

**CHEROKEE COUNTY PLANNING COMMISSION AND
CHEROKEE COUNTY BOARD OF COMMISSIONERS**

JOINT PUBLIC HEARING MINUTES



January 7, 2020 – 7:00 PM
Cherokee County Administration Building
Cherokee Hall

The Cherokee County Planning Commission and Cherokee County Board of Commissioners held their regularly scheduled joint public hearing with the Cherokee County Board of Commissioners on Tuesday, January 7, 2020 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Chairman Bob Whitaker, Vice chairman Dr. Rick Whiteside, Tom Ware, Ken Smith, Lisa Tressler, Richard Weatherby, Tom Hill, and Marla Doss. Members of the Board of Commissioners present were Chairman Harry Johnston, Commissioner Benny Carter, Commissioner Corey Ragsdale, Commissioner Ray Gunnin, and Commissioner Steve West. In attendance for Cherokee County Planning and Zoning staff were Michael Chapman, Zoning Manager; Thomas Trawick, Planner, and Tamala Davis, Planning Technician.

The meeting was called to order at 7:16 p.m.

Case #19-12-027 Kevin Seifert/Pacific Group, Inc. (BOC Dist. 4)

Applicant is requesting to rezone 35.01 acres at 3166 Elwin Ragsdale way and 3100 Elwin Ragsdale Way from R-40 (Single Family Residential) to RD-3 (Single Family Residential) for a 69 single family home development.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, proffered conditions by the applicant, and site plan. He stated at the December public hearing the Board requested the applicant give some thought to a possible alternative design and stated the applicant is staying with the design he submitted originally and would like their recommendation based on this site plan.

Mr. Ware stated he feels Pacific Group is one of the premiere developers and he is disappointed that they did not receive some type of compromised site plan to work with. He stated this RD3 request does not fit with the land use plan and feels this would set a precedent if approved. He stated he cannot support this application.

Mr. Smith stated he concurs with Mr. Ware. He stated he was originally concerned with the density and since nothing has changed with their plans, he cannot support this application.

Mr. Hill stated the land to the east and west of this site is suburban living in which RD3 is an approved zoning. He stated he feels the tough terrain to the North of this property that will limit development. He stated he does not feel this area will be impacted that much from this proposed development and can support this application with the proffered conditions.

Mr. Weatherby stated he would have to agree with Mr. Ware and Mr. Smith. He stated he agrees that Pacific Group is probably the premiere developers for subdivisions in the area and they generally bring a very well

thought out site plan and is very disappointed they did not get a really good second look at the density. He stated he feels this will create a precedent and cannot support this application.

Mr. Whitaker stated he agrees with Mr. Hill. He stated north there is a topographic and geographic break with the stream and the property to the south is an industrial park. He stated he is not sure the land use plan reflects the proximity of this property to this industrial use. Mr. Whitaker stated he is not sure that people would be interested in larger lots due to the location of this industrial park.

Ms. Tressler stated with the land use plan just adopted, an RD3 zoning concerns her and feels it does not fit within this area. She stated on the other hand the stipulation to limit to 69 lots, the density would actually be 1.67 units an acre which is not the 3 units an acre allowed with an RD3 development. She stated also with the industrial zoning to the south, she feels she could support this application with the stipulations.

Mr. Ware made a motion to recommend denial of this application. Seconded by Mr. Weatherby. Tie vote, four (4) in support, four (4) opposed. Mr. Hill, Ms. Tressler, Mr. Whitaker and Ms. Doss opposed.

Mr. Whitaker made a motion to approve with the 10 conditions offered by the application. Seconded by Ms. Tressler. Tie vote, four (4) in support, four (4) opposed. Mr. Ware, Mr. Weatherby, Mr. Smith and Dr. Whiteside opposed.

Mr. Chapman stated since there is a tie vote, the application should be considered tabled and action deferred until the next scheduled meeting. Mr. Chapman stated if no action is taken at the next scheduled meeting, the application will move on to the Board of Commissioners with no recommendation.

Case #20-01-001 Christopher E. Comer (BOC Dist. 1)

Applicant is requesting to rezone 4.56 +/- acres at 13494 Cumming Highway from R-40 to LI for a tree service, landscape supply yard, trailer and equipment sales/rental.

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

Chris Comer represented this case. Mr. Comer stated his business is already located in Cherokee County and the intent was to move their business this property. He stated since their original submittal for LI zoning, they have found out the roadway will be taking 1.49 acres. He stated the property will not be big enough for his business, so he is requesting a GC zoning instead so he will be able to sell the property in the future and so he can place overflow storage and trailers from his other business location.

