Plan and who knows what it will look like 18 months from now. There will not be agriculture and undeveloped because that plan will have to show where Woodmont is for medium density housing. There are many developments that don't show up

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here that has happened within the last 8 to 10 years that needs to show up in the land use plan so we can see the direction the growth is that is popular and not popular like down at Ms. Cox's area. He said the ILUP will give them support from our Board of Commissioners. He said the biggest mistake was voting zoning that does not agree with our land use plan, by doing that we completely lose all standing in court, if a developer or land owner wants to take us to court and we are zoning outside of our land use plan, they take it to state court and we don't stand a chance of winning. As long we have a land use plan that has been approved by the state, Atlanta Regional Commission (ARC) and we stay with that plan, reasonably in our zoning, then we have a chance in court to defeat the big time lawyers, some of them sitting out here tonight, waiting to go into the public hearing. If we don't have a land use plan we can support and zone by it, we don't have a chance in court.

Mr. Henriques said at the end of the last regular meeting we had until Chairman Byrd mentioned how confusing this plan was, he wasn't saying anything about it because he felt stupid, but he's glad he brought it up and he's heard it several times tonight. He said he thought the plan was very confusing and having said that if the Citizen's Roundtable is going to take 18 months to 24 months to do the Comprehensive Plan, how can somebody do this interim plan in three months and think it is going to satisfy the needs. He said that is his problem with this plan. He also believed this is a major overhaul and will trigger an ARC review and he is convinced of that. Having said that the Commission is going to take this up and they will decide what is going to happen and if they do, he wanted to clarify one point, three people spoke against the Active Senior Adult component and their main concern is it is high density zoning. He said he wasn't sure where they got that from because that is exactly what it is not. The Active Senior Community is designed for people still functioning on their own, they live on their own, it's not an apartment building, its not multiple townhouses. It is good ranch style homes sometimes connected but never 8, 10, 12 units to an acre and these things can be viable components of an area outside of a city. If you are living in Woodmont and want your parents closest to you right now the closes you can get to them is downtown Canton or Canton City limits; whereas, if the component is there along Highway 20 at a major commercial intersection where even Mr. Kinzy says there are doctors and whatever else they need to have access to that's all we are talking about. He urged the Commission to discuss this component and even to go so far as the Comprehensive Land Use Plan. This County desperately needs more housing for senior citizens, whether it is low income housing or not, it doesn't matter, we don't have enough.

Mr. Stewart said we have two different revisions. The one they passed on the first of March which references the Active Adult Community; then one passed out tonight that has some different wording and it does not make references to the Active Adult Community. We need to decide which one we are voting on. Chairman Cutting said he would address that when it was his turn to speak.

Ms. Callahan said she could cap everybody on being a resident of Cherokee County; her family came here in 1844 and she has seen a lot of changes. She said she agreed with some changes and has not agreed on some. She said she has been on the Board for a period of three months, so for an old 75 year old woman, can you imagine how much double time I'm trying to do to catch up with all these learned men that have been here 6, 8, 10 years, but she would get there. Some of the things that bothers her with all this is are we keeping some common sense with all this. She said she had been studying to see from the people over in the Waleska area, she knows they are not as educated on this as we should be, we are trying to push it and understand it, we may need more time. She said she is for anything that is the betterment of Cherokee County and she was very willing to learn, but somebody has to give somewhere sometimes. She said she owns acreage and she doesn't want it taken away from her and she is just as livid about it as anybody else.

