

**Cherokee County Planning Commission  
Public Hearing Minutes  
Tuesday, March 3, 2015  
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, March 3, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Thais Escondo, Rick Whiteside, Scott Barnes, Richard Weatherby, Gerald Hill, Ken Smith, Bob Whitaker and Tom Ware. Bill Dewrell was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Jeff Watkins, Development Director.

The meeting was called to order at 7:05 p.m.

**Case #14-12-025** Ridgeline Land Planning, Inc. requesting to rezone 42.871 +/- acres from R-80 and NC to R-20. If rezoned, the property will be utilized for a residential subdivision. The property owned by Perimeter Group Corporation and D. T. Beasley is located on Bailey Road in Land Lots 435, 436 and 501 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 143 and 164 on Tax Map 02N03.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting was held with 64 attendees. She stated she has received several letters in opposition to this petition. Ms. Lee stated this application is not consistent with the Future Development Map.

Parks Huff represented this case. Mr. Huff stated part of this property is zoned NC and part of the property is zoned R-80. He stated 250 feet to the North is a development zoned R-20 and to the South is PUD. He stated this proposal is not inconsistent with this area. Mr. Huff stated there is a dam on the property that has a lot of issues and is not up to current standards. He stated if this property is approved they will be required to bring this dam up to current standards. Mr. Huff stated there is another dam upstream and not located on the property. He stated they cannot change the category of the dam. He stated staff analysis stated with improvements to Bailey Road it could handle the additional traffic and cannot see this being a reason to deny this petition. He stated they are proposing 61 lots on 42 acres which comes to 1.4 dwelling units per acre. He stated the detention would not be in the lake and discussed the location of a driveway easement.

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

Lyn Priegel spoke in opposition. Ms. Priegel stated they adjoin this property and they enjoy their privacy. She stated currently they are 31 driveways on Bailey Road and at current zoning it would allow approximately 21 additional homes on Bailey Road. She stated if rezoned it would triple the amount of homes off Bailey Road. Ms. Priegel stated this would create a spot zoning and stated her concerns regarding erosion, floodplain and conservation.

Gerald Priegel spoke in opposition. Mr. Priegel stated he is an adjacent property owner and stated his concerns of this development. Mr. Priegel stated the site plan does not address an easement that provides access to an adjoining neighbor. He stated their concerns at the public participation meeting have not been addressed by the developer. He stated there is already serious erosion due to run off from this property. He stated this run off would be hard to

control with an R-80 development and with a higher development it would create great damage and would be inconsistent with the other properties in this area.

Brian Kovacs spoke in opposition. Mr. Kovacs stated he lives at 103 Cherokee Court and own the dam that is east of this development. Mr. Kovacs stated the lots behind the dam are located in a flood plain. He stated this is the second time this property has been up for rezoning and was denied in 2009. He stated there are 3 lakes above this property and noted there dam is a category 2 dam and does not want a category 1 dam. Mr. Kovacs requested the Planning Commission deny this rezone petition.

Jodie Davis spoke in opposition. Ms. Davis stated she has the home with the easement. She stated the easement was never mentioned on the site plan and this application should have been denied when submitted for an incomplete application. Ms. Davis stated this proposal is not in compliance with the Future Development Map and this proposal would create a spot zoning. Ms. Davis asked the Board to deny this request.

Linda Bell spoke in opposition. Ms. Bell stated she is an adjoining property owner and stated these high density, spot zonings are going to make a negative impact on this area. She stated this is not consistent with land use. She discussed her concerns with run off, erosion and property values.

Mr. Huff spoke in rebuttal. Mr. Huff stated it is hard to say this is spot zoning when you have R-20, PUD, OI, NC and other similar zoning districts in this area on Highway 140. He stated the environmental concerns with the dam on this property has deficiencies currently and the only way to fix these are for the property to be developed. He stated this proposed development fits with the transitional corridor.

Mr. Whitaker closed public comment.

Dr. Whiteside stated the site plan shows detention in the lake on this property. Mr. Huff stated yes, that was in error and will be recognized in plan review.

Dr. Whiteside asked about Sellers Lake and if it was correct that the homes will not be in the floodplain or floodway. Mr. Parks stated that is correct.

Dr. Whiteside asked if a dam breach analysis has been done. Mr. Huff stated he thought that was in the study that was provided to the Board members. Dr. Whiteside stated no, it was not provided. Mr. Huff stated if a flood study is required during plan review then they will provide this at that time.

Dr. Whiteside asked how they are going to deal with existing easement. Mr. Huff stated that is a private matter between two (2) property owners. Mr. Huff stated if they need to pull lots and maintain the integrity of that easement then they will do so.

Ms. Escondo stated this is a potential to put a burden on two (2) different property owners that currently does not exist.

Mr. Huff stated if dam breach analysis is required than they would do this and burden would not be put on property owner and if the easement is in place than they will have to honor it.

Ms. Escondo stated what if you go through plan review and you lose 15 to 20 lots and the developer walks away, then we have a property zoned R-20 with no site plan attached. Mr.

Huff stated we can agree to the property to revert back to R-80 if not started within a certain amount of time.

Mr. Barnes stated if we move forward this will still be putting a burden on adjacent property owners. Mr. Huff stated both these concerns could still happen even with the current zoning.

Mr. Weatherby stated in the application they have addressed several errors and wanting the Board to approve two different things. Mr. Huff stated this is not a zoning that is site plan specific and there are always changes as you go through site plan review.

