

Approved 8-4-2015

**Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, May 5, 2015
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, May 5, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Thais Escondo, Richard Weatherby, Bill Dewrell, Jerald Hill, Ken Smith, Bob Whitaker, Rick Whiteside, Scott Barnes and Tom Ware. 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 7:00 p.m.

Case #15-05-010 Pinebrook Estates, LLC requesting to rezone 11.065 acres from GC and OI to RZL. If rezoned, the property will be utilized for a residential neighborhood. The property owned by Synovus Bank is located on East Cherokee Drive and Highland Village Drive in Land Lots 699, 700, 741 and 742 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 065, 066, 067 and 069 on Tax Map 15N16H.

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 5 attendees. She stated most concerns were traffic and storm water. She stated she has received two (2) letters in opposition.

Doug Patten with Centerline Surveying represented this case. Mr. Patten stated all the roads and infrastructure have been installed based on a commercial, office institutional zoning. He stated they will need to retrofit this area to accommodate the residential. He stated it has been requested a common circle at one of the intersections. He stated they will be reducing the impervious area that is going to the previously installed detention areas. Mr. Patten stated they will address the concerns of the neighbors that include the storm water issues and flooding issues relating to the pond. He stated they will provide a 50 foot planted and vegetated buffer that will remain and will add some additional green space.

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 to this application.

Fred Bentley, Jr. spoke in opposition. Mr. Bentley stated he is representing the Homeowner's Association for Highland Village. He stated he has provided a letter to state most of the concerns. Mr. Bentley discussed the history of the original rezoning and the future development map. He stated this development is not in compliance with the future development map. He stated their concerns with the flooding issues, traffic and storm water concerns.

Doug Philbrack spoke in opposition. He discussed his concerns with traffic, water runoff, and homes being devalued. He stated this is not in compliance with the Future Development Map with no greenspace and no amenities. He stated the schools are already overcrowded and will create additional traffic. He presented a petition signed by 188 surrounding property owners.

Wayne Kennedy spoke in opposition. Mr. Kennedy stated he is a resident at Arbor View and addressed his traffic concerns.

Doug Patten spoke in rebuttal. Mr. Patten stated the traffic will reduce from current zoning and all schools are under capacity except one. He stated they held a meeting with property owners to address some of the concerns. He stated they reduced the development to 51 homes and stated this is the exact same lot sizes as Highland Village. Mr. Patten stated this will complete the residential node. He stated the commercial and office institutional zonings do not work for this area and noted the greenspace is already in place, they will not be purchasing green space.

Dr. Whiteside asked Mr. Patten with the storm water system being inadequate, whose property will you need to go through to construct this proper outfall structure and discharge.

Mr. Patten stated they can only stay on their property and fix the outlet structure and fix the detaining of the water and release it at a slower rate, however he does have open communication with the property owners that are down from their property and they are willing to work with them to solve any issues.

Mr. Ware asked would Centerline Surveying be building the homes. Mr. Patten stated they are to be built by Brighten Homes.

Mr. Ware asked about the building setbacks not meeting the rear building setback development standards. Mr. Patten stated they were trying to meet the same setbacks that were previously platted.

Mr. Ware asked Staff if this is correct. Ms. Lee stated they would have to apply for variances at a later date, it is not a given.

Mr. Patton stated they can adjust the setbacks to meet the requirements.

Mr. Whitaker closed public comment.

Mr. Whitaker asked Staff about the greenspace.

Ms. Lee stated they are required to have 10% greenspace and they would be counting the buffers.

Mr. Whitaker stated this does not conform to the intent of this Ordinance.

Dr. Whiteside asked about the parking for the individuals who will visit the homeowners who plan to live here. He stated this looks like this will be a challenge.

Ms. Lee stated the preliminary plan does not indicate this however they will ask for parking bays during development review.

Mr. Weatherby made a recommendation for denial. Seconded by Mr. Ware.

Ms. Escondo stated as submitted this plan does not fix any issues on this property and she cannot support this application.

Mr. Barnes stated he agrees with Ms. Escondo.

Unanimous approval to recommend denial of this application.

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 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 075 and 076 on Tax Map 15N18E.

Chairman noted that public comment was closed last month and they will be discussing among the members and making a recommendation to the Board.

Ms. Lee stated Staff was to meet with the City and possibly get some exchange going. She stated a meeting had been scheduled to meet with the applicant, Engineering, Planning Staff, and City Staff. She stated City staff cancelled and they met without them.

Ms. Lee stated we did receive a revised site plan.

Ms. Escondo stated she is concerned with traffic and safety with this being a bad intersection.

Mr. Barnes stated an NC zoning would be better, GC zoning is too intense.

Ms. Escondo stated she would recommend NC zoning.

Mr. Dewrell stated he cannot support a NC zoning since this is not what they asked for, he would rather it be denied than giving a different zoning than what was requested.

Mr. Hill stated he is in favor of the property owners getting the zoning they are asking for.

Dr. Whiteside stated this is only a recommendation.

Mr. Whitaker stated this falls within the Highway 92 Overlay and there are a number of commercial uses that can be developed on this site. He stated this is where you put the higher intensity uses and there are no existing subdivisions here.

Mr. Dewrell made a recommendation for approval. Seconded by Mr. Weatherby. Five (5) in favor, three (3) opposed. Mr. Barnes, Ms. Escondo and Dr. Whiteside opposed.

Mr. Weatherby made a motion to approve the March 3, 2015 Minutes. Seconded by Mr. Smith. Unanimous approval.

Mr. Weatherby made a motion to approve the April 7, 2015 Minutes. Seconded by Mr. Ware. Eight (8) in favor, Dr. Whiteside recused himself.

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

The meeting adjourned at 8:00 p.m.