



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

**JOINT PUBLIC HEARING MINUTES**

**March 3, 2020 – 7:00 PM**  
**Cherokee County Administration Building**  
**Cherokee Hall**  
**Canton, Georgia**

The Cherokee County Planning Commission and Cherokee County Board of Commissioners held their regularly scheduled joint public hearing on Tuesday, March 3, 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, Lee Lusk, 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 Jeff Watkins, Director of Planning and Zoning; Michael Chapman, Zoning Manager; and Thomas Trawick, Planner.

The meeting was called to order at 7:27 p.m.

Chairman Bob Whitaker welcomed our newest Planning Commission member, Lee Lusk who is the Ball Ground Representative. Michael Chapman swears in Mr. Lusk.

Mr. Ware made a motion to approve the February 4, 2020 Public Hearing Minutes. Seconded by Ms. Tressler. Motion passed 9-0.

Mr. Hill made a motion to approve the February 17, 2020 Work Session Minutes. Seconded by Mr. Smith. Motion passed 9-0.

**Case #20-03-007 Virginia Poole (BOC Dist. 1)**

Applicant is requesting to rezone 1.92 +/- acres at 9400 Union Hill Road from R-80 to R-40 for two (2) single-family residences. Applicant is also requesting a concurrent variance to minimum lot width at front building line and encroachment into zoning buffer.

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

Virginia Poole represented this case. Ms. Poole stated she does not feel like this proposal will increase traffic.

Mr. Whitaker asked Ms. Poole if she knows where the septic systems are located. Ms. Poole stated, yes. Mr. Whitaker asked if the survey presented accommodates the location for the septic systems in the way the property is subdivided.

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

Mr. Whitaker closed public comment.

Mr. Hill made a motion to recommend approval of the zoning request to R-40 along with approval of the concurrent variances. Seconded by Ms. Doss. Motion passed 9-0.

**Case #20-03-008 Jason and Jody Nix (BOC Dist. 2)**

Applicant is requesting to rezone 25.53 +/- acres at Sugar Pike Road and Batesville Road from R-80 to AG for agricultural purposes.

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

Jason Nix represented this case. Mr. Nix stated he owns Big Springs Farms that is adjacent to this site. He stated he is trying to rezone to allow AG uses that is similar to what is already located nearby. He stated they would like to continue farming and they currently have a pumpkin farm.

Mr. Whitaker stated he has three (3) three people signed up to speak in opposition.

David Deardorff spoke in opposition. Mr. Deardorff stated he has lived at 910 Homer Road since 2018 and he is located across the street from this property. He stated months after moving to his property he noticed large trucks and trailers coming and going from the property. He stated now several trucks and trailers are parked on this property and would like to know if this is allowed in R-80 or AG (Agricultural) zoning. He discussed his concerns with noise, safety and reduction in property values. He stated he is not opposed to AG zoning or R-80 zoning with restrictions, but cannot support commercial or industrial uses.

Andrew Hunt spoke in opposition. Mr. Hunt stated he represents the four (4) adjacent properties that are not currently shown on the maps. He stated he is concerned with what AG uses may be allowed due to this being a broad zoning district. He stated if approved for AG zoning he would like to have some restrictions added that keep it consistent with country estates.

Bryan Kovac spoke in opposition. Mr. Kovac stated his concerns with trucks and tractor-trailers coming and going on this site. He stated he has gone to Big Springs Farms and stated they are a good to the community, but would like the use to be a true AG use if rezoned.

Mike Neely spoke in support. Mr. Neely stated he has lived in the area since 1979 and has seen this area significantly change. He stated he has never seen anything or any use on the Nix property that would be detrimental to surrounding properties and feels the application should be approved.

Jason Nix spoke in rebuttal. Mr. Nix stated he uses trucks to haul equipment and produce associated with Big Springs Farms. He stated some of the trucks are from a nearby crew that is currently working on improvements to Earney Road and he allows them to temporarily park on his property.

Mr. Whitaker asked Mr. Nix what type of Agricultural use does he have in mind. Mr. Nix stated they have tractor, trucks and tractor trailers they haul stuff on and may grow crops or sunflowers on the corner.

Mr. Ware asked when Earney Road improvements may be completed. Mr. Nix stated he does not know.

