

Approved 5-5-2015

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

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, April 7, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Thais Escondo, Richard Weatherby, Bill Dewrell, Gerald Hill, Ken Smith, Bob Whitaker and Tom Ware. Rick Whiteside and Scott Barnes were not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Jeff Watkins, Development Director and Tamala Davis, Planning Technician.

The meeting was called to order at 7:20 p.m.

**Case #15-04-008** Speedway, LLC requesting to rezone 1.748 acres from R-20 to GC. If rezoned, the property will be utilized for a convenience store with gasoline sales. The property owned by Minnie Faye Stell Nicholson and the Crowe Family Trust c/o JoDeine Nadel is located at the intersection of Highway 92 and Neese Road in Land Lot 1172 of the 15<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 075 and 076 on Tax Map 15N18E.

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 11 attendees. Ms. Lee stated this application is consistent with the Future Development Map. She noted that additional landscaping will be required to satisfy development regulations of the Overlay District. Ms. Lee discussed the traffic study, Engineering's analysis and the City of Woodstock's comments. She noted the 400 foot setback for a gas station from a residential lot.

Grant Dennis represented this case. Mr. Dennis stated this property falls within the Hwy 92 Overlay and are requesting relief from the 400 foot setback requirement.

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

Jim Bulger spoke in opposition. Mr. Bulger stated he lives in Ansley Forest Subdivision and is President of the Homeowner's Association. Mr. Bulger stated his concerns regarding lighting, noise, traffic, flood plain and water volume. He stated Speedway has not met with the Homeowner's Association regarding this rezone. He stated there is already a RaceTrac, Flash Foods, Kroger and BP in this area. He noted they also have one gas station that recently closed and does not feel the need for another gas station.

Philip Searles spoke in opposition. He stated he is the developer and owner of the land on the north side of the Speedway gas station, the Senior Living Facility. He stated he will have 140 senior citizens living on site. Mr. Searles stated there are four (4) gas stations currently in this area and this property falls within 400 feet of a residential property. He stated his property is a residential zoning in the City of Woodstock.

Charles Nickelson spoke in support. Mr. Nickelson stated he lives in Hiawassee, Georgia, however, he is here representing his family that have resided in this area for over 70 years. Mr. Nickelson stated they need to sell this last 30 acres and feels Speedway will cooperate with

Cherokee County and the residents in this area. He stated if the County feels approval of this rezone request will deteriorate this area then he would ask the Commission to deny this request.

Mr. Whitaker closed public comment.

Mr. Whitaker stated there is a lot of land behind this property and asked the applicant what is proposed for this area. Mr. Dennis stated they do not have any plans at this time.

Bryan Witt with Speedway spoke in rebuttal. He stated they have discussed buffers and more than willing to work on the landscape buffers to help with noise and lighting concerns. Mr. Witt stated they are working with the City and the State on traffic improvements. He stated environmentally, they will meet with all State requirements.

Mr. Dewrell asked Staff about the requirements from City of Woodstock. Ms. Lee stated the City determines how the entrance on Neese Road will be handled.

Ms. Escondo asked Staff when she received the letter from the City. Ms. Lee stated March 24, 2015.

Ms. Escondo stated there are 3 gas stations at Trickum Road and Highway 92 with multiple accesses and entrances. She stated the RaceTrac on Hames Road was denied and went into the City to be annexed. She discussed her safety concerns and noted the Overlay requirements need to be met. Ms. Escondo stated she cannot support this application.

Mr. Dewrell made a motion to postpone for 30 days for Staff to discuss this application with City of Woodstock to see what issues they have. Seconded by Mr. Weatherby. Five in favor to postpone, two (2) oppose. Ms. Escondo and Mr. Ware opposed.

**Case #15-04-009** Cowford Holdings, LLC requesting to rezone 3.5 +/- acres from NC to GC. If rezoned, the property will be utilized for a convenience store with gasoline sales. The property owned by Cowford Holdings, LLC is located on Cumming Highway in Land Lot 266 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Part of Parcel 017 on Tax Map 14N23A.

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 19 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. She stated this property falls within the Growth Boundary Agreement with City of Canton and they would like if approved for this project to meet their Overlay requirement in regards to signage, landscaping, lighting and general streetscape requirements.

Doug Dillard represented this case. Mr. Dillard stated you can put any number of uses on this property other than gas pumps. He stated this property fronts on Highway 20 and are asking for the 3.5 acres to be zoned GC and the rest will remain NC. He stated they have provided a landscape plan, lighting plan, traffic study and land use study. He stated this has been before the Board before and was basically withdrawn. Mr. Dillard stated they have gone through the zoning standards and have satisfied these standards. He stated the health, public and safety of the citizens is handled by the requirements in the Ordinance.

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

John Voss spoke in opposition. Mr. Voss stated he lives at 837 Waterford Estates Manor in the Estates at Brooke Park Subdivision. He stated he is representing the residents of Brooke Park. Mr. Voss stated there are 300 residents in this subdivision with 136 homes. He stated the NC zoning is appropriate buffer in an existing neighborhood. He stated in 2009 this property was rezoned from R-40 to 2009, in 2013 they worked to defeat this same applicant to deny GC, in 2014 they saw a lot of grading and fill dirt being brought in on this property and in 2015 they are back to oppose this rezone to GC. He stated this proposal is not consistent with the Future Development Map. He stated there are several gas stations in the area and this proposal would not be beneficial and is not compatible to this area. Mr. Voss stated this property can be used as currently zoned and request denial of this application.

Mr. Whitaker extended the time limit for two (2) minutes.

Brandon Bowen spoke in opposition. Mr. Bowen stated he is here to represent Brooke Park Homeowner's Association. Mr. Bowen submitted a letter to the Board members and stated the NC zoning is constitutional and gives the property substantial economic development. He stated the GC zoning is not consistent with the Future Development Map. Mr. Bowen stated there has to be a boundary and the current zoning is good. He stated underground storage tanks leak and causes odors. He stated this would create lighting concerns and late traffic which is why it is not needed near residential areas.

Mr. Dillard spoke in rebuttal and stated they are well within the transitional corridor which is a mixed use development. He stated there are significant improvements along Highway 20 that will start in 2018. He stated there is currently GC in the area next to residential and there is no evidence presented that indicates this has depreciated in value. He stated General Commercial is consistent with this area and Highway 20 is a major corridor. Mr. Dillard stated the property owner has spent a lot of money to be able to use this property and will comply with environmental impacts. He stated they have constitutional rights to use their property and request approval of this application.

Mr. Whitaker closed public comment.

Ms. Escondo asked Staff about an adjacent property zoned Commercial.

Mr. Dewrell asked was there a reason given to deny this application by the City. Mr. Dillard stated they never applied.

Mr. Ware asked about the slope that was to be extended and additional 20 feet to neighborhood entrance. Mr. Dillard stated this has not been extended yet. Mr. Ware asked if the trees will be removed. Mr. Dillard stated he understands from the landscape plan that any vegetation that is removed it will be replaced.

Mr. Ware stated this is more than vegetation. Mr. Jim Rollins stated the 35 foot transitional buffer will remain. He said they had a tree survey done and there were no trees to be saved. He stated the front part of the property was cleared in the past. Mr. Rollins stated they are replanting those trees and providing a better landscape buffer than existing before grading.

Mr. Dillard stated they will comply with the Tree Ordinance.

Mr. Dewrell made a motion to recommend denial. Seconded by Mr. Weatherby. Mr. Weatherby stated this is not in compliance with the Future Development Map. Unanimous approval.

Mr. Ware made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval.

The meeting adjourned at 8:32 p.m.