



# CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

## PUBLIC HEARING MINUTES

Approved 12-6-2016

**November 1, 2016**  
**Cherokee Hall 7:00 pm**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, November 1, 2016 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith, Jerald Hill, Richard Weatherby and Tom Ware. Bill Dewrell was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:32 p.m.

### **Case #16-11-039 Southern Farms Development Company, LLC (BOC Dist. 2)**

Applicant is requesting to rezone 71.13 acres at Jep Wheeler Road from R-80 to R-40 for a conservation subdivision.

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held and an existing site resource map was prepared. She stated this application is not in compliance with the Future Development Map.

Lawton Jordan represented this case. Mr. Jordan handed out an information packet to the Planning Commission members. He stated they are proposing 65 homes with a minimum house size of 3,000 square feet with side entry garages. Mr. Jordan discussed concerns from the public participation meeting in regards to density, traffic, buffers, wildlife and sight distance. He stated they have agreed to 19 stipulations and provided this stipulation letter. He also stated the land use map is a guide, it is not mandatory.

No one was present to speak in support of this application.

John Long spoke in opposition. Mr. Long provided a packet to the Planning Commission regarding his opposition to this application. He discussed his concerns with the density, traffic volume, road impacts and impacts on adjoining land owners.

Cliff Bartow spoke in opposition. Mr. Bartow stated his concerns with density and effects on the streams, ponds and surrounding neighbors.

Liz Porter spoke in opposition. Ms. Porter stated this development would have substantial impact on the environment. She stated her concerns with the silt affecting nearby streams and ponds.

George Carless spoke in opposition. Mr. Carless stated his concerns with the density, traffic, environmental impact, economic impact and safety.

John McLaughlin spoke in opposition. Mr. McLaughlin stated concerns with traffic and stated there have been no upgrades to Jep Wheeler Road since 2002. He stated the differences in engineer reports today from a report that was done in 2002 for a proposed development.

Susan Milnor spoke in opposition. Ms. Milnor stated there is not adequate water in this area.

James Anderson spoke in opposition. He stated he is concerned with the impact on the ponds in this area.

Debra Wallace provided an opposition letter to the Planning Commission.

Ed Chandler spoke in opposition. He stated his concerns with safety, traffic and property values.

Lawton Jordan spoke in rebuttal. Mr. Jordan stated he understands they do not want a subdivision on this property however, they need to look at the stipulations they will be adhering to along with the site plan. He stated there will be a lot of protections with these stipulations, there will be no mass grading, the conservation area and buffers will not be touched. He stated they are asking for less than 1 home per acre.

Mr. Whitaker closed public comment.

Discussion ensued regarding storm water, location of sewer and current road conditions.

Mr. Weatherby stated he cannot support this application.

Dr. Whiteside stated the existing site resource map provided does not meet the requirements in Article 18 of the Zoning Ordinance and does not meet the conservation subdivision guidelines. Dr. Whiteside stated he cannot support this application.

Dr. Whiteside made a motion to recommend denial of this application. Seconded by Mr. Weatherby. Unanimous approval. (8-0)

**Case No. 16-11-035 Meritage Homes of Georgia, Inc. (BOC Dist. 3)**

Applicant is requesting to rezone 0.96 acres at 469 New Light Road from AG to RZL for two (2) single family residential lots. Ms. Lee stated after the application was filed it was brought to her attention that the property is only 0.46 acres. She stated she has received no letters in support of or in opposition to this request. Ms. Lee stated this application is not consistent with the Future Development Map.

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses.

Parks Huff represented this case. Mr. Huff stated they are taking one (1) lot and making it into two (2) lots. He stated this would greatly improve the look in this area. Mr. Huff stated they know they will need to go back and get variances however their first step would be to have rezoned.

There was no one present to speak in support of or in opposition to this application.

Mr. Whitaker closed public comment.

Mr. Ware stated this proposal does not meet the site acreage requirement of the RZL zoning district.

Ms. Escondo stated she agrees with Mr. Ware, she doesn't see any authority they have to go beneath the minimum requirements for this zoning district.

Mr. Whitaker stated he could support an R-20, but the Ordinance is clear as to requirements for an RZL zoning district.

Mr. Whitaker made a motion to recommend rezoning this application to the R-20 zoning district. Seconded by Mr. Smith. Unanimous approval. (8-0)

**Case No. 16-11-036 Mark Shirey (BOC Dist. 2)**

Applicant is requesting to rezone 26.04 acres at 965 Bailey Road from R-80 to AG for farming and to place property into conservation.

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated she has received four (4) letters in support of this application and it is consistent with the Future Development Map.

