

**Cherokee County Planning Commission**  
**Public Hearing Minutes**  
**Tuesday, December 6, 2011**  
**7:00 p.m.**

**Approved 1/03/2012**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, December 6, 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, Garland Stewart, Elizabeth Semler, Tom Hill, Betty Callahan and Charles Kirby. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician. Absent was Rick Whiteside.

Chairman Bob Whitaker called the meeting to order at 7:00 p.m.

**Case #11-12-016 Hoyt T. Champion** requesting to rezone 5.9 acres from R-40 to GC. If rezoned, the property will be utilized for assisted living/medical use. The property owned by Hoyt T. Champion is located on Hickory Flat Highway in Land Lot 201 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcel 031 on Tax Map 14N24.

Vicki Taylor Lee presented the case. Ms. Taylor Lee gave the surrounding zoning, future land use designation and discussed staff comments. Ms. Taylor Lee also discussed the concerns from property owners as stated in the public participation report and comments from the City of Canton.

Benson Chambers represented this case. Mr. Chambers stated that the property consists of 5.9 acres and is located on the north side of Highway 140. Mr. Chambers stated that all the land to the north shown on the site plan that looks like vacant land is very difficult because of the topography and because of this and the narrowness of the property they believe it could never be built on. Mr. Chambers stated that they are proposing a medical office facility on the front and an assisted living facility at the rear. He stated that based on the requirements from Engineering the medical office building would be approximately 9,400 square feet and the assisted living facility would be about 23,750 square feet and that would max out the square footage requirements. Mr. Chambers discussed the surrounding zonings, current land use and proposed land use. He stated that they do not have a current buyer for the property and it has been for sale for a number of years but has not had any interests.

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

Barbara Voyles spoke in opposition. Ms. Voyles stated that she lives next door to Mr. Champion. She stated that if this application is approved it would be like living in a parking lot for them and she is concerned about pollution and this causing traffic hazards. Ms. Voyles stated that this would create a spot zoning and she would appreciate this be denied.

Robert Rhodes spoke in opposition. Mr. Rhodes asked what the current zoning of the property is? Mr. Whitaker stated the property is zoned residential.

Mr. Rhodes stated that he is concerned with traffic and is concerned with the proposed zoning and types of uses that would be allowed if rezoned to commercial.

Mr. Chambers spoke in rebuttal. He stated that he believed the assisted living facility could only go in the GC zoning district. Ms. Taylor Lee stated that this type of use is also allowed in OI (Office Institutional).

Mr. Chambers stated that property across the street is currently zoned GC and a gas station is located at the corner. He stated that you can't put all types of commercial uses on this property and that this proposed use is not a high traffic use and they feel it is an appropriate use for this property. Mr. Chambers stated that this is a high density residential community with commercial across the street.

Mr. Whitaker closed the public hearing.

Mr. Stewart asked about the PUD zoning. Ms. Taylor Lee stated that this zoning is within the City of Canton.

Ms. Escondo stated that her concern with this case is the request to go to GC, especially with no concrete plans and there being no current buyer, she would be hesitant to approve commercial uses for this area and would be more inclined to support an OI zoning.

Mr. Kirby stated that this property is located on one of the largest thoroughfares in the County and is anticipated to be widened sometime in the future. He stated that he doesn't feel that GC would be appropriate but possibly NC and limit the building to two (2) stories.

Mr. Barnes stated that he agrees with rezoning to NC along with the two (2) stories. He stated that they have something similar to this in Ball Ground with a pharmacy on the first floor and a medical facility at the top. He stated that it doesn't have the traffic like at a retail shop, you would be limited in traffic and it wouldn't be obtrusive.

Ms. Escondo stated that her response to this is that you have existing neighbors in R-40 and if you approve a NC zoning are you willing to approve commercial uses that adjoin and back up to these neighbors that live on these adjoining properties. She stated that the OI would limit what could be built on this property.

Mr. Barnes stated the property at the back drops off and is not feasible for a business and everything would have to be located at the front of the property. He stated that once the road opens between Highway 20 and Highway 140 it will be an expanded intersection with a traffic light and will probably be GC all around that corner.

Mr. Kirby made a motion to approve as NC with the condition to limit the height to two (2) stories. Seconded by Mr. Barnes.

Mr. Hill states with the NC and OI, either one of these fits with the transitional corridor and he understands the concerns. He stated that he would be more inclined to support OI.

Mr. Whitaker stated that not only is the back property steep, there is also a creek so you would have the stream bank buffers that would take out  $\frac{3}{4}$  of that little slender piece to the back and could only develop to the front of the property.

Ms. Escondo stated that if you approve as NC this would create traffic concerns.

Ms. Callahan asked for clarification on the two (2) stories and if this would bring it to highway level. Mr. Whitaker stated he doesn't know that we would know the answer to that.

Mr. Whitaker asked for a vote on the motion to approve as NC with the condition to limit the buildings not to exceed two (2) stories in height. Seconded by Mr. Barnes. Motion passes 5-3.

Other items, the approval of the November 1, 2011 Minutes. Mr. Hill made a motion to approve as submitted. Seconded by Mr. Barnes. Unanimous approval.

Last, the approval of 2012 PC Public Hearing Schedule. Mr. Kirby made motion to approve the 2012 calendar with the one change to the January Work Session date to be moved from Monday, January 16, 2012 to Monday, January 23, 2012. Seconded by Mr. Barnes. Unanimous approval.

As there was no further business, Ms. Callahan made a motion to adjourn. Seconded by Ms. Semler. Meeting adjourned at 7:32 p.m.