



CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION
WORK SESSION MINUTES
Approved 1-7-2020

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

December 16, 2019
6:30 p.m.

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

Planning Commission Members Absent: Ken Smith

Planning and Zoning Staff present: Michael Chapman (Zoning Manager) 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.

ZONING & SPECIAL USE PERMIT APPLICATIONS:

1. Case #19-12-027 Kevin Seifert/Pacific Group, Inc. – (BOC District 4)

Applicant seeks to rezone property located at Elwin Ragsdale Way from R-40 to RD-3 for 69 single family residential homes. The case was tabled by the Planning Commission Board at the December 3rd, 2019 Public Hearing.

Mr. Chapman introduced the case and summarized the staff report. He explained that the Planning Commission Board voted to table a decision for the case at their December 3rd, 2019 Public Hearing, to encourage the applicant to consider other options for the proposed residential subdivision. The Planning Commission discussed the Future Development Map Designation for the property which is stated as Suburban Growth.

The Planning Commissioners asked if the property owners for the site were directly involved with making changes to the Comprehensive Plan? Michael Chapman explained that the property owners for the site were not directly involved in amending the Comprehensive Plan to his knowledge. Mr. Chapman stated that the applicant would not be presenting any changes to the proposed subdivision at the January 7th Planning Commission meeting.

Mr. Chapman stated that the Planning and Zoning Department has received letters of

support for the application, and one letter in opposition. Discussion ensued among the Planning Commissioners about the letter in opposition. The author of the opposition letter had concerns about anticipated traffic and density of the proposed subdivision. Chairman Whitaker asked to see the Future Development Map on the computer screen.

Mr. Trawick pulled up the Future Development Map on the screen and discussion ensued among the Planning Commissioners regarding density in relation to the Comprehensive Plan. Chairman Whitaker asked if the Planning Commission Board had the authority to recommend changes to the Future Development Map? Mr. Chapman responded, yes.

Tom Hill mentioned that there was a natural barrier along the northern and eastern sides of the property and that this could provide an appropriate separation in land uses that promote conflicting residential density.

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

Applicant seeks to rezone property located at 13494 Cumming Highway from R-40 (Single-Family Residential) to LI (Light Industrial). The applicant proposes a tree service, landscape supply yard, and trailer and equipment sales and rental.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant currently owns and operates Chipper LLC at a location in close proximity to the subject site. Mr. Chapman explained that the property owners have started storing equipment on the property without obtaining the appropriate zoning classification or necessary approvals from the County. Mr. Chapman explained that the Marshal's Office has visited the site regarding this.

Tom Ware asked staff how much equipment is currently stored on the property, to which Mr. Chapman stated that there were dump trucks and tree trimming equipment parked on the property. He was unable to answer exactly how much equipment has been stored on the property.

Mr. Chapman explained that the applicant is also interested in purchasing property located elsewhere on Cumming Highway. He explained that when the applicant purchased the property, in question, he was unaware about the Hwy 20 road widening project by the Georgia Department of Transportation (GDOT). Marla Doss questioned how the business would be able to park all of the equipment and leave room for customer parking with a stream on the property, the topography changes and the road widening impacting the useable area of the site? Mr. Chapman explained that the applicant might be able to address her question at the Public Hearing.

Chairman Whitaker wanted to confirm that there was a stream on the property to which Mr. Chapman responded, yes. Chairman Whitaker expressed some concern about how the business will look on the property when compared to the existing business currently operating. Discussion ensued among the Planning Commissioners about possible environmental concerns and regulations.

Dr. Whiteside questioned how large the current property was where the business is operating? Staff was unable to answer but would follow-up with the Planning

Commissioners. Tom Hill asked if the applicant was proposing to leave the existing house on the property to which Mr. Chapman responded, yes.

Chairman Whitaker asked staff if LI (Light Industrial) zoning was supported by the Neighborhood Village Character Area in the Comprehensive Plan. Mr. Chapman stated, no, and that the most intensive district supported by the Character Area is GC (General Commercial).

3. Case # 20-01-002 Jenny Kirby – (BOC District 4)

Applicant seeks to rezone property located at 7981 Ball Ground Road from AG (General Agriculture) to GC (General Commercial). The applicant proposes retail sales of refurbished furniture and a feed and seed store. The applicant seeks concurrent variances to Article 7 – District Uses and Regulations to waive the requirement for commercial landscape strips and to Article 10 – Buffer Requirements to waive the requirement for zoning buffers.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant is seeking a rezoning of the property and is also asking for approval of two variances. Mr. Chapman explained that the applicant currently owned property located directly adjacent and north of the subject site. He explained that the building was once a commercial business, but has not operated for at least two years. Because of this, the property has lost grandfathered status as a commercial business on AG-zoned property.

Mr. Chapman explained that the applicant acknowledged the need to rezone the property to commercial after receiving a stop work order from the county for renovating the existing building without a permit. Mr. Chapman explained that the rezoning request, if approved, would bring the property into compliance as a commercial business. He also mentioned that there were some other nearby commercial businesses such as a wedding venue located directly across the street.

Marla Doss asked if the Board could limit the site to only the requested use as a furniture and feed and seed store? Mr. Chapman stated that this is possible. Chairman Whitaker asked if the applicant would be required to bring the building and site up to commercial standards? Mr. Chapman stated, yes. He also mentioned that the property owner would be required to pave an ADA parking space on the site as well.

