



Approved 6-2-2020
CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION
WORK SESSION MINUTES

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

**March 16, 2020
6:30 p.m.**

Planning Commission Members Present: Bob Whitaker (Chairman), Richard Weatherby, Tom Ware, Ken Smith, and Tom Hill

Planning Commission Members on Conference Call: Dr. Rick Whiteside (Vice-Chairman), Marla Doss, Lisa Tressler, and Lee Lusk

Planning and Zoning Staff present: Michael Chapman (Zoning Manager), Jeff Watkins (Director of Planning and Zoning), and Thomas Trawick (Planner)

Staff provided the Planning Commission with their packets containing staff comments.

Chairman Whitaker called the meeting to order at 6:30 p.m.

GENERAL BUSINESS

Mr. Chapman briefly updated the Planning Commission Members on the potential impact the COVID-19 (Coronavirus) issue may have on upcoming meetings. He explained that, at the moment, everything is still scheduled as planned and the next Planning Commission meeting will be on April 7, 2020.

ZONING APPLICATIONS:

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

Applicant seeks to rezone property located at 13494 Cumming Hwy from R-40 (Single-Family Residential) to General Commercial (GC). The applicant proposes a landscaping service or other similar use allowed in GC.

Mr. Chapman introduced the case and summarized the staff report. He reminded the Planning Commission members that the applicant's original request for the property was for Light Industrial (LI) in order to operate a landscape supply yard and tree service business. The applicant has scaled back his proposed use for the subject property to

General Commercial (GC) for a landscape and arborist service company and plans to locate his other business elsewhere. Mr. Chapman also explained that the revised application has reduced the size of the proposed commercial building. Dr. Whiteside asked staff to clarify which request was being discussed, since the applicant has two applications under review. Mr. Chapman explained it is the application which originally requested Light Industrial (LI) at the Planning Commission Meeting on January 7th, 2020, and was tabled to allow the applicant to revise the application for a General Commercial (GC) zoning request. Dr. Whiteside asked staff if the site was proposed to lose any property to the Hwy 20 road widening project. Mr. Chapman stated the applicant would lose around 1.5 acres.

Marla Doss questioned what the applicant was proposing to use the property for, should it be approved for General Commercial (GC). Mr. Chapman confirmed that the applicant left the proposed use of the site open-ended. Marla Doss questioned if the applicant had met the Planning Commission's request to provide a definitive site plan and application for General Commercial (GC). Both Mr. Chapman and Chairman Whitaker stated that, at the January 7th, 2020 meeting, the board recommended for the case to be postponed in order for the applicant to revise the application and present a plan for General Commercial (GC) zoning instead of Light Industrial (LI) zoning. Chairman Whitaker agreed that the application is not specific in the proposed use of the site, but explained that the applicant has met the Board's expectations to revise the application. Dr. Whiteside asked if the existing home on the site would be used for an office, as was originally presented at the January 7th, 2020 meeting. Chairman Whitaker stated, yes, it appeared to be proposed for a commercial office use, but stated it would be a good idea to ask the applicant at the upcoming meeting.

Tom Ware asked staff if the applicant intended on building a second structure on the site. Mr. Chapman stated, yes, but that it is proposed to be smaller than the original request. Tom Hill explained that the application referenced a possible office rental for the existing home on the property. Dr. Whiteside followed up on this and questioned what businesses were proposed for the site? He stated that the site plan and application were not clear.

Chairman Whitaker explained that the application must be reviewed by the Board as a stand-alone zoning request for General Commercial (GC); not Light Industrial (LI), as previously requested. He explained that GC zoning would allow for many commercial uses and commercial office rentals at this location. He reiterated that the applicant appears to have done what the Planning Commissioners have asked of him from their previous January 7th, 2020 meeting.

Lisa Tressler explained that she agrees the request needs to be looked at as a stand-alone application for General Commercial (GC), but mentioned that the information in the revised application needs to be consistent with this request as well, since Light Industrial (LI) was still mentioned in the file. She stated that the original administrative information needs to be consistent with the current request.

2. Case # 20-04-009 Susan Gayle Casey (BOC District 4)

Applicant seeks to rezone property located at 2818, 2840 and 2884 Hwy 92 from R-20 (Single-Family Residential) to GC (General Commercial). If rezoned, the property will be used for RV and boat storage.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant's property is located within the Highway 92 Village Overlay District which was revised in late 2019 and now prohibits storage uses within this area. Mr. Chapman explained that the applicant submitted their rezoning application prior to these changes and is, therefore, able to move forward with the request. He stated that the County recently completed the Southwest Cherokee Small Area Plan which designates the subject site as Commercial, according to the plan's Future Development Map. He further explained that while it is considered Commercial, the supported uses to be located in the Commercial designation of the Southwest Cherokee Area Plan did not include storage facilities.

