

**CHEROKEE COUNTY PLANNING COMMISSION**

**PUBLIC HEARING MINUTES**



**December 4, 2018  
Cherokee Hall 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, December 4, 2018 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Richard Weatherby, Rick Whiteside, Ken Smith, Bob Whitaker, Marla Doss, Thais Escondo and Scott Barnes. Nicole Carbetta was not in attendance. In attendance for Cherokee County Planning Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician and Thomas Trawick, Planner.

The meeting was called to order at 7:40 p.m.

Bob Whitaker stated he would like to recognize Thais Escondo who has served on the Planning Commission for 12 years and thanked her for her contribution and service to the citizens of this County.

**Case #18-11-028 Stonecrest Homes Ga., LLC/Charles Heiser Jr. (BOC Dist. 1)**

Applicant is requesting to rezone 56.6 acres at East Cherokee Drive from PUD and AG to R-20 (conservation design community), RZL and NC for a mix of assisted living, age-restricted residential and single family residential. Applicant is also requesting a variance to Article 10, Buffer requirements to reduce buffers from dissimilar district to the landscaped areas on the site plan.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Charles Heiser represented this case. Mr. Heiser discussed the differences in the first design and the revised design. He stated the concerns from the community input meeting was the density. He stated in the latest layout they have reduced the R-40 lots from 65 to 35 units. He provided this rendering to the Planning Commission. He also provided photos of what the homes would look like and stated the home prices would range from high 400's to 500's.

Chad Epple with SE Engineering explained the variance request as it relates to the buffers between dissimilar districts.

There was no one present to speak in support.

Rick Corrao with Mill Creek Homeowners Association spoke in opposition. He discussed their concerns with density, traffic and safety. He stated we have enough assisted living facilities in this area and feels if approved this would set a precedent for other rezone requests.

Summer Owens from Hickory Flat spoke in opposition. Ms. Owens stated her concerns with this plan not conforming to the land use plan, density and not fitting within this area.

Lori DePucci spoke in opposition. She stated her concerns with traffic, density, school impacts and this proposal not being in compliance with future development map.

George Russell spoke in opposition. He stated his concerns with density, traffic, school impacts and that this plan is not in compliance with land use plan. He also stated this plan is not right for this area.

Bryan Kovacs spoke in opposition. Mr. Kovacs stated this plan is not in compliance with the land use plan and does not fit within this area.

Matt Brown spoke in opposition. He stated his concerns with school impacts, safety and this plan not being in compliance with land use plan.

Rene Nunnington spoke in opposition. Ms. Nunnington stated she feels this would set a precedent for this area if approved.

John Long spoke in opposition. Mr. Long stated he has been a resident of Cherokee County of 31 years and request this application be denied.

Robin Daugherty from Falls at Mill Creek spoke in opposition. Ms. Daugherty stated her concerns with traffic and safety. She stated there was just three (3) accidents in this area within two (2) hours and is very near to her home. She also stated her concerns with school impacts and density.

Jessica Reser spoke in opposition. She stated there are 16 new neighborhoods within the Hickory Flat area that is causing major congestion. She stated this has impacts on the emergency services and feels there is enough assisted living facilities in this area.

Mr. Heiser spoke in rebuttal. Mr. Heiser stated he feels this is a responsible plan to the current land use plan.

Mr. Whitaker closed public comment.

Ms. Escondo asked staff what would a conservation subdivision have to be to be consistent with country estates. Mr. Chapman stated an AG conservation subdivision.

Dr. Whiteside stated this application is inconsistent with the land use plan, is not a true conservation subdivision and stated he cannot support.

Mr. Barnes stated he feels this would create safety issues and feel this would be a burden on the neighbors and cannot support.

Mr. Ware stated this application has too many moving parts and is not in compliance with the land use plan, therefore he cannot support.

Mr. Weatherby asked staff when the request changed from an R-20 to an R-40. Mr. Chapman stated about 6 weeks ago and was the reason for the postponement.

Mr. Weatherby made a recommendation to deny this application. Seconded by Dr. Whiteside. Motion passed 9-0.

