

**Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, November 1, 2011
7:00 PM**

**Approved
12/06/2011**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, November 1, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, members Rick Whiteside, Scott Barnes, Thais Escondo, Garland Stewart, Elizabeth Semler and Tom Hill. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician. Absent were Betty Callahan and Charles Kirby.

Chairman Bob Whitaker called the meeting to order at 7:15 p.m.

Mr. Whitaker stated we have two (2) cases this evening and they are going to rearrange the order of the agenda since one of the applicant's has some personal business to attend.

Case #11-11-015 Canton Property Group, LLC requesting to rezone 1.1 acres from NC to GC. If rezoned, the property will be utilized for commercial uses. The property owned by Canton Property Group, LLC is located along Waleska Road in Land Lot 169 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 018 on Tax Map 91N28.

Vicki Taylor Lee presented the case. Ms. Taylor Lee gave the surrounding zoning, future land use designation and discussed staff comments.

Joseph Ahlzadeh represented this case. He stated that he wanted to concur with what Ms. Taylor Lee stated and would very much like to have approval of this request.

Mr. Whitaker asked if there was anyone to speak in support or opposition and there was none.

Mr. Whitaker closed the public hearing.

Mr. Whiteside asked the applicant did he have a planned use for this property. Mr. Ahlzadeh stated no. Mr. Whiteside asked, what is the reason to go from NC to GC? Mr. Ahlzadeh stated to have a better potential of leasing this space and that GC zoning will give a better opportunity to find a tenant.

Mr. Stewart made a motion to approve. Seconded by Mr. Hill. Unanimous approval.

Case #11-09-011 RaceTrac Petroleum, Inc. requesting to rezone 2.45 acres from NC to GC. If rezoned, the property will be utilized as a convenience store with gasoline sales. The property owned by Harrison Huynh is located at the intersection of Cumming Highway and Scott Road in Land Lot 274 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as part of Parcel 025 on Tax Map 14N29.

Vicki Taylor Lee presented the case. Ms. Lee gave the surrounding zoning, future land use designation and discussed staff comments. She stated she has received four (4) letters of opposition. Ms. Taylor Lee stated that the applicant is requesting a total of 4 variances and discussed Engineering/County Arborist comments and recommendations.

Parks Huff represented this case. Mr. Huff presented a power point presentation to the Board and presented copies of a petition signed by citizens in support of this application. He introduced others who are working on this project. Mr. Huff stated that Race Trac is a company based in Cobb County and has been there since the 1970's. He stated they have 65 stores currently in Georgia and 80 people in Cherokee County are employed by Race Trac. Mr. Huff stated there are 30 more stores in development in Georgia. He stated how Race Trac was unique in that they are corporately owned and operated to ensure they have good customer service. Mr. Huff stated they are proposing a 4 million dollar investment for this location and went over the surrounding zoning, uses and land use plan. He stated that at the public participation meeting the neighbors had concerns regarding traffic so he did have a traffic study prepared. Mr. Huff discussed the traffic report and stated they are willing to pay for the \$125,000 improvement so the existing and future conditions are handled. He stated that sewer is not immediately at this site, they are working with the City of Canton to tie into the Semler project and are committed to running this sewer line. He stated this location was not just randomly picked and had looked at other surrounding locations first. Mr. Huff discussed the benefits Race Trac provides as well as scholarships, donations and how they are committed in giving back to the community.

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

Larissa Wiley spoke in opposition. Ms. Wiley stated that she lives on Scott Trail and she has no problem with Race Trac however would prefer it to be a mile east or west. She stated that Scott Road is a residential road and has a weight restriction. She stated that there main objections are light and noise pollution on a 24 hour basis, erosion and traffic concerns. She stated that there is a need for a Race Trac just not at this location.

Bryan Ricke spoke in opposition. He stated that he lives on Valley Ridge Drive and moved to Canton about 13 years ago. Mr. Ricke stated that obviously growth can't be stopped however he would like to be able to drive out the end of the drive and be able to make a left turn. He said currently you cannot do that and if a lane gets put in hopefully that would help, but they would like to be able to pull out onto this road safely with their grandchildren and keep their property values up.

Larissa Wiley wanted to make one more comment that the Shell station at the corner does close at 10 or 11 every night.

Sally Geer spoke in opposition. Ms. Geer stated that she also lives on Valley Ridge Drive and has been there since 1992. She would like to add that there are several students that live on this street that has to take the school bus and there is no turn around which doesn't make for very safe conditions. She stated also emergency vehicles cannot get in and out if there is a lot of traffic. Ms. Geer stated that she doesn't have a problem with Race Trac, however she would like to see them locate a little farther up the road so they have access onto Highway 20 and not Scott Road.

Parks Huff spoke in rebuttal. Mr. Huff stated that access only on Highway 20, with no signal would create a problem. He stated that this proposal fits with surrounding zoning and goes with the land use plan. Mr. Huff stated that all the variances have been resolved except the offsite recompense as stated in the tree ordinance.

