

**CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION**

**PUBLIC HEARING MINUTES**



**June 6, 2017**

**Cherokee Hall 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, June 6, 2017 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were: Bob Whitaker, Rick Whiteside, Ken Smith, Richard Weatherby, Nicole Carbetta, Scott Barnes, Marla Doss and Tom Ware. Thais Escondo was absent. In attendance for Cherokee County Staff were Vicki Lee, Zoning Administrator and Tamala Davis, Planning Technician; Margaret Stallings, Principal Planner and Jeff Watkins, Director.

Chairman Whitaker called the meeting to order at 7:07 p.m.

**Case #17-05-016 Landman Partners, LLC (BOC Dist. 4)**

Applicant is requesting to rezone 22.08 +/- acres on Woodstock Road from R-40 to RZL for single family detached residences. The applicant is also requesting a variance from Article 7, Section 7.4-2(c) to increase the distance against the lot line on one side of a lot from 0 feet to 5 feet; and a variance from Article 7, Section 7.4-2 (d) to decrease the distance against the lot line on one side of a lot from 10 feet to 5 feet.

Applicant has requested this application be postponed until July 11, 2017 Planning Commission Public Hearing.

Dr. Whiteside made a motion to recommend approval to postpone this application. Seconded by Mr. Ware. Motion passed 8-0.

**Case #17-03-006 Oak Hall Companies, LLC (BOC Dist. 2)**

Applicant is requesting to rezone 39.575 acres on the west side of State Route 140 at Arnold Mill Road from AG and R-40 to NC and RZL to be a mixed-use development.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments. She stated this will be an age restricted development.

Parks Huff represented this case. Mr. Huff stated they had multiple community meetings and the biggest complaint was traffic. He stated they are proposing a senior age restricted community that will alleviate some of the traffic concerns. He stated they are in compliance with the land use plan since the Transitional Corridor allows 3 units per acre. Mr. Huff stated this would be the least intense development for this property and they would be making road improvements as stated in Engineering's report.

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

John Griffiths spoke in opposition. Mr. Griffiths presented photos to the Board of a development by Oak Hall in the City of Woodstock that was built behind his property and stated his concerns. He stated this proposed development tonight will not affect his property.

David Hunt spoke in opposition. Mr. Hunt stated this development does not belong in Cherokee County, it would be great for the City of Woodstock. He stated it does not meet the Future Development Map and is not consistent with this area. He stated he is against high density in an area that does not fit.

Melody Marshall spoke in opposition. Ms. Marshall stated she is a new resident to Crabapple Falls and one of the most beautiful things in this area is the woods. She discussed her concerns with the trees being removed, natural habitat being destroyed and traffic.

Ronald Human spoke in opposition. Mr. Human stated his concerns with density, population, traffic and current road conditions. He stated this is not consistent with the Future Development Map.

Ed Chandler spoke in opposition. Mr. Chandler stated his concerns with traffic and density. He stated they need to focus on upgrading roads before any development and put a ban on building permits for at least 5 years.

Dasha Treinis spoke in opposition. Ms. Treinis stated her concerns with traffic, density and concerns with the site plan. She stated this development will not improve this area and will destroy all the trees.

Carolyn Lingerfelt spoke in opposition. Ms. Lingerfelt discussed her concerns with HOA's and taxes.

Parks Huff spoke in rebuttal. Mr. Huff stated this is a major intersection and this proposal is consistent with the Future Development Map. He stated 20 percent of this site will be left undisturbed and will be an age restricted development.

Mr. Whitaker closed public comment.

Mr. Weatherby, Mr. Ware, Dr. Whiteside and Mr. Barnes all stated they could not support this application.

Mr. Weatherby made a motion for denial. Seconded by Dr. Whiteside. Motion passed 8-0.

**Case #17-04-013 R. Venture, LLC (BOC Dist. 1)**

Applicant is requesting to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-30 for a single family residential subdivision.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments. Ms. Lee discussed the public participation report, letters of support and in opposition to this application.

Marla Doss stated she needed to recuse herself from this application.

Mike Bray represented this case. Mr. Bray stated they are proposing a 68 lot conservation subdivision. He stated they are proposing lots of open space and sewer will be available. Mr. Bray presented a larger site

plan indicating the areas of open space and layout of the lots on each side of the road. He stated there is a PUD development in the area. He presented a general product of a proposed home for this development. There was no one present to speak in support of this application.

John Morrow spoke in opposition. Mr. Morrow first wanted to thank the Planning Commission for their service. Mr. Morrow presented 27 letters in protest of this application. He stated their concerns with noise, density, impact to schools, safety and traffic.

Larry Ludwig spoke in opposition. Mr. Ludwig stated this proposal is not suitable with the current zoning in this area. He stated his concerns with property values, noise, light intrusion and stated this property can be developed as currently zoned. He stated there is an AG development near this property and is not consistent with the land use plan.

Terry Richards spoke in opposition. Mr. Richards stated his concerns with density, school population and traffic. He said there have been numerous wrecks in this area.

Mark Mitchell spoke in opposition. Mr. Mitchell stated his concerns with traffic, schools and flooding in the area. He stated he feels the speed limit needs to be reduced due to the number of traffic accidents in this area. He stated one of the roads even caved in with a fire truck. He feels there needs to be a traffic study prepared to determine if these roads can handle this additional traffic.

Mike Bray spoke in rebuttal. Mr. Bray stated a traffic study was not required with 68 lots and will be no measurable impact with this number of lots. He stated growth has given this County one of the best school systems in the State along with parks and recreation.

Mr. Whitaker closed public comment.

Mr. Ware suggested maybe proposing a split zoning allowing R-60 zoning on the north side and R-40 zoning on the south side.

