

Approved 7/1/2014

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, May 6, 2014
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, May 6, 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 and Betty Callahan. Bill Dewrell was not in attendance. 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 7:40 p.m.

Case #14-03-003 Dinton Investments, LLC requesting to rezone 11.07 acres from R-80 and NC to GC. If rezoned, the property will be utilized for retail/commercial. The property owned by Harrison Huynh is located at the corner of Cumming Highway and Scott Road in Land Lots 267, 274 and 275 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as parcels 25 and 26 on Tax Map 14N29.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held with 5 attendees, a site resources map is on file and the application is in compliance with the Future Development Map.

Benson Chambers represented this case. Mr. Chambers stated Highway 20 is a major arterial road and he read the definition of the General Commercial zoning district from the County Ordinance. He stated Highway 20 is probably the 3rd major roadway in the County and meets the criteria for this zoning district. He stated this property is located within the Neighborhood Village Character area and noted that the corner is already zoned General Commercial. Mr. Chambers stated there are other General Commercial areas undeveloped in this area and these properties are small tracts of property that would need to be combined in order to be usable. He stated the development phase of this project would have to go before Cherokee County development review and would meet all buffers and other requirements.

Mr. Whitaker asked if there was anyone to speak in support, there being none he asked if there was anyone to speak in opposition.

Larissa Wiley spoke in opposition. Ms. Wiley presented a copy of a letter to the Board that she mailed to the developer of this project. She stated it was sent certified mail and was not accepted by them. Ms. Wiley stated there are already gas stations approved to be developed along Highway 20. She stated she has concerns with drainage, erosion, noise pollution, light pollution, increase in traffic and crime. She stated they value their homes and their quality of life.

Linda Conrad spoke in opposition. Ms. Conrad stated she lives at 113 Valley Ridge Drive and does not want to be looking out her kitchen window at this project. She stated there is no sewer available in this area and this would increase traffic on Highway 20. She stated traffic is already a major problem and this would make it worse.

Sally Geer spoke in opposition. Ms. Geer stated she lives on Valley Ridge Drive and does not want to live next to a gas station. She stated this is their homes and this would change their way of life.

Mr. Chambers spoke in rebuttal. He stated there is no way to know if this will be a gas station or not. He stated the proposed developer as acquired easements in two different directions and sewer can be available at the cost of the developer. Mr. Chambers stated they are working with the departments regarding road improvements. He stated this is in compliance with the Future Development Map and request that they recognize this and recommend approval to the Board of Commissioners.

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Mr. Whitaker closed public comment.

Mr. Stewart asked Mr. Chambers if this property be incorporated into the property already zoned GC.

Mr. Chambers stated this is one contiguous property but he cannot say parts would not be available for sale.

Ms. Escondo asked Ms. Lee about the lighting requirements. Ms. Lee stated this is part of the Zoning Ordinance.

Mr. Barnes asked if this was different for each business or would they need to make this as a recommendation. Ms. Lee stated she is confident that the Ordinance would handle any lighting concerns however they could make a recommendation.

Mr. Barnes asked about noise, loud speakers and curfew times. Ms. Lee stated there is a noise ordinance that is handled by the Marshal's office however she is not aware of any time requirements for shipping.

Dr. Whiteside asked Mr. Chambers about the sewer easements acquired. Mr. Chambers stated one direction is 1200 feet and the other direction is 64 feet. Dr. Whiteside stated in the absence of sewer are they looking at septic. Mr. Chambers stated it is possible to do septic, but is not economically feasible.

Dr. Whiteside stated he is not concerned with this project other than the sewer. Mr. Chambers stated he believed in the character area language that it had to be sewer.

Ms. Escondo stated General Commercial is an appropriate zoning for major corridors but does not feel Scott Road is a major corridor. She stated GC is appropriate for the front portion and to do a step down to NC on the Scott Road portion that would be consistent with the Land Use Plan.

Tom Hill stated he would like to see the portion further from Highway 20 down Scott Road the less intense commercial and front part General Commercial since residential is still within this node.

Mr. Whitaker stated this is conceptually a great idea but how do you split it and create a zoning process that creates a piece of property that's usable and marketable.

