

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, August 2nd, 2005
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, August 2nd, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Jay Wallace, Bill Jarrard, Richard Spinks, Betty Callahan, Garland Stewart, and Bob Whittaker. In attendance for Cherokee County staff were Jeff Watkins, Planning Director, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk. The meeting was called to order at 7:00 pm. **Ashley Holcomb and Michael Oxley did not attend.**

The meeting began with Chairman Cutting introducing an amendment to the zoning ordinance that revises Article 18.

Mr. Jarrard read his comments about the revisions and then made a motion to approve them.

The motion was seconded by Mr. Stewart.

The motion to approve the revisions to Article 18 of the Zoning Ordinance was passed 7-0.

Case #05-08-057 **Karch Kreitz & Lazlo Nagy** requesting to rezone 4.24 +/- acres from R-80 to R-40. If rezoned the property would be utilized for a single family home. The property is located on Jep Wheeler Road in Land Lot 507 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel 122.

Vicki Taylor presented the case to the Planning Commission.

Karch Kreitz represented the case. He spoke about the old fashioned charm of the homes style they would be doing versus the “cookie cutter” style homes that are popping up in the area. He also spoke about the price point of the homes, which would be in the \$300,000 to \$400,000 range.

Grady Henrich spoke in opposition. He spoke about future developments. He also spoke about the estate lots that the community is comprised of.

John McLaughlin spoke in opposition.

Mardi Gusstin spoke in opposition.

Harley James Carl Jr. spoke in opposition.

Sara Lambert spoke in opposition.

Audrey Wheeler spoke in opposition. She spoke about three other cases where rezoning was asked for and that they were all denied, including one hardship case.

John Long also spoke in opposition.

Karch Kreitz rebutted their concerns. He spoke about how he wasn't a big developer that was simply trying to maximize his profits. He stated that he and his father were a part of the community and didn't want to do anything that was a detriment to it.

Discussion ensued about the verbiage in The Interim Land Use Plan.

Mr. Stewart said he thought that the property should remain R-80.

Mr. Jarrard said he didn't see a need to change the zoning.

Mr. Stewart made a motion to deny.

The motion was seconded by Jarrard.

Motion to recommend denial passes 6-0 (Chairman Cutting recused)

Case #05-08-058 **David & Susan Doughty** requesting to rezone 2.71 acres from AG to NC. If rezoned the property would be utilized for a Daycare Center with Preschool. The property is located on East Cherokee Drive in Land Lot(s) 1160 & 1217 of the 3rd District and further described as Cherokee County Tax Map 03N06. 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.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case. He spoke about the substation that will be going on a portion of that property. He said that with the school in the area and a PUD that commercial was a good use for the property.

Mr. Jarrard asked about the commercially zoned area of the PUD.

Mr. Wallace made a motion to recommend approval with the condition that the property be used only for a Daycare Center. Mr. Stewart seconded the motion.

Motion to recommend approval passes 7-0

Case #05-08-059 **Hartness & Company, Inc.** requesting to rezone 3.59 +/- acres from R-80 to GC. If rezoned the property would be utilized for a retail center with climate and non-climate controlled self storage. The property is located on Cumming Hwy. in Land Lot 937 of the 3rd District and further described as Cherokee County Tax Map 03N05, Parcel 018.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case. He spoke about the similarities to a previous case that was approved.

Roger Dodson spoke in favor of the case.

No one spoke in opposition.

Mr. Wallace made a motion to recommend approval and carry forward the condition of previous case #05-01-006.

Mr. Stewart seconded the motion.

Motion passes 7-0

Case #05-08-060 **William G. Adkins** requesting to rezone 4.75 acres from R-80 to R-40. If rezoned the property would be utilized for single family residential consisting of five lots. The property is located on Bart Manous Road in Land Lot(s) 40, 105 of the 15th District and further described as Cherokee County Tax Ma0p 15N25, Parcel 140.

Vicki Taylor presented the case.

William Adkins represented the case. He said that their development would be in line with Royal Oaks. He also spoke about several residents who were in favor of the case.

Ursula Cox spoke in opposition.

Helen Marshall spoke in opposition.

Ursula Cox spoke again in opposition.

Greg Adkins rebutted their concerns.

