



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

JOINT PUBLIC HEARING MINUTES

June 2, 2020 – 7:00 PM
Cherokee County Administration Building
Conference Center
Canton, Georgia

The Cherokee County Planning Commission and Cherokee County Board of Commissioners held their regularly scheduled joint public hearing on Tuesday, June 2, 2020 in the Conference Center 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; Thomas Trawick, Planner; and Tamala Davis, Planning Technician.

The meeting was called to order at 7:00 p.m.

Mr. Ware made a motion to approve the March 3, 2020 Public Hearing Minutes. Seconded by Mr. Smith. Motion passed 9-0.

Ms. Tressler made a motion to approve the March 16, 2020 Work Session Minutes. Seconded by Dr. Whiteside. Motion passed 9-0.

Mr. Chapman stated Case #20-05-013 Avin, Inc. has been postponed at the applicant's request until the July Public Hearing.

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.

Applicant revised application on February 05, 2020 seeking to rezone from R-40 (Single-Family Residential) to GC (General Commercial). The applicant proposes a landscaping service or other similar use allowed in GC.

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

Chris Comer represented this case. Mr. Comer stated due to the road expansion he is no longer planning to move his business to this location. He stated he feels it is not economically feasible to leave the property zoned residential and is seeking to rezone to commercial.

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 of GC zoning. Seconded by Mr. Ware.

Ms. Doss stated she would rather see a NC (Neighborhood Commercial) zoning at this location.

Mr. Whitaker stated he agrees that this is not a residential piece of property anymore and would offer an amendment to the motion to limit access to the Highway 20 side. He stated he feels commercial traffic on Bill Bagwell could be a problem.

Mr. Lusk stated they don't have a left in or a left out of the property and he feels limiting the access would be more dangerous for drivers trying to turn onto Highway 20 and would rather not make this a zoning condition.

Ms. Doss stated they have already cleared around the creek and feels there should an amendment added to no outside storage and no overnight parking allowed.

Mr. Whitaker stated he would withdraw the amendment to limit access to Highway 20.

Mr. Lusk stated with all the buffers, it would be hard to fit a building on the property and feels this property is suitable for a parking area.

Ms. Doss stated they worked for hours to get the storage units at Macedonia to be located behind the building and screened to get everything hid from view and this would be opening this back up.

Mr. Lusk stated what if they limit the parking to the back side of the creek along Bill Bagwell side and not on the Highway 20 side. Ms. Doss stated she would be okay with that.

Ms. Doss stated she would offer an amendment to outside storage to the back of the building and to limit the storage.

Mr. Whitaker stated how about any outside storage to be fully screened from view.

Mr. Chapman wanted clarification if they are referring to the existing building or proposed building. Mr. Weatherby stated it sounds like the proposed building is not going to happen.

Mr. Whitaker stated we have a motion to recommend approval of GC zoning by Mr. Weatherby and Mr. Ware. He stated any outside storage or parking must be visually screened. Motion passed 8-1. Ms. Doss opposed.

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

Applicant is requesting to rezone 3.27 acres at 2818 Highway 92, 2840 Highway 92 and 2884 Highway 92 from R-20 (Single Family Residential) to GC (General Commercial) for RV and Boat Storage.

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

Benson Chambers represented this case. Mr. Chambers stated this is three (3) different tracts in which the western property is the Casey Painting office and was approved under the Highway 92 Overlay several years ago. He stated the middle tract is a residence and the resident intends to live there and do not intend any changes to these two (2) locations however it made sense to go ahead and rezone the entire property commercial for economic reasons. He stated the primary change at this time is for the 2.09-acre tract to the East with the residential structure to be utilized for RV and Boat Storage. They do not plan to do anything at this time with the residential structure and are aware that if it is used it will have to be brought up to commercial standards. He stated the entire property would be fenced with a secure access gate and plan to have a 40 foot landscaped area that is required by the Ordinance. He stated that the biggest concern from the public meeting is they did not want to see it, so they would like some type of screening to block from view from the Highway and from other structures. He discussed the surrounding zoning, uses and future development map. He provided a map to the Board of Lake Allatoona and provided a list of all campsites, campgrounds, marinas and boat launches. He stated within four (4) miles of this property is 22 of these locations and feels RV and boat storage is a perfect use for this community.

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

Mr. Whitaker closed public comment.

Mr. Ware made a motion to recommend approval. Seconded by Mr. Lusk.

Ms. Tressler stated the vision for this area has been worked on extensively and the vision was prior to this application and feels they should follow what was determined for this location.