Mr. Holcomb said he thought he knew the objective of the Interim Land Use Plan (ILUP) that has extreme merits for its use. He sympathized with the growth boundary agreements and to him if that is the way one Board feels about it, it doesn't have to be shown on the ILUP, they exist and he understands when someone doesn't want to be in the city and their county map shows a growth boundary agreement they don't agree with, granted it may be an agreement that the county and cities have met, that may be harder to swallow, but it may have to be shown on the new land use map, but not on the ILUP. He thought the ILUP will be very, very useful, but the biggest concern he has is there won't be as much flexibility into the decisions coming down from the Commissioners. He does think, like Mr. Whittaker, that every zoning case has to be looked on for its own merits and we haven't been able to address every single existing zoning out there, existing non-conformed uses, and those will come down the pipe line. He recognizes there is a means inside of this ILUP to deal with those. He encouraged the Planning Commission along with the Commissioners to take every case and reassure the citizens whether they be pro-growth or anti-growth because seems to be the line that has been drawn. Both groups need to be reassured that the Commissioners that they are going to proceed with an open mind and take every case on its merit granted this ILUP is a direction and a guide. He wanted to be sure there is flexibility with the ILUP. He said the Senior Living he thought that entire market is changing, it is no longer done the way it use to be done and with all due respect as old folks homes. There is more a transition to that and they try to give them more living space and transition to less independent space. There is areas in the county, not in the cities, that are communities and Ms. Haines with the aging council said a community is made up of people and that is absolutely true and every community whether Ball Ground, Waleska or Hickory Flat those are communities that have all shapes and forms of folks, different ages of folks, and those type of aging communities do fit in those areas. They don't necessarily fit in high density and he thought a lot of people misunderstand tight living quarters and they obviously perceive those to be high density. They don't necessarily have to be made high density and made more density neutral and that is an up and coming thing that as leaders of the community must address so the seniors do not need to move out of their communities because they need to downsize and there is areas in those communities to make that work without making it high density. It might be tight living quarters, but it might preserve a great deal of area and make it a desirable place to live.

Mr. Oxley referred to the senior living area and said he thought that people were cautious of it because is that every time we do something and don't do it correctly it opens up a can of worms and the biggest concern is if it is a higher density and we put it somewhere other than the city or in higher density areas people are concerned that that particular zoning will open up the flood gates for other things and we won't be able to stop it when we want to or may be legal. It is a good idea, but it needs to be detailed to keep us from opening up a can of worms for the higher density type situations especially from our legal parts. People who want to twist it and turn it and get a loop whole and have that happen. With that said, his idea of the Interim Land Use Plan (ILUP) is telling us where we are today, currently we have to know where we are today so that we can move on to tomorrow. We need to understand what have we done it certainly doesn't help when we have had a few bad zonings in different particular areas that has opened up the flood gates. The question really is here are we able to turn the tide, are we able to look at a particular area, and the Herman Miller case comes to his mind, this Board said yea unanimously this is an industrial area and should remain so. The Commissioners then made it an RZL and then the idea with where can we put high density is a bad argument because maybe more high density is not needed where the schools are already decimated. So I've been told if you don't let it in the attorneys will bring it in. Maybe the laws need to be changed. We are not able to control certain areas from getting out of hand and getting ridiculous that makes it very difficult to create balance because we do have to have balance in the county, he thought we are making a mistake if a court ordered park remains undeveloped and

its not going to remain undeveloped, but a bigger mistake is not planning ahead and define what type of density makes sense in those areas. He said the reason people are confused with the ILUP is that it is so complex. It affects our infrastructure, our schools, water and how we plan without opening up the flood gates and keeping balance and balancing property rights. It is very tricky. So simplicity, in his view, is to put down what we have done to see where we are and then make a determination as to how to proceed in the future and the problem we face here is we have to take things on a case by case basis and certain things have merit. He said he was trying to get down who was for or against it and why and he was trying to find out why people would be for the ILUP because we need a guideline for where we are at and those against it because they say its too confusing. He said the ILUP is needed and say the big question is we need it so we can move at a slower and more direct pace into the next couple of years as we develop our land use plan, but is it so complex that and so confusing and as Mr. Henriques said will it require an ARC review that it's a moot point at this point and he didn't know if anyone could tell him that.

Mr. Jarrard said if the Citizen's Roundtable and the consultants do their job properly it will answer your questions.

Mr. Oxley asked does the land use plan get us there or does it create more problems. Is there someone of the Commissioners who can tell me we need this land use plan because it is a simple direct guideline or we need to wait on this thing because it is too complex and would create more problems and develop future problems for those working on the future land use plan. That's is the question.

Chairman Cutting stated that is the question they all were struggling with. In as much as Mr. Oxley is confused, there is a general consensus of confusion.

Commissioner Johnston said this plan is no more complex than the current plan. He said this is the current plan updated to reality.

Commissioner Hubbard said he would make it as simple as a,b,c. a) we have a land use plan in place, approved by the ARC by the state and we are suppose to be using it, b) the growth boundaries exists, they were negotiated and agreed to, they exists, c) we are making about six changes to the existing land use plan plus some agreements on how to deal with non-conforming uses. That's it. If you understand the old plan the new plan is simple. If you don't understand the old plan and you don't agree with the old plan there is nothing in the new plan that will affect you, but gives us something really to work with that lets you know what to expect. He stated they were trying to be consistent.

