

Approved 11/01/2011

**Cherokee County Planning Commission  
Public Hearing Minutes  
Tuesday, October 4, 2011  
7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, October 4, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, members Scott Barnes, Thais Escondo, Elizabeth Semler, Charles Kirby, Rick Whiteside and Tom Hill. In attendance for the Cherokee County Staff were Jeff Watkins, Community Development Director and Tamala Davis, Planning Technician. Absent were Betty Callahan and Garland Stewart.

Chairman Bob Whitaker called the meeting to order at 7:20 p.m.

Mr. Whitaker informed the public that Case #11-09-011 Race Trac Petroleum, Inc. has been postponed at the request of the applicant and will not be heard until November.

**Case #11-10-012 Northwest Investments, Inc.** requesting to rezone 0.97 acres from R-40 to GC. If rezoned, the property will be utilized as an auto mechanic business. The property owned by Northwest Investments, Inc. is located at Parkbrooke Drive and Bus Shop Road in Land Lot 932 of the 15<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcel 216 on Tax Map 15N05.

Jeff Watkins presented the case.

David Olson represented the case. Mr. Olson stated that he and his wife constitute Northwest Investments, Inc. and are the owners of this property. He stated that the surrounding property zoned R-40 is owned by the Cherokee County School System and the bus barn is located closest to his property. Mr. Olson stated that the historic use of this property was heavy equipment repair and this is what the one shed located on this property was used for. Mr. Olson stated he has no plans to make any changes to this property other than repairing the shed for it to be used as an auto repair business.

Mr. Whitaker stated that staff had raised questions if this road that accesses this property is public or private. Mr. Olson stated that this road has several different names and there are issues that need to be resolved by the County as to the name but it is a county road and he has no problem with access.

Mr. Olson presented pictures to the Board.

Mr. Whitaker asked if there was anyone to speak in support or opposition and there was none.

Mr. Whitaker closed the public hearing.

Ms. Escondo stated that her concern would be cars being used for parts and would make the provision for no junk vehicles be stored on this property.

Ms. Escondo asked Mr. Olson would he be storing any vehicles on this property that are not going to be worked on. Mr. Olson stated no and that he has no objection for this stipulation to be placed on this property.

Mr. Whiteside asked Mr. Olson what provisions are in place to manage waste petroleum products such as oil, transmission fluid, batteries, etc. Mr. Olson stated that there is a waste oil tank in place now and finishing the secondary barrier. Mr. Olson stated that waste oil and batteries are worth scrap money and nothing is to be left on this property that would constitute a contamination hazard. Mr. Olson also stated there will be no tires.

Mr. Whiteside made a motion to approve with the condition of no storage of junk vehicles on this property. Seconded by Mr. Kirby. Unanimous approval.

**Case #11-10-013 Valentina Caldwell** requesting to rezone .87 acres from OI to GC. If rezoned, the property will be utilized for commercial uses. The property owned by John and Valentina Caldwell is located at 9220 Hickory Flat Highway in Land Lots 643 and 654 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcel 167 on Tax Map 02N03.

Jeff Watkins presented the case.

Jay Caldwell represented this case. Mr. Caldwell stated that this property has been vacant for the last 3 years and have not been able to open up any other businesses at this location under its current zoning. Mr. Caldwell stated that this property was rezoned in the past from residential to OI for a pest control business which has since moved up the street. He stated that they would like to open up a small gift retail shop at this location and requests this property be rezoned to GC. He stated across the street is an old shopping center. He stated that they are losing money each month not being able to use this property commercially and they are trying to reuse it as something useful for them.

Mr. Whitaker asked if there was anyone to speak in support or opposition of this case.

Chuck Dean spoke in opposition. Mr. Dean stated that he lives ½ mile away from this property and have for a number of years. He stated that the original perception cannot be justified to grant GC zoning when there are several available retail spaces across the street.

Mr. Dean requests this application be denied.

Ben Cunningham spoke in opposition. Mr. Cunningham stated that he lives immediately north and west of this property. He stated that at the meeting they discussed the applicant's desired uses for this property and had agreed that these uses could be done in the NC zoning district and he is not opposed to NC. Mr. Cunningham stated that GC would open the doors for too much

and would basically make his property worthless unless he was to rezone to commercial and this is why he is opposed to GC.

Mr. Whitaker asked if there was anyone else who would like to speak in opposition and there was none.

Mr. Whitaker stated that the applicant has time for rebuttal or to add any comments at this time before they close the public hearing.

Mr. Caldwell stated that they would not be opposed to NC if they could not get approved for GC.

Mr. Whitaker closed the public hearing.

Mr. Whitaker stated that a change to some type of commercial zoning might be appropriate to allow the property owner to potentially lease the property and possibly NC zoning might give a little flexibility.

Ms. Escondo stated that because of the economy there are so many empty commercial spaces and even with a change in zoning there are no guarantees that this would make this property usable. She stated that she doesn't see a burden with having this property zoned OI and that the properties across the street have commercial zoning and can't get there units filled.

Mr. Kirby stated that SR140 is in theory one of the largest roads in the County and has as much traffic as some of the other roads with the exception of I-575. He stated that there is all the commercial across the street and the property hasn't really proven to do well being zoned OI. He stated in the future if they do widen this road that this area will be substantially commercial. He stated that general commercial does give some additional alternatives however they may want to restrict certain commercial uses however it will give the applicant the best chance to utilize his property.

Mr. Barnes asked Mr. Caldwell his plans for the existing building. Mrs. Caldwell stated they would be putting a business in this building that they would not be renting it to someone else. Mr. Caldwell stated that they have already made improvements to this building as well as to the property. Mr. Barnes stated that he is aware of another property near this location that is zoned OI and is vacant as well as several commercial properties.

Mr. Hill stated that NC zoning would give additional flexibility without having to go to GC zoning with certain restrictions and he could support an NC zoning for this area.

Mr. Barnes made a motion to approve as NC. Seconded by Mr. Hill. Approved 6-1. Ms. Escondo opposed.

**Case #11-10-014 Thomas O. Owens** requesting to rezone 1.0 +/- acres from GC to R-40. If rezoned, the property will be used as a single family residential use. The property owned by Thomas O. Owens is located at 266 Charles Cox Drive in Land Lot 359 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcel 081 on Tax Map 02N02.

Jeff Watkins presented the case.

Tom Owens represented this case. Mr. Owens stated that he would like to request to go back to residential that he cannot market the property and both his neighbors have already rezoned back to residential.

Mr. Whitaker asked if there was anyone to speak in support or opposition and there was none.

Mr. Kirby made a motion to approve. Seconded by Mr. Barnes. Unanimous approval.

Other items, the approval of the July Minutes. Mr. Barnes made motion to approve. Seconded by Ms. Semler. Unanimous approval

As there was no further business, Mr. Whitaker made a motion to adjourn and Mr. Whiteside seconded. The motion passed unanimously and the meeting adjourned at 7:50pm. .