

Approved 5-6-2014

**Cherokee County Planning Commission
Public Hearing
Minutes
Tuesday, April 1, 2014
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, April 1, 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 Bill Dewrell. Betty Callahan 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 7:24 p.m.

Case #14-04-004 William R. Morris requesting to rezone 12.06 acres from R-40 to R-20 and AG. If rezoned, the property will be utilized for residential uses. The property owned by William R. Morris and Carolyn Love is located at the intersection of Wiley Bridge Road and Cox Road in Land Lots 1113 and 1114 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as parcels 197, 197A, 198 and 198A on Tax Map 15N30.

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 request is consistent with the Future Development Map.

Mr. Morris represented this case. Mr. Morris presented the members with a letter from some of the adjoining neighbors who support this application.

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

Karen Sacandy came forward and spoke to property rights issues but was not case specific.

Mr. Whitaker asked if there was anyone that would like to speak in support or opposition to this application. There being none, he closed public comment.

Mr. Dewrell made a motion to recommend approval. Seconded by Mr. Weatherby. Unanimous approval.

Case #14-04-005 CCL Associates requesting to rezone 4.31 acres from R-40 to OI. If rezoned, the property will be utilized for commercial-medical office. The property owned by James L. Price is located at the intersection of Hickory Flat Highway and Scott Road in Land Lot 235 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as parcel 133 on Tax Map 14N24.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated an existing site resources map is on file, a public participation meeting was held and we have received no letters for support or opposition to this application. Ms. Lee stated this request is consistent with the Future Development Map.

Kirby Jones represented this case. He stated they are proposing to rezone this property to have a 20,000 to 24,000 square foot medical/professional office building that will be open from 8 am to 5 pm,

Monday through Friday. He stated there will be no after hours and no emergency/urgent care facility. Mr. Jones stated with the proposed layout they have been able to save the oak trees along Hickory Flat Highway and will maintain the buffers to adjoining properties.

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

Darlene Schoals spoke in opposition. Ms. Schoals stated she lives across from this property and has a farm. She stated having an office building would be considered an expansion of the services of Northside including having a surgery center less than 3 miles. She discussed the road width of Hickory Flat Highway and the road widening. She stated if this is rezoned to OI there is nothing to say it cannot be open 24 hours without restrictions. She would like for this area to stay residential and would rather see houses instead of office buildings.

Ms. Escondo asked the applicant if this will be a Northside Hospital building. Mr. Jones stated, no they are not affiliated with Northside Hospital.

Paul Harrison, Jr. spoke in opposition. Mr. Harrison stated he adjoins this site and has been there for 15 years. He stated he is concerned with the safety for his children and the amount of traffic already on this road.

Mr. Jones spoke in rebuttal. He stated they are well aware of the safety concerns and during construction they will have a construction fence that will be lockable and gates for construction entrance only. He also stated there will be a 30 foot zoning buffer to shield from any activity and the buffer will remain in place. Mr. Jones stated they will be close to the new hospital coming in, however they are not affiliated with Northside.

Mr. Whitaker closed public comment.

Ms. Escondo asked the applicant if the project would be on septic. Mr. Jones stated yes, they have already done the testing and the soils have come back adequate.

Ms. Escondo stated when you are proposing a more intense zoning you make sure that the infrastructure is in place and not having access to that sewer line is because it is all residential. She stated there is no OI or commercial adjacent to this property.

Mr. Hill stated he understands the concerns about the sewer and the septic tank, however if the property meets the requirements for the facility to be on septic than this is a legitimate way to handle the sewage. He stated this falls within the transitional corridor and this proposal is less intense than what other uses could be. Mr. Hill stated he supports this request.

Dr. Whiteside stated there is no other adjoining piece that is a similar zoning and this would be putting an OI zoning in the middle of residential. He stated he cannot support this zoning request.

Mr. Barnes made a motion to recommend denial of this application. Seconded by Ms. Escondo.

Mr. Dewrell stated if sewer is the only thing stopping this, he doesn't see that this would be a reason to deny. He stated there are several office buildings that are successful on septic.

Mr. Barnes stated this may be more appropriate 5 to 10 years down the road but not at this time. He stated this area is all residential, horse farms and homes. He stated it is not about sewer.