Mr. Stewart stated if you think these six pages are confusing you start reading the existing Comprehensive Plan and it will drive you crazy.

Chairman Cutting said the current, as well as the proposed, what proposed gives us a look at reality. He said its very difficult when looking at zoning cases and a zoning map, they need to see that zoning reflected on the map. We need clarification of the text. The proposed will define how this Board will rezone and does it prior to hearing merits of the case. This Board has shown a great deal of common sense in many of the rezonings before them. It causes great concerns that there are Citizens Roundtable meetings on this subject, because that undermines the big plan that we are spending a half million dollars to do and as far as the active adult community he thought that had been distorted into what it's not. He wanted to bring the active adult community back to what it is and that is responsible planning and it is included tonight as part of the ILUP. At the work session

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in February they took an official vote and made it a part of it. That was confirmed at the public hearing in March that it was a part of it and it is a part of it tonight. This is not a high density zoning, but can be designed to be density neutral. Looking at one roof top per acre of land may consist of 3 or 4 families or couples in this type of use and has extremely low impact. These belong not necessarily in the cities, but in the areas that we grow up and there are very active activity centers that this fits and there are the amenities of doctors offices, shopping and so forth. He thought it a viable use and he would not support this plan without it. This is not what we adopted February and March 1 so he didn't know where that was. We confirmed that, it is in the minutes.

Commissioner Johnston said it was a consensus of the Commissioners 4 out of 5 that the ILUP could be done without the active adult centers with the present zonings, but that Chairman Cutting could certainly add that.

Chairman Cutting said there is a lot of things doable in existing zonings within the current Future Land Use Map, but the proposal potentially changes those as well or restricts those changes. If a new ordinance needs to be created to cover a wider spectrum, why not define that use for another 18 months.

Mr. Jarrard stated then that Commissioner Johnston stated the active adult centers are not in the proposed March 7, 2005 Interim Land Use Plan. Chairman Cutting stated they made it a part of the March 1, 2005 proposal and when it came to this Board on 3-1-05 it was confirmed it was a part of it. What they do tonight, he would like this Board to treat it as a part of it because that is how they acted officially in the public.

Mr. Whittaker stated he did not disagree with having an active adult classification, but what we are talking about is land use. I don't see anything that describes that land use. Chairman Cutting said that was the problem. If we have to go further to create a special zoning classification we can do that. This is the first responsible step when we are talking about land use and further defining what we agree to do.

Mr. Henriques said they were voting on the text and not colors on a map.

Mr. Jarrard said Commissioner Johnston said the Commissioners had discussed this thoroughly at their retreat and he understands that there wasn't any need to define another district for the specific use of adult active community, in as much as it could be done in existing RZL or RD-3 and there was not any need to go any further than that and that is what he understood. That doesn't mean that they couldn't take a vote and put it in the plan or we don't want it in the plan.

Mr. Holcomb said he thought it is a valuable element in the plan. He does understand how it could be accomplished in the existing zoning and thinks it could be accomplished under existing densities that aren't high densities. He thought the active activity community is an important part of the plan and he doesn't find the negative to including it. Chairman Cutting agreed.

Mr. Jarrard said not to shoot the messenger, but that it is still senior housing and when that goes into a rural or semi-rural area the immediate surrounding properties could be rezoned for apartments, legally because of the precedence it sets from a legal standpoint.

Chairman Cutting said that would concern him as well, but that is the misunderstanding and an irresponsible response by this Board and the Commissioners to do something like that.

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Mr. Stewart made a motion to recommend approval of the March 7, 2005, which has three additions of some wording program that we have approved and dated March 1, 2005 that does not include the Active Adult Community. Seconded by Mr. Jarrard. Motion failed 5-3, with Bob Whittaker, Garland Stewart and Bill Jarrard in favor of the motion.

