



CHEROKEE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

Approved 10/1/2019

September 3, 2019 – 7:00 PM
Cherokee County Administration Building
Cherokee Hall

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, September 3, 2019 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Ken Smith, Dr. Rick Whiteside, Lisa Tressler, Richard Weatherby, Tom Hill, Bob Whitaker, Marla Doss, and Scott Barnes. In attendance for Cherokee County Planning Staff were Jeff Watkins, Planning and Zoning Director; Michael Chapman, Zoning Manager, Tamala Davis, Planning Technician; and Thomas Trawick, Planner.

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

Case #19-04-004S Gary R. Bagley and Christi C. Bagley (BOC Dist. 1)

Applicant is requesting a special use permit to allow internet truck sales at 11911 Cumming Highway.

Michael Chapman stated the applicant has requested this case be postponed.

William Hansard of Lipscomb, Johnson, Sleister, Dailey & Smith, LLP stated the rezone request was postponed by the Board of Commissioners at their meeting earlier tonight and he requests the Special Use Permit be postponed also until the October 1, 2019 Public Hearing.

Mr. Barnes made a motion to postpone this case until next month. Seconded by Mr. Smith. Motion passed 9-0.

Case #19-09-019 Orchards at Canton (BOC Dist. 1)

Applicant is requesting to rezone 28.61 +/- acres at 4272 Cumming Highway and 4298 Cumming Highway from AG and R-80 to RA for an age-restricted community consisting of 110 single-family dwelling units.

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

Howard Carson represented this case. Mr. Carson stated this is their 3rd age restricted development in Cherokee County. He stated they are proposing 110 homes with 98 attached homes. He stated the development would have a clubhouse, pool, exercise room, and catering kitchen. He stated they have requested two (2) zoning conditions, 1) age restricted and 2) In agreement with the Forest Creek HOA, they have agreed to give them the same 50-foot undisturbed buffer along the common property line. He discussed the history of the Orchards Group and stated they have been working on this project for eighteen (18) months. He stated two (2) adjoining property owners have agreed to give sewer easements across their property. He provided a rendering of the site plan, noted this is a low intensity use and will have no impact on traffic problems nor schools.

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

Mr. Whitaker closed public comment.

Mr. Hill stated the applicant is asking for a density of 3.84 units per acre and the recommended density is 0.5 to 1 unit per acre. He stated there was another rezoning in the past near this location that did not get an approved recommendation from this Board that was requesting RZL zoning with 3.51 units per acre. He stated he cannot support this application.

Mr. Ware stated they approved an R-40 zoning in the immediate area not too long ago and this development backs up to an R-40 zoning. He stated he feels it's their responsibility to protect the integrity of the land use plan and cannot support this application.

Ms. Tressler stated she agrees and cannot support this application.

Ms. Tressler made a motion to recommend denial. Seconded by Mr. Hill.

Mr. Whitaker stated he agrees with the comments however, the change in State Route 20 will bring substantial changes to this corridor. He stated one of the things it is likely to bring is commercial development and all kinds of intense development. He stated even though this project is twice the amount of what the land use plan allows, we are on the perimeter of the node and age restricted developments are less intense.

Motion passed 7-2. Ms. Doss and Mr. Whitaker opposed.

Case #19-09-020 Cumming Highway Storage (BOC Dist. 1)

Applicant is requesting to rezone 9.53 acres at 7222 Cumming Highway from R-80 to GC for a single story self-storage facility and commercial out-parcel for a retail or commercial use.

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

Parks Huff of Sams, Larkin, Huff & Balli, LLP represented this case. Mr. Huff stated the property owner has tried selling the property for several years and has not had any luck due to the road widening project. He stated this location is not an AG zoned area any longer and is a more intense area and recreational area. He provided zoning map showing other commercial zonings along the road, a site plan along with the design perspectives. He stated this would be all indoor storage, no RV or boat storage. Mr. Huff noted they have met with all adjoining neighbors and discussed their concerns with lighting and security. He stated this would be a low intensity use, that does not create a lot of traffic.

