

**Cherokee County Planning Commission  
Public Hearing  
Minutes  
Tuesday, October 4<sup>th</sup>, 2005  
7:00 p.m.**

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, October 4<sup>th</sup>, 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, Michael Oxley, and Bob Whittaker. In attendance for Cherokee County staff were Mark Mahler, County Attorney, 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 did not attend.**

Case #05-10-073 **Riverstone Development Group, Inc.** requesting to rezone 26 acres from AG to R-15. If rezoned the property would be utilized for a residential subdivision. The property is located on Collett Drive in Land Lot(s) 1091, 1092 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N12, Parcel 103.

Vicki Taylor presented the case to the Planning Commission.

Benson Chambers represented the case. He spoke about how the houses would look in terms of architecture and the building materials used. He also spoke about improvements to Collett Road that the developer would be doing.

Roy Elrod spoke in favor of the case. He said that he no longer needs the property he is trying to sell since he no longer wants to keep cattle or horses. He also said that he no longer wants to mow that much grass.

Jennifer Elrod spoke in favor of the case. She said she felt that people should be allowed to do what they wished with their property, and that the development would not have an impact on the neighborhood.

Peggy Freeman spoke in favor of the case. She said that there would be no impact upon the dirt road going to the left of the proposed development

Anita Smith spoke in opposition. She spoke about the condition of Collett Drive and that it needed to be improved.

Darlene Hefner spoke in opposition. She spoke about the overcrowded schools.

David Williams spoke in opposition. He spoke about the negative impact the development would have on his land, which is used to raise horses.

Joe Ostrobinski spoke in opposition.

Elizabeth Semler spoke in opposition.

Mr. Chambers spoke in rebuttal. He stated that the road may not be improved. He said that he spoke with the Road Department, and felt that it may be better to turn it into a dead end instead of improving it. He also said that the definition of a like and similar use is residential to residential, with density not making a difference.

Mr. Wallace recused himself from the recommendation.

Mr. Whitaker spoke about trying to step down the zoning around Woodmont and that R-15 wasn't really doing that. He said he felt R-40 was a much better zoning for the area.

Mr. Stewart made a motion to approve as R-40.

Seconded by Mrs. Callahan.

**Motion to recommend approval as R-40 passes 7-0 (Jay Wallace recused)**

Case #05-10-074 **William Kent / WCK Properties, LLC** requesting to rezone 6.22 acres from R-40 to GC. If rezoned the property would be utilized for retail and private storage (climate controlled mini warehouses). The property is located on Waleska Road in Land Lot 169 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 91N28, Parcel(s) 27C, 28, 28A, and a part of 27.

Vicki Taylor presented the case before the Planning Commission.

Larry Wilson represented the case.

Chairman Cutting asked Mr. Wilson why they weren't trying to annex to the City of Canton as the City recommended in their comments. Mr. Wilson said that the timing was bad for them to do that now.

Chairman Cutting asked if there would be bathrooms at the facility. Mr. Wilson said there would be an apartment for the security guard who would live at the site. Chairman Cutting asked how they would have septic on the site. Mr. Wilson said it would be done in phases, and would eventually need access to sewers.

Mr. Spinks made motion for approval with City or County regulations for architecture and utility to be in place, whichever was more strict.

Mr. Whitaker seconded the motion.

**Motion to recommend approval with conditions passes 8-0**

Case #05-10-075 **Bethany Land Company, LLC** requesting to rezone 23.873 acres from AG to RD-3. If rezoned the property would be utilized for a residential community for senior living. The property is located on Stringer Road in Land Lot(s) 247, 248, 257, 258 of the 15<sup>th</sup> District and further described as Cherokee Count Tax Map 15N26, Parcel 21.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case.

Wade Minor spoke in favor of the case.

Elyse Halverson spoke in favor.

Dennis Jane spoke in opposition. He spoke about road improvements that needed to be done.

Mary Caterineau-Ware spoke in opposition. She said that the County had stated during the adoption of the RD-3 regulations that RD-3 zoning was for high density and for properties located within the city boundaries.

Mr. Chambers spoke in rebuttal. He said that RD-3 was a step down like the County was looking for in that area, and that the developer had no control over when roads were improved.

Mr. Jarrard asked about medium density, and which zoning classification would be suited best for it.

Mr. Oxley spoke about the architectural guidelines of RD-3.

Mr. Jarrard made a motion to recommend approval as R-20.