Ms. Escondo stated this area is residential, low intensity, large residential lots and that's why there are no sewer lines in this area. She stated this was the comment she was trying to make earlier.

Mr. Dewrell stated he understands this, but he was trying to go by staff's comments also.

Mr. Whitaker stated the hospital is going in and there will need to be supporting services in the area. He stated he would prefer this building be right adjacent to the hospital however this is in the neighborhood and not all facilities will be next door. He said there is going to be commercial on Highway 140 to support what is being built and he feels this is a mitigating factor.

Dr. Whiteside stated perhaps it is the timing of it, that it is not there now.

Four (4) in favor to recommend denial of this application. Ms. Escondo, Dr. Whiteside, Mr. Barnes and Mr. Weatherby. Four (4) in opposition. No recommendation was made.

Case # 14-04-006 Lisa Meyer requesting to rezone 1.2 +/- acres from LI and R-20 to GC. If rezoned, the property will be utilized for a retail store. The property owned by David and Trudy Woodard is located on Cumming Highway in Land Lots 891 and 910 of the 3rd District, 2nd Section of Cherokee County, Georgia and indicated as parcels 37 and 38 on Tax Map 03N23A.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated an existing site resources map is on file, a public participation meeting was held and our office has had a consistent complaint of the smell and smoke from barbeque that is from Scott Boyd's BBQ that is parked at this location but not committed to move with them. She stated we received one (1) letter in opposition to this application. Ms. Lee stated this request is consistent with the Future Development Map.

Lisa Meyer, owner of Cherokee Market represented this case. Ms. Meyer stated they have to be out of their current location by June and they have put an offer in on this location. She stated there has been commercial activity at this location before and not sure why it is currently zoned LI. She stated next door is the Mule Barn, across street are a church and two (2) other commercial businesses. Ms. Meyer stated she is not sure what she will do with the existing house however she would like to go ahead and get it all zoned commercial so she does not have to come back to the Board with another request.

Patti Hart spoke in support. Ms. Hart stated she does not see any issues with traffic, parking and feels this would be an asset to this community.

Mr. Dewrell asked Ms. Meyer how the number of employees. Ms. Meyer stated potentially 5 or 6.

Diane Lathem spoke in opposition. Ms. Lathem stated she is not opposed to the market but is opposed to the commercial zoning. She stated she is a lifetime resident of Lathemtown and this would open the

door to any number of businesses, noise, odors and will impact the quality of life. Ms. Lathem stated she has health concerns with the BBQ trailer and smoker that maybe parked on this property.

Mr. Whitaker closed public comment.

Ms. Escondo asked about the expansion of the right-of-way and the existing building. Ms. Lee stated there are no immediate plans per Engineering Department.

Mr. Whitaker asked about the BBQ business. Ms. Meyer stated they are looking at a property in the City of Canton.

Mr. Barnes stated this location was a furniture store about a year ago. Ms. Lee stated she does not have all the history on the property but this would be a less intense use.

Mr. Dewrell made a motion to recommend approval. Seconded by Dr. Whiteside. Unanimous approval.

Case #14-04-007 John H. Pruett, Jr. requesting to rezone 2.65 acres from R-40 and R-20 to R-20. If rezoned, the property will be utilized for single family residential use. The property owned by Pruett Family, LP is located on Bells Ferry Road in Land Lot 126 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as parcel 93 on Tax Map 14N12A.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated this 1 acre piece was left out of the previous rezoning. Ms. Lee stated it is consistent with the land use plan and have received no letters of support or opposition.

Mr. Pruett, Jr. represented this case. Mr. Pruett stated this application is a correction to the previous zoning.

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

Ms. Escondo made a motion to recommend approval. Seconded by Mr. Dewrell. Unanimous approval.

Case #14-04-008 Development Authority of Cherokee County requesting to rezone 35.28 acres from R-20 to LI. If rezoned, the property will be utilized for a business park. The property owned by George Crawfis is located on Old Alabama Road in Land Lot 1058 of the 21st District, 2nd Section of Cherokee County, Georgia and indicated as parcels 247 and 248A on Tax Map 21N05.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held with twelve (12) attendees. Ms. Lee stated it is not consistent with the future development designation of suburban growth and have received several letters in opposition.