Dr. Whiteside asked staff if the subject site was located adjacent to the Taylor and Mathis site which was previously requested for Light Industrial (LI)? Mr. Chapman confirmed, yes. Dr. Whiteside also asked staff that should the request be approved for self-storage, if it would go against the current Hwy 92 Overlay regulations? Mr. Chapman confirmed, yes.

Chairman Whitaker questioned if the Southwest Cherokee Small Area Plan could be considered by the board since the application was submitted prior to the county adopting that plan; similar to the current Hwy 92 Overlay requirements. Staff stated that this may be true to some degree, but that the Southwest Cherokee Small Area Plan was already underway when the application was submitted. Staff also explained that the site previously had large trucks parked on the site for many years.

Chairman Whitaker asked if the Casey's currently own the subject properties. Mr. Chapman stated, yes.

3. Case # 20-04-010 Christopher E. Comer 9423/9395 Cumming Highway – (BOC District 1)

Applicant seeks to rezone property located at 9423 and 9395 Cumming Highway from AG (General Agricultural) to GC (General Commercial) and LI (Light Industrial). If rezoned, the property will be used for offices, sales floor, and shop space for a tree service and landscape supply yard. In addition, a trailer and equipment sales and rental company is proposed.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant is proposing a similar use from the original application (20-01-001), and is proposing to rezone a smaller tract with an existing house in the front of the property to General Commercial (GC). Staff explained that a previous owner for the site illegally dumped concrete waste into a nearby streambank buffer on the east side of the property. Mr. Chapman stated that the Engineering Department is requesting some zoning conditions to be approved regarding remediation for the impacted streambank buffer. Lee Lusk asked if the dumping was done by the current property owner? Mr. Chapman stated, no, it was a previous owner.

Dr. Whiteside asked what the two properties were zoned. Staff stated, Agricultural (AG). He also asked if the shown chicken houses on the site plan were proposed to remain and be used for the commercial business. Mr. Chapman explained that the chicken houses are proposed to remain on the property, based on the site plan. Marla Doss questioned if

the buildings would need to be brought up to county standards if they are to be used for the business. Staff explained that any building proposed to be used for the business would need to meet today's fire and building codes prior to the issuance of a Certificate of Occupancy (CO).

Marla Doss questioned where the equipment and associated business vehicles would be stored. Mr. Chapman stated, this is not specifically mentioned on the submitted site plan and reiterated the proposed uses for the site. Marla Doss asked staff if the proposed shop space could be used by other businesses. Staff explained that the application does not state specifically what the shop space will be used for. Discussion ensued among the Planning Commission Members about the number of trucks and amount of equipment that may be stored on the site.

4. Case # 20-04-011 Kevin Seifert – Wheeler Tract – (BOC District 1)

Applicant seeks to rezone 14N27 Part of Parcel 080 from R-80 (Estate Residential) and GC (General Commercial) to RZL (Zero-Lot-Line). Applicant also seeks modification of zoning condition (restriction of 55 and older Senior Living Center) for Parcel 14N27 080B [Case# 04-05-029, Resolution # 2004-R-053]. If rezoned the applicant proposes a 134-unit single-family residential development with attached and detached houses. Applicant also seeks concurrent variances to: 1) waive zoning buffers between interior parcels 14N27 080 and 14N27 080B; 2) to allow more than eight (8) dwelling units per acre on parcel 14N27 080B; 3) reduce minimum building setback along Lower Bethany Road; 4) reduce minimum building setback along Ball Ground Highway; and 5) allow RZL dwelling units to have minimum five (5) foot side building setback.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the request for a zoning modification to the RM-16 tract will only be heard by the Board of Commissioners, not the Planning Commissioners. He explained that they will only be reviewing the request for RZL, including all concurrent variances.

Dr. Whiteside stated that the acreage listed in the application was not clear as to what is being requested for rezoning. Mr. Chapman explained that this may be because the applicant included the entire development acreage instead of the acreage only for the proposed RZL portion of the site. He also explained that the GIS maps are showing a smaller piece of property detached from the larger piece which is still platted as part of the site, which may also affect the acreage listed in the application.

Tom Ware asked if the RM-16 zoning allows for townhomes. Mr. Chapman stated, yes, but they are subject to the requirements of the RTH zoning district. Mr. Chapman also explained that the applicant is requesting an increase in the allowed density for the townhomes in RM-16.

