



## CHEROKEE COUNTY PLANNING COMMISSION

### PUBLIC HEARING MINUTES

Approved 11-6-2018

**October 2, 2018**  
**Cherokee Hall 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, October 2, 2018 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Richard Weatherby, Nicole Carbetta, Rick Whiteside, Ken Smith, Bob Whitaker, Marla Doss, Thais Escondo and Scott Barnes. In attendance for Cherokee County Planning Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner, and Jeff Watkins, Planning and Zoning Director.

The meeting was called to order at 7:07 p.m.

#### **Case #18-10-024 Bernie Smith – Smithton Homes, LLC (BOC District 1)**

Applicant is requesting to rezone 46.53 acres at 238 Willow Road and 182 Willow Road from R-80 to R-20 for a single family detached conservation subdivision.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Doug Patten represented this case. Mr. Patten stated they are requesting an R-20 conservation subdivision and discussed lot size, density, lot width, and green space. He provided the rendering he used during the public meeting and discussed the neighbor's concerns with the entrance and they did change the site plan. He stated they have an agreement with the neighbors to grant them access to the conservation area with an easement. He stated the revised site plan indicates a total of 61 lots. Mr. Patten stated they have no issues with meeting staff comments.

There was no one present to speak in support.

Julie Wilson spoke in opposition. Ms. Wilson stated her concerns with water run-off, density and traffic.

Mr. Patten spoke in rebuttal. He stated he did not think there was any opposition after showing the revised site plan to the citizens, however traffic is a big concern for all rezone applications.

Mr. Whitaker closed public comment.

Dr. Whiteside asked staff if it was confirmed that the acreage shown on the site plan met the requirement for a conservation subdivision. Mr. Chapman stated yes.

Dr. Whiteside asked staff once the road has been widened and a deceleration lane added, do we know if this plan will meet those requirements for a conservation development. Mr. Chapman stated he does not have that information.

Dr. Whiteside asked if it had been confirmed if there are large trees on this site or not. He has heard tonight that there are however, the site resource map does not reflect that. Mr. Chapman stated he does not have that information.

Ms. Escondo asked Mr. Patten what are the plans for the streetscape plans along Willow Road and will it be fenced. Mr. Patten stated the conservation areas will remain undisturbed with the exception of the construction of anything that would be water quality and then it would be landscaped. He stated they can put a fence along the community if that is preferred however they were trying to leave it open for access to the conservation area. He also stated there may be large trees on property however, they do not exceed the 36 dbh.

Ms. Escondo stated the suggested zoning districts for this area would be far more intrusive than this proposed zoning. She stated of all the conservation plans they have seen this year; she feels this plan stays more within the intent of the conservation ordinance.

Dr. Whiteside stated he is impressed that this conservation plan is a truly conservation plan as opposed to what they have been seeing the last few months. He stated he does feel Article 23 does need to be looked at and feels it needs to be revised.

Mr. Weatherby stated he feels this is a really good plan however has concerns with the density.

Mr. Ware stated he agrees with Mr. Weatherby. He stated he would like to see an R-30 conservation instead and cannot support an R-20.

Mr. Whitaker stated he presumes the concern is the possible imposition on the adjacent property owners and feels light industrial or commercial would be more of an impact on the adjacent neighbors than a residential zoning.

Ms. Escondo made a motion to approve with the following stipulations: 1) applicant will be responsible to improve Willow Road to county standards from the development entrance to Ball Ground Highway, 2) the development entrance is to remain on the northern end of the property, 3) a written agreement be made with any interested neighbors to grant access to the common areas/greenspace. Seconded by Mr. Barnes. Motion passed 7-2. Mr. Ware and Mr. Weatherby opposed.