Heath Tippens, Project Manager at Cherokee Office of Economic Development represented this case. Mr. Tippens stated they need to rezone this property to better recruit businesses to this area. He handed out an aerial of the location to discuss with Board. He stated the property is less than one thousand feet off Highway 92, there is already a traffic signal and is located less than two (2) miles from

Interstate 75. He stated it is also adjacent to an existing Cherokee 75 Corporate Park. Mr. Tippens stated they have had a lot of interests in the park and feels this would bring quality jobs and support the County tax base.

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

Lisa Barber and Ken Oliver spoke in opposition. Ms. Barber stated this property adjoins her property and has lived there for 9 years. She stated she does not see LI zoning fitting in this residential area. Ms. Barber stated this is a small two lane road and cannot handle this traffic. Mr. Oliver stated everything is residential on the road.

Curtis McWaters spoke in opposition. Mr. McWaters stated this does not fit in with the zoning in this area. He stated if this is approved he would like there to be a 10 foot berm of Leyland cypress, a 75 foot buffer and make sure all the run off is contained.

Kathryn McWaters spoke in opposition. Mrs. McWaters stated this would create an increase in traffic on Old Alabama Road and the road is not made to handle this kind of traffic. She stated this property has just a little sliver in the Highway 92 Overlay which would only include just a part of the green space. She stated there is the possibility of 18 wheelers going in and out which this road could not support. She stated they bought their homes in this area because it was residential and would like to keep it residential.

Daniel Strey spoke in opposition. Mr. Strey stated he lives at 6338 McCollum Lane which is directly adjacent to the property. He stated this would disrupt the quality of life where they have kids and animals and this does not fit the land use pattern. Mr. Strey stated there are a lot of kids in this neighborhood and there is no way to determine what type of person is working in these buildings. He stated this would be within 100 feet of his back door and less than 100 feet to his neighbor. He stated Old Alabama Road was not equipped to handle this amount of traffic and would create light pollution, noise pollution, odors, etc.

Phelan Kasonovitch and Steven Voige spoke in opposition citing issues related to land use and traffic.

G. Cerrato spoke in opposition. Mr. Cerrato stated he lives in this neighborhood for 10 years and stated pictures and maps does not tell the story, you have to drive the neighborhood to understand what they are talking about. He stated this is a residential area, that is quiet and he likes it this way.

Ashley Holcomb spoke in rebuttal. Mr. Holcomb stated it is not often that you can bring quality growth to the County and it not be residential. He stated the property is currently zoned R-20 and is not zoned for horse farms. He stated we are not placing this strictly in the residential area and we share those concerns. Mr. Holcomb stated there is a reason the County makes the buffer requirements where it adjoins residential as well as access onto Old Alabama Road. He stated they presented a preliminary site plan and is not clear if they will connect to the existing park or not.

Heath Tippens stated they will put everything into place to address lighting, noise, etc. and this will not be a heavy industrial plant, there will be covenants in place.

Mr. Holcomb stated this property is well within the corridor.

Mr. Whitaker stated he doesn't clearly understand what the County Development Authority is.

Mr. Tippens stated they are created to recruit industries to the area and help existing businesses expand and come into place by the County Commission.

Ms. Escondo stated there are other properties nearby for sale and would like to know why they are choosing this parcel that is 15% floodplain and not consistent with the land use plan.

Mr. Holcomb stated the main reason is that it is contiguous to their park, sewer pump station and existing utilities which make it more marketable and the property is close to I-75.

Mr. Stewart stated on the north side it looks like they have planted some magnolia trees and asked if this is what they planned on planting for buffers.

Mr. Holcomb stated yes.

Mr. Stewart stated these do not grow very fast and asked about the 50 foot undisturbed buffer that should be in place and asked about the old log house on property.

Mr. Holcomb stated he is not sure about a log house on the property and the house up on the hill is on their property. He stated the buffers will be screened heavily and will be required to protect the adjoining property owners.

Mr. Stewart asked are there plans to connect the two (2) sites. Mr. Holcomb stated it has been discussed but highly depends on who they sale any given parcels to and there are streams and ponds in between.

