

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, May 3, 2005
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, May 3, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Vice-Chair Jay Wallace, Bill Jarrard, Michael Oxley, Betty Callahan, Garland Stewart, and Bob Whittaker. In attendance for Cherokee County staff were Mark Mahler, County Attorney, Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician. The meeting was called to order at 7:10 pm. **Donnie Henriques and Ashley Holcomb were not in attendance.**

Case #05-05-033 **Watertank 35, LLC** requesting to rezone 7.33 acres from AG to R-20. If rezoned the property would be utilized for a conservation subdivision. The property is located on East Cherokee Drive in Land Lot 922 of the 3rd District and further described as Cherokee County Tax Map 03N11, Part of Parcel 156B.

Applicant has requested to postpone this case until July Public Hearing

Case #05-05-039 **Etowah Heights, LLC** requesting to rezone 26.72 acres from AG to GC. If rezoned the property would be utilized for retail uses. The property is located at the intersection of Yellow Creek Road and Shiloh Church Road in Land Lot 322 of the 4th District and further described as Cherokee County Tax Map 04N10, Parcel 24C.

Applicant has requested to postpone this case until June Public Hearing

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 the June Public Hearing* They have revised their site plan to come under the DRI threshold.**

Case #05-03-020 **Warren Mongillo & Carlo DelPizzo** requesting to rezone 0.818 acres from R-40 to NC. If rezoned the property would be utilized for professional office space. The property is located on Bells Ferry Road in Land Lot 357 of the 15th District and further described as Cherokee County Tax Map 15N02, Parcel 096.

Applicant has withdrawn this application

Chairman Cutting said one of the agenda items tonight was the discussion of Article 18; Amendments and Zoning Procedures. He said he was not at the work session and he had an emergency and had to be out of town. He respectfully asked the Board if they would postpone this discussion and discuss it at the next work session.

Mr. Jarrard made a motion to postpone this discussion until the next regular work session of the Planning Commission. Seconded by Garland Stewart. Motion passed unanimously 7-0.

New Cases

Case #05-05-034 **ICI Development Group, Inc.** requesting to rezone 57.47 acres from R-80 to R-40. If rezoned the property would be utilized for a residential subdivision. The property is located on Vaughn Road in Land Lot(s) 540, 541, 542, 576, 469 of the 2nd and 15th Districts and further described as Cherokee County Tax Map 02N03, Parcel 6A and Tax Map 15N27, Parcel(s) 92, 94, 95, 95B and 92A.

Vicki Taylor gave Staff findings that the Future Land Use Map shows a designation of Undeveloped and the area is in predominantly residential use. The density of the proposed development is approximately 1.08 dwelling units per acre and a lot size of 15,000 square feet. The Engineering Department has stated that Vaughn Road can tolerate the additional traffic generated by this 62 home subdivision provided the new entrance is constructed in accordance with the current County standards and as directed by the Cherokee County Engineer's office. Public water and sewer is available and the School Board estimates the addition of 45 students from this development.

Garland Stewart made a motion to recommend denial. Second by Bill Jarrard. Motion passed 6-1, with Jay Wallace in opposition.

Case #05-05-035 **James F. Jones** requesting to rezone 2.2 acres from R-80 to AG. If rezoned the property would be utilized to have an outbuilding on this property. The property is located on Sugar Pike Road in Land Lot 136 of the 2nd District and further described as Cherokee County Tax Map 02N06, Parcel 013.

Vicki Taylor gave Staff findings that the Future Land Use Map shows an Activity Center and the area is in predominantly in rural residential use. The Engineering Department is of the opinion that the traffic generated by this application should not adversely affect the function of Sugar Pike Road. Public water is available and an on-site sewage management system will be required.

Jay Wallace made a motion to recommend approval. Seconded by Garland Stewart. Motion passed unanimous 7-0.

