

**Cherokee County Planning Commission  
Public Hearing Minutes  
Tuesday, March 4, 2014  
7:00 p.m.**

*Approved 4-1-2014*

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, March 4, 2014 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker members Thais Escondo, Richard Weatherby, Rick Whiteside, Tom Hill, Scott Barnes, Garland Stewart, Bill Dewrell and Betty Callahan. In attendance for Cherokee County Staff was Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

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

The only case tonight, **Case #14-03-002 Chatham Neighborhoods, LLC** requesting to rezone 67.51 acres from OI, R-40 and AG to R-15. If rezoned, the property will be utilized for a conservation subdivision. The property owned by Hickory Flat United Methodist Church, Inc., James Kerr and Barbara Kerr is located on Batesville Road and Hickory Flat Highway in Land Lots 362, 363, 430, 431, 432 and 434 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as parcels 101 and 75 on Tax Map 02N02.

Mr. Weatherby recused himself from hearing this case since his property adjoins the subject property.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated the property that is currently zoned OI and R-40 was rezoned in 2002 with conditions. She stated she has received emails in support of and in opposition to this application. Ms. Lee stated a public participation meeting was held. She stated she also has received a letter with stipulations from the applicant and this letter has been forwarded to each of the Planning Commission members.

Mr. Parks Huff represented this case. Mr. Huff stated this is a 67 acre property and asking for a maximum of 115 lots (1.7 units per acre) under the conservation subdivision regulations. He stated 40% of the acreage would be reserved for green space. Mr. Huff discussed surrounding zoning, uses and future development map regarding the transitional corridor for the Hickory Flat area. He stated the stipulation letter was intended to relay some of the concerns of the neighbors. Mr. Huff presented the site plan and stated there will be 100 foot buffers around the property. He stated they want to build a neighborhood and put in enough homes to support the amenity package, maintenance of green space, buffer areas and trail network. He stated the conservation is important because it provides a product for people who want a nice home. He stated the homes would be between 2,200 to 4,000 square feet with a price range from \$325,000 to \$425,000.

Mr. Whitaker asked if there was anyone to speak in favor of this application.

Craig Sherer with Hickory Flat United Methodist Church spoke in support. Mr. Sherer stated the Hickory Flat area is changing. He stated they purchased this property to expand and soon after a nine (9) acre parcel was donated to the church right next to their existing location. He stated they need to sell this property. Mr. Sherer stated the surrounding zoning and future development. He stated this proposal fits the area and is not out of character. He discussed the size of the floor plans, traffic issues and crowded schools. He asked that this application be approved as proposed.

Patty Mann from the Hickory Flat area spoke in support. Ms. Mann stated she has lived in Hickory Flat for 42 years. She stated she feels this area needs well built, affordable homes and has confidence in Chatham Development that he will work with Engineering regarding any traffic issues or problems that may arise. She asked that the Board approve this application as proposed.

Darcy Miller from Hickory Flat area spoke in support. She stated she moved here 3 ½ years ago and just recently bought a home and is a member of Hickory Flat Methodist Church. Ms. Miller stated she is actively involved in the community and enjoys participating in decision making process for a place she hopes to call home for the rest of her life. Ms. Miller stated the plans proposed are appropriate for the demographics of the area and would create additional tax revenue for the County. Ms. Miller asked this application be approved as proposed.

Doug Bennett spoke in support for his son, Jeff Bennett who could not attend tonight. He stated he would like to read an email from his son. Mr. Bennett stated Chatham developments are well developed subdivisions and shall be welcomed to the Hickory Flat area. He stated this development would benefit local businesses and bring other businesses to the area. He stated Hickory Flat Elementary school was cut in half due with the opening of another school. Mr. Bennett stated he requests this application be approved.

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

Kari Cowart spoke in opposition. Ms. Cowart stated this project represents 115 homes but is only one (1) of several requests in the Hickory Flat area. She stated in a few weeks KM Homes will present another request for an additional 229 homes. She stated these combined will propose 344 additional homes in the area and the City of Holly Springs just approved a development for 112 homes. She stated our community is not against development however they would like for them to be developed in accordance with the land use plan. She asked the Board to follow the land use plan and recommend denial of this application.