Chairman Cutting asked Mr. Stewart what about the March 1, 2005 is not in the March 7, 2005 document. Mr. Stewart said the March 1st has a note in the first paragraph that says, "This plan does not affect the current zoning classification of any property" and that needs to be noted. Under Zoning Policy resolutions under heading one it expands about what will be done on Highway 20 and Highway 140 corridors. It says generally (and these words were added to what we already had) that means R-40 zoning and they are talking about the area in Highway 20 and Highway 140 that is currently designated AG and Undeveloped will be allowed within one quarter mile of the right-of-way. Generally, that means R-40 zoning, but in the Highway 20 corridor east of Canton R-30 will be allowed if the developer agrees to a 200-foot buffer along the highway right-of-way to allow for future expansion to the road in such cases that quarter mile depth of the corridor will be measured from the back of the 200-foot buffer. That was added to what we had put in there. If you go over to Item 7 the southwest corner of the county on Highway 92 west of Bells Ferry Road they added and extended commercial areas at the I-75 interchange as far east and south as Priest Road.

Mr. Holcomb said this is a guide and tool to use.

Mr. Stewart said he is not against the active adult centers, but thinks this is just the wrong vehicle to bring it forward. It needs to be brought forward as an independent ordinance so we can spell that out.

Chairman Cutting said he is looking forward to do that.

Mr. Oxley said that he would like to include the active adult centers so it could go forward to the Commissioners so they can kick it around and they can determine the best vehicle and venue and even may send it back to this Board.

Ashley Holcomb made a motion to recommend approval of the March 7, 2005 Interim Land Use Plan and to include the Active Adult Centers. Seconded by Betty Callahan. Motion passed 5-3, with Garland Stewart, Donnie Henriques and Bill Jarrard in opposition.

New Cases

Case #05-04-025 Homes by Hunt requesting to rezone 121.39 acres from AG to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Clearwater Trail in Land Lot(s) 10 and 27 of the 22nd District and further described as Cherokee County Tax Map 22N06, Parcel(s) 12, 18, 19, 20, 20A and 22A.

Vicki Taylor gave Staff findings that The Future Land Use Map shows Undeveloped and Agriculture/Forestry designations for this area. The proposed development would have a density of 0.947 dwelling units per acre and the prevailing land use for the immediate area is residential. However, area lot sizes are two acres and up. It is the opinion of the

Engineering Department that Clearwater Trail and State Route 20 can tolerate the additional trips generated by this application provided the required operational improvements are in place at the intersection of State Route 20 and Clearwater Trail. An 8-inch water line will have to be installed from Highway 20 to serve this development and on-site sewage management systems will be required. Cherokee County School Board has estimated the addition of 74 students from this subdivision.

Benson Chambers represented this case. The School Board has been met with approximately \$650 to \$666 per home.

Mr. Brook, the property owner and on behalf of Richard Mudd, they have had the property in the family for more than half of the last two hundred years and it entertains some serious thought about selling it. When you own property you expect to use it as you see fit, you expect it to provide a return of some sort and in 2002 pine beetles forced the timber removal. The proceeds from that timber sale would not pay the property taxes for much more than the next ten years at the rate he paid in 2003 and 2004. If he put it into conservation usage taxation there would be enough money to pay it for about 35 years, but just as soon as he got the money in April 16, 2002, the IRS got the balance. Sutallee has had some sporadic growth and the best farming was wiped out by the building of Lake Allatoona and in the 1950's a gentleman starting selling tracts down to the one acre. In the early 1970's they were promoting building I-75 which would come across the pasture his neighbor uses for his horses, less than 700 feet from his house and across the property that is the subject to be rezoned. A person out of Atlanta came up and bought considerable property some from P. Frank Smith in Cartersville and some from the Heinz brothers that are scattered from Maine to Oregon. That property was sold out of the greater Sutallee area. About one mile east from the entrance of the proposed subdivision, there is a subdivision by the name of Highland Pointe, that has one-half acre to maybe three-fourths acre to a little bit larger and selling in the neighborhood of \$200,000. People need a place to live and will provide employment opportunities for Andrew Hunt and his crew. One of the reasons they decided on Andrew Hunt is because he is local and to provide local employment.