Dr. Whiteside asked when the site was rezoned to RM-16. Mr. Chapman said the property was rezoned to RM-16 in 2004. Dr. Whiteside also questioned the costs for installing a traffic signal at an intersection. He questioned if the proffered condition by the applicant to provide \$100,000 for future intersection improvements to Ball Ground Highway and Lower Bethany Road would cover the costs to complete an intersection improvement. Mr. Chapman stated that he will check on this.

Mr. Chapman stated the requested concurrent variances were to remove internal zoning

buffers, reduce building setbacks, specifically from Ball Ground Highway and Lower Bethany Road, and to allow for homes to be situated on a lot 5-feet from the side property lines for the proposed RZL portion of the development, instead of 0-feet on one side. Lee Lusk asked if the other nearby properties received variances to the setbacks from Ball Ground Highway or Lower Bethany Road. Staff explained that they will need to research if the larger setback requirement was enforced in 2005-2006, when those subdivisions were rezoned.

Mr. Chapman mentioned that the applicant included a hydrology report with the application to show that the proposed development has adequate water service.

Tom Hill asked if the side building setback variance request is for the proposed RZL portion of the development. Michael stated, yes.

Dr. Whiteside asked if the other subdivisions located nearby required a traffic study. Staff explained that the two that he may be referring to were rezoned in 2006 and staff would need to find the original file to see if a study was completed. Dr. Whiteside expressed concern about all of the neighborhoods converging on one intersection and the amount of traffic that could be created from the new development. Tom Ware agreed with this concern. Mr. Chapman explained that the River Brooke Subdivision, located south of the site and across Ball Ground Highway, is one development that may have required a traffic study, since it has over 200 residential lots. Chairman Whitaker stated that the original traffic study may be out of date.

Richard Weatherby questioned if a second entrance would be required based on the total number of lots proposed. Mr. Chapman explained that a development needs at least 150 proposed dwelling units to trigger a traffic study. Mr. Chapman explained that the applicant is proposing 134 total lots (69 in RM-16 and 65 in RZL). Tom Hill explained that the engineering report referenced many more lots than what the application has proposed. The applicant, Kevin Seifert, responded to this discrepancy by stating that the engineering report might be referring to the total number of lots allowed on the site under the current zoning. He further explained that while the current zoning of the site allows for 146 dwelling units, their application is proposing 134 dwelling units. Mr. Seifert also explained the intent for providing the hydraulic study with the application.

Tom Ware asked if the RM-16 portion of the site was reserved for age-targeted residents. Jeff Watkins stated, yes. Mr. Chapman explained that the applicant is requesting this zoning condition to be removed by the Board of Commissioners. Lee Lusk stated the allowed density for the RM-16 portion of the tract may allow for age-targeted apartments. He asked if the applicant was proposing less. Staff stated, yes. Chairman Whitaker clarified that the applicant is not proposing to down-zone the RM-16 property. He explained that they are only proposing townhomes that would not be age-targeted.

5. Case # 20-04-012 Windsong Properties – (BOC District 2)

Applicant seeks to rezone 13 acres from NC (Neighborhood Commercial) to RZL (Zero-Lot-Line). If rezoned, the property may be developed as an age-restricted active-adult community of fifty-four (54) single-family detached homes. The applicant also seeks the following concurrent variances: eliminate the buffer adjacent to the existing commercial zoning; reduce the front setback from twenty (20) feet to ten (10) feet; adjust the RZL development standards setback from zero (0) feet from the property line to five (5) feet from

property line with ten (10) feet between structures; to allow a street to terminate without a cul-de-sac; reduce the southern buffer from thirty (30) feet to twenty (20) feet; and reduce the rear setback from twenty-five (25) feet to fifteen (15) feet.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the property is located in the Neighborhood Village Node and that the applicant is trying to acquire property from the private school located to the south.

Chairman Whitaker asked if the Engineering or Fire Departments made any comments about the applicant's request to remove a required cul-de-sac. Staff stated that no comments have been made regarding this from either department, but that he would check with them before the public hearing. Chairman Whitaker confirmed that the area, in question, was located near proposed lots 16 and 17. Staff confirmed, yes.

Tom Ware questioned why the need for the buffer variance adjacent to the corner gas station property. Staff explained that the request may be required since there are two access easements shown on the property that serve the commercial lot.

6. OTHER BUSINESS

Richard Weatherby mentioned that a piece of property located at 1185 Lower Birmingham Road has been recently cleared and the owner appears to be parking large trucks and equipment on the property. He stated the zoning of the property is Agricultural (AG) and believes the owner is not using the property in accordance with the zoning ordinance. Mr. Chapman explained that the Marshal's Office would need to be contacted to visit and investigate the site.

ADJOURN

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for April 7th, 2020.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:43 p.m.