Dr. Whiteside stated the proposed use is inconsistent with the plan and feels the General Commercial use needs to be consistent with the plan. He stated he would like to offer an amendment to the motion that the General Commercial is consistent with the Southwest Cherokee Plan.

Mr. Ware asked does this mean boat storage and vehicle storage would not be allowed within this plan. Dr. Whiteside stated based on the plan, that would be the case. Dr. Whiteside read the comments provided by Ms. Stallings stating this proposed use is inconsistent with the vision of the Southwest Cherokee Plan.

Discussion ensued among the members regarding the uses and the vision of the Southwest Cherokee Plan.

Mr. Ware stated if the amendment will not allow the applicant to use the property as he requesting then he will not accept that amendment.

Mr. Whitaker stated we will move forward with the motion to recommend approval.

Mr. Whitaker asked what kind of buffers are required for this property. Mr. Chapman stated 40 foot landscaped strip along the front and 35 foot landscaped zoning buffer to the East side and rear of the property.

Five (5) members in support of the recommendation for approval. Four (4) opposed. Ms. Tressler, Mr. Smith, Dr. Whiteside, and Mr. Hill opposed.

Case #20-04-010 Christopher E. Comer (BOC Dist. 1)

Applicant is requesting to rezone 4.96 acres at 9423 Cumming Highway from AG (General Agriculture) to GC (General Commercial) and LI (Light Industrial) for offices, sales floor, shop space for a tree service and landscape supply yard. In addition, a trailer and equipment sales and rental company is proposed.

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

Chris Comer represented this case. Mr. Comer stated he would like to move his tree service and trailer sales business to this location. He stated the R-80 zoning that is located behind him is Bristol Timber Company that has big trucks and equipment coming in and out. He stated he has to apply for the industrial zoning due to the renting of trailers not being a permitted use in commercial. Mr. Comer stated he plans to remodel one of the existing chicken house buildings and use as a screen so the back of the lot would be for parking while the front of the lot would be for trailer sales. He stated he would add fencing and other screening if required and would be open to a condition to limit the LI zoning to small equipment rental.

Mr. Ware stated he read on one of Mr. Comer's sites that he has 200 trailers in stock along with sky buckets, dump trucks, bobcats, commercial dumpsters, etc. Mr. Ware asked how many pieces' total would be stored on this property. Mr. Comer stated he would be moving all of it to this property and would store some inside and some outside. Mr. Ware asked how many pieces of equipment would be stored on the property that is in addition to the trailers. Mr. Comer stated about 50. Mr. Ware stated the site says you have a mulch making operation. Mr. Comer stated they are not going to be doing that anymore, that there will be no mulch sales. Mr. Ware stated the site also says they do concrete demolition. Mr. Comer stated they do not do that and he will remove that from the website.

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

Mr. Whitaker closed public comment.

Ms. Doss stated when this first came to them she thought it was a tree service but feels this is so much more than that. She stated the tree service is actually secondary to the business. She stated this is too large and is not sure if this is even appropriate for industrial zoning when it stated limited storage. She stated there is no industrial zonings in this area and this application is not in compliance with the land use plan. She stated she feels this is too large of an operation and is not appropriate for the area.

Mr. Lusk stated his only concern is the assisted living that is adjacent and would like the applicant to provide a landscape buffer.

Ms. Tressler stated there is no industrial zoning in this area and is not in compliance with the land use plan.

Discussion ensued regarding the use of the property, primary use and industrial zoning versus commercial zoning.

Mr. Whitaker discussed tabling the application to give staff further time to research permitted use under commercial zoning as it relates to rental of equipment like Home Depot and Lowes.

Mr. Lusk stated could they make a motion to approve for GC zoning. Mr. Chapman stated you could and they would be limited to what is allowed in the permitted uses table for GC zoning.

Mr. Lusk stated he would like to try and make this work under GC zoning. He stated they could add conditions such as 1) no dumpster rentals or sales, 2) no concrete waste on site, 3) no mulch sales, 4) screening provided on the west side of the property, 5) no medium or heavy duty storage/truck rentals and 6) trailers sales only be located on parcel 062 (west side), while the eastern portion be for his other uses.

Mr. Chapman read off the permitted uses that would need industrial zoning.

Mr. Lusk stated he feels industrial zoning is appropriate for this location and would take each case presented on an individual basis.