Case #05-05-036 **Jacob W. Schnurr** requesting to rezone 3 acres from AG to R-40. If rezoned the property would be utilized for residential uses. The property is located on Fate Conn Road in Land Lot 186 of the 14th District and further described as Cherokee County Tax Map 14N14, Part of Parcel 130.

Vicki Taylor gave Staff findings that the Future Land Use Map shows a designation of Undeveloped although the area has predominant residential use. The density of the proposed development is 1.0 dwelling units per acre and lot size of 1acre. The subject parcel is directly across the street from a recently rezoned parcel of R-60 for a conservation subdivision. The Engineering Department has expressed the opinion that the existing County road system can handle this three home development provided the entrance driveway is designed in accordance with current County standards. Public water is available and on-site sewage disposal systems will be required. The School Board estimates the addition of less than 3 students from this development.

Betty Callahan made a motion to recommend approval. Seconded by Michael Oxley. Motion passed 5-2, with Bob Whittaker and Garland Stewart in opposition.

Case #05-05-037 **John Wieland Homes & Neighborhoods, Inc.** requesting to rezone 22.7 +/- acres from AG to R-15. If rezoned the property would be utilized for a residential subdivision. The property is located in Land Lot(s) 992, 1024, 1025 of the 3rd District and further described as Cherokee County Tax Map 03N17, Parcel 008.

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 1.81 dwelling units per acre and lots of 15,000 square feet. 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 Cherokee County School Board estimates the addition of 30 students from this development.

Jay Wallace recused himself.

Garland Stewart made a motion to recommend approval of R-30. Seconded by Bill Jarrard. Motion passed 5-1, with Bob Whittaker in opposition and Jay Wallace recused.

Case #05-05-038 **Jack & Melissa Redfern** requesting to rezone 7.25 acres from R-80 to AG. If rezoned the property would be utilized for a single family estate with outbuildings and a grazing animal. The property is located at 2023 Brick Mill Road in Land Lot 25 of the 15th District and further described as Cherokee County Tax Map 15N19, Parcel 128.

Vicki Taylor gave Staff findings that the Future Land Use Map shows the subject property with an Undeveloped designation within a Transition Zone. The area is in predominantly in rural residential use. It is the opinion of the Cherokee County Engineering Department that approval of this application will not adversely affect the existing level of service on Brick Mill Road. Public water is available and an on-site sewage management system will be required.

Bill Jarrard made a motion to recommend approval. Seconded by Garland Stewart. Motion passed unanimously 7-0.

Case #05-05-040 **Steve Anderson** requesting to rezone 5.16 +/- acres from R-40 to GC. If rezoned the property would be utilized for general commercial retail sales and self storage. The property is located on Hickory Flat Hwy in Land Lot 289, 360 of the 2nd District and further described as Cherokee County Tax Map 02N02, Parcel 60.

Vicki Taylor gave Staff findings that the Future Land Use Map as well as the Interim Land Use Map shows a designation of Commercial for the subject parcel. The Cherokee County Engineering Department of the opinion that State Route 140 can accommodate the additional traffic generated

Approved June 7, 2005

by this commercial development provided the operational improvements are in place as directed by the Georgia Department of Transportation, under the required GDOT driveway permit. Public water and sewer is available.

Bob Whittaker made a motion to recommend approval. Betty Callahan seconded. Motion passed unanimously 7-0.

Old Cases

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.

Garland Stewart made a motion to recommend NC (Neighborhood Commercial). Seconded by Bob Whittaker. Motion passed unanimously 7-0.

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 recommend R-30. Seconded by Bob Whittaker. Motion passed 6-1, with Jay Wallace abstaining.

Other Items

Approval of March 1, 2005 Minutes.

Garland Stewart made a motion to accept the minutes. Seconded by Bob Whittaker. Motion passed 6-1, with Jay Wallace adstaining.

Garland Stewart made a motion to adjourn. Seconded by Bob Whittaker. Motion passed unanimously 7-0.

Meeting adjourned at 9:00.