### **Case #18-12-030 Pacific Group/Kevin Seifert (BOC Dist. 3)**

Applicant is requesting to rezone 14.88 acres at Marietta Highway from R-40 and GC to RTH for a residential townhome development.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Kevin Seifert represented this case. Mr. Seifert stated they have a little over 7 acres on the east side and 8 acres on the west side that they are requesting to rezone for a townhome development. He discussed the future development map designation for this area. Mr. Seifert stated he wanted to discuss some of the items discussed at the community input meeting. He stated John Groves owns property adjacent to them on the South along Marietta Highway and they have an easement associated with access to their building over the edge of our property. He stated they have agreed to work around this easement and provide a privacy fence on the shared property line. He stated the Biscuit Barn is located to the North of them and they have agreed to provide both their buildings with sewer connection and also provide additional parking. Mr. Seifert stated Barbara Brooks located on the West side is requesting a planted landscape screening and they have agreed to do so. He stated last traffic was a big concern and they have agreed to have the East portion entrance of the development come off Univeter Road. He stated he did receive the impact mitigation letter from the school board and will be willing to make a donation to the school board.

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

Tommy Olivetti spoke in opposition. Mr. Olivetti stated his concerns with this being a busy intersection and the congestion from traffic. He stated the last traffic study for this intersection was done in 2014 and he has not seen an updated one. He is concerned with impact on schools, the roads and cul-de-sacs not being big enough for school buses.

Kevin Seifert spoke in rebuttal. Mr. Seifert stated he is agreeable to any conditions and a traffic study will be prepared prior to land disturbance permit or the design process.

Ms. Escondo asked Mr. Seifert if the property to the South would remain commercial. Mr. Seifert stated they do not own this property. He stated they are in communications with this property owner and they are working with them on the sewer tie in. Ms. Escondo asked if they would be willing to accept a condition that restricts density to what is proposed and not go any higher. Mr. Seifert stated agreeable to the 101.

Mr. Weatherby asked about the location of the entrance and it not being close to the intersection. Mr. Seifert stated they are working with Brett Buchanan in Engineering to decide the safest location and would like for this to be lined up with another entrance.

Dr. Whiteside stated he would like to compliment the applicant for doing such a good job with this application and his willingness to work with the surrounding community.

Mr. Barnes asked if there was any feedback from the City of Canton. Mr. Chapman stated we made them aware, however did not receive any comments.

Mr. Ware stated he feels this would create the least amount of impact on the surrounding areas and agrees with Dr. Whiteside.

Ms. Escondo stated every time Mr. Seifert brings an application to the Board it is the right project in the right location. She stated she feels this is the best scenario for this location and appreciates the applicant working with the surrounding neighbors.

Mr. Whitaker stated the issues with the engineering design details of development are beyond the purview and authority of this Board.

Mr. Ware made a motion to recommend approval. Seconded by Mr. Weatherby. Motion passed 9-0.

**Case #18-12-031 RaceTrac Petroleum, Inc. (BOC Dist. 1)**

Applicant is requesting to rezone 1.94 acres as Cumming Highway from AG and R-80 to GC for a convenience store with fuel sales. In addition, the applicant is requesting a variance to reduce the zoning buffer from 35 feet to 10 feet.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Parks Huff represented this case. Mr. Huff stated with the expansion of State Route 20, the church building has been taken by GDOT and the church needs to sell the rest of the property in order to develop at another location. He discussed the surrounding zoning, uses and requests for variance.

Roy Doss spoke in support. Mr. Doss stated they are selling the remaining acreage to RaceTrac to hopefully have enough money to build a new church.

There was no one to speak in opposition.

Dr. Whiteside made a motion to recommend approval of the rezoning request including the buffer variance. Seconded by Ms. Doss.

Ms. Escondo offered a friendly amendment that the variance be contingent upon an agreement with the adjacent property owner to the immediate South. Dr. Whiteside stated he is agreeable to this amendment. Motion passed 9-0.

Mr. Ware made a motion to approve the November 6, 2018 Minutes. Seconded by Mr. Smith. Motion passed 9-0.

Mr. Smith made a motion to approve the November 19, 2018 Minutes. Seconded by Mr. Barnes. Motion passed 9-0.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Smith. Motion passed 9-0. The meeting adjourned at 9:52 p.m.