Mr. Whitaker asked staff does this constitute a change of zoning with a new site plan and application. Mr. Chapman stated, yes.

Mr. Comer stated he does not have a problem with the LI zoning, he was just letting them know that he is okay with it being downsized to a GC zoning.

Mr. Chapman stated it has been posted and advertised so we are set for a public hearing tonight. He stated this would be a change to the application due to a change in the use.

Mr. Whitaker stated we have an application for LI zoning but if the applicant would be willing to agree to a different zoning designation then they would be allowed to move forward. Mr. Chapman stated, yes.

There was no one to speak in support or in opposition to this application.

Mr. Whitaker closed public comment.

Ms. Doss stated she would feel better if the applicant submitted a new plan. She stated also she is not sure if commercial is adequate zoning if he has large equipment. She stated currently on the property there are dump trucks, bobcats, chippers, etc.

Mr. Chapman stated they would need an industrial zoning for the size and weight of what is currently on the property.

Mr. Whitaker asked if all current equipment is removed and this became inventory of commercial trailers, would this be allowed in commercial zoning. Mr. Chapman stated, yes, arborist services and landscape services are allowed in General Commercial.

Mr. Ware asked Mr. Comer how many pieces of equipment does he have in total. Mr. Comer stated 130 new trailers. Mr. Ware asked how many will be parked on this site. Mr. Comer stated about 40 trailers he would be moving from Forsyth.

Discussion ensued among the Board regarding industrial zoning and commercial zoning.

Dr. Whiteside stated there is about 1 ½ acres of usable property and feels it would be extremely premature to vote on a commercial zoning with no site plan and know the restrictions on the property are significant.

Mr. Whitaker asked staff if the applicant could revise the application to GC zoning instead of starting over with a new application. Mr. Chapman stated, yes. Mr. Chapman stated we have passed the posting deadline for February so it would have to be March in order to hold another public hearing.

Ms. Doss made a motion to table this application for the applicant to revise his application and site plan. Seconded by Mr. Smith. Motion passed 8-0.

Case #20-01-002 Jenny Kirby (BOC Dist. 1)

Applicant is requesting to rezone 0.50 +/- acres at 7981 Ball Ground Road from AG to GC for retail sales of refurbished furniture and a feed and seed store. The applicant also requests concurrent variances to Article 7, Districts Uses and Regulations to waive the requirement for commercial landscape strips and Article 10-Buffer Requirements to waive the requirement for zoning buffers.

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

Jenny Kirby represented this case. Ms. Kirby stated this property has been in the family for 45 years and would like to change to a feed and seed store along with a furniture store. She stated there would be no changes to the building other than updating to meet commercial standards. She stated all the property surrounding this property is family owned and they have no objection to this request.

Mr. Whitaker asked for clarification on the buffers for either side of the property. Ms. Kirby stated she is asking not to have any side buffers. She stated she was planning to leave it the way it is. Mr. Whitaker asked if she was fixing the furniture and then resale them. Ms. Kirby stated, yes she will be paint them, make them look antique and resale them.

There was no one to speak in support or in opposition to this application.

Mr. Whitaker closed public comment.

Mr. Ware made a motion to recommend approval. Seconded by Ms. Doss.

Mr. Whitaker stated this use would fit within the NC zoning district and if the Board grants the variances to reduce the buffers then maybe tying that to this use.

Mr. Whitaker asked Mr. Ware if he was okay with amending the motion to recommend NC zoning and approval of the variances for relief of the buffers for this business license only. Mr. Ware stated, yes, he agrees. Ms. Doss stated she agrees also.

Mr. Whitaker asked Ms. Kirby if she was okay with NC zoning instead of GC zoning. Ms. Kirby stated, yes.

Motion passed 8-0.

Case #20-01-010S B & B Outdoors, Inc. (BOC Dist. 1)

Applicant is requesting a Special Use Permit for property located at 2196 Reinhardt College Parkway for an Indoor Shooting Range and Training Center.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, infrastructure and facilities, future development map, and department comments. Mr. Chapman stated the property was recently rezoned to GC (General Commercial).