Dr. Whiteside stated to clean up the property and restoring the stream bank buffers will be a challenge and cost the applicant a lot. He stated if they could look at this as more of a general commercial zoning with the applicant willing to do his rentals elsewhere along with taking on the challenge to retrofit the site to make it usable, he feels they should consider a commercial zoning.

Ms. Tressler stated this is a very good point and concurs with Dr. Whiteside. Mr. Hill agrees.

Mr. Weatherby made a motion to recommend approval of GC zoning. Seconded by Ms. Tressler.

Ms. Doss stated are we going to allow the chicken houses to stay. Mr. Whitaker stated would you like to discuss that. Ms. Doss stated she has not thought about this being commercial, she thought this was going to be a tree service.

Mr. Lusk stated he has been driving by this property for years and feels it is an eyesore and is excited about something good happening. He stated he thought one of the chicken houses would be renovated with new siding and a new roof and the other will be removed.

Ms. Doss asked Mr. Comer does he plan to keep the rentals at his current location. Mr. Comer stated, yes it will stay there. Ms. Doss stated she thought the reason he was moving the rental to this location was due to the existing site not being properly zoned since it is zoned commercial. Mr. Whitaker asked if it was a non-conforming use. Mr. Chapman stated it is definitely non-conforming. Ms. Doss stated this is not a grandfathered use at the current location. Ms. Tressler stated she thought Mr. Comer said the equipment rental was on a LI tract in Forsyth County. Mr. Whitaker stated that was only the dumpsters.

Ms. Whitaker asked Ms. Doss would she like a condition to the motion that the tree service activities to be effectively screened year round.

Motion passed 8-0. Ms. Doss abstained.

Case #20-04-011 Kevin Seifert (BOC Dist. 1)

Applicant is requesting to rezone 31.825 acres at Lower Bethany Road from R-80 and GC to RZL for a single family residential development. Applicant also seeks concurrent variances to 1) waive zoning buffers between interior parcels 14N27 080 and 14N27 080B; 2) reduce minimum building setback along Lower Bethany Road and Ball Ground Highway to 35 feet; 3) allow RZL dwelling units to have minimum five (5) foot side building setback.

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

Kevin Seifert represented this application. Mr. Seifert stated this is consistent with the area and land use plan. He stated they are proposing a 65 residential lot development that will be under three (3) units per acre. He stated it is adjacent to an RZL development and an existing RM-16 development. He stated they are also submitting an application to the Board of Commissioners for modification to zoning conditions for the eight (8) acre parcel adjacent on the northwest. He stated the combined 31 acres will have a total of 134 units and will reduce the density as it is currently zoned. Mr. Seifert discussed the concurrent variances, the concerns from the Public Input meeting regarding the intersection and the contribution of \$100,000 for a future roundabout.

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

Mr. Whitaker closed public comment.

Mr. Ware made a motion to recommend approval of RZL along with approval of the four (4) concurrent variances with the condition for the contribution of \$100,000 for improvements to the intersection of Lower Bethany Road and Ball Ground Highway. Seconded by Ms. Doss. Motion passed 8-1. Mr. Weatherby opposed.

Case #20-04-012 Windsong Properties (BOC Dist. 2)

Applicant is requesting to rezone 13 acres at 3075 Trickum Road 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 the 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.

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

Parks Huff represented this case. Mr. Huff stated this application is consistent with the land use plan and provided a powerpoint to the Board on senior housing, demographic data, along with home photographs. He stated senior housing is needed in this area and discussed the surrounding uses and zoning. He stated Windsong focuses on the buyer and provides photographs of inside the homes. He encouraged the County to adopt a senior housing ordinance, provided a traffic report to the Board of one of their communities and discussed who their buyers will be.

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

R. E. Davis spoke in opposition. Mr. Davis stated his property backs up to this property and asked why the buffers are less since the December meeting that was held.

Mr. Huff stated the buffer variance they are requesting is on the south side that is adjacent to the Christian school, he noted the buffer adjoining the residential will be the required buffer of twenty (20) feet from the Ordinance.

Jason Wiren spoke in opposition. Mr. Wiren discussed his concerns with the buffers and thought they should be larger.

Mr. Huff stated they would like to get Mr. Davis and Mr. Wiren contact information to discuss the buffers.

Mr. Whitaker closed public comment.

Ms. Tressler made a motion to recommend approval of RZL with the condition that the development will be an age-restricted community that is in compliance with Federal Fair Housing Act along with approval of the concurrent variances. Seconded by Mr. Smith. Motion passed 8-1. Mr. Weatherby opposed.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Smith. Motion passed 9-0. The meeting adjourned at 9:45 p.m.