Mr. Whitaker stated the south property he agrees with Mr. Ware. He stated this parcel is adjacent to a school and this does have some impact on the zoning. He stated he is torn on offering a zoning to the applicant that he has not asked for.

Dr. Whiteside stated the conservation areas shown on the site plan is still missing some of the requirements of Article 23. He stated he could support the suggestion of Mr. Ware with the split zonings.

Mr. Ware made a motion to recommend approval of R-60 zoning on the North parcel and approval of R-40 zoning for the south parcel. Seconded by Dr. Whiteside. Motion passed 6-1. Mr. Whitaker voted nay.

#### **Case #17-05-014 Wyatt Wilkie (BOC Dist. 1)**

Applicant is requesting to rezone 11.28 acres on Ball Ground Road from GC to AG for residential uses.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments. She stated this is in compliance with the future development map.

Mr. Weatherby made a motion to bring this application off the table. Seconded by Mr. Barnes. Motion passed 8-0.

Wyatt Wilkie represented this case. Mr. Wilkie stated he would like to rezone the entire 11 acres so he can subdivide into two (2) tracts.

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

Mr. Whitaker closed public comment.

Mr. Weatherby made a motion to recommend approval. Seconded by Ms. Doss. Motion passed 8-0.

**Case #17-06-017 The Pacific Group (BOC Dist. 2)**

Applicant is requesting to rezone 4.98 acres at 3884 Hickory Road from AG to R-30 for a minor subdivision.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments.

Kevin Seifert represented this case. Mr. Seifert stated they are proposing a minor subdivision with five (5) lots and have provided conditions for this project. He stated they met with the adjoining neighbors and have provided letters of support from some of the neighbors. He stated this is consistent with the future development map. Mr. Seifert stated they do agree to also add to the conditions that the exterior lighting features shall be of a type and situated so light is only directed downward. He stated regarding Engineering's staff report on sidewalks, curb and gutter he would agree to make a \$1,000 to \$1,500 donation for each lot.

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

Mr. Whitaker closed public comment.

Mr. Barnes made a motion to recommend approval with conditions that the applicant adhere to the five (5) conditions as stated by email dated May 3, 2017 from Pacific Group to Planning Staff; provide exterior lighting not more than fifteen (15) feet high and be "dark sky" or "full cut off" fixtures; project will include installation of curb and gutter and sidewalk across Hickory Road frontage of the property. Applicant is encouraged to meet with Engineering Department to discuss his proposal to alter condition #7 and bring any changes agreed to the County Commissioners prior to their action on this application. Seconded by Mr. Smith. Motion passed 8-0.

**Case #17-06-018 GRT Therapy, LLC (BOC Dist. 2)**

Applicant is requesting to rezone 4.51 acres at 9880 Hickory Flat Highway from R-40 to OI for a pediatric therapy office/clinic.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments. She stated this is currently non-conforming and does not plan any new construction. She stated this application is in compliance with the Future Development Map.

Benson Chambers represented this case. Mr. Chambers stated they held a public participation meeting and there were no attendees. He stated In Harmony Pediatric Therapy was established in 2008 to meet the

therapeutic demands of families with special needs. He stated this application is in compliance with the future development map.

Mr. Whitaker stated there was no one to speak in support of or in opposition to this application.

Mr. Whitaker closed public comment.

Mr. Barnes made a motion to recommend approval. Seconded by Mr. Weatherby. Motion passed 8-0.

**Case #17-06-019 Aaron Properties, LLC (BOC Dist. 4)**

Applicant is requesting to rezone 3.246 acres on Old Alabama Road from R-40 to LI for development of a warehouse.

Vicki Lee presented this case. Ms. Lee discussed location, proposed use, surrounding zoning and department comments. She stated this is for expansion of an existing industrial lot. She stated this is not consistent with the future development map. She stated a public participation meeting was held with ten (10) attendees.

Dr. Whiteside recused himself from this application.

Mike Bray represented this case. Mr. Bray stated three (3) lots will be added to the existing industrial distribution center at this location. He stated they will provide buffers and a berm.

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

Mr. Whitaker closed public comment.

Mr. Weatherby made a motion to recommend approval. Seconded by Mr. Barnes. Motion passed 7-0.

**Other Business**

Public Hearing before the Planning Commission for proposed amendments to Article 18 of Cherokee County Zoning Ordinance

Jeff Watkins provided a presentation to the members to discuss some of the proposed Ordinance amendments relating to public participation process, application deadlines, variances, conditional approvals, special use permits, etc.

Mr. Whitaker asked if there was anyone that would like to provide input on the proposed revisions.

John Long stated he has been involved with this process and has spoken with Mr. Watkins on some of his ideas for amendments to this Ordinance.

Commissioner Scott Gordon discussed the public participation process of how it currently works and would like for the Planning Commission to think about when they would like this information provided to them and what type of information they want provided.

Mr. Ware stated he has attended a lot of public participation meetings and unless the public ask the developer questions, very minimum information is given out.

Dr. Whiteside stated he agrees with some of these points, he feels some of these changes are long overdue but feels there is still a lot of clean up that needs to be done. He stated this is a three dimensional process and the existing site resource map should remain in Article 18. He feels he does not see how this can be completed by July.

Mr. Whitaker stated we will look at this again at work session. He stated you need to send any comments to Mr. Watkins.

Mr. Whitaker closed public comment.

### **Approval of Minutes**

Dr. Whiteside made a motion to approve April 17, 2017 Work Session Minutes. Seconded by Mr. Barnes. Motion passed 8-0.

Mr. Ware made a motion to approve May 2, 2017 Minutes. Seconded by Mr. Smith. Motion passed 8-0.

### **Adjourn**

Mr. Barnes made a motion to adjourn. Seconded by Mr. Smith. Motion passed 8-0. The meeting adjourned at 10:15 p.m.