Mr. Weatherby asked if they will be planning to submit a revised site plan. Mr. Huff stated they can submit a revised site plan before it goes to the Board of Commissioners however there still will be changes.

Mr. Whitaker stated he is baffled that this drawing is sealed by a professional engineer when there are this many errors with lots, easements, number of lots and illegal detention. He stated they were going to address the concerns of the public and they have not followed up on any of this. He stated he is very disappointed that the applicant would come to this meeting not prepared. He stated they failed to meet the intent of the public participation process.

Dr. Whiteside made a motion to recommend denial of the application. Seconded by Mr. Weatherby. Unanimous approval to recommend denial of this application.

**Case #15-02-007** SR Companies, LLC requesting to rezone 167.50 +/- acres from AG to R-40 and R-60. If rezoned, the property will be utilized for a residential subdivision. The property owned by Hayden Coleman, LLLP, Mark Coleman, Valarie Coleman and Cherie Henderson Coleman is located on Batesville Road in Land Lots 587, 588, 589, 590, 635, 636, 637 and 662 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 132, 132A, 132D, 132E and 135 on Tax Map 02N08.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting was held with 34 attendees. She stated she has received several letters in opposition to this petition. Ms. Lee stated this application is partially consistent with the Future Development Map.

Benson Chambers represented this case. Mr. Chambers stated they are proposing to develop a conservation subdivision called Edgewater with 40% of open space. He stated Little River is located to the East of the property. He stated this development is compatible with the surrounding zoning in this area. He discussed the purpose of the AG zoning district as well as the purpose of the R-60 zoning district. He stated under R-60 they are proposing 80 lots and under the R-80 zoning you would be allowed 81 lots. He stated the conservation subdivision requires a 40 foot buffer and with current zoning there are no buffers required. Mr. Chambers stated Engineering determined that Batesville Road would be able to handle the additional traffic from this development. Mr. Chambers compared the impacts of zoning districts R-60, AG and R-80. He stated SR Homes has agreed to \$1040 a lot for Board of Education.

Jeff Carriger with SR Homes stated the homes will start in the high \$400,000 and will more than likely be into the high \$500,000 to low \$600,000 after 6 months.

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

Steven Ruble spoke in opposition. Mr. Ruble stated he lives on Crabapple Springs Way stated they are asking for 111 lots. He stated they are developing this land as a conservation development because the land is not buildable with the floodplain, cemetery and lakes. He stated he has 3 acres, some owners in the area have 2 acres and some have 5 to 6 acres. Mr. Ruble stated this proposal is not consistent with this area. He stated it is not consistent with the Future Development Map and the floodplain needs to be protected. He discussed his traffic concerns and how he would like to see the cemetery preserved. He requests that the Planning Commission stay with 2 acre lots in this area.

Ray Challis spoke in opposition. Mr. Challis stated he is here for the Fairway Homeowners Association and stated this is a rural area. He discussed his traffic concerns along with the additional developments approved for Fulton County and the impacts this will have on the road. He stated they are not against development however they would like to keep this area rural.

Laura Buck spoke in opposition. Ms. Buck stated she is a new resident of Cherokee County and would like to see this area kept rural. She stated she chose the Hickory Flat area because of the beauty, the value and the equestrian atmosphere. She discussed her concerns with traffic and would hate to see these big developments come in and ruin this area.

Mr. Chambers spoke in rebuttal. He stated it is true that some of this property is in a flood plain however it can be used for certain types of structures. He stated conservation subdivisions are developed to protect the natural areas and adjoining properties. He stated the density will be the same as if it were developed at the current zoning classification. He stated this proposal is consistent with the land use map.

Mr. Whitaker closed public comment.

Ms. Escondo asked what the minimum lot size they are proposing for the R-60 zoned areas. Mr. Chambers stated the minimum lot size is 30,000 square feet. Ms. Escondo asked if these will be on septic or sewer. Mr. Chambers stated there is no sewer available in this area.

Dr. Whiteside stated the site plan shows a proposed road and lots going through a stream, he said with a conservation subdivision this would be one area that you would want to protect and this plan does not do that. He stated if this plan was approved they would be coming back for variances. He stated he cannot support this application.

Ms. Escondo stated when she went out to the site she tried to envision a subdivision in this area. She stated this was so out of character with this area and she cannot support 30,000 square foot lot sizes in this area.

Mr. Ware stated he does not feel this fits within this area and cannot support this application.

Mr. Whitaker stated one of the purposes of the conservation subdivision is to allow development to occur on environmentally constrained areas. He stated he feels this property fits this Ordinance even though he does not agree with the number of lots they are proposing. He stated a conservation development is a better design than having these areas as part of the lot. Mr. Whitaker stated this is not a high density residential development. He stated this property currently can be developed as 2 acre lots.

Mr. Ware made a motion to recommend R-40 zoning south of Batesville Road and recommend R-80 zoning north of Batesville Road with request for Board of Commissioners to consider approval of a conservation subdivision design. Seconded by Mr. Hill. Unanimous approval.

Mr. Ware made a motion to approve January 6, 2015 Public Hearing Minutes and February 3, 2015 Public Hearing Minutes. Seconded by Mr. Weatherby. Unanimous approval.

Mr. Weatherby made a motion to adjourn. Seconded by Tom Ware. Unanimous approval. Meeting adjourned at 8:43 p.m.