



Approved 5-4-2019

CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

WORK SESSION MINUTES

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

**April 16, 2019
6:30 p.m.**

Planning Commission Members Present: Bob Whitaker (Chairman), Dr. Rick Whiteside (Vice-Chairman), Marla Doss, Richard Weatherby, Tom Ware, Tom Hill, Scott Barnes, and Ken Smith

Planning Commission Members Absent: Nicole Carbetta

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

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

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

ZONING & SPECIAL USE PERMIT APPLICATIONS:

1. Case #19-04-008 Gary and Christi Bagley (BOC District 1) – (Continued from the April 2nd, 2019 Planning Commission Meeting)

Applicant is requesting to rezone property located at 11911 Cumming Highway Canton, GA 30115 from R-40 (Single-Family Residential) to GC (General Commercial) for commercial truck sales. The property is approximately 3.921 +/- acres.

Case #19-04-004S Gary and Christi Bagley (BOC District 1) - (Continued from April 2nd, 2019 Planning Commission Meeting)

Applicant is seeking a Special Use Permit to allow internet truck sales. The property is approximately 3.921 +/- acres.

Mr. Chapman summarized the decision of the Planning Commission to continue each case requiring the applicant to update the submitted site plan showing the Cumming Highway road expansion proposed by the Georgia Department of Transportation (GDOT) in relation the proposed development. Mr. Chapman explained that a public hearing already occurred with the rezoning case but that one would be required for the Special Use Permit

application. Marla Doss asked staff if the applicant did not submit a revised site plan by the work session, could they move forward to the public hearing? Mr. Chapman explained that the two applications may be postponed since the Planning and Zoning Department did not receive an updated site plan as requested by the Planning Commission. Staff mentioned that an application is not supposed to change in the time between the work session and the public hearing.

2. Case # 19-04-010 Abdel Mihyar (BOC District 4) – (Case was dismissed due to applicant being absent and unable to present the case for the April 2nd, 2019 Planning Commission Meeting)

Applicant is requesting to rezone property located at 5983 Highway 92 Acworth, GA 30102 from R-20 (Single-Family Residential) to GC (General Commercial) for a used car lot and sales office. Additionally, the applicant seeks a variance to Article 8, Section 8.10.4 (e) to locate the parking lot in front. Article 8, Section 8.10.4 (e) states, "Open parking areas shall be located at the Second and Third Lot Layers, except that Driveway aprons and drop-offs may be located at the First Layer." The property is approximately 0.45 +/- acres.

Case # 19-04-005S Abdel Mihyar (BOC District 4) - (Case was dismissed due to applicant being absent and unable to present the case for the April 2nd, 2019 Planning Commission Meeting)

The applicant is seeking a Special Use Permit to allow a used car dealership. The property is approximately 0.45 +/- acres.

Mr. Chapman introduced the case and explained that the applicant had provided a written letter to the Planning Commission explaining his absence from the public hearing on April 2nd, 2019.

Chairman Whitaker mentioned that Article 18 in the zoning ordinance specifically explains that if an applicant or a representative is not present for a public hearing, and they are unable to provide a just reason for their absence, then the board may abandon and dismiss the case. Tom Ware asked in the case that an application is dismissed, would the applicant be required to wait a year for the case to be re-heard? Discussion ensued among the board members about dismissing cases and whether or not the applicant's letter provided enough cause for the board to re-hear the case at the next public hearing. Chairman Whitaker asked staff to explain to the applicant the reason for dismissing the cases per Article 18 of the zoning ordinance to which Mr. Chapman confirmed.

3. Case # 18-09-023 Lance Hale Ramon Steward – (BOC District 4)

Applicant is requesting to rezone 46.75 acres located at 2197 Bascomb Carmel Road, 149 Delay Street and 145 Delay Street from R-40 to RD-3 for a single family residential development.

Mr. Chapman introduced the case and summarized the staff report. Staff discussed the concurrent variance requested to reduce the required number of lots to be served by an alley in addition to the rezoning request.

Discussion ensued among the board members concerning the narrow width of Delay Street. A question was raised if the Fire Marshal's Office or if the Engineering Department would require the applicant to improve Delay Street up to the proposed development? Staff explained that this was not mentioned by either department and that the second

access to the neighborhood on Delay Street would be for fire access only.

Dr. Whiteside expressed a concern that the submitted Existing Site Resource Map (ESRM) did not properly identify the soils or specimen trees located on the site. He explained that labeling the soils on the plan is important for determining potential wetland areas. Mr. Chapman stated that staff will make sure that all submitted ESRMs will be more detailed as requested.

Chairman Whitaker asked staff how much open space was proposed for the development? Dr. Whiteside stated that they appear to be providing almost 40% of the site as open space. This exceeds the 30% that is required by the ordinance and the RD-3 zoning designation.

Tom Ware asked staff if the proposed development will be age-targeted? Staff responded, yes. Dr. Whiteside and other board members questioned if fire trucks will be able to the development through Delay Street? Chairman Whitaker continued and asked staff if the Fire Marshal's office had commented on this to which staff replied, no. Mr. Weatherby commented that the narrow width of Delay Street may require fire trucks to use Delay Street as a one-way street, and then exit through the proposed main entrance on Bascomb Carmel Road.