Mr. Whitaker stated there weres conditions put on the 2010 rezoning when the pumpkin farm was done and asked if this rezoning was approved would he be okay with the same conditions? Mr. Whitaker listed these

conditions. Mr. Whitaker stated truck parking is not on this list as being a permitted use. Mr. Nix stated he is okay with these conditions other than allowing his own trucks to be parked on site.

Mr. Whitaker closed public comment.

Dr. Whiteside stated Earney Road is currently difficult to drive down with the construction and believes the neighbors have a legitimate concern with the parking. He stated only trucks associated with this site should be allowed and suggests no truck parking in AG.

Mr. Hill agreed with Dr. Whiteside and made a recommendation to approve AG zoning with the conditions from the 2010 rezone case (2010-R-008) and to add a 3<sup>rd</sup> condition of no overnight parking of trucks, trailers and heavy equipment.

Mr. Whitaker suggested to allow trucks associated with the business and property owner. Mr. Chapman stated one (1) large truck is allowed on agricultural-zoned property per Chapter 14 of the Cherokee County Code of Ordinance.

Mr. Ware suggested including a time frame to resolve Earney Road truck parking issue. Mr. Whitaker stated there is 30 days before the Board will make a final decision.

Lisa Tressler stated she would agree that 30 days should be sufficient time for them to find somewhere else to park this equipment.

Mr. Hill restated his motion to recommend approval of AG zoning with the conditions from the 2010 rezone (2010-R-008) that limited the uses to 1) Accessory uses and structures, Bed and Breakfast Inn, Customary home occupations, Farmers market, Farming, Forestry, Green house and Plant nursery commercial, Green house non-commercial, Horticulture, Household pets raising and keeping, Livestock and poultry for personal pleasure, Produce stand, Riding stable and academies, Single family detached dwelling and 2) No outside storage of materials except materials utilized in the ordinary course of the business, as allowed on the property and to add a condition 3) No overnight parking of trucks, trailers and heavy equipment other than what is allowed by the AG zoning district. Seconded by Ms. Tressler.

Ms. Doss asked could we amend this condition to no parking allowed instead of no overnight parking allowed. Mr. Hill stated he would not object to this amendment. Mr. Whitaker stated no truck parking of vehicles not owned by the property owner except in accordance with County regulations. Motion passed 9-0.

### **Case #20-03-013S Journey Christian Church (BOC Dist. 2)**

Applicant is requesting a Special Use Permit at 626 Arnold Mill Road to allow a Religious Institution in the R-40 zoning district. Applicant is also requesting two (2) concurrent variances to allow parking within the front yard setback area and to allow grading within a buffer area.

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

Brian Smith represented this case. Mr. Smith stated they are proposing a 30,000 square foot expansion that will be based on growth and not sure of the exact timeline. He discussed the variances requested to the setback and buffer area. He stated they will replant the buffer.

Mr. Whitaker asked if they are requesting grading in all buffer areas. Mr. Smith stated yes, but mostly to the rear of the lot.

Pastor Dusty Ardmore also represented this case. Pastor Ardmore stated they have been meeting with local groups and forming good relationships to see what the community would like to see. He stated they would like to grow in the future and the variances would allow for that but would still be relatively a smaller church. He stated he has also been working with Department of Family Children Services regarding crisis of the number of foster kids that exceeds homes available. He stated this would be one (1) of their primary missions in the County. Pastor Ardmore stated they would really like to add value to the community.

Dr. Whiteside asked if the grading in the buffer and replanting in the buffer is part of Phase 1. Mr. Smith stated, no.

Ms. Doss asked if there are any plans to add a school to the church. Mr. Smith stated not at this time, he stated possibly in the future if this is something the community needs.

Dr. Whiteside asked staff if adding a school would require a 2<sup>nd</sup> special use permit. Mr. Chapman stated, yes.

John Martin spoke in support. Mr. Martin stated he is also concerned about foster care and supports the church trying to address this as well as other needs within the community.

Brenda Smith spoke in support. Ms. Smith stated her family attends Journey Church and feels this will be a tremendous opportunity for the County.

Sandra Gray spoke in support. Ms. Gray stated she helps with the church in Roswell particularly helping groups going through divorce and works with sixth graders. She stated she likes the small church atmosphere and states they would like to be a good neighbor.

Brian Schembari spoke in support. He stated he has seen firsthand how Journey Church has already impacted this community and is in favor of this request.