Bobby and Tristan Francis represented this case. Bobby Francis stated the number one concern with all gun ranges is the noise. He stated from the public meeting was noise. He discussed the layout of the property and noted that he does have the adjoining property under contract that consists of 26 acres. He stated they have submitted a letter from the adjoining property owner on the west side that is in support of this request. Mr. Francis stated he has also supplied the sound test and discussed the sound control within the building. He stated there would be a natural buffer surrounding the property. He stated this business will create new jobs and revenue for the County.

Charles Barnes spoke in support. He stated he lives in Soleil, almost directly across the street and they have a Veterans group of over 100 members who would like to support the application.

There was no one present to speak in opposition.

Mr. Whitaker closed public comment.

Mr. Smith stated his two (2) concerns originally was the safety and the noise. He stated he feels like the applicant has done a great job of documenting how these issues will be handled.

Mr. Smith made a motion to recommend approval. Seconded by Mr. Weatherby. Motion passed 8-0.

Case #20-01-011S Big Door Vineyards (BOC Dist. 3)

Applicant is requesting a Special Use Permit for property located at 235 Knox Bridge Highway and 235 Clearwater Trail for a farm winery.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, infrastructure and facilities, future development map, existing structures on property, and department comments. Mr. Chapman presented a PowerPoint slide listing the farm winery requirements from Article 7 of the Zoning Ordinance and a slide listing the uses requested by the applicant.

Joshua Scoggins represented this case. Mr. Scoggins provided documents for the file. He stated they are seeking a special use permit for a farm winery and an event facility that has already been in operation for two (2) years and the farm winery since 2014. He stated they are basically here to clean up a dispute that's arisen with respect to whether or not they are vested to continue to operate the use they have been operating for the last two (2) years. He stated the farm winery has been there and the event facility was permitted and that they have done everything the County has asked them to do with respect to that. He stated they are here tonight because the County asked them to seek an application for a special use permit because the Ordinance changed and to get everything cleaned up with the use of the property.

Rodney Alldredge spoke in support. Mr. Alldredge stated he is the owner of Big Door Vineyards and applied for an application back in 2015. He stated they were permitted under the original permit of a winery and there were no other restrictions. Mr. Alldredge stated they did submit all of the activities that they planned at that time to the County. He stated since he has already been operating and they were up front about the activities they had planned for the property, he requests the Board approve this special use permit request. He stated there are other businesses within the subdivision. He stated they try to be good neighbors and does not feel they are creating anything worse than what is already there.

Carol Mudd spoke in opposition. Ms. Mudd passed out a petition signed by homeowners in the area requesting this case be denied. She stated their concerns with this being a bar in a subdivision and not a winery, traffic, along with warnings and citations being issued from Marshal's Office.

Miranda Peterson spoke in opposition. Ms. Peterson stated her concerns with lights, traffic, noise pollution and disruptive behavior. She stated this is a residential neighborhood and this business is a nuisance to the homeowners.

Andy Soha spoke in opposition. Mr. Soha stated he moved to Cherokee County twenty (20) years ago and this is the first time they have been allowed to speak regarding this property. He stated his concerns with this being a single-family residential area, this being a commercial use, traffic and safety. He stated if this is approved this will turn their tiny subdivision into a commercial district.

Russell Giudicessi spoke in opposition. Mr. Giudicessi stated this is a high intensity use and noted his concerns with this being a commercial operation, noise, traffic, lights, multiple businesses, a bar, food trucks, roadways needing to be improved, drainage issues and not having commercial buffers. He stated he feels a traffic study does need to be prepared for this area.

Mr. Scoggins spoke in rebuttal. Mr. Scoggins stated with respect to the citations, those are pending jury trials in State Court and they are eagerly awaiting these trials, however that is the purpose of the code enforcement of the Ordinance. He stated we cannot debate what the rules were at the time this was done and what the use is. He stated the use is there and Mr. Alldredge has spent millions of dollars developing this property and relying on assurances and permits given by the County.

Mr. Whitaker asked how much wine does Big Door produce. Mr. Alldredge stated around 3,000 cases a year. He stated they grow the grapes and their sister winery in South Georgia process the grapes and are brought back to them. He stated in the future, they would have the processing done on site.