Linda Bell spoke in opposition. Ms. Bell stated she has lived in Hickory Flat for 35 years and have 12 acres that adjoin this property. She stated she knew the zoning was R-40 when they moved in and if they had known the property would be zoned R-15, they would not have purchased. She stated there is nothing that substantiates this rezoning. Ms. Bell stated she keeps hearing compromise, but feels going from AG to R-40 was already a compromise. She stated she understands Bradshaw Farms and Meadowbrook are very nice subdivisions but feels 15 feet apart is too close. She stated the additional 450 homes would create another 1,000 to 1,200 more cars in the morning and evening. She stated this would create overcrowding in schools and the impact on the infrastructure. Ms. Bell stated they are not trying to stop development, but they are trying to stop the high density developments. She stated she hopes the Board will deny this application and stay with the land use plan.

Lyn Pregal spoke in opposition. She stated she lives in the subdivision that adjoins this property. Ms. Pregal stated they have 12 lots on 47 acres and have lived here for 38 years. She stated she realizes this project has small frontage on Hickory Flat Highway but the impact will be on the homes within the Batesville Road corridor. She stated these homes average over 5 acres each and zoned R-80 and AG without conservation. She asked the Board to stay within the land use plan and deny this application.

Elizabeth Cropper spoke in opposition. Ms. Cropper stated she has lived on Batesville Road for 20 years. She stated this property adjoins their land and feels this proposal is not in compliance with the land use plan. She stated she is concerned about the traffic in the area and this is only one of three rezones in this area. Ms. Cropper stated she would like to see the property developed responsibly and adhere to the land use plan.

Barbara West spoke in opposition. Ms. West stated she sent an email last night that she would like to read aloud. She stated she owns 15 acres that adjoin the church property. Ms. West stated they have lived here for 27 years; they have raised horses and have recently gotten rid of the last two (2) due to the mud coming onto their property. She stated their property sits below the church property and they get a tremendous run off from it in their front yard and beside their horse farm. She stated at times they cannot even walk in their own front yard. Ms. West stated the proposed plans indicate nine (9) homes will be built right behind them. She stated she is concerned with more run off, erosion and what the water flow will do to their property. Ms. West stated they will have to put in a sewer lift station if they do not give them permission to go across their property and attach to the County water system. She stated she is concerned with traffic issues, overcrowding of schools and would like for this application to be denied.

Mr. Rick Bell spoke in opposition. Mr. Bell stated he owns 12 acres that adjoins this property. He stated if this is a meeting to rezone there have been heavy equipment on this property all day today doing work and is not really sure how this process works.

Mr. Huff spoke in rebuttal. He stated this development falls within a transitional corridor on the land use plan and is in compliance. He stated the schools are under capacity. Mr. Huff stated this development is needed in this area and would be a benefit to the area.

Mr. Whitaker closed the public comment portion of the meeting.

Ms. Escondo had questions for staff regarding the previous rezone case and transitional corridor. Ms. Lee stated there is no given depth for the transitional corridor.

Mr. Stewart stated most of this property lies within the suburban growth, transitional corridor. He stated just to the north is for a more intense development and the northeast corner is country estates. He stated the transitional corridor over suburban growth calls for R-40, R-60 or R-80 development. Mr. Stewart stated the sewer lift station is very common in the County. He stated we are in an area for transition.

Mr. Dewrell asked when do they project the build out, finish date to be. Mr. Chatham stated it would be developed in phases and probably over a 5 year period or may be a little longer.

Mr. Stewart stated as Planning Commission we have three (3) choices, we can recommend denial, we can recommend approval or we can recommend some alternative. Mr. Stewart made a motion to recommend approval of R-40 zoning. Seconded by Ms. Escondo.

Mr. Hill stated looking at the future development map we have the higher density to the northwest to this subject parcel. He stated R-15 is much more intense zoning than R-40 zoning.

Ms. Escondo stated this plan is not consistent with the land use plan, she believes the current zoning of the property is consistent. She stated she is in a dilemma as to rezoning it to something they did not ask for or to just recommend denial.

Mr. Stewart stated he feels the R-15 is too intense for this area but doesn't know about changing all of the acreage back to the one zoning designation. He stated he feels the current zoning suits this area better.

Mr. Dewrell stated he agrees with Ms. Escondo.

The motion to recommend R-40 zoning failed. Mr. Stewart was in favor. All other members opposed.

Ms. Escondo made motion to recommend denial. Seconded by Mr. Barnes.

Mr. Whitaker stated Mr. Chatham has done a lot of great projects but this comes down to is it in the right place. He stated he does not feel that it is and he is not comfortable with recommending a different zoning and he is in favor to recommend denial of this request.

Six (6) members in favor to recommend denial of this application. Three (3) opposed. Mr. Stewart, Ms. Callahan and Mr. Dewrell opposed.

Mr. Dewrell made motion to adjourn. Seconded by Ms. Callahan. Unanimous approval. The meeting adjourned at 7:59 p.m.