Ms. Escondo stated we have done this before and is a little bit easier since there is a defined line already. She stated we have done this because of infrastructure and it isn't all or nothing. She stated there is a land use plan that gives you step downs.

Mr. Stewart made a motion to zone the 11 acres to NC with the conditions to (1) limit the development to 57,000 square feet total, (2) adhere to undisturbed stream bank buffers, (3) provide 35 foot undisturbed buffers adjacent to residential, and (4) no deliveries between 10:00 p.m. and 6:00 a.m. Seconded by Ms. Escondo. Seven (7) in favor, one (1) against. Dr. Whiteside opposed.

Case #14-05-011 Phoebe Maze requesting to rezone 3.15 acres from R-40 to R-30. If rezoned, the property will be utilized for single family residential use. The property owned by Phoebe Maze is located at the corner of Reinhardt College Parkway and Bartow Street in Land Lot 40 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as parcel 005 on Tax Map 95N03.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated the applicant was not required to submit a site resource map or hold a public participation meeting. Ms. Lee stated this property does fall within the City of Waleska and request is consistent with the Future Development Map. She stated we have received no letters in support of or in opposition to this request.

Jeff Rusbridge represented this case. Mr. Rusbridge stated they are requesting this rezone to allow three (3) additional homes on this property. He stated his applicant plans to refurbish the existing home and to compliment this home with houses that are consistent with the style of homes in the area Mr. Rusbridge stated all of the property adjoining this is already zoned R-30 and would not be out of character. He stated it does fall within the urban core

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designation. He stated Reinhardt College has no interest in purchasing this property and have had no interest for commercial development. He stated at this time residential is the best use for this property.

Mr. Whitaker asked if there was anyone to speak in support, there being none, he asked if there was anyone to speak in opposition.

Edna Cook spoke in opposition. Ms. Cook stated she has lived in this area for 59 years and has been on the City Council for 16 years. She stated she feels this property does not need to be rezoned as they are requesting. She stated there is history that commercial has been there and there is a need for commercial in this area. Ms. Cook she stated she would like to have commercial services in the area.

Mr. Rusbridge spoke in rebuttal. He discussed the extension of sewer and they have no interest to extend sewer. He stated the property was marketed as commercial but there were no interest.

Mr. Whitaker closed public comment.

Ms. Callahan stated she has been in the City of Waleska for 84 years and Reinhardt College wanted this property donated for a parking lot but that's not going to happen now. She stated in the late 1800's and early 1900's this was a very remote area buried up in the foothills of the Blue Ridge Mountains with no roads paved, no automobiles and deep wells in Waleska. She stated she went to Reinhardt from the first grade through Junior College and they had no amenities like there are now but were a happy town and would like it to stay a happy town. Ms. Callahan stated when she was growing up there was more commercial in this area than residential. She stated the College was promoted by Colonel Reinhardt along with others that were disturbed that the young people were not getting further education as they should. She stated she along with others hold this town very close.

Ms. Callahan discussed this rezone proposal and property with the applicant. Ms. Callahan made a motion to approve with one condition for the applicant to work closely with the City Council of Waleska. Seconded by Mr. Barnes. Unanimous approval.

The last case, **Case #14-05-012 Ray L. Rutledge** requesting to rezone 1.48 acres from R-40 to GC. If rezoned, the property will be utilized for a restaurant. The property owned by Ray Rutledge is located at the corner of Marietta Highway and Pine Crest Drive in Land Lots 127 and 162 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as parcel 005 on Tax Map 14N18C.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held with no attendees, a site resources map is on file and the application is in compliance with the Future Development Map.

Ray Rutledge represented this case. Mr. Rutledge stated this property has been in commercial use for 23 years and was not aware that it was zoned R-40 until he went to sell the property. He stated this is the only property not zoned commercial in the area and it does have access to water and sewer.

Mr. Whitaker asked if there was anyone in support or opposition. There being none, he closed public comment.

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

The last item agenda was the approval of April 1, 2014 Minutes. Ms. Callahan made a motion to approve. Seconded by Dr. Whiteside. Unanimous approval.

Ms. Callahan made a motion to adjourn. Seconded by Mr. Barnes. Unanimous approval. Meeting adjourned at 8:45 p.m.