Seconded by Mr. Stewart. Motion failed 3-5

Mr. Wallace made a motion to recommend approval as RD-3 with the total number of lots to be capped at 53.

Motion was seconded by Mr. Spinks.

**Motion passes 7-1 (Mr. Oxley in opposition)**

Case #05-09-065 **Haley Farms Development, LLC** requesting to rezone 17.77 acres from R-40 to RD-3. If rezone the property would be utilized for residential uses. The property is located on Mill Creek Road and Arnold Mill Road in Land Lot(s) 844, 845, 885, 884 of the 15<sup>th</sup> District and further described as Cherokee County tax Map 15N17, Parcel 069

Vicki Taylor presented the case before the Planning Commission.

Doug Dilliard represented the case. He spoke about how their plan was a good transition from the properties on both sides, which include a school and a subdivision. He also said that they aren't maxing out the number of lots in their plan that the land was capable of having on it.

Discussion ensued about the photos provided by the developer and the RD-3 regulations.

Mr. Stewart made a motion to recommend approval with conditions provide by the developer and that they participate with the Road Department on improving the intersection of Mill Creek and Arnold Mill Road.

Motion seconded by Mr. Whitaker

**Motion passes 7-1 (Mr. Wallace in opposition)**

Case #05-09-068 **V.C. Properties, Inc.** requesting to rezone 56.58 +/- acres from R-40 to RA, RTH, and RZL. If rezoned the property would be utilized for residential uses. The property is located on Kellogg Creek Road and Victory Drive in Land Lot(s) 898, 899, 903, 904 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N11, Parcel(s) 148, 150, 151, 151A, 152, 152A, 153, 157, 158, 159, 159A, 160, 161, 162, and 139.

Vicki Taylor presented the case before the Planning Commission.

Benson Chambers represented the case.

Stewart Blay spoke in opposition

Don Lemieux spoke in opposition.

Lamar Hodges spoke in opposition.

Jay Reid spoke in opposition.

Jerri Beach spoke in opposition.

John Medicies spoke in opposition.

Deidre Norton spoke in opposition.

Mr. Chambers spoke in rebuttal. He said the question isn't should something be done about the road, but when will it be done? He said the developer was working on improving the road, and that if the development is approved, then those improvements can move forward. He also spoke about the school, and how school taxes are paid to the State Government, and then distributed amongst all the counties. The offering they make to the School Board goes directly to Cherokee County schools.

Chairman Cutting said that he agreed with Mr. Chambers that this was a good opportunity to master plan that area.

Mr. Spinks said he thought he could support higher density for the area only if the road could be improved.

Discussion ensued about Road improvements and density.

Mr. Cutting made a motion to postpone the case until November so that the developer could get with Engineering to look at traffic issues.

Motion was seconded by Mr. Spinks.

**Motion passes 7-1**

Case #05-09-071 **MetroGroup Development** requesting to rezone 11.56 acres from R-40 to GC. If rezoned the property would be utilized for a retail shopping center. The property is located on Hickory Road and East Cherokee Drive in Land Lot(s) 325, 326 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N26, Parcel(s) 147A, 149, 146, 147, 149B and 148.

Vicki Taylor presented the case.

Benson Chambers represented the case.

Patty Mann spoke in favor of the case.

Dennis Jane spoke about the case.

Mary Cattarieneau-Ware spoke in opposition, reading a letter penned by Debra Haynes.

Charles Dean spoke about the case.

Mr. Chambers spoke in rebuttal.

Mr. Stewart said his concerns were about the near 50 acres which he felt would become potential commercial if this case were approved.

Mr. Spinks spoke about a previous development he worked on that he felt was similar. He said he agreed it was a good opportunity to wisely develop that area.

Mr. Wallace stated that it was well and good that if the owners of the property would be willing to adhere to the guidelines they were proposing, but if the property owners didn't want to do it, then they couldn't force them to since they already had their zoning on most of these parcels, excluding the acreage specific to this case.

Mr. Jarrard read a list of his comments and then made a motion to approve as GC with a specific list of conditions.

Seconded by Mr. Stewart.

**Motion to approve with conditions approved 8-0**

**Other Items**

Approval of August 2<sup>nd</sup>, 2005 Minutes.

**Mr. Stewart made a motion to accept the minutes. Seconded by Mr. Spinks. Motion passed 8-0.**

Meeting adjourned at 10:15.