Drew Mayo spoke in opposition on behalf of the community of Sutallee. He wanted to discuss four facts that he believed should be thoroughly considered in making an informed decisions of this request. The first as it relates to the Land Use Plan. The second is the intrinsic value of the residential development that surrounds this property. The third is the vague and speculative proposed site plan and the fourth is the weak infrastructure of the area. Point number one is that this rezoning request does not conform to the past, present or even the proposed Interim Land Use Plan. In fact, it is in direct conflict with the Future Land Use Plan. This property from Boston Pond southward through Clearwater Trail, Highway 20 is all zoned agricultural, which includes high quality residential living. The proposed interim plan has an exception added under number two Zoning Policy Resolution that states, "The most rural sections of these highways should remain planned for rural development AG and R-80. That includes Highway 20 west of the currently planned residential low area of Sutallee community and Highway 140 northwest of the City of Waleska. " The Staff recommendations recognizes the area as rural and residential they also recognize the lots in this area is two acres or greater. Through all of the research they cannot find any legally compelling reason to rezone this property. The fact that Clearwater Trail is an 1,100 foot long cul-de-sac with no outlet adds intrinsic value to the properties that call this street their home. Point number three is that the site plan that was submitted was intentionally vague and speculative. This area of land is between two wildlife preserves. Pine Log Wildlife Management Area covering 14,900 acres to the north and Allatoona Wildlife Management Area covering 9,300 acres to the south. This area is environmentally sensitive and should not be turned

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over to a house builder. This area should be developed first on the emphasis land and creek preservation and then build the homes on the environmentally friendly estate lots. There should be no shift of financial security imposed on the surrounding homeowners

Bill Jarrard made a motion to recommend denial. Seconded by Garland Stewart. Motion passed unanimously 8-0.

Case #05-04-027 Justin Drive I, L. P. requesting to rezone 14.70 acres from AG to RTH. If rezoned the property would be utilized for a townhome community. The property is located on Keeter Road in Land Lot 277 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel(s) 253, 254, 256, 257 and 258.

Michael Oxley made a motion to recommend approval and to include stipulations in the April 5, 2005, Sams, Larkin and Huff letter and the additional stipulation of one entrance. Seconded by Ashley Holcomb. Motion passed unanimously 8-0.

Mr. Jarrard left the meeting at 10:07 due to medical problems at home.

Case #05-04-029 **Daniele Torgerson** requesting to rezone 1.58 acres from R-40 to R-20. If rezoned the property would be utilized for a single family home. The property is located at 361 Roy Haynes Drive in Land Lot 310 of the 4th District and further described as Cherokee County Tax Map 04N04, Parcel 051.

Garland Stewart made a motion to postpone this case until the next regular public hearing on May 3, 2005 in order to elicit comments from the City of Ball Ground. Seconded by Donnie Henriques. Motion passed unanimously 7-0.

Case #05-04-030 Majestic Hwy 92 Partners, LLC requesting to rezone 89.1 +/- acres from GC and R-40 to GC and/or LI. If rezoned the property would be utilized for commercial, retail, office and industrial business. The property is located at the intersection of I-75 and Hwy 92 in Land Lot(s) 1244, 1275, 1276, 1277 of the 15th District and further described as Cherokee County Tax Map 21N06, Parcel(s) 30, 31, 33, 34, 36, 36A, 37 and 57.

Ashley Holcomb made a motion to recommend approval with conditions of 1) to limit the GC portion to no less than 20 acres, 2) a 75 foot buffer along the eastern boundary adjacent to residential property and 3) no truck traffic on Priest Road. Seconded by Betty Callahan. Motion passed unanimously 7-0.

Case #05-04-031 Stanley H. & Linda W. Barrett requesting to rezone 0.74 +/- acres from AG to GC. If rezoned the property would be utilized for placement of a sign. The property is located at the corner of Hightower Trail and Hwy 372 in Land Lot 622 of the 3rd District and further described as Cherokee County Tax Map 03N21, Parcel 049.

Garland Stewart made a motion to recommend denial. Michael Oxley seconded. Motion passed 5-2, with Chairman Cutting and Ashley Holcomb in opposition.

Case #05-04-032 Chris Burke requesting to rezone 2.72 acres from R-40 to NC. If rezoned the property would be utilized for a martial arts school. The property is located on Rope Mill Road in

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Land Lot 926 of the 15th District and further described as Cherokee County Tax Map 15N11, Parcel 038.

Betty Callahan made a motion to recommend approval. Seconded by Donnie Henriques. Motion passed unanimously 7-0.

Other Items

- Approval of February 8, 2005 and March 1, 2005 Minutes.

Betty Callahan made a motion to approve the February 8, 2005 and March 1, 2005 minutes. Seconded by Ashley Holcomb. Motion passed unanimously 7-0.

Ashley Holcomb made a motion to adjourn. Seconded by Betty Callahan. Motion passed unanimously 7-0.

Meeting adjourned at 11:15 p.m.