

Canton, Georgia

*151 Elizabeth Street
Canton, Ga 30114*



Minutes - Final

Monday, February 23, 2015

7:00 PM

City Hall

Planning Commission

Members Present: Pat Gold, Chairman
Richard Kemp, Vice Chairman
Andy Bonner
Leon Gramling
Carole Day
Bill Magruder
Dwight Pullen

Staff Present: Ken Patton, Community Development Director
Steve Green, Zoning Administrator
Robert Dyer, City Attorney

I. Call to Order

Chairman Gold called the meeting to order at 7:00 p.m. Chairman Gold welcomed the audience and explained the rules of decorum.

II. Approval of Minutes – October 20, 2014

Vice Chairman Kemp made a motion to approve the minutes.
Member Bonner seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

III. Election of Officers

Vice Chairman Kemp made a motion to table elections until the next meeting. Member Magruder seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

IV. MP1501-001 – Jason Garmon – Request to amend certain conditions of the Laurel Canyon Master Plan – Laurel Canyon subdivision

Staff member Green presented the application and stated the applicant is wishing to amend/delete certain conditions within the Master Plan, have a portion of the road abandoned, amend one pod section from attached units to detached units and designate a second entrance as emergency only. Chairman Gold opened the public hearing and called for a representative of the case to come forward. Doug Dillard, attorney, represented the applicant.

Mr. Dillard stated the second entrance matter came before the Board of Zoning Appeal. Mr. Dillard stated the Planning Commission can deal with this matter based on Chapter 9 Section 9.03.12 which allows the Planning Commission and City Council to address and/or waive the requirement. Mr. Dillard discussed the six requests brought by the applicant. Mr. Dillard reserved the remainder of his presentation time for rebuttal.

Chairman Gold called for anyone wishing to speak in support of the application. There were none. Chairman Gold called for anyone wishing to speak in opposition to the application.

Dan Casey, resident of Soleil at Laurel Canyon and Board of Zoning Appeals member, spoke in opposition. Mr. Casey stated the Board of Zoning Appeals deferred the decision of the second entrance variance request until the April meeting. Mr. Casey stated the board requested several documents from the developer. Mr. Casey listed the documentation requested by the Board of Zoning Appeals. Mr. Casey asked the Planning Commission to table these requests until after the April meeting when the Board of Zoning Appeals can make their decision. Mr. Casey asked if the Planning Commission makes any decisions that they not look at any conditions which affect the Board of Zoning Appeals' decision. Mr. Casey asked that the amenity center additions be looked at carefully to ensure they will accommodate the growing development.

Member Pullen made a motion to add an additional fifteen minutes for public input. Member Bonner seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Wayne Rogers, Soleil at Laurel Canyon resident, spoke in opposition. Mr. Rogers stated he would like the existing Master Plan to remain and added no upgrades would be made if Master Plan is amended. Mr. Rogers discussed the residents' input in the discussions of the applications and values of the homes in the development.

Michael Young, Honey Dew Drive resident, spoke in opposition. Mr. Young asked if the Planning Commission members are aware of where Old Shoal Creek and Shoal Creek are located. Mr. Young spoke of the sewer easement on Old Shoal Creek.

Ray Deluca, Rock Creek Estates resident, spoke in opposition. Mr. Deluca stated Shoal Creek is impassable during bad weather. Mr. Deluca stated he would like for the Rock Creek Estates residents to be able to use the Laurel Canyon emergency access point as well if need be. Mr. Deluca stated he would like to have a document signed stating this emergency access point would not later become a full time entrance/exit point. Mr. Deluca discussed the private water system for Rock Creek Estates and broken water lines caused by accidents. Mr. Deluca discussed the deteriorating guardrails, bridge and conditions of the roads in the area.

Hank Edge, Hank Lane resident, stated he sold a portion of property off Sam Nelson Road with the understanding the land would be used for an additional entrance for Laurel Canyon.

Ron Rene, Soleil at Laurel Canyon resident, stated the primary issue should be that the developer was allowed to build pass the 199 units without having to install a second entrance.

Chairman Gold stated the applicant may have time for rebuttal. Mr. Dillard stated this developer cannot be held accountable for the failure of the previous developer, local government and homeowner's association not enforcing this requirement of additional entrances. Mr. Dillard discussed the second entrance and stated the development is increasing by six lots. Mr. Dillard stated the traffic impact of these six lots is negligible. Mr. Dillard gave a proposed definition of emergency. Mr. Dillard discussed the conditions of Honey Dew and Old Shoal Creek.

Jason Garmon, representative of Laurel Canyon, referenced a tax map while discussing ownership of adjacent properties. Mr. Garmon stated the only access point is Honey Dew for a second entrance.

Mr. Dillard stated keeping the existing Master Plan would not allow for the improvement to the amenity center. Mr. Dillard suggested to the board that if they are not able to come to a decision then they defer to a joint work session with City Council on March 5, 2015. Mr. Dillard then stated the board could make their decision at their next meeting on March 16, 2015 with final action being taken by Mayor and City Council on March 19, 2015.