#### **Case #18-10-025 The Residential Group, LLC (BOC Dist. 4)**

Applicant is requesting to rezone 22.65 +/- acres from GC to GC and RM-16 for a multi-family residential community and commercial uses. The applicant also requests the following variances:

- 1) Applicant requests reduction in buffers from RM-16 to Corps of Engineers (AG Zoned Property) from 50' to 0'; Table 10.1 Minimum Buffers;
- 2) Applicant requests to remove buffers from RM-16 to 1.59 acre GC property included in the application; Table 10.1 Minimum Buffers;
- 3) Applicant requests to reduce buffers from RM-16 to GC from 35' to 15' and allow the buffer to be graded and replanted; Table 10.1 Minimum Buffers and Section 10.6-6.(a) Grading in Buffer;
- 4) Applicant requests to remove the building setbacks on the GC property consisting of 1.59 acres and the RM-16 property along adjoining property lines; Table 7.1A Minimum District Development Standards;
- 5) Applicant requests to reduce required parking ratio from 1.75 spaces/unit to 1.50 spaces/unit; Table 12.1;
- 6) Applicant requests relief from Hwy 92 Architectural Standards from 80% brick on three sides to 40% brick on three sides; Section 16.1.5(c)(4)(a) Hwy 92 Overlay Standards.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Parks Huff represented this case. Mr. Huff stated the proposed plan fits within the area and fits within county plans. He stated this would be positive for the area. He stated this property is near I-75, near retail and commercial. He stated this development would help support this retail in the area. He discussed further the variance requests due to inter-parcel access, parking and architectural standards. He stated they will be meeting with the school board and will reach an agreement.

Ms. Escondo stated she does not remember any of the other developments requesting variances to the Corp of Engineers property.

Commissioner K. Scott Gordon (District 4) stated there were some in the area for a reduction in the buffer but not reduced to 0 feet.

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

Mr. Whitaker closed public comment.

Ms. Escondo asked staff if they have any input to the variance relating to parking and if the variances are justified or see any hardship to the other variance requests. Mr. Chapman stated he does not have any calculations as to what they can or could not do at this time.

Mr. Ware stated the applicant is requesting a significant reduction in parking spaces and feels these Ordinances are in place to make the property and the surrounding areas as good as it can be. He stated we are continually asked to grant variances and feels we cannot grant every variance that comes before them like they have done in the past.

Dr. Whiteside stated he has problems with taking a buffer to 0 feet. He stated he understands they have granted a reduction in the buffers in the past but cannot accept a total reduction.

Ms. Carbetta stated she agrees regarding the buffer request and asked for clarification on the request to the architectural standards.

Ms. Escondo stated the aesthetics would not be as appealing with 80 percent brick and would not be consistent in the area. Mr. Chapman stated the hotel in the same area did receive approval for a reduction on the architectural standards.

Mr. Smith made a motion to approve the rezoning request to RM-16. Seconded by Mr. Ware. Motion passed 9-0.

Ms. Escondo made a motion to deny the variance request for reduction in buffers from RM-16 to Corps of Engineers (AG Zoned Property) from 50' to 0'; Table 10.1 Minimum Buffers, Seconded by Mr. Barnes. Motion passed 8-1. Mr. Whitaker opposed.

Ms. Escondo made a motion to approve the variance request to remove buffers from RM-16 to 1.59 acre GC property included in the application; Table 10.1 Minimum Buffers. Seconded by Dr. Whiteside. Motion passed 9-0.

Dr. Whiteside made a motion to approve the variance request to reduce buffers from RM-16 to GC from 35' to 15' and allow the buffer to be graded and replanted; Table 10.1 Minimum Buffers and Section 10.6-6.(a) Grading in Buffer. Seconded by Mr. Smith. Motion passed 9-0.

Dr. Whiteside made a motion to approve the variance request to remove the building setbacks on the GC property consisting of 1.59 acres and the RM-16 property along adjoining property lines; Table 7.1A Minimum District Development Standards. Seconded by Mr. Smith. Motion passed 9-0.

Mr. Weatherby made a motion to deny the variance request to reduce required parking ratio from 1.75 spaces/unit to 1.50 spaces/unit; Table 12.1. Seconded by Ms. Escondo. Motion passed 9-0.

Ms. Escondo made a motion to approve the variance requesting relief from Hwy 92 Architectural Standards from 80% brick on three sides to 40% brick on three sides; Section 16.1.5(c)(4)(a) Hwy 92 Overlay Standards. Seconded by Mr. Barnes. Motion passed 9-0.

Mr. Ware made a motion to approve September 4, 2018 Minutes. Seconded by Mr. Barnes. Motion passed 8-0. Ms. Escondo abstained.

Ms. Carbetta made a motion to adjourn. Seconded by Mr. Smith. Motion passed 9-0. The meeting adjourned at 8:37 p.m.