

CHEROKEE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES



April 2, 2019
Cherokee Hall 7:00 PM

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, April 2, 2019 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Ken Smith, Dr. Rick Whiteside, Bob Whitaker, Nicole Carbetta, Marla Doss, Richard Weatherby, and Scott Barnes. In attendance for Cherokee County Planning Staff were Jeff Watkins, Planning Director; Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; and Thomas Trawick, Planner.

The meeting was called to order at 7:03 p.m.

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

Applicant is requesting a special use permit for a used car dealership at 6345 and 6347 Highway 92.

Michael Chapman presented the case. Mr. Chapman stated the public hearing was conducted on March 5, 2019 and action was postponed to allow the applicant to work with the adjoining property owner to the west to come to some kind of agreement or understanding regarding some cut-through issues. Mr. Chapman stated the applicant's representative did provide a letter that outlines some of the history of the issue and some steps they have taken to address that.

Mr. Whitaker asked Mr. Chambers to come forward to summarize the letter provided.

Mr. Chambers stated he provided with the letter the easement pattern that is located on the property and that it really involves four (4) parcels. He discussed the joint driveway easement with the property owner to the west and indicated where the easement ends.

Mr. Whitaker asked if the easement comes from Highway 92. Mr. Chambers stated yes and it is really only to provide access to the two (2) properties. He stated the other ingress/egress easement located on the back side is to provide access to three (3) properties. Mr. Chambers stated the complaint was that traffic is cutting through from Highway 92 to Robin Road. He stated this is against the law to circumvent a traffic control device and stated there is nothing his client can do to stop this from happening other than contacting the Sheriff's office. He stated this is a problem that has been going on for some time. Mr. Chambers stated the sale of these vehicles would not be by display, it would be by internet sales.

Mr. Whitaker stated he thought the issue was that the applicant blocked off the rear access to the easement that goes out on Robin Road and this forced the cut through. Mr. Chambers stated as a private property owner he is entitled to do this. Mr. Whitaker stated he was hoping that there would be some coordinated approach to this between the two (2) property owners and asked if this was done. Mr. Chambers stated no.

Mr. Whitaker asked the property owner of Tack, LLC if there was any communication made regarding the access. He stated no.

Mr. Ware stated he feels even though this will be internet sales, it will still create some traffic. He stated he feels the fence on the applicant's property just needs repositioned in a few sections to allow the traffic he creates to exit through the easement between the two (2) buildings.

Mr. Chambers stated his understanding of the concern was not traffic coming through his property but traffic passing through all those properties going from one road to the other.

Mr. Barnes asked how many vehicles would be stored on site. Mr. Chambers stated 15-20 vehicles. He stated he assumes people make an appointment to come see the cars. Mr. Chambers stated yes.

Mr. Ware stated he finds it unbelievable that the two (2) property owners have not tried to get together to come to some sort of solution and does not understand why they have not spoken to each other.

Dr. Whiteside made a motion to recommend approval with the conditions that 1) the special use permit will revoke with an ownership change, 2) signage shall be appropriate monument base and 3) no more than 15 automobiles for sale at one time on the premises. Seconded by Mr. Hill.

Mr. Chapman stated he wanted to clarify the monument signage as to any new monument signage, he stated the applicant currently has a non-conforming freestanding sign on the property that he will be allowed to use. Dr. Whiteside stated yes, he stated based on the images shown, he was not aware of what signage went with this property.

Mr. Whitaker stated after work session they asked for some guidance with conditions and staff provided them with three (3) conditions. He stated these conditions were 1) a maximum of two (2) wall signs shall be allowed for the existing building. The allowable sign area shall be limited to one (1) square foot of copy area per (1) lineal foot of wall. Wall sign(s) shall not exceed three (3) feet in height. 2) No banners, wind-activated devices, streamers, tethered balloons, or other inflatable signs or figures shall be permitted on the property. 3) No signs shall be permitted which are installed in or affixed to walls, structures, or other objects in the right-of-way. He asked if Dr. Whiteside would be willing to add these conditions and have the wording as it relates to the special use permit being granted shall be limited to Ben Vasseghi and shall not be transferrable. The Special Use Permit shall run concurrent with the Occupation Tax Certificate granted to Ben Vasseghi. Dr. Whiteside stated he is accepting of these conditions. Motion passed 6-3. Mr. Weatherby, Mr. Ware, and Ms. Doss opposed.