Chairman Gold closed the public hearing and opened the floor to discussion among board members.

Member Magruder asked Mr. Young for clarification for the location of the sewer easement on Old Shoal Creek Road. Member Pullen brought up Mr. Dillard's point that the Planning Commission cannot legislate the HOA and asked for clarification. Mr. Dillard stated the control of the gate will be by the public. Chairman Gold stated Mr. Edge had declared he sold land on of Sam Nelson Road to the developer for a possible second entrance. Mr. Dillard stated the land is not part of the property the current developer purchased. Member Day asked about the HOA and who controls it. Mr. Garmon stated the developer is the declarant and controls the HOA. Mr. Garmon stated at some point the developer will turn the HOA over to the residents. Member Day asked what percentage of the build out of the community needs to be completed before turning over control of the HOA to the residents. Mr. Garmon stated 100%. Chairman Gold asked Mr. Garmon if he were living in Soleil at Laurel Canyon, would he be comfortable with the proposal. Mr. Garmon stated yes. Chairman Gold asked if the developer has inquired about any other possible property to provide a second entrance. Mr. Garmon stated the only remaining land is phase three. Member Day asked for clarification of the location and connection of Honey Dew.

Member Bonner asked about the timeline for completion of the back gate. Mr. Garmon stated if approved this would be the number one priority. Member Bonner asked if the County has approved the use of a County road for the entrance. Mr. Garmon stated as an emergency access point only. Vice Chairman Kemp asked how many homes will be in the development once completed. Mr. Garmon gave the number of approved number of lots inside and outside the gates. Member Pullen asked what percentage of the original Master Plan development does the current developer own. Staff member Green stated roughly 50% of what was approved in 2000. Member Pullen stated Honey Dew and Old Shoal Creek were slated for improvements. Staff member Green stated the reason for those to be included in the conditions was for a full public access point.

Member Bonner asked if the new lots are proposed to be as the existing active adult section. Mr. Garmon stated yes. Chairman Gold asked staff if a joint meeting as ever happened before. Staff member Patton stated yes and added in 2008 the Planning Commission and City Council met at the same time. Vice Chairman Kemp referenced a letter from the City of Canton Fire Marshal and asked if his concerns have been addressed. Mr. Dillard stated the entrance will be designed to address his concerns. Vice Chairman Kemp asked the traffic engineer to explain the study completed. The traffic engineer stated the study was a 24 hour sampling using cameras. The traffic engineer further explained the study process and calculation of data. Vice Chairman Kemp asked if this is a typical period for sampling. The traffic engineer stated yes. Vice Chairman Kemp asked for the conclusion of the traffic study. The traffic engineer stated the existing conditions are at a level of service C and after the build out will operate at a level of service C. The traffic engineer stated the additional traffic after the build out will consist of 250 cars in the morning and 175 cars in the afternoon. The traffic engineer added with this community having a peak time later than normal there would be less demand on SR 140 which leads to more green time for side streets to turn on to SR 140.

Member Pullen asked if the current owner only has 50% of the development then what effect does the decision have on the other 50%. Staff member Green stated the application stated the changes to conditions only affect the property the current developer owns. Member Pullen discussed his issues with bullet points #1 and #6. Discussion of the layout and density of the development ensued.

Member Magruder made a motion to recommend denial of the second entrance as emergency only. Member Pullen seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Member Pullen made a motion to recommend approval of the

revision to the use and development restrictions in Pod 9, amendment to the number of lots in Pods 5 & 6 and the transfer of density. Vice Chairman Kemp seconded the motion. Discussion ensued regarding the requested changes of conditions. Member Pullen withdrew his motion. Vice Chairman Kemp withdrew his second.

Member Bonner made a motion to recommend approval of the proposed conditions of approval amendments with condition #14 being excluded. Member Gramling seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Chairman Gold made a motion to recommend the developer be required to submit to City Council a detailed amenity plan. Member Pullen seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Member Pullen made a motion to recommend approval of the revision of the use and development restriction in Pod 9 to allow for single-family detached dwellings, a change to the number of lots in Pods 5 & 6 and a transfer of density in Pods L-1 through L-11. Member Magruder seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Vice Chairman Kemp made a motion to recommend approval of the relocation of the existing gate and guard house entrance on Laurel Canyon Parkway. Member Pullen seconded the motion. Discussion ensued regarding those outside the gate having access to a second access point.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Member Pullen made a motion to recommend withholding building permits in the expansion portion of the development until the second entrance is built and is operational. Member Magruder seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

V. Adjourn

Member Pullen made a motion to adjourn. Member Bonner seconded the motion.

Hand Vote: 6 Yeas 0 Nays Motion Approved

Chairman Gold adjourned the meeting at 9:15 p.m.