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

Dr. Whiteside asked Mr. Huff what the intended use would be for the out parcel. Mr. Huff stated it would be for either office or retail uses. He stated they would be fine with some restrictions on certain uses. Dr. Whiteside stated the Stormwater pond on this site would drain to the neighbor's pond to the west. Mr. Huff stated they provided them all of the information and they will comply with all Stormwater requirements.

Mr. Ware asked if there would be any outside storage. Mr. Huff stated, no all inside storage. Mr. Ware asked for confirmation on the storage buildings not being seen from Georgia Highway 20 (Cumming Highway). Mr. Huff provided a drawing and Mr. Stever Tetherton, Engineer stated this will be a fortress style design meaning that all building will help to provide a barrier. He indicated where the fencing will be located, landscaping

and how the buildings will be facing. Mr. Ware asked if this application is approved, will they agree to a condition that these buildings cannot be seen from Highway 20. Mr. Tetherton stated yes. He stated they will try to retain as many of the trees on site as they can.

Mr. Barnes asked if the one (1) acre parcel will be leased for someone to build. Mr. Tetherton stated they are not sure, he stated the intent was to leave it open for some kind of future demand.

Ms. Doss asked would they accept NC (Neighborhood Commercial) for this front parcel. Mr. Tetherton stated they would like to keep it the same zoning as the storage facility just in case they might want to expand in the future. Ms. Doss stated she would feel better if she knew what was going there. Ms. Doss asked if they would consider doing some evergreens on this parcel until they decide what they are going to do with the lot. Mr. Huff stated, yes.

Ms. Tressler asked if operating hours will be 24/7. Mr. Tetherton stated the office hours is typically 9 am until 5 or 6 pm in the afternoon. He stated access is typically restricted from 7 am in the morning until 8 or 9 pm. He stated even with the gate code they cannot access after-hours. Ms. Tressler asked if they plan to have lighting on throughout the night. Mr. Tetherton stated they are mounted on the walls and they shine down, that is only about 6 or 7 feet above the ground. He stated he is not sure what the requirements will be for the front parking lot. He stated all the lights will be facing the interior.

Mr. Weatherby asked if they would be okay for a condition that the out-parcel not be allowed to have any type of automotive business. He stated they would limit this anyway and they would be okay with this condition.

Mr. Whitaker closed public comment.

Dr. Whiteside stated he is uncomfortable with an undetermined use and would be more comfortable with a NC (Neighborhood Commercial) zoning. He stated he does not understand how the 10' landscape strip will help with the storage buildings not being seen and feels the landscape strip needs to be larger. He also stated no outside storage allowed and the hours of operation would need to be discussed if this application moves forward.

Mr. Barnes stated he is not really opposed to it due to the park across the street. He stated he feels this fits for this location.

Ms. Doss stated she is not too favorable to storage units but when the park was planned the County planned on having commercial all across the front. She stated she the County originally was going to put commercial on the front of the park property and feels if the County can do it then she is not against a citizen requesting commercial.

Mr. Weatherby made a motion to recommend approval with the following conditions: 1) No automotive repair/sales on outparcel; 2) No outside storage anywhere on the site; 3) No access doors visible from Highway 20; 4) Restrict public access to hours of 7 am to 9 pm; and 5) Provide landscaping screen on north side of Building L. Seconded by Mr. Barnes. Motion passed 9-0.

Case #19-09-006S Jacob Washer (BOC Dist. 3)

Applicant is requesting a special use permit at 5113 Holly Springs Parkway for a used automobile dealership.

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

Jacob Washer represented this case. Mr. Washer stated this is a small family owned dealership and will mainly be internet sales. He stated the property has 13 parking spaces and he will not have a lot of inventory on site.

Dr. Whiteside asked Mr. Washer is he currently selling cars on this site. Mr. Washer stated, no. Dr. Whiteside asked if he recently purchased the property. Mr. Washer stated he leases the property. Dr. Whiteside stated it appeared some car sales was taking place on this property. Mr. Washer stated that was the previous property owner.