Mr. Whitaker asked the applicant what is meant when he says sister winery. Mr. Alldredge stated they lease ten (10) acres of property in South Georgia where the muscadines are grown at the processing facilities to blend and have muscadine wines. Mr. Alldredge stated basically, they sell them their grapes, they process it and then they sell it back to them. Mr. Whitaker asked the applicant what is the capacity of the tasting room. Mr. Alldredge stated about 45 people inside and another 45 people on the porch. He stated they have another outdoor facility that would accommodate more. Mr. Whitaker asked about the time operations cease on the property, there was a discrepancy in the application and letter. Mr. Alldredge stated everyone would be gone by 10 p.m. Mr. Whitaker asked why a second tasting room is necessary. Mr. Alldredge stated it is common to have more than one area for tasting and he is proposing a pavilion also that could be used as a tasting area. Mr. Whitaker asked how many more tasting areas are you proposing. Mr. Scoggins stated only one (1) more because that is what State Law allows.

Mr. Whitaker closed public comment.

Mr. Whitaker stated that if this were a clean slate, he would say this location is not suitable and the main reason is this is a subdivision. He stated however, this use is there and he may not know the history of it but they need to try to make the best of the situation.

Mr. Whitaker discussed with the Board how to move forward with a recommendation on this case. Mr. Whitaker asked if there was a motion to recommend denial and no member made a motion to deny. Mr. Hill stated he would rather go through each activity the applicant has requested.

Discussion ensued among the Board regarding each activity described in the applicant's response statement dated October 21, 2019. After extensive discussion, Mr. Ware made a motion to recommend approval of the special use permit with the following conditions:

- a. Sale of flights of individual 1.5 oz. servings of different wines from any Georgia farm winery for consumption on premises.
- b. Sale by the glass for consumption on premises of:
 1. Wine produced from grapes, berries or fruits grown on site.
 2. Wine from any other Georgia farm winery.
- c. Retail sale in closed packages for consumption off premises of wine from any other Georgia winery.
- d. Sale of pre-prepared cold meat, cheese and bread platters typically associated with wine tasting.
- e. Extend operating hours for private special events such that all activities shall cease at 10:00pm.
- f. Host a maximum of 4 catered special events per month.
- g. Operation as a special event facility as described in Section 7.7-4(b) of the Cherokee County Zoning Ordinance provided that any music is confined to an enclosed structure, conforms to the limitations of county ordinance and does not constitute a nuisance under State law.
- h. Advertisement including, but not limited to ongoing and repetitive events.
- i. The sale of local crafts legally prepared and labeled, local jams and jellies and similar items.

Motion was seconded by Mr. Smith. Motion passed 8-0.

Case #20-01-012S Mary Stone (BOC Dist. 1)

Applicant is requesting a Special Use Permit for property located at 1044 Arnold Spence Road for a wedding venue.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, infrastructure and facilities, future development map, and department comments

Robert and Mary Stone represented this case. Ms. Stone stated they own the property next door and have owned a wedding venue for four (4) years. He stated they are planning to remove the two (2) buildings in the back and putting up a new building that will be a much smaller building in comparison. She stated their neighbors seem to be okay with the request.

Dr. Whiteside asked how this would relate to their existing facility. Ms. Stone stated they hope to have both properties under the same company name but have two (2) venues at two (2) locations. Dr. Whiteside asked would they operate two (2) events simultaneously. Ms. Stone stated they could have two (2) events the same day. Dr. Whiteside asked if they had helicopters coming to the site. Ms. Stone stated they do have a pilot that is a retired County police officer that they do allow to land on their property. She stated they would not be doing helicopters at this location. Dr. Whiteside stated he read that you will have approximately fifty (50) events at this location and asked how many events are held yearly at the current location. Ms. Stone stated about fifty (50). Dr. Whiteside stated it appears there are approximately 155 parking spaces altogether so it is possible you could have 300-400 people. Ms. Stone stated the maximum allowed at each event is 200, but very rarely have 200. She stated there are vendors and wedding planners that come in but they do not have additional employees.

There was no one present to speak in support of or in opposition to this application.

Mr. Whitaker closed public comment.

Mr. Weatherby made a motion to recommend approval. Seconded by Ms. Tressler. Motion passed 8-0.

Mr. Hill made a motion to approve the December 3, 2019 Public Hearing Minutes. Seconded by Mr. Weatherby. Motion passed 8-0.

Mr. Ware made a motion to approve the December 16, 2019 Work Session Minutes. Seconded by Mr. Whitaker. Motion passed 8-0.

The Board of Commissioners did not take any action at the meeting.

Mr. Chapman reminded the Board of their upcoming work session on January 27, 2020.

Mr. Weatherby made a motion to adjourn. Seconded by Ms. Doss. Motion passed 8-0. The meeting adjourned at 10:24 p.m.