

Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, May 7, 2013
7:00 p.m.

Approved 6/4/2013

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, May 7, 2013 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, members Thais Escondo, Joe Long, Richard Weatherby, Dr. Rick Whiteside, Garland Stewart, Betty Callahan, Scott Barnes and Tom Hill. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

Chairman Bob Whitaker called the meeting to order at 7:15 p.m.

Mr. Whitaker stated **Case #13-05-005** Peach Consolidated Properties will not be heard this evening due to not fulfilling the requirements of the public participation meeting. He stated this case will be heard at the next public hearing on June 4, 2013.

First case, **Case #13-01-001 Stonetrust Investors, Inc.** requesting to rezone 4.0 acres from R-80 to OI. If rezoned, the property will be utilized for office/service. The property owned by Stonetrust Investors, Inc. is located at 3171 Cumming Highway in Land Lot 275 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 036 on Tax Map 14N29.

Ms. Lee presented the case. Ms. Lee stated the recommendation from the Planning Commission for the original rezone request from R-80 to GC was denied and this application then went before the Board of Commissioners. Ms. Lee stated the Board of Commissioners asked that we revisit this revised application requesting OI zoning and hold another public hearing. She stated it was re-advertised for OI zoning.

Mr. Jose Riquer represented this case. Mr. Riquer stated the previous request for GC was not consistent with the land use plan and the intended use is for an office. He stated he will be using the existing building and the property is not suitable for residential use. He stated the OI request is consistent with the land use plan.

Mr. Whitaker asked if there was anyone present to speak in support. There being none, he asked if there was anyone to speak in opposition of the application.

Mr. Anthony Basila spoke in opposition. Mr. Basila stated nothing has really changed since last month and he still has the same concerns. Mr. Basila stated his concerns are public safety, highway safety water run-off and sewage. Mr. Basila stated this rezoning would open the door for other businesses and we would lose the residential community.

Kevin Ostheimer spoke in opposition. Mr. Ostheimer stated he has the same issues and concerns as Mr. Basila. He stated the water flow floods his back property currently and this would make the run off worse.

Mr. Jose Riquer spoke in rebuttal. Mr. Riquer stated the existing property has a 2,000 sq. ft. house that will be used and there will be no one there at night. He stated Cumming Highway is a very congested highway and this is where you want to put the commercial entities. He stated he does not feel like water run-off will be an issue, that this property is not suitable for a residential use and it will not have that much of an impact.

Mr. Whitaker closed the public hearing.

Ms. Escondo asked Staff what the correct procedure is for this case to come back to the Planning Commission. Ms. Lee stated this was at the direction of the Board of Commissioners to come back to the Planning Commission with a revised application to OI.

Mr. Whitaker stated we can discuss procedures at the next work session if we need to clarify that, however it is before us and we need to deal with this case.

Mr. Hill stated OI is appropriate for a transitional corridor, generally it should not attract high traffic volumes, no early morning hours and businesses should not have loud noises or have other distractions. Mr. Hill stated a residential use would not be desirable but this could be a case of spot zoning with the surrounding area being zoned residential.

Mr. Weatherby asked would NC be suitable for this application as far as hours of operation and still be able to maintain the current building with a few modifications.

Mr. Whitaker stated it is a general policy that we try to look at a zoning request and have it fit into a category that doesn't have many conditions.

Ms. Escondo stated this is a country estates area that is surrounded by agricultural and R-80. She stated there is no commercial or OI zonings in this area. She stated we have to look at the big picture of the future of this corridor and we know at some point this highway will be widened we just don't know when. Ms. Escondo stated she has not heard anything different from the applicant tonight to justify this rezone request.

Mr. Long made a motion to approve this request to OI. Motion failed for lack of second.

Mr. Weatherby made a motion to deny. Seconded by Ms. Escondo. Seven (7) in favor of the motion to deny, two (2) opposed. Mr. Long and Mr. Whitaker opposed.

Case #13-05-004 Mayhawee Kularb requesting to rezone 5.23 acres from RA and R-15 to AG. If rezoned, the property will be utilized for residential uses. The property owned by Michael and Jill Ewbank is located at 300 Steels Bridge Road in Land Lots 291 and 358 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 072 on Tax Map 15N02.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location, prior rezone, surrounding zoning and uses. She stated she received no letters in support of or in opposition to the petition.

Mr. Maythawee Kularb represented this case. Mr. Kularb stated they are in the process or purchasing this property from Mr. Ewbank and would like to request it be rezoned back to the original zoning. He stated currently there are too many limitations on the property how it is currently zoned.

Ms. Escondo asked the applicant has he discussed what he is proposing for this property with Staff on what he can and cannot do. Mr. Kularb replied, yes.

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

Mr. Michael Ewbank spoke in support. Mr. Ewbank stated this property was zoned AG for approximately 26 years and he would like this property to be rezoned back to AG.

Mr. Whitaker asked if there was anyone to speak in opposition. There being none, he closed the public hearing.

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

The last item was the approval of April 2, 2013 Minutes. Mr. Hill made motion to approve. Seconded by Mr. Weatherby. Unanimous approval.

Mr. Whiteside made motion to adjourn. Seconded by Ms. Callahan. Unanimous approval.

The meeting adjourned at 7:43 p.m.