Mr. Wallace asked about the lack of a shared driveway. Mr. Adkins said that they'd be willing to cut it down to 3 driveways for the 5 lots.

Mr. Wallace asked for clarification about discrepancies in how much R-40 is in the area.

Chairman Cutting said he felt the case should be postponed.

Mr. Wallace said there was a good deal of R-40 in the area, even with the discrepancies in the maps they were given.

Mr. Jarrard spoke about his concerns and how he felt the case should be denied.

Mr. Jarrard made a motion to recommend denial of the case.

Mr. Stewart seconded the motion.

Motion to recommend denial approved 5-2 (Chairman Cutting and Mr. Wallace in opposition)

Case #05-08-062 **Pritchard Brothers, Inc.** requesting to rezone 68.55 acres from R-40 to RD-3. If rezoned the property would be utilized for residential uses. The property is located on Kellogg Creek Road and McCurley Road in Land Lot(s) 833, 834, 895, 896 of the 21st District and further described as Cherokee County Tax Map 21N10, Parcel(s) 46, 44, 43, 13, 15, 42A, 42, 21, 41A and 15A.

Vicki Taylor presented the case before the Planning Commission.

Frank Pritchard represented the case.

Marianne Gregory spoke in favor.

Elizabeth Young spoke in favor.

Lori Haney spoke in favor.

Charlie Green spoke in favor.

Judy Pagel spoke in opposition. She spoke about concerns for the road.

Marty Greco spoke in opposition.

Mr. Pritchard rebutted their concerns about traffic and green space.

Mr. Stewart asked the three conditions Engineering was asking for

Mr. Spinks made a motion to recommend approval of RD-3 with the following conditions:

- 1) As per Engineering's recommendations, the intersection improvement plan be redesigned to accommodate the additional left turn land and right turn lane into development, as well as the 4th leg to the traffic signal, with all costs of the redesign to be reimbursed to the County by the applicant.
- 2) All additional rights-of-way required from the applicant's parcel(s) for construction of the proposed intersection improvements should be provided to the County by the applicant at no cost.
- 3) All additional construction costs associated with the revisions to the County's plans to accommodate the improvements required by this application should be reimbursed to the County by the applicant.
- 4) Water pressure and volume to be 1500 GPM at 20 PSI as per Fire Marshal's recommendations.

Motion was seconded by Mrs. Callahan.

Motion approved 5-2 (Mr. Wallace and Mr. Jarrard in opposition)

Case #05-08-063 **Howard & Melissa Vallimont** requesting to rezone 0.61 acres from R-40 to GC. If rezoned the property would be utilized for an automotive repair and body shop. The property is located at the corner of Cross Street & Highway 140 (Reinhardt College Parkway) in Land Lot 171 of the 14th District and further described as Cherokee County Tax Map 12N16C, Parcel 024.

Vicki Taylor presented the case to the Planning Commission.

Benson Chambers represented the case.

Mr. Jarrard asked if there would be a curb cut on Highway 140. Mr. Chambers said there would not be one.

Mr. Jarrard made a motion to recommend approval with condition that Engineering requirements be meet.

Mrs. Callahan seconded the motion.

Motion passes 7-0

Case #05-08-064 **Mike Simmons** requesting to rezone .70 acres from R-80 to NC. If rezoned the property would be utilized for office space for small businesses. The property is located on Cumming Highway in Land Lot 302 of the 14th District and further described as Cherokee County Tax Map 14N29, Parcel 067.

Vicki Taylor presented the case before the Planning Commission.

Mike Simmons represented the case.

O.M. Walstad spoke in favor.

James Adams spoke in favor.

Brian Gordon spoke in favor.

No one spoke in opposition.

Mr. Stewart spoke about his concerns of setting a precedent for commercial in that area.

Discussion ensued about the verbiage on infield parcels on Highway 20 & Highway 140 being rezoned to NC.

Mrs. Callahan made a motion to recommend approval with the condition that a 45 foot buffer be placed on the east side of the property per Mr. Walstad's letter.

Seconded by Mr. Wallace.

Motion to recommend approval passes 6-1 (Mr. Stewart in opposition)

Other Items

Approval of July 5th, 2005 Minutes.

Mr. Stewart made a motion to accept the minutes. Seconded by Mrs. Callahan. Motion passed 7-0.

Meeting adjourned at 9:30.