Case #19-04-008 Gary R. and Christi C. Bagley (BOC Dist. 1)

Applicant is requesting to rezone 3.921 +/- acres at 11911 Cumming Highway from R-40 to GC for a business office for the sale and display of commercial trucks.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned, and department comments.

Benson Chambers represented this case. Mr. Chambers stated his clients currently rent a location in Forsyth County and was advised they were selling the property so they found this location in Cherokee County. He stated these commercial trucks would be boxed trucks and vans like Fed Ex. He stated they would have gravel parking with no land disturbance. He stated they would possibly move the driveway to correspond with driveway across the street. He stated he would continue the berm around the front, provide a four (4) board fence along with more landscaping with security lighting. He stated there would be no large tractor trailer trucks and will remain residential in nature but will need to be upgraded to meet commercial code.

Mr. Whitaker asked if there was anyone present to speak in support of this application.

David Carlucci came forward. Mr. Carlucci stated he owns the property behind this property. He stated this is a quiet, beautiful area and he was concerned with this being diesel, mid-size trucks. Mr. Carlucci stated his concerns with noise and the affect this will have on the wildlife. He stated he spoke to Mr. Bagley and he requested they install two (2) rows of Leyland Cypress directly in the back of the property to alleviate any noise or sight from his property. Mr. Carlucci stated Mr. Bagley agreed to provide one (1) row of Leyland Cypress. Mr. Carlucci stated he would like on record that he would prefer two (2) rows.

Mr. Whitaker asked if there was anyone to speak in opposition to this application.

Adriano Baldelli came forward. Mr. Baldelli stated he is not in opposition to this request as long as the two (2) rows of trees are provided for screening.

Mr. Whitaker closed public comment.

Mr. Chambers spoke in rebuttal. Mr. Chambers stated Mr. Bagley did agree to install staggered rows of Leyland Cypress.

Mr. Whitaker asked do we know how much land will be lost once the SR 20 widening is complete. They discussed a map but exact acreage is unknown.

Ms. Doss stated the red on the map would be the right-of-way and site plans are available at the request from Georgia Department of Transportation. She stated it appears the berm and part of the parking will be in the right of way. She stated she would like to see a revised site plan.

Dr. Whiteside stated he feels this is a reasonable request to ask for a revised site plan reflecting the widening of SR 20.

Ms. Doss made a motion to table this application for 30 days for the applicant to provide a revised site plan that indicates GDOT's right-of-way. Seconded by Dr. Whiteside. Motion passed 9-0.

Case #19-04-004S Gary R. and Christi C. Bagley (BOC Dist. 1)

Applicant is requesting a special use permit to allow internet truck sales at 11911 Cumming Highway.

Mr. Whitaker made a motion to postpone this application for 30 days. Seconded by Mr. Weatherby. Motion passed 9-0.

Case #19-04-009 The Pacific Group, Inc. (BOC Dist. 1)

Applicant is requesting to rezone 116.2 +/- acres at 9641 Cumming Highway from R-80 to R-40 for a single family residential development. In addition, the applicant seeks a variance to Article 23-Conservation Design Community to reduce the required minimum lot width from 95 feet to 75 feet.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned, and department comments.

