

CHEROKEE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES



**June 4, 2019**

**Cherokee Hall 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, June 4, 2019 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Ken Smith, Dr. Rick Whiteside, Lisa Tressler, Marla Doss, Richard Weatherby, Tom Hill, Bob Whitaker, and Scott Barnes. In attendance for Cherokee County Planning Staff were Jeff Watkins, Planning and Zoning Director; Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; and Thomas Trawick, Planner.

The meeting was called to order at 7:10 p.m.

Mr. Whitaker took a moment to thank Nicole Carbetta for her service to the Planning Commission prior to moving away from the area for a new job.

Michael Chapman swore in the new Commission Member, Ms. Lisa Tressler.

**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 discussed the case briefly and stated at the last Public Hearing the recommendation was a tie vote and the case was tabled until the next Planning Commission regular meeting.

Mr. Hill stated last month he did not vote to support the motion for denial because he felt this property did not have any future use as residential. He stated he did feel it had a potential use for commercial. He stated in view of the surrounding zoning, he feels NC (Neighborhood Commercial) zoning may be an appropriate zoning.

Ms. Doss stated most of the property surrounding this property is Agricultural or Residential. She stated the property across the street is Neighborhood Commercial and there is are properties down the street zoned Commercial that is a bank and a vet. She stated she agrees with Mr. Hill that it seems to be more appropriate as Neighborhood Commercial.

Mr. Chapman reminded the Planning Commission that the applicant is requesting a special use permit for used vehicle sales and with a Neighborhood Commercial zoning, he would not be permitted to have this type use.

Mr. Barnes stated he agrees with Mr. Hill and can support a Neighborhood Commercial zoning.

Ms. Doss made a motion to recommend NC (Neighborhood Commercial). Seconded by Mr. Hill. Motion passed 8-1. Mr. Ware opposed.

**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. Chapman recommended that the Board table this case for 30 days until the Board of Commissioners votes on the rezone application in July.

Ms. Tressler made a motion to table the case until next month. 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.

Michael Chapman discussed the case briefly and stated at the last Public Hearing the recommendation was for denial of the rezone application to General Commercial (GC). As a result, this special use permit case was tabled until the next public hearing to allow time for the Board of Commissioners to vote on the rezone. Mr. Chapman stated the Board of Commissioners denied the rezone application at the Board of Commissioners regular meeting earlier tonight. Mr. Chapman stated the special use application is now not applicable since the property is still zoned residential.

Abdel Mihyar came forward to request to withdrawal his application.

Mr. Whitaker made a motion to approve the applicant's request to withdraw. Seconded by Mr. Barnes. Motion passed 9-0.

**Case #19-06-014 Allison Naples (BOC Dist. 1)**

Applicant is requesting to rezone 1.0 acre at 2120 Ball Ground Highway from R-40 to GC for a massage studio.

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

Allison Naples represented this case. Ms. Naples stated this property has set vacant for quite some time and feels this is a perfect size for her massage studio. She stated it will look beautiful and will help the community out. She stated they will make sure the driveway is safe for entering and exiting the property.

Mr. Barnes asked Ms. Naples since this property is close to Canton, will she follow their sign guidelines as well. Ms. Naples stated she has not spoken with the County yet as to sign regulations, however she would like to have a sign with rock and wood with basic lighting.

Mr. Chapman stated we did not receive any feedback from the City of Canton.

Mary Crowley spoke in support. Ms. Crowley stated she has been going to Ms. Naples for about 18 months after being recommended by her chiropractor. She stated Ms. Naples has been wonderful and continues to see her approximately every 4 weeks. She stated she feels this would be very beneficial to the community.

There was no one present to speak in opposition.

Mr. Whitaker closed public comment.

Mr. Ware asked staff if this use would be permitted in Neighborhood Commercial (NC). Mr. Chapman stated, yes.

Mr. Ware asked the applicant if she would be willing to accept Neighborhood Commercial zoning. Ms. Naples stated, yes.