Mr. Ware asked Mr. Washer how many cars would he have on this site at any given time. Mr. Washer stated Eight (8) at the most. Mr. Ware asked would he be okay with a condition of no more than ten (10). Mr. Washer stated, yes.

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 recommendation to approve the application with the following conditions: 1) Limited to 10 cars for inventory; 2) Hours of operation is limited to Monday thru Saturday, 8 am to 5 pm; 3) The Special Use Permit granted herein shall run concurrent with the Occupation Tax Certificate granted to Jacob Washer at 5113 Holly Springs Parkway, Canton, Georgia 30115; 4) New freestanding signs shall be limited to a copy area of sixty four (64) square feet and shall be monument style constructed of brick, stone, stucco or a combination of these materials that is compatible with the primary building on the site. They shall have a maximum height of ten (10) feet; 5) A maximum of two (2) wall signs shall be allowed for the existing building. The allowable sign area shall be limited to one (1) square foot of copy area per (1) lineal foot of wall. Wall sign(s) shall not exceed three (3) feet in height; 6) No banners, wind-activated devices, streamers, tethered balloons, or other inflatable signs or figures shall be permitted on the property; 7) No signs shall be permitted which are installed in or affixed to walls, structures, or other objects in the right-of-way; and 8) Any new structure or building additions shall use façade materials and colors similar to the existing building on the property. Seconded by Dr. Whiteside. Motion passed 9-0.

Case #19-09-007S Foresite Group, Inc. (BOC Dist. 4)

Applicant is requesting a special use permit for property located at 6184 Highway 92, 6192 Highway 92 and 5523 Bates Lane for an automotive body shop. Applicant also requests a concurrent variance to Article 8 of the Zoning Ordinance and the Bells Ferry Community Design Guidelines to allow for parking in the first (front) and second (middle) lot layers of the property.

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

Connor Paton, EIT of Foresite Group represented this case. He stated this use is compatible with the nearby developments and the intensity of this site is consistent with other nearby commercial properties. He stated they do plan to keep all bay doors shut and estimate 8 to 10 cars coming by each day. He discussed the variance request as it relates to the location of the parking. Mr. Paton stated the only parking visible from Highway 92 would be the 13 spaces at the front on the northwest corner. He stated all other parking would be behind a fence and landscaping. He stated they have worked with Planning and Zoning Department to come up with a façade that will work for this area that will be mainly brick and glass with no bay doors facing any of the right-of-ways. He stated they will also be installing a six (6) foot opaque fence to meet county standards.

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

Mr. Whitaker closed public comment.

Mr. Weatherby made a motion to recommend approval of the special use permit and approval of the concurrent variance. Seconded by Mr. Barnes.

Ms. Tressler stated that she would like to include the conditions to provide a 30' landscaped buffer that will provide a year round visual screen to residential properties to the South and that all bay doors will remain closed during normal business operations. Motion passed 9-0.

Other Business

Jeff Watkins discussed the amendments to Zoning Ordinance Article 23, Conservation Design Community. Mr. Watkins stated he made the amendments from comments at the last Work Session. Mr. Whitaker thanked Mr. Watkins and staff for the hard work on making the amendments and helping them to understand the implications on changes through this process.

Dr. Whiteside made a motion to accept the amendments to Article 23 and to move these amendments onto the Board of Commissioners for a Public Hearing. He also stated he would like to express gratitude to staff for listening to their comments and incorporating these into the amendments. Seconded by Mr. Hill. Motion passed 9-0.

Mr. Hill made a motion to approve the August 6, 2019 Public Hearing Minutes. Seconded by Mr. Weatherby. Motion passed 9-0.

Mr. Weatherby made a motion to approve the August 19, 2019 Work Session Minutes. Seconded by Dr. Whiteside. Motion passed 9-0.

Mr. Chapman reminded the Planning Commission of their next work session on September 16, 2019.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Barnes. The meeting adjourned at 9:13 p.m.