

Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, December 5, 2006
7:00 p.m.

The Cherokee County Municipal Planning Commission held its regular monthly public hearing on Tuesday, September 5, 2006 in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Planning Commission were Chairman Rob Cutting, Vice Chairman Michael Oxley, Bill Jarrard, Richard Spinks, Betty Callahan, Luke Zakrzewski, Bob Whitaker, Scott Barnes and Charles Kirby. In attendance for Cherokee County staff were Jeff Watkins, Planning Director, Vicki Taylor Lee, Zoning Administrator and Vikki Chadwick, Senior Clerk. The meeting was called to order at 7:40 pm.

Case #06-10-064 The Macauley Companies requesting to rezone 3,944.35 +/- acres from AG to TND, RM-16, RTH, RD-3, R-15, and R-20, and that certain concurrent variances be granted in connection with such rezoning. Macauley has additionally made an alternative request to amend the Cherokee County Zoning Ordinance to create a new zoning category entitled, the "Allatoona Lake Planned Community District" or "ALPCD." If rezoned the property would be utilized for a mixed use development. The property is located on Knox Bridge Hwy and Sweetwater Trail and described as Cherokee County Tax Map 21N01, Parcel(s) 1, 1A, 4, 4A, 5, 6, 8, 9, 11, 67, 73, 74, Tax Map 21N02, Parcel(s) 1, 1A, 1B, 2, 3 and Tax Map 22N06, Parcel(s) 50A, 50B, 50D, 60, 62.

Vicki Taylor Lee presented the case.

Don Brooks represented the case.

Peter Olson spoke in opposition.

Steve Faris spoke in opposition.

Ann O'Mara spoke in opposition.

Karen Morris spoke in opposition.

Andrea Warren Smith spoke in opposition.

Thais Escondo spoke in opposition.

Calista Condry spoke in opposition.

Brenda Sexton spoke in opposition.

Mr. Brooks spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Kirby made motion to recommend denial.

Mrs. Callahan seconded the motion.

Motion to recommend denial passed 5-4

Luke Zakrzewski opposed
Bill Jarrard opposed
Michael Oxley opposed
Bob Whitaker opposed

Mr. Jarrard left the meeting.

Case #06-12-078 Emerald Land & Development, LLC requesting to rezone 101.02 acres from AG to HI. If rezoned the property would be utilized for a Lumber/Wood Processing/Chipping operation. The property is located on East Cherokee Drive and described as Cherokee County Tax Map 03N03, Parcel 21B.

Vicki Taylor Lee presented the case.

Ken Patton represented the case.

Joseph Leone spoke in favor.

No one spoke in opposition.

Mr. Patton spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Zakrzewski made motion to recommend approval.

Mrs. Callahan seconded the motion.

Motion to recommend approval passed 8-0.

Case #06-12-079 Joe Disharoon requesting to rezone 99.91 acres from AG to HI. If rezoned the property would be utilized for an Industrial Park. The property is located on East Cherokee Drive and described as Cherokee County Tax Map 03N02, Parcel 035.

Vicki Taylor Lee presented the case.

Benson Chambers represented the case.

Mr. Cutting closed public comment.

Mr. Zakrzewski made motion to recommend approval.

Mr. Kirby seconded the motion.

Motion to recommend approval passed 8-0.

Case #06-12-080 Eric Berkobin requesting to rezone 7.19 acres from AG to R-40. If rezoned the property would be utilized for a single family residential subdivision. The property is located on

Arnold Mill Road and described as Cherokee County Tax Map 15N29, Part of Parcel 31.

Vicki Taylor Lee presented the case.

Parks Huff represented the case.

Edward Kobs spoke in opposition.

Phillip Robertson spoke in opposition.

Mr. Huff spoke in rebuttal.

Mr. Cutting closed public comment.

Mrs. Callahan made motion to recommend approval with conditions.

1. Structured controlled water out flow.
2. Reserve a strip 100 x 500 going North from over run area with no residential structures.
3. Property disclosure to potential buyers.

Mr. Kirby seconded the motion.

Motion to recommend approval passed 7-1.

Mr. Zakrzewski opposed.

Case #06-12-081 American Equities & Development, LLC requesting to rezone 215.44 acres from AG & R-40 to R-40. If rezoned the property would be utilized for a single family residential subdivision. The property is located on Birmingham Road and Wrights Mill Road and described as Cherokee County Tax Map 03N24, Parcel(s) 53A, 54.

Vicki Taylor Lee presented the case.

Kevin Moore represented the case.

Ron Nocera spoke in opposition.

Chris Winkle spoke in opposition.

Lance Paradis spoke in opposition.

Jamie Weis spoke in opposition.

Mr. Moore spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Kirby made motion to recommend approval with conditions.

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the subject property; together with any and all departmental comments and staff recommendations relating to the subject property from any prior zoning actions.

