

Canton, Georgia

*City of Canton
151 Elizabeth Street
Canton, Ga 30114*



Minutes - Final

Monday, February 9, 2015

6:00 PM

City Hall

Board of Zoning Appeals

Members Present: Jack Fincher, Chairman
John Clark
Glen Bliss
Dan Casey
Diane Rugg
Harry Johnston
Frank Farley

Staff Present: Ken Patton, Community Development Director
Steve Green, Zoning Administrator
Jeff Rusbridge, City Attorney

Chairman Fincher called the meeting to order at 6:00 p.m.

I. Election of Officers

Chairman Fincher introduced the new members of the board.
Member Clark made a motion to elect Jack Fincher as Chairman.
Member Rugg seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Member Clark made a motion to elect Harry Johnston as Vice Chairman. Member Rugg seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

II. V1501-001 – Lifestyle at Laurel Canyon – Laurel Canyon subdivision – Request to have the second entrance designated for emergency use only

Staff member Green discussed case specifics. Chairman Fincher called for a representative of the case to come forward. Doug Dillard, attorney, represented the applicant.

Mr. Dillard discussed the history of the development approvals and amendments citing specific code language. Mr. Dillard stated once the development reached over 199 residential units the second entrance was not required to be installed therefore that requirement by implication was waived. Mr. Dillard stated in 2014 the City adopted the Unified Development Code in which states that developments exceeding 200 lots require a second entrance. Mr. Dillard stated the code does not specify what type of second entrance. Mr. Dillard stating the applicant is seeking a variance to satisfy the requirement of a second entrance to be for emergency use only given the impracticality of improving Honey Dew Drive for full time use. Mr. Dillard added the safety of the residents is the most important issue.

Jason Garmon, Lifestyles at Laurel Canyon, stated he has had

conversations with Cherokee County and Canton Police Officers. Mr. Garmon discussed the types of gates and equipment that is proposed being used.

Chairman Fincher called for support of the application. Ray Deluca, Rock Creek Estates HOA President, spoke in support of the application. Mr. Deluca stated Old Shoal Creek and Honey Dew Drive will not accommodate the additional traffic generated by a full second entrance according to engineer studies. Mr. Deluca added the roads are narrow and have sharp curves making them dangerous. Mr. Deluca stated there have been three deaths over the years. Mr. Deluca stated the bridge over Puckett Creek has washed away twice and during snow and ice Old Shoal Creek is impassable. Mr. Deluca stated he is neither for or against the application but he and the homeowners of Rock Creek Estates have several questions. Mr. Deluca asked the following questions: Will Rock Creek and surrounding residents will have access through Laurel Canyon in times of emergencies? What measures will be taken to ensure this does not become a full time access gate? Will the owners and developers of Laurel Canyon pay for repairs of Rock Creek's water lines when emergency traffic caused them to fail? Will repairs be made to road, guardrails and bridges? Will street lights be installed? Mr. Deluca thanked the board for the opportunity to speak.

Chairman Fincher clarified that Rock Creek Estates is not in the City limits. Chairman Fincher called for anyone else wishing to speak in support of the application. There were none. Chairman Fincher called for anyone wishing to speak in opposition to the application. Wayne Rogers, Soleil at Laurel Canyon resident, spoke in opposition.

Mr. Rogers stated he is against having an emergency access gate only and stated the original master plan showed two required entrances. Mr. Rogers stated he was promised two full entrances when they signed their contract for their home in 2006. Mr. Rogers added the traffic at the one gate is congested now and will increase as more homes are built that will exceed the 750 homes they were promised. Mr. Rogers stated he believes an emergency access gate should be approved in conjunction with a second full entrance gate as well.

Dan Bender, Soleil at Laurel Canyon resident, spoke in opposition. Mr. Bender stated one full entrance is not enough to support a development of this size.

Chairman Fincher called for anyone else wishing to speak in opposition to the application. There was none. Chairman Fincher called on the applicant for rebuttal.

Alex Hofelich, PE, stated active adult communities generate about 20% less traffic than standard residential developments. Mr. Hofelich stated the intersection at SR 140 will continue to operate

and function. Mr. Dillard stated it is impractical to provide a second full entrance because the use of Honey Dew and Old Shoal Creek are not safe. Mr. Dillard added there is an implied approval given by the City since this issue has not been addressed previously. Mr. Dillard stated the ordinance says two entrances but does not specify what type of entrance.

Mr. Cornblum asked who will be responsible for the cost of the new gate. Chairman Fincher closed the public hearing portion of the meeting and asked Mr. Dillard this question. Mr. Dillard stated this question is not valid for this particular board and added this would be a topic discussed before the Planning Commission. Mr. Dillard stated the developer will be paying for the construction of the gate.

Vice Chairman Johnston asked if Rock Creek and surrounding residents would have access through Laurel Canyon during emergency situations. Mr. Dillard and Mr. Garmon stated yes. Member Casey asked if the Laurel Canyon HOA would need to approve this agreement. Mr. Dillard stated the HOA will have a say in the agreement. Mr. Garmon stated Laurel Canyon has been used as an access point to Puckett Creek in the past when their development flooded.

Member Clark asked staff member Patton if the new Laurel Canyon Fire Station will serve Rock Creek Estates. Staff member Patton stated there is an intergovernmental agreement of fire services but he is not aware if the County has approved this yet or not. Staff member Patton added it is under ongoing discussions.

Chairman Fincher asked if it could be considered in any motion of approval that a third full service entrance be required. Mr. Dillard stated the code only stated two entrances are required. City attorney Rusbridge stated that would be going above the requirements of the ordinance.

Member Casey asked if cost should be considered in the decision process. City attorney Rusbridge stated cost should not be considered. Member Casey stated traffic study is not complete and requests a completed study be submitted. Member Casey stated Honey Dew and Old Shoal Creek are noted as hazardous and impassable during winter weather and asked what the citizens would be getting if this was approved. Member Casey added they may need to consider infrastructure improvements or commitments to make an effective emergency access. Member Casey asked staff member Patton if the new fire station would store sand during the winter season. Staff member Patton stated there would be a staging area for sand and gravel during winter weather conditions. Member Casey stated it needs to be documented what constitutes an emergency and who declares a state of emergency. Member Casey also noted he would like to know more about the specifics of the gate and security

measures. Member Casey referenced a couple of instances in which a jack-knifed truck closed the entrance of Laurel Canyon for a few hours and asked if this would be considered an emergency.

Member Casey made a motion to table the discussion of this case for sixty (60) days until these questions could be addressed. Staff member Patton recommended the motion be amended to state the discussion be tabled until the April 2015 meeting. Member Casey amended his motion with staff member Patton's recommendation. Member Farley seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Discussion ensued regarding the upcoming meeting of the Planning Commission.

III. Other Business

No other business was discussed.

IV. Adjourn

Member Casey made a motion to adjourn. Member Clark seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Adjourned at 7:15 p.m.