



**Approved 7-2-2019**

**CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION**

**WORK SESSION MINUTES**

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

**June 17, 2019  
6:30 p.m.**

Planning Commission Members Present: Bob Whitaker (Chairman), Dr. Rick Whiteside (Vice-Chairman), Marla Doss, Richard Weatherby, Tom Ware, Tom Hill, Scott Barnes, and Lisa Tressler

Planning Commission Members Absent: Ken Smith

Planning and Zoning Staff Present: Michael Chapman (Zoning Manager), Jeff Watkins (Planning and Zoning Director), 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 pm.

**ZONING & SPECIAL USE PERMIT APPLICATIONS:**

**1. Case #19-04-004S Gary and Christi Bagley (BOC District 1) - *(Tabled at the June 4<sup>th</sup>, 2019 Planning Commission Public Hearing)***

Applicant is seeking a Special Use Permit to allow internet truck sales. The property is approximately 3.921 +/- acres.

Mr. Chapman summarized the decisions of the Planning Commission at their June 4<sup>th</sup>, 2019 regular meeting regarding the Rezoning and Special Use Permit applications for property located at 11911 Cumming Highway Canton, GA 30115. Mr. Chapman explained that the Planning Commission recommended denial for the requested GC (General Commercial) district and recommended an alternative NC (Neighborhood Commercial) district. Since a used car sales business is not a permitted use in the Neighborhood Commercial (NC) district, Mr. Chapman explained that the Planning Commission tabled consideration of the Special Use Permit application until the July 2<sup>nd</sup>, 2019 meeting to allow the Board of Commissioners a chance to vote on the matter. Staff explained since the Board of Commissioners convenes prior to the Planning Commission public hearing, the Planning Commission will be able to acknowledge either approval or denial of the requested GC zoning. If denied, the Special Use Permit application becomes invalid and

should be withdrawn by the applicant from further consideration. The Planning Commission held a public hearing for the Special Use Permit application at their May 7<sup>th</sup>, 2019 meeting.

**2. Case # 19-02-005 CNW Holdings, Inc. (BOC District 3)**

Applicant is requesting to rezone property located at 887 Mt. Carmel Church Lane Canton, GA 30114 from AG (Agricultural) to R-60 (Estate Residential) for a 112 single-family lot subdivision. Additionally, the applicant seeks variances to Table 7.1A to reduce the required side building setback from 40 feet to 15 feet and to reduce the required minimum lot width from 110 feet to 100 feet.

Mr. Chapman summarized the case and the previous decisions of the Planning Commission and the Board of Commissioners. Staff explained that the case was previously submitted to rezone the property R-40, which was recommended for denial by the Planning Commission. The application was then postponed for consideration by the Board of Commissioners to allow the applicant time to amend the site plan and zoning conditions to address some concerns raised at the public hearing. The applicant amended their site plan on April 29<sup>th</sup>, 2019, which sought to request an R-60 zoning classification instead of an R-40 classification. Since the site plan was changed to reflect an R-60 zoning, the Board of Commissioners remanded the case back to the Planning Commission for consideration. Staff explained that the amended application includes a reduction in the number of lots from the previous request, and two concurrent variances have been included as well.

Tom Ware began the discussion and explained that the request seems similar to an R-40 zoning district as previous requested; especially with the two concurrent variances included in the amended application. Dr. Whiteside asked how many lots were being proposed. Mr. Chapman explained that the previous request was for 119 lots and the current request shows 112 lots. Dr. Whiteside expressed his concerns regarding the shared driveways, the septic on the site, and the depth of some of the lots. He asked staff if the lots were still proposed to include septic, to which Mr. Chapman stated yes. Tom Ware questioned how many lots might be established if the requested variances are denied. Marla Doss asked if the applicant expressed a hardship regarding the requested variances. Mr. Chapman shared the submitted Applicant Response Statement and explained that he would forward the documents to the Planning Commission Members. Discussion ensued regarding the proposed site plan.

**3. Case # 19-07-016 Noah Sanders – (BOC District 3)**

Applicant is requesting to rezone 1.04+/- acres located at 1898 Marble Quarry Road Canton, GA 30114 from R-40 (Single-Family Residential) to R-20 (Single-Family Residential) to subdivide the existing parcel into two (2) lots and to build a house when sewer becomes available.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant wishes to construct a new house on the additional lot. He explained that the Planning and Zoning Department was informed by the applicant that the property owner would be able to install a septic system on the additional lot. Staff confirmed with Environmental Health and the applicant that this is not likely. Staff explained that given the size of the lot, septic is not able to be approved by the Environmental Health Department. Staff continued stating that the applicant wishes for his

application to move forward to public hearing while he continues to work on bringing sewer to the site. Staff explained that the nearest sewer access points were located in two Holly Springs neighborhoods close to the proposed site.

Chairman Whitaker asked in the case the applicant was able to bring sewer to the site, would the utility cross county and city boundaries. Staff explained that the sewer line would have to be approved by the Cherokee County Water and Sewer Authority. Tom Ware asked if the Planning Commission should hear the case since the lot is not currently able to be served by septic or sewer. Scott Barnes agreed with Mr. Ware and stated that because of the septic issue, the proposed lot would be undevelopable. Chairman Whitaker explained that the Planning Commission may hear the case since the applicant has specifically requested to move forward.

#### **4. Other Business**

Chairman Whitaker asked the board members to review some proposed amendments to policy and to Article 18 of the Zoning Ordinance regarding applicant attendance at public hearings. He asked the Planning Commission members to find any conflict between the proposed language and Article 18 of the Zoning Ordinance. Chairman Whitaker provided some recommendations to the proposed language to provide flexibility for the Planning Commission to decide how to handle cases where the applicant is absent.

Jeff Watkins provided the Planning Commission members information on proposed changes to the Conservation Subdivision ordinance. Mr. Watkins explained that the reason for changing the ordinance was to fix some of the issues brought up by the Planning Commission, the Board of Commissioners, and staff. Mr. Watkins asked the Planning Commission to review the proposed changes and to provide comments by the July 2<sup>nd</sup>, 2019 meeting date.

#### **ADJOURN**

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for July 2<sup>nd</sup>, 2019.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:30 p.m.