Tom Ware expressed a concern that the applicant is seeking a zoning district and is already asking for a variance to be able to not have to comply with the regulations of that zoning district. Chairman Whitaker and staff replied that similar cases have be presented to the board previously. Chairman Whitaker explained that anyone can ask for a variance from the zoning ordinance on a rezoning application. Dr. Whiteside mentioned that the cases that the board usually address, however, are related to building setbacks and zoning buffers; not standards specific to a particular zoning district. Discussion ensued among the board members concerning the requested variance of the applicant to reduce the number of lots to be served by an alley from 30% to 24%.

4. Case # 19-05-011 Quintus Development, L.P. – (BOC District 3)

Applicant seeks to rezone 41.178+/- acres from GC (General Commercial) and R-20 (Single-Family Residential) to RM-16 (Multi-Family). If rezoned, the property will be used for a mixed use community consisting of 283 apartment units and 71 townhome units for a total of 354 units.

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

Chairman Whitaker stated that the online GIS maps showed the subject site under two Future Land Use Map designations. Mr. Chapman explained that the Future Development Map was updated in 2018 and that staff was working on updating the online information. Chairman Whitaker stated that the Engineering staff report from the included only 114 total dwelling units whereas the rezoning application proposed a total of 354 dwelling units. Staff said that they will clarify this information with the Engineering Department.

Richard Weatherby asked if the applicant would be required to improve Lakeside Drive? Staff mentioned that the Engineering Department will require them to make some improvements.

Chairman Whitaker asked if the typical lot sizes in the neighborhood adjacent to the subject property were close to 0.5 acres? Staff stated that they will clarify this but mentioned that this appears to be the case. Dr. Whiteside asked staff how many lots made up the neighborhood adjacent to the subject property? Staff explained that they will clarify this.

Mr. Ware asked how tall the proposed apartments are? Staff explained that based on the provided elevations with the application, the apartments are proposed to be 3-stories and the townhomes are proposed to be 2-stories.

Chairman Whitaker asked if the Applicant Response Statement comment concerning improvements to existing streets were related to those internal or external to the site? Staff responded that this appeared to reference those streets internal to the site.

Dr. Whiteside asked staff if anyone who currently resided within the existing Lakeside neighborhood provided any comment regarding the proposed development? Staff responded, no.

Mr. Weatherby asked if the applicant intended to block off the rear entrance to the development by installing a gate? Staff responded that the applicant is proposing this and will install a "Knox Box" device to allow access for the Fire Department only. Chairman Whitaker explained that there was some concern raised at the community input meeting about traffic associated with the proposed development. Mr. Chapman explained that the submitted Community Input Meeting Report appeared to imply that these residents were in support of blocking off the rear entrance of the development to prevent traffic. Chairman Whitaker and Mr. Weatherby explained that the proposed development with the rear entrance blocked by a gate for fire access would increase traffic along Lakeside Drive. Discussion ensued among the board members regarding access to and from the proposed site.

5. Case # 19-05-012 Kodiak Investments, Inc. – (BOC District 3)

Applicant seeks to rezone 1.7+/- acres from R-80 (Estate Residential) to GC (General Commercial). If rezoned, the property will be used for a single one-story 9,000 square foot multi-unit neighborhood retail/office building with 39 parking spaces. The applicant has proffered conditions of zoning.

Mr. Chapman introduced the case and summarized the staff report. Staff explained that the applicant has proffered conditions with the application which included prohibiting certain land uses that are currently permitted under GC (General Commercial) zoning. Marla Doss asked if the applicant is allowed to have a construction easement over the proposed parking spaces. Chairman Whitaker stated that this is not uncommon, and was only considered a temporary easement. Discussion ensued among the board members on the GDOT road widening project in relation to the site. Mr. Chapman stated that he e-mailed a copy of the application to the GDOT SR 20 Improvements Project Manager. Staff stated that the road widening did not appear to take a large portion of the site in relation to other properties along this corridor. Dr. Whiteside asked if the site would be served by septic to which staff responded, yes. Dr. Whiteside also confirmed that the proposed zoning was consistent with the land use plan. Marla Doss asked what the applicant was proposing? Discussion ensued among the board members that the applicant was proposing three retail spaces and a restaurant space.

6. Case # 19-05-013 Woodall Communities, Inc. – (BOC District 1)

Applicant seeks to rezone 71.11+/- acres from AG (General Agriculture) to R-40 (Single-Family Residential) for a single-family residential subdivision consisting of 53 homes.

Mr. Chapman introduced the case and summarized the staff report. Chairman Whitaker asked if the adjacent neighborhood (Cagle Shoals) maintained a 50-foot exterior buffer? Staff explained that the Cagle Shoals neighborhood is considered a Conservation Design Community which typically does require an exterior buffer. Dr. Whiteside asked staff if a soil survey had been completed by the applicant? Mr. Chapman replied, yes.

ADJOURN

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for May 7th, 2019.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:40 p.m.