Mr. Ware made a motion to recommend approval of NC (Neighborhood Commercial). Seconded by Mr. Weatherby. Motion passed 9-0.

### **Case #19-06-015 Larry Waddell (BOC Dist. 1)**

Applicant is requesting to rezone 4.14 +/- acres at 2970 Trinity Church Road and 3020 Trinity Church Road from AG to R-40 for single family residential.

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

Larry and Patsy Waddell represented this case. Mr. Waddell stated their intent is to rezone the property so they can give each daughter one (1) acre of land to build a home. He stated their daughter has a husband that is disabled and her health is poor. He stated their daughter has two (2) small children. He stated they also have another daughter; they would like to give an acre of land to family during this transaction. He stated he feels this would not affect surrounding properties.

There was no one present to speak in support of the application.

Michael Cosner spoke in opposition. Mr. Cosner stated he lives on the road that is directly behind property for sale that consists of 35 acres that is zoned Agricultural. He stated he understands this is a family application but feels this would set a precedent for the property for sale down the road and other properties in this area. He stated Trinity Church Road is a dangerous road.

Mr. Whitaker asked if the property for sale is to the East of this property down Holbrook Campground Road. Mr. Cosner stated, yes. Mr. Cosner stated he is representing two or three other people who could not attend the meeting tonight.

Dean Laman spoke in opposition. Mr. Laman stated his concerns with smaller lots and this setting a precedent in the future. He stated when they built their houses, they knew it had to be a two (2) acre minimum. He stated he feels there is aesthetic value in having the larger property. He stated he understands about them doing something for their daughters and that the Waddell's keep their property very nice but is concerned in the long run in a year or five (5) years from now if this gets approved and it takes away from the country aesthetics.

Mr. Barnes stated he understands the family need, however, he agrees with the other homeowners that this opens the box up for future opportunity to not have a two (2) acre minimum for this rural community. Mr. Barnes stated there are a lot of people who have moved out there and are looking forward to larger properties. He stated if you start a pocket there it could expand and open the opportunity up for other developers. Mr. Barnes stated he cannot support this application.

Dr. Whiteside stated he is very sympathetic and almost ashamed to have this conversation but the R-40 in the middle of this AG zoning won't be the end of it. He stated it will just get bigger and he will have a hard time supporting this application.

Mr. Whitaker stated it looks like there is another smaller tract a little farther down from this property. Mr. Chapman confirmed that the parcel Mr. Whitaker was referring to was 0.63 +/- acres in size.

Ms. Doss stated at the end of Holbrook Campground Road this was zoned R-40 years back and the economy went bad and people lost their properties. She stated it was purchased and was turned back to AG. She stated originally there was a lot of R-40 in the area. Ms. Doss stated she could support this application.

Mr. Whitaker stated we are on the perimeter of an area that is designated for higher density than the underlying County Estates. He stated yes, it is a precedent but does not feel it's the same as putting in a subdivision.

Ms. Tressler stated she also likes to protect the rural places in Cherokee County but feels this might be an appropriate transition to that Neighborhood Village if there is a chance it could be commercial uses on the adjacent property in the future.

Mr. Ware stated he does not like these kind of votes and feels the Waddell's are very nice people but feels if this is approved it would not be much longer before a request for rezoning came in for a subdivision. He stated he feels R-40 is way outside the Comprehensive Plan guidelines of a minimum 80,000 sq. ft. lot. He stated he cannot support this application.

Mr. Barnes made a motion to recommend denial. Seconded by Mr. Ware. Motion passed 6-3. Ms. Doss, Ms. Tressler, and Mr. Whitaker opposed.

Mr. Ware made a motion to approve the May 7, 2019 Public Hearing Minutes with a few corrections. Seconded by Dr. Whiteside. Motion passed 9-0.

Mr. Hill made a motion to approve the May 20, 2019 Work Session Minutes. Seconded by Mr. Smith. Motion passed 9-0.

Mr. Weatherby made a motion to adjourn. Seconded by Mr. Barnes. Motion passed 9-0. The meeting adjourned at 8:00 p.m.