Mark Shirey represented this case. Mr. Shirey stated they are proposing to build a home on this property and raise their grandchildren.

Bryan Kovacs spoke in support. Mr. Kovacs stated they would like to see this property be rezoned to AG and have no opposition to this request.

Jodie Davis spoke in support. Ms. Davis stated this is a unique piece of property and is glad this will only be for one (1) home.

There was no one to speak in opposition.

Mr. Whitaker closed public comment.

Mr. Weatherby made a motion to recommend approval. Seconded by Mr. Barnes. Unanimous approval. (8-0)

**Case #16-11-037 Menna Development Company, Inc. LLC (BOC Dist. 4)**

Applicant is requesting to rezone 6.39 acres at 5306 Woodstock Road from R-40 to RD-3 for single family detached units.

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated she has received no letters in support of or in opposition to this application. Ms. Lee stated this is in compliance with the Future Development Map. She stated they are requesting for a waiver of the rear alley access.

Rick Rakusin represented this case. Mr. Rakusin stated this development will consist of 19, two story craftsman style homes with covered porches. He stated the open space will have a child's playground, a gazebo, a small field and walking paths.

Richard Smith stated the alley concept on this will not work as designed so they are requesting a waiver of this requirement.

There was no one to speak in support of or in opposition to this application.

Mr. Whitaker closed public comment.

Ms. Escondo made a motion to recommend approval as submitted. Seconded by Mr. Ware. Unanimous approval. (8-0)

### **Case #16-11-038 Hogan Pond Properties, LLC (BOC Dist. 1)**

Applicant is requesting to rezone 199.4 +/- acres on the southeast side of Hogan Pond Lane, northeast of Highway 372 from AG and LI to R-80, R-60 and R-30 for a conservation master planned community.

Mr. Hill recused himself from this case.

Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated she has received two (2) letters in support and four (4) letters in opposition. She stated this proposal is not in compliance with the Future Development Map.

John Hill represented this case. Mr. Hill stated his family has lived and worked on this property since the 1960's. He stated they have two (2) options, either develop the property as residential or develop the industrial which consists of 25 acres. He encourages those who speak tonight in opposition that they need to realize the impact of a 25 acre industrial development. He stated they feel the best proposal is the one brought to them tonight.

Patrick Clark presented a revised plan to the Planning Commission requesting to rezone to R-40 to increase buffers and reduce the number of lots. He stated the road was improved ten (10) years ago.

Ms. Escondo stated this is not the same site plan provided at their work session. She stated this has been amended and per the Ordinance it should not even be before them tonight.

Ms. Lee stated this change is due to the second public participation meeting that was requested by the citizens.

Ms. Escondo stated she does not know if the public has seen the revised plan and does not feel comfortable moving forward with this revision just coming before them tonight.

Mr. Whitaker stated he can see this being problematic with their being significant changes to the site plan.

Ms. Lee stated you can go ahead and have the public hearing since it has been advertised.

Linda Flory spoke in opposition. Ms. Flory stated her concerns with density, lighting, noise and traffic. She stated this property has reasonable economic use as currently zoned. She stated she has no problem with the industrial zoning.

Susan Hopkins spoke in opposition. Ms. Hopkins stated her concerns with traffic, safety and density. She stated this proposal is not in compliance with the land use plan.

Karen Wylie spoke in opposition. Ms. Wylie discussed her concerns with traffic, safety and density.

Ken Lightsey spoke in opposition. Mr. Lightsey stated this development if approved would reconfigure the school district line and affect the children that attend these schools.

Patrick Clark spoke in rebuttal. Mr. Clark stated they are aware this intersection needs attention and they will work with the County Engineer to do whatever needed. He stated this development will maintain the rural character.

Mr. Whitaker closed public comment.

Dr. Whiteside stated the existing site resource map does not meet Article 18 requirements. He stated the plan does not meet the conservation subdivision requirements and feels this is not a complete application.

Dr. Whiteside made a motion to recommend denial. Seconded by Mr. Ware. Motion passed 4 – 3. Mr. Smith, Mr. Whitaker and Mr. Weatherby opposed this motion.

### **Approval of Minutes**

Mr. Ware made a motion to approve the September 19, 2016 Work Session Minutes. Seconded by Mr. Weatherby. Motion passed 8-0.

Mr. Whitaker made a motion to approve October 4, 2016 Minutes. Seconded by Mr. Smith. Motion passed 8-0.

Mr. Barnes made a motion to adjourn. Seconded by Dr. Whiteside. Unanimous approval.  
The meeting adjourned at 9:42 p.m.