2. The subject property shall be rezoned from the existing R-40 and AG categories to the proposed R-40 and R-80 zoning categories for the purposes of developing a single family residential subdivision as more particularly shown on the revised zoning plan prepared by the Sprinkle Design Conservancy, last revised November 30, 2006.
3. By this letter of agreeable stipulations and conditions, applicant amends its application for rezoning to include the revised zoning plan hereinabove set forth, same being prepared by Sprinkle Design Conservancy, last revised November 30, 2006, submitted contemporaneously herewith.
4. The subject property shall be developed for no more than one hundred twenty (120) single family homes.
5. There shall be no access to the proposed subdivision from Wrights Mill Road.
6. Applicant agrees to install a fence, which shall be a minimum of six (6) feet in height, consisting of black, vinyl-coated, chain link fence, along the common boundary between the subject property and property now or formerly owned by Victor and Dorothy Puckett.
7. Applicant agrees to coordinate with Cherokee County with respect to the installation and construction of road improvements at the entrance location to the proposed residential subdivision.
8. The entrance area to the proposed subdivision shall be professionally landscaped and all entrance signage shall be ground-based, monument style signage.
9. There shall be a mandatory homeowners association which shall have the responsibility for maintenance of all entrance areas, common areas, buffers, and the like. Furthermore, there shall be recorded a Declaration of Restrictive Covenants with restrictions similar in nature to other up-scale subdivisions within the area.
10. Homes within the proposed subdivision shall be a minimum of 2,200 square feet of heated and cooled living space, and shall have exterior materials consisting of brick, stone, stacked stone, rock, cedar shake, or hardi-plank type siding, or combinations of such materials.
11. 20 foot landscaped buffer along Wrights Mill Road for all lots fronting Wrights Mill Road.
12. Lot 7 and Lot 8 in the R-40 portion to be deleted.

Mr. Barnes seconded the motion.

Motion to recommend approval passed 8-0.

Case #06-12-082 Sanmar Properties, Inc. requesting to rezone 36.85 acres from AG to R-40. If rezoned the property would be utilized for residential uses. The property is located on Holbrook Campground Road and described as Cherokee County Tax Map 03N30, Parcel(s) 100, 101, 102.

Vicki Taylor Lee presented the case.

Benson Chambers represented the case.

Aubrey Vaughan spoke in favor.

Paige Huckabay spoke in opposition.

Kelly Hodge spoke in opposition.

Mr. Chambers and Mr. Vaughan spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Whittaker made motion to recommend approval with conditions.

1. Minimum 3000 heated square feet.
2. Lots along the southern boundary to be no less than 60,000.
3. Entrance alignment with Bill Bagwell Road, decel lane / taper to be installed.

Mrs. Callahan seconded the motion.

Motion to recommend approval passed 8-0.

Case# 06-12-084 Eastbrooke Properties, LLC requesting to rezone 88.88 acres from AG to RD-3. If rezoned the property would be utilized for a residential subdivision. The property is located on Haley Farm Road and described as Cherokee County Tax Map 03N11, Parcel(s) 113, 113A and Cherokee County Tax Map 03N12, Parcel(s) 103, 118, 118D.

Vicki Taylor Lee presented the case.

Dick Wilson represented the case.

Darlene Hefner spoke in opposition.

David Williams spoke in opposition.

Mark Nay spoke in opposition.

Mr. Wilson spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Whitaker made motion to recommend approval with conditions.

1. Pod B: Density of R-30
2. Pod A: Density of R-60
3. Minimum lot size of 40 square feet contiguous with Woodmont, the eastern boundary.

Mrs. Callahan seconded the motion.

Motion to recommend approval passed 6-2.

Mr. Oxley opposed.

Mr. Zakrzewski opposed.

Case #06-12-086 High Pointe Capital, LLC requesting to rezone 144.146 acres from AG to R-30. If rezoned the property would be utilized for residential uses. The property is located at the intersection of Yellow Creek Road and Hwy 369 and described as Cherokee County Tax Map 03N26, Parcel 001.

Vicki Taylor Lee presented the case.

Joe Cooley represented the case.

Sheila Ghoust spoke in opposition.

Mr. Cooley spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Barnes made motion to recommend denial.

Mrs. Callahan seconded the motion.

Motion to recommend denial passed 8-0.

Case #06-10-067 Dean Woodall Communities, Inc. requesting to rezone 164.80 acres from AG to R-40 and GC. If rezoned the property would be utilized for residential and commercial uses. The property is located on Hwy 108 (Fincher Road) and White Road and described as Cherokee County Tax Map 22N06, Parcel 151.

Vicki Taylor Lee presented the case.

Benson Chambers represented the case.

Michelle McMahan spoke in opposition.

Jerry Kinzy spoke in opposition.

Benny Carter spoke in opposition.

Mr. Chambers spoke in rebuttal.

Dean Woodall spoke in rebuttal.

Mr. Cutting closed public comment.

Mr. Cutting made motion to approve with conditions.

1. GC & R-40 up to the northeast over to Hwy 108 N/NW where the creek falls up the lot line.
2. R-60 on White Road and Sutallee Ridge.
3. Lots adjacent to Sutallee Ridge Trail minimum 2 acres.

Mrs. Callahan seconded the motion.

Motion to recommend approval passed 8-1.

Mr. Zakrzewski opposed.

Other Items

Approval of November 21, 2006 Minutes