Luci Boatman spoke in opposition. Ms. Boatman stated her concerns with drainage, buffers and parking lot lighting. She stated she has spent a lot of money to maintain her property and feels the County Engineers need to help with her concerns.

Mr. Whitaker noted the detention pond is located on the other side of the property.

Jerry and Elizabeth Reece spoke in opposition. Ms. Reece stated they have concerns with the buffer encroachment and would like a privacy fence installed. She also stated they are concerned about water run-off and would like an environmental study. She stated the property was previously used for agriculture.

Mr. Whitaker stated these items will be looked at during permitting and the plan submitted with the application is more of a concept plan.

Mr. Whitaker closed public comment.

Mr. Smith spoke in rebuttal. Mr. Smith stated he understands the issues with run-off and lighting and these will be addressed by the County during plan review. He stated they want to be a good neighbor and stated the proposed plan is a long-range plan.

Mr. Whitaker asked where they plan to park cars. Mr. Smith stated in the front to support Phase 1 for now.

Mr. Chapman clarified this request is for a special use permit with concurrent variances.

Dr. Whiteside stated normally churches are in an OI zoning district but would not recommend OI for this area. He stated if we move forward with this application he feels they should restrict it to a maximum of 30,000 square feet with maximum 168 parking spaces. He stated he is confident the County will work out the Stormwater plan as this development moves forward but feels there should be a provision for timing and grading along the Reece's property.

Mr. Whitaker asked would they be willing to construct a privacy fence adjacent to their neighbor. Mr. Smith stated, yes.

Mr. Whitaker asked staff if someone grades into a buffer or disturbs a buffer, would they have to restore that buffer prior to issuance of a certificate of occupancy. Mr. Chapman stated, yes that is part of the land disturbance process.

Mr. Weatherby stated he would like the lighting addressed also to have the downward lighting. Ms. Doss asked staff what time does all lights need to be turned off. Mr. Chapman stated he is not aware of a timing restriction for lighting.

Ms. Tressler asked if they would be willing to turn the lights off at a certain time. Mr. Smith stated, yes that no lights would be on when building was not in use.

Mr. Hill stated he would like to see a traffic study completed prior to plan approval as recommended by Engineering.

Ms. Tressler stated she does not see a hardship for the request of the front setback reduction and feels the 75 feet is appropriate for this area. Mr. Smith stated this would push the building closer to the neighbors. Ms. Tressler stated it may actually reduce parking for the site.

Bob Whitaker asked what if they provided an enhanced landscaped area for front yard screening. Ms. Tressler stated she would be okay with that if Engineering felt it would not create any safety issues.

Mr. Chapman stated they are required to have a 10 foot landscaped strip along the front.

Dr. Whiteside made a motion to recommend approval of the special use permit and approval of the concurrent variances with the following conditions: 1) Maximum building square footage is 30,000 square feet, 2) Maximum 168 parking spaces, 3) a traffic study to be completed during site development plan permitting, 4) Lighting in accordance with County regulations and restrict the back parking lot to when the building is in use.

Mr. Whitaker asked Ms. Tressler what her concerns were with the buffer. Ms. Tressler stated she does not have concerns with parking being in front of the building but that she does have concerns with the parking being 50 feet within that 75-foot front setback. She stated she would be more acceptable to reduce the front setback from 75 feet to 50 feet. Dr. Whiteside stated he is okay with that condition as well.

Mr. Weatherby asked could they make a provision for the privacy fence also. Dr. Whiteside stated, yes along the Reece's property line.

Dr. Whiteside asked Mr. Whitaker if he could read back through the motion with conditions.

Mr. Smtih stated his concerns with not approving the full request for the reduction in the front setback for parking. Mr. Lusk stated if the 50-foot setback is applied, they would lose 30 +/- parking spaces. He asked Mr. Smith is that would work. Mr. Smith asked his Engineer, James Duff to come forward to discuss. Mr.

Duff stated without the full variance request reduction this would be a hardship that cars may spill out onto the road. He stated they would be doing a traffic study and also explained the hardship due to the topography and grading. Ms. Tressler stated this still does not appear to be a hardship because of the proposed scale of the project on the undeveloped site.

Discussion ensued and an agreement was made to allow a 35-foot front setback for parking.

Motion passed 9-0.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Weatherby. Motion passed 9-0. The meeting adjourned at 9:15 p.m.