Mr. Stewart asked would the taxpayers be obligated to anything that is done on this property. Mr. Holcomb stated no.

Mr. Whitaker closed the public hearing.

Ms. Escondo stated this is not consistent with the land use plan, this would create more intense zoning to residential and less of a buffer. She stated she has concerns with safety and this is much closer to residential than the existing corporate park which will affect property owners in this area.

Mr. Hill stated the ponds and streams are a natural impediment, that it may not be a complete barrier but is an impediment for expansion of industrial to the west.

Ms. Escondo stated this would affect the adjacent property owners.

Mr. Dewrell made a motion to table for 30 days until some of the issues are worked out. Motion fails for lack of second.

Dr. Whiteside stated things can be done in these types of areas but there has to be more planning done. He stated we need to understand the covenants that are in place, the utilities, ingress/egress from Old Alabama Road, etc.

Dr. Whiteside stated he would like to restate the motion to table for the applicant to provide more information on earth and berms, lighting, vegetative buffers, ingress/egress from Old Alabama and where it abuts existing LI so they can understand it and the public can understand it. Seconded by Mr. Dewrell.

Mr. Whitaker stated the concerns he heard was not more detail, he was here when they rezoned the first project and most of the industrial parks don't come out on a residential street. He feels Old Alabama Road will be in pieces within a year and doesn't see more detail solving this and stated he is not in favor to support this motion.

Dr. Whiteside stated he understands this and feels this would put more of a burden on the applicant to bring forward this information and they would have to spend more time engineering the project in advance than normal. He stated the only reason he suggests this is because it connects to existing LI.

Mr. Weatherby stated there are creeks and ponds that are a natural barrier that keeps the connection from happening to existing LI.

Ms. Escondo stated she was not inclined to support this motion to table this application for 30 days. Three (3) in favor, five (5) against.

Mr. Hill made a motion to recommend denial of this application. Seconded by Mr. Whitaker. Five (5) in favor, three (3) against. Mr. Stewart, Mr. Dewrell and Dr. Whiteside voted against this motion.

The last case, **Case #14-04-010 Tricia Breckenridge** requesting to rezone 2.13 acres from R-40 to GC. If rezoned, the property will be utilized for retail use. The property owned by Roger Harjani is located at the corner of Highway 92 and Justin Drive in Land Lot 1171 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as parcel 109 on Tax Map 15N18. A total of 2.13 acres is sought to be rezoned.

Vicki Lee presented the case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held with one (1) attendee. Ms. Lee stated it is not consistent with the future development designation of suburban growth and have received no letters in support or in opposition. She stated it was developed under the Highway 92 Overlay.

Tricia Breckenridge, Project Manager represented this case. She stated this GC zoning would bring more value to the property they have and will not create a significant impact on traffic. She stated the building was constructed in full compliance with the Highway 92 Overlay Ordinance in 2007. She stated the building had been setting for 6 years and had been vandalized prior to the current property owner purchasing. Ms. Breckenridge stated it was his plan to invest his money to bring it back into code and make it a viable place for businesses. She stated his plan was to lease to commercial tenants, help economic growth in Cherokee County and increase the tax base. She stated there are

approximately 8-9 new jobs in building currently and anticipate another 10-12 people. Ms. Breckenridge stated they have had clients turn down this location because it was not zoned commercial. She stated they are planning to finish the renovations but the building will remain the same size.

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

Dr. Whiteside asked which type of businesses came wanting to come there but did not lease due to the current zoning. She stated there was a pest control business, a surgical center and a tennis facility.

Ms. Escondo asked the applicant if she had any objection to NC zoning. Ms. Breckenridge had no objection to NC zoning.

Ms. Escondo made motion to recommend approval of NC. Seconded by Dr. Whiteside. Unanimous approval.

The last item on the agenda was the approval of February 4, 2014 Minutes and March 4, 2014 Minutes. Mr. Hill made a motion to approve. Seconded by Mr. Weatherby. Unanimous approval.

Mr. Dewrell made a motion to adjourn. Seconded by Mr. Barnes. The meeting adjourned at 9:15 p.m.