



CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

WORK SESSION MINUTES

Approved 12-4-2018

**Cherokee County Administration Building
Business Center Conference Room
1130 Bluffs Parkway
Canton, Georgia 30114**

**November 19, 2018
6:30 p.m.**

Planning Commission Members Present: Bob Whitaker (Chairman), Dr. Rick Whiteside (Vice-Chairman), Marla Doss, Thais Escondo, Richard Weatherby, Tom Ware, Nicole Carbetta and Ken Smith

Planning Commission Members Absent: Scott Barnes

Planning and Zoning Staff Present: Michael Chapman (Zoning Division Manager), Jeff Watkins (Planning and Zoning Director), Thomas Trawick (Planner).

Staff provided the Planning Commission with their packets containing staff comments.

Chairman Whitaker called the meeting to order at 6:30 pm.

ZONING APPLICATIONS:

- 1. Case #18-11-028 Stonecrest Homes, LLC/Charles Heiser, Jr. (BOC District 1)**
Applicant seeks to rezone 56.6 +/- acres on the north side of East Cherokee Drive and south of the intersection of Johnson Brady Road from AG (General Agriculture) and PUD (Planned Unit Development) to R-40 (Single-Family Residential) with a Conservation Design, RZL (Zero-Lot-Line), and NC (Neighborhood Commercial). The applicant is also seeking a variance to Article 10 - Buffer Requirements to reduce the buffers from dissimilar districts to the landscaped areas as shown on the site plan. If rezoned, the property will be used as a mix of assisted living, age-restricted residential, and single-family residential.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the Planning Commission board approved the applicant's request to postpone the case from the November 6th regular meeting to the December 4th regular meeting in order to amend their original application and have another community input meeting. Mr. Chapman stated that the applicant has amended their request from seeking to rezone a portion of the property from R-20 (Conservation Design) to R-40 (Conservation

Design). In doing so, the applicant has proposed to reduce the number of single-family lots from 114 to 84 within the RZL and R-40 (Conservation Design) areas (from 65 to 35 total lots in the proposed Conservation Design area). The request to rezone the other areas to RZL and NC as well as the request for variances has not changed. Mr. Chapman also presented a brief history of the Falls at Mill Creek PUD, where a portion of the site requested for rezoning is currently located.

Mr. Ware questioned the size of the individual lots for the proposed assisted living cottages. Chairman Whitaker stated if they are rental units and owned and operated by the assisted living facility, they may be considered commercial and therefore residential development standards would not be required. *(On November 20th, 2018, following the work session, Mr. Chapman confirmed with the applicant that the proposed cottages are to be rental units for independent living).* Ms. Escondo asked staff to clarify if dwelling units were permitted in the NC zoning district. Staff confirmed that the proposed cottages were considered “Lessors of residential dwellings”, after referencing the Permitted Uses Table (Section 7.1A) and the NAICS code, which is considered a permitted use in the NC zoning district. Chairman Whitaker asked staff to clarify the areas currently located within the existing PUD, to which Mr. Chapman stated generally the areas proposed to be rezoned to RZL and NC. Chairman Whitaker asked if the previous owner for the property, during the adoption of the Falls at Mill Creek PUD, decided to exclude a portion of the site out of the PUD as shown on the Master Plan from 1998. Mr. Chapman confirmed that based on the adopted Master Plan for the PUD, the previous owner appears to have excluded a portion of the property to remain outside of the PUD once it was established. Ms. Escondo confirmed with staff that if the lots were to be developed within the existing PUD, some lots could be developed smaller than what is proposed in the RZL section of the applicant’s rezoning request.

2. Case # 18-12-030 Pacific Group, Inc. – Marietta Highway (BOC District 3)

Applicant seeks to rezone 14.88+/- acres from Single-Family Residential (R-40) and General Commercial (GC) to Townhouse Residential (RTH). If rezoned, the properties will be used for a 101 single-family attached residential townhouse development.

Mr. Chapman introduced the case and summarized the staff report and engineering comments. Mr. Chapman also explained that the proposed Future Development Map designation of Suburban Living within a Development Corridor is proposed for the site, upon adoption of the updated Comprehensive Plan. The Comprehensive Plan was anticipated to be reviewed by the Board of Commissioners at their November 20th regular meeting. Mr. Chapman also explained that an access agreement was located on the site west of Marietta Highway for the corner lot located at Marietta Highway and Goodwin Road.

Mr. Ware explained that the applicant discussed an alternative entrance at the community input meeting proposed on Univeter Road. The submitted plans did not reflect this and proposed entrances on Marietta Highway only. Ms. Escondo reviewed the engineering report which recommended placing the entrances of the development along Marietta Highway towards the southern property line and away from the nearby Univeter Road and Marietta Highway intersection to the north of the site. Mr. Chapman explained that the

applicant will have a chance to review the Engineering Department comments prior to the Public Meeting. Mr. Ware also had a concern that the site plan was not showing a buffer along Marietta Highway for both portions of the proposed development. Mr. Chapman stated he would discuss this with the applicant for clarification.

3. Case #18-12-031 RaceTrac Petroleum, Inc. (BOC District 1)

Applicant is requesting to rezone 1.943 +/- acres from General Agriculture (AG) and Estate Residential (R-80) to General Commercial (GC) to redevelop property located at the southwest section of the Cumming Highway and East Cherokee Drive intersection for a commercial retail purpose consisting of a 5,411 square foot convenience store with fuel sales and 33 parking spaces. In addition, the applicant is seeking a concurrent variance to Article 10, Table 10.1 - Minimum Buffer Width Between Abutting Districts to reduce the buffer from 35 feet to 10 feet.

Mr. Chapman introduced the case and summarized the staff report.

Dr. Whiteside asked staff if the proposed site plan reflected the proposed road widening of Cumming Highway, to which Mr. Chapman confirmed yes. Ms. Doss explained that the funeral home property to the south of the proposed site was conditioned by the Zoning Board of Appeals to install a fence along a shared landscape strip between the two properties. Staff explained that the proposed funeral home expansion is currently under review by county staff. Discussion ensued over the proposed development to be located on the opposite corner of Cumming Highway and East Cherokee Drive. Chairman Whitaker asked staff if that property was recently rezoned. Mr. Chapman confirmed that the property was rezoned in 2017. Dr. Whiteside questioned whether the anticipated daily traffic counts for the proposed development were accurate and asked for staff to confirm this with the Engineering Department. *(On November 20th, 2018, following the work session, Mr. Chapman confirmed with the Engineering Department that the anticipated traffic counts provided to the Planning Commissioners was accurate and was generally based on the number of fuel stations proposed for the development).*

4. General Discussion

The Planning Commission members briefly discussed possible meeting dates for January 2019 in conjunction with the anticipated meeting dates for the Board of Commissioners.

ADJOURN

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for December 4, 2018.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:18 pm.