Kevin Seifert represented this case. Mr. Seifert stated they are requesting a rezoning to decrease the allowable lot count from its current zoning. He stated they will increase the exterior buffer and reduces the

allowable lots. He stated Belmont Downs has a long zoning history that was settled in 2004 with conditions. He stated this proposal is in compliance with the comprehensive plan and land use map. Mr. Seifert discussed the proposed 150 feet exterior buffer and limiting the number of lots to 50. He stated they are requesting to reduce the minimum lot width and lot size. He stated since they had the public participation meeting they have continued to make efforts to reach out and email the adjoining property owners with their concerns. He stated he provided a letter dated March 15, 2019 with proposed conditions to help address some of these concerns. Mr. Seifert stated these conditions are to provide the 150-foot undisturbed buffer on the perimeter of the R-40 zoned portion of property, to reduce the minimum lot width to 75 feet provided the lots maintain 16,000 square feet average lot size, shall not exceed 50 lots, developer to contribute \$30,000 to Cherokee County for future improvements to intersections, no construction traffic on Henry Scott Road during development and the streets in development to be private streets. He stated they are fully supportive and hope that it is decided by this Commission and Board of Commissioners to allow the second entrance to be emergency access only. He stated he has also been in contact with the property owners of Grandview Manor and are agreeable to providing some evergreen trees along this eastern property line.

Mr. Whitaker asked if there was anyone to speak in support of this application.

There being none, Mr. Whitaker asked if there was anyone to speak in opposition to this application.

Roger Kent spoke in opposition. Mr. Kent stated his concerns with infrastructure, density, property values and traffic.

Lee Griffin spoke in opposition. Mr. Griffin stated he has no objection as long as the second access is for emergency vehicles only.

Kathy Holtzclaw came forward to speak and stated she grew up here and does not feel this development will affect her. She stated she is happy this development is coming in and admires the developers for what they are doing. She stated since the property had sold many years ago, there have been drugs, junk and shootings. She stated she feels this will be an asset to the community.

Andy Dean spoke in opposition. Mr. Dean stated his concerns with infrastructure, density and the impact on schools.

Mr. Seifert spoke in rebuttal. He stated this would be an active adult community so the strain on the school system will be extremely limited.

Mr. Whitaker closed public comment.

Dr. Whiteside stated this is a development that was started and then caught up in the recession, he stated you could see in some of the photos heavy erosion that is occurring on these roads and something does need to be done. He stated the proposal is very reasonable and he is in support of this application.

Mr. Ware stated he has a different view. He stated this is a terrific piece of property and feels there is an opportunity here to create something special in Cherokee County that has not been done since Woodmont. He stated this is an enormous development and feels this could be designed to have 3 or 4 smaller developments within a larger one. He stated he feels like it should be more than just an area for people over 55. He stated he would like for these to stay estate lots.

Dr. Whiteside made a motion to recommend approval with the conditions provided by the applicant on the letter from Pacific Group dated March 15, 2019; to restrict Henry Scott Road entrance as an emergency access only and to enhance the vegetative buffer on the Eastern property line behind Lots 58 and 59. Seconded by Mr. Hill.

Mr. Ware asked Mr. Seifert would the entire development be for buyers 55 and over. Mr. Seifert stated yes. Motion passed 7-2. Mr. Weatherby and Mr. Ware opposed.

Case #19-04-010 Abdel Mihyar (BOC Dist. 4)

Applicant is requesting to rezone 0.44 +/- acre at 5983 Highway 92 from R-20 to GC for a used car dealership and sales office.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned, and department comments.

The applicant was not present. Mr. Whitaker made a motion for Planning and Zoning staff to inquire as to why the applicant did not attend the public hearing and delay a vote on whether the case is abandoned. Seconded by Dr. Whiteside. Motion passed 9-0.

Case #19-04-005S Abdel Mihyar (BOC Dist. 4)

Applicant is requesting a special use permit for a used car dealership at 5983 Highway 92.

The applicant was not present. Dr. Whiteside made a motion for Planning and Zoning staff to inquire as to why the applicant did not attend the public hearing and delay a vote on whether the case is abandoned. Seconded by Mr. Hill. Motion passed 9-0.

Mr. Ware made a motion to approve the March 5, 2019 Public Hearing minutes with a minor change from Mr. Whitaker. Seconded by Mr. Smith. Motion passed 9-0.

Mr. Barnes made a motion to approve the March 18, 2019 Work Session minutes. Seconded by Mr. Weatherby. Motion passed 9-0.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Barnes. Motion passed 9-0.

The meeting adjourned at 8:55 p.m.