4. Case # 20-01-010S B&B Outdoors, Inc. – (BOC District 1)

Applicant seeks a Special Use Permit (SUP) in accordance with Cherokee County Zoning Ordinance Article 18, Section 18.4 in order to operate an Indoor Shooting Range and Training Center for property located at 2196 Reinhardt College Parkway.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the subject property was recently rezoned to GC (General Commercial) and that the property owner is seeking a Special Use Permit (SUP) to allow an indoor shooting range. Staff explained that the applicant has provided information in the application regarding sound barriers for the building. He further explained that the applicant would also be required to comply with all relevant OSHA and NRA standards. Discussion ensued

among the Planning Commissioners.

5. Case # 20-01-011S Big Door Vineyards, LLC – (BOC District 3)

Applicant seeks a Special Use Permit for a Farm Winery for property located at 125 Clearwater Trail and 235 Knox Bridge Highway.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant is requesting a Special Use Permit (SUP) to operate a farm winery and to seek approval for a number of conditions addressed in the Cherokee County Zoning Ordinance. Mr. Chapman explained that the applicant first began operating the property as an event venue which was previously allowed by-right on AG zoned property. He explained that the request for a Special Use Permit (SUP) is to allow the property to operate as a farm winery with additional allowances. Mr. Chapman explained that the Zoning Ordinance provides a list of conditions for those seeking to operate farm wineries. Mr. Chapman explained that the applicant is requesting approval for most, if not all, of the conditions listed in the Zoning Ordinance.

Dr. Whiteside asked if the request complies with what the applicant is currently doing on the property? Mr. Chapman stated yes, but explained that the applicant is also seeking approval to allow other uses to be incidental to the farm winery such as allowing food trucks and retail sales. Dr. Whiteside asked which uses are they specifically asking for? Richard Weatherby followed up on Dr. Whiteside's question and asked if they are asking to operate as a concert venue, among other things? Mr. Chapman asked the Planning Commissioners to refer to the application to understand what the applicant is requesting.

Lisa Tressler stated if all of the requests were approved, the property would not operate like a winery and may become more intensive in use. Chairman Whitaker explained that the reason the Board of Commissioners made changes to the ordinance regarding farm wineries was because the Zoning Ordinance did not have any specific conditions regarding commercial uses associated with farm wineries on AG-zoned property. Discussion ensued among the Planning Commissioners about incidental uses that may be allowed to operate on the property, such as events with outdoor loudspeakers and a full commercial kitchen.

Chairman Whitaker asked staff if the Marshal has been out to the site regarding certain events? Mr. Chapman responded, yes. Tom Ware asked the Chairman if the Planning Commissioners would need to address each request of the applicant separately? Chairman Whitaker stated this may be possible, and asked the other board members to be prepared to address each item at the Public Hearing.

Lisa Tressler asked staff how the state regulates serving wine in relation to Cherokee County? Mr. Chapman explained that the County appears to be more restrictive than the state, but would follow-up with the Board with more information.

Dr. Whiteside expressed some concern about the size of the property. He questioned if the property would be large enough for the proposed business? Marla Doss asked if the use was allowed to be located on AG-zoned property and if it was allowed in a platted subdivision? Staff mentioned that the use would be allowed if the applicant met all

requirements of the Zoning Ordinance. Dr. Whiteside expressed concern that the business is starting to operate more intensive than what the county previously permitted for the site. Discussion ensued among the Planning Commissioners about what may be sold on the property.

Lisa Tressler asked staff if the farm winery and the special event facility would be required to each be located on at least 5 acres? Mr. Chapman stated that the principal use is considered a farm winery. Discussion ensued among the board members regarding hours of operation.

Lisa Tressler mentioned that there is an adjacent property owner that is concerned about the use of the subject property. She explained that there was a previous variance application for the property from 2017 where the business, at that time, was presented as a winery. Marla Doss asked staff if any conditions applied from the 2017 variance case? Mr. Chapman stated that he would look into it and follow-up with the Board.

6. Case # 20-01-012S Mary Stone – (BOC District 1)

The applicant is seeking a Special Use Permit for a Special Event Facility for property located at 1044 Arnold Spence Road. The applicant proposes a wedding venue.

Mr. Chapman introduced the case and summarized the staff report. Mr. Chapman explained that the applicant currently owns and operates another event venue two properties down from the subject site called Greystone Estates. He explained that on the subject property, there is an existing house and several chicken houses. Staff explained that it was unclear as to how the existing house will be used, but mentioned that some of the chicken houses will be removed and some renovated to be associated with the business. Staff explained that the applicant proposes to limit events to weekends, or somewhere between 30-50 times a year, among other conditions. Lisa Tressler mentioned that it might be important to consider limiting the operation of the event venue to weekends only.

Marla Doss asked when the first wedding venue nearby received approval? Mr. Chapman explained that the first venue was permitted by-right when it was established. He further explained that new event venues now require a Special Use Permit if located on AG-zoned property.

Dr. Whiteside asked if the applicant wishes to operate until 11 p.m. to which Mr. Chapman responded, yes. Chairman Whitaker questioned if this meant all operations would cease by 11 p.m. or just the main events? Mr. Chapman explained that the Zoning Ordinance requires all operations to cease at that time.

Tom Ware stated that there were some concerns from the Community Information and Input Meeting (CIIM) about helicopter rides associated with the event venue. Mr. Chapman was unable to address whether or not the applicant wishes to incorporate helicopter rides for the wedding venue.

ADJOURN

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

There being no further business, Chairman Whitaker adjourned the Work Session at 7:37 p.m.