Mr. Stewart asked staff for clarification on variance requests. Ms. Taylor Lee stated that the only variance request that has not been resolved is in regards to the tree ordinance. Mr. Stewart stated this property is covered with specimen trees and they are looking at clearing the whole property and any offsite planting he feels will just be temporary. He stated that only rezoning a portion of the property to GC and leaving the rest of the property NC is a way to get out of having a 35 foot zoning buffer.

Ms. Escondo stated that the way the Ordinance is written that the Planning Commission does not have the authority to grant variances. She stated that this property was rezoned to NC and one of the stipulations was that there be no gas stations and she feels they should honor that request. Ms. Escondo stated that when she reads the traffic report she doesn't see that it improves greatly and feels that it adds to it. She stated that NC zoning is an appropriate zoning for this property.

Mr. Whiteside stated he is concerned where they are going to put the underground storm water vault and would like for the applicant to tell him more about this. Mr. Huff stated that the storm water has not been designed yet and when it is designed it will meet all County requirements. Mr. Whiteside stated that he is aware that it is not designed but in the location of the building, tanks, islands and anticipated road improvements it appears that putting this behind the building would fall on the property that they are not requesting to rezone.

Mark LeCraw, Civil Engineer for Race Trac, stated that the underground vault will be installed between the building and the canopy and the water will drain to the south through the seller's property and enter the lake on his property before going into the creek. He also stated that the petroleum tanks will be on the very northern edge of the property.

Mr. Whiteside stated that he had summarized some of the concerns of the citizens such as 24 hour light, noise and traffic and asked if they plan to sale diesel at this facility. Mr. Huff stated the Race Trac, as a company, has decided to make sure every station has diesel.

Mr. Whiteside asked how they plan to address the other concerns such as lighting and noise with the adjacent neighborhood. Mr. Huff stated they can make sure the lighting is shielded and have no outside music or speakers in use unless it is an emergency. Mr. Huff stated that it is better for the community for someone to be at the station all the time and open 24 hours.

Mr. Barnes asked the applicant if any trees will be saved. Mr. Huff stated that some of the trees on the property are not savable and there is just no way to work around the trees and develop the property.

Mr. Barnes asked what the timeframe is for DOT to make improvements to Highway 20. Mr. Huff stated from 2014 to 2016. Mr. Barnes stated his concerns regarding traffic backing up on Highway 20 until these road improvements are made.

John Walker with Kimley-Horn, traffic engineer for Race Trac stated the applicant had already met with State DOT and County Staff prior to his involvement and they were both going to provide a list of improvements however they were still concerned regarding the traffic so they hired him to provide a traffic study. He stated that he agreed with all the County improvements and all the State improvements as well as added a few of his own. Mr. Walker discussed this briefly.

Ms. Escondo stated that this would be problematic because if you look at where Valley Ridge lines up now, instead of trying to get out of their subdivision going onto two lanes of traffic they would be trying to go across three lanes of traffic plus and ingress/egress entrance into the Race Trac. Mr. Walker stated what you will find is that traffic won't queue back as far and it will be a better situation.

Mr. Barnes stated this is an odd corner and he still has concerns with traffic at this location.

Mr. Stewart asked if they will allow a left hand turn for traffic coming from Highway 20 westbound. Mr. Walker stated yes until the median is put in. Mr. Stewart asked how many cars a day will be coming in and out of this station. Mr. Walker stated about 1900 in and out. Mr. Stewart asked how many of these does he project will be westbound. Mr. Walker stated he would have to go to the details of the report, but there would be a lot.

Commissioner Johnston asked what is the problem with compliance to the tree ordinance and what plans are being made for screening of this property. Mr. Huff stated that the landscape plan does meet the tree ordinance but they don't meet the tree recompense and this has to do with some really big oak trees on this property. He stated that with the location of the trees it is impossible to meet the recompense. He discussed some plans to provide a better visual screen.

Mr. Hill asked if this landscape plan will meet the streetscape requirements that were requested by the City. Mr. Huff was not aware of what Canton had requested and would be happy to take a look at what they are requesting. Ms. Lee will forward that to him tomorrow.

Mr. Hill stated that he understands the comments and concerns and does not disagree with those, but in looking at the land use plan and the neighborhood village character area, this request is consistent with that and feels GC is appropriate for this area.

Mr. Hill made a motion to approve. Seconded by Mr. Whitaker with the following conditions:

- (1) Applicant is to meet all improvements in the report by Kimley-Horn dated September 14, 2011.

- (2) Applicant is to enter into a development agreement related to the improvement of the Scott Road intersection.
- (3) No action will be taken on variance requests to the tree ordinance.

Ms. Semler stated that if the roads were already in place she wouldn't have such an issue but when it was rezoned to NC there was a condition of no gas stations and she cannot support this motion for that reason.

Ms. Escondo stated that there is already a traffic issue and this would be adding to this. She stated that there are more negatives to this project than positives.

Mr. Whitaker asked for all those in favor of the motion. Motion fails 2-5.

Ms. Escondo made a motion to deny. Seconded by Ms. Semler. Motion passes 5-2.

Other items, the approval of October 4, 2011 Minutes. Mr. Hill made a motion to approve. Seconded by Whitaker. Unanimous approval.

As there was no further business, Mr. Whiteside made a motion to adjourn. Seconded by Mr. Barnes. Meeting adjourned at 8:35 p.m.