



Approved 3-5-2019
CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

WORK SESSION MINUTES

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

**February 18, 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, Nicole Carbeta and Scott Barnes

Planning Commission Members Absent: Ken Smith

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 #19-03-007 Vision Warriors Church, Inc. (BOC District 2)

Applicant is requesting to rezone a 6.491 +/- acre property from R-80 (Estate Residential) and R-20 (Single-Family Residential) to OI (Office Institutional) to allow a dormitory with a primary home, a detached garage, a chapel/assembly hall, and a warehouse to be located at 1709 Old Country Place Woodstock, Georgia 30188. Applicant is also requesting a variance to reduce the zoning buffer between abutting districts from thirty (30) feet to twenty (20) feet.

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

Chairman Whitaker asked if there were any protective covenants for the neighborhood located adjacent to the subject property along Jennings Pond Court. Staff mentioned since the neighborhood was platted in 1986, any covenants that may have been imposed on the neighborhood may no longer be in effect. Chairman Whitaker asked if the second garage shown on the site plan had a lift system. Staff responded yes. Scott Barnes asked if the pond shown on the site plan was located on the property. Staff responded that a portion of the pond was located on the property. Chairman Whitaker asked if the pond functioned

as a detention pond for the Jennings Farm Subdivision. Staff stated they will check on this. Tom Ware asked for staff to explain which use is presently permitted on the property. Marla Doss continued with this and asked if the current use of the property was permitted with the present zoning. Staff explained that churches are a permitted use in the zoning district which the property is located, but dormitories are permitted with Special Use approval under the current district, and permitted by-right under the OI classification. Marla Doss asked if all activities associated with the property would be required to cease operations if the Special Use or rezoning requests were denied. Staff explained that the applicant is currently in the process of exhausting all remedies before moving forward.

Tom Ware stated that the use of the property was previously permitted. He questioned if anyone would risk purchasing a piece of property without first being approved to operate on said property. Scott Barnes explained that it may be possible for a permitted use to start operating as one thing, and evolve into a use that is not permitted within the underlying zoning district. Dr. Whiteside asked staff to clarify the County's position on the cases. Staff explained that the applicant is requesting to rezone the property to OI in order to allow a dormitory use to operate. In the case of denial, staff explained the applicant is also seeking Special Use approval to allow a dormitory to operate on the site, which lies within a residential zoning district. The Zoning Manager has identified the use as a temporary shelter which is not a permitted use in the current residential zoning district. Chairman Whitaker explained that the applications submitted for rezoning and Special Use appear to be requested based on a stated position of the applicant.

Tom Ware asked if the main building could hold more than 55 people as stated on the application. He asked how many people the Fire Code would allow within the main building. Staff said they would check with the Fire Marshal's Office on this. Chairman Whitaker explained that the responsibility of the board members is to focus on the land use aspect of each application and to not review the cases based on permitting procedures or fire and building code requirements. Dr. Whiteside questioned that if the proposed occupancy was for 55 people, why did the plan show more than 100 proposed parking spaces. Staff responded that perhaps the parking requirements in the zoning ordinance required a certain number of spaces. Discussion ensued among the board members.

A question was raised regarding how long the property operated under the current use and how many people currently lived in the main building. Staff explained that Vision Warriors, Inc. has been operating for around 2 years, and that 22 people were currently residing on the property. Dr. Whiteside asked if the participants of the program received any medical care. Staff responded no. Scott Barnes asked how long people were allowed to reside on the property. Tom Ware mentioned that the presenter at the community input meeting for the two cases stated that once somebody was considered a member, they were always considered a member. Chairman Whitaker questioned whether the presenter meant that all members, past and present, were allowed to attend scheduled meetings, not continue to reside at the location permanently.

2. Case # 19-03-003S Vision Warriors Church, Inc. (BOC District 2)

Applicant is requesting approval for a Special Use Permit to allow a dormitory with a primary home, a detached garage, a chapel/assembly hall and a warehouse/workshop to be located on a 6.491 +/- acre property located at 1709 Old County Place Woodstock, Georgia 30188. Applicant is also requesting

variances to reduce the side building line setback from fifty (50) feet to twenty (20) feet, to remove all internal buffers and to reduce the fifty (50) foot buffer for Religious Institutions along residential zoned property to twenty (20) feet.

Mr. Chapman introduced the case and summarized the staff report. (*Much of the discussion from Case 19-03-007 also pertains to Case 19-03-003S*). Mr. Chapman reviewed the list of questions and criteria required of all Special Use Permit applications. Richard Weatherby clarified that in the case the rezoning request was denied, the next option for the applicant is to seek Special Use approval. Staff explained that the applicant is exhausting all remedies to allow the property to operate. Dr. Whiteside clarified that since two applications have been filed for rezoning and a Special Use Permit, two public hearings are required to be held for the applicant.

3. Case # 19-03-002S 6345 GA Hwy 92, LLC (BOC District 4)

Applicant is requesting approval for a Special Use Permit to allow a used car dealership at an existing commercial property located at 6345 and 6347 Hwy 92 Acworth, GA 30102. The property is approximately 1.8 +/- acres.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the previous use of the site was a pawn shop. He explained that the existing building on-site would be divided into individual suites to allow several different uses to operate. Tom Ware asked if the owner of the property was proposing to park their display vehicles behind the building. Staff responded yes and mentioned that a land disturbance permit was under review. Staff also referred to a large retaining wall located at the front of the property as limiting the visible area to display vehicles for the business. Staff presented the site plan and building elevations of the property. Staff explained that the owner was required to remove unpermitted signage from the building. Chairman Whitaker asked staff to explain why used car sales required Special Use Permits. Mr. Chapman explained that it was common in the county for used car sale businesses to move onto a site without providing additional landscaping or making any improvements to the property. Jeff Watkins explained that the county has seen several of these uses grouped together with little improvement made to use existing property. Dr. Whiteside asked if there was a recorded easement towards the back of the property. Staff responded yes.

ADJOURN

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for March 5, 2019.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:15 p.m.