

**Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, May 1, 2012
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, May 1, 2012 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, members Thais Escondo, Betty Callahan, Scott Barnes, Charles Kirby, Garland Stewart, Elizabeth Semler and Tom Hill. Rick Whiteside was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

Chairman Bob Whitaker called the meeting to order at 7:03 p.m.

Case #12-03-003 House 81 Eleven, LLC requesting to rezone 3.28 acres from AG to OI. If rezoned, the property will be utilized for professional offices. The property owned by Donna L. Johnson and Lisa M. Shultz is located at 8111 Bells Ferry Road in Land Lots 361 and 362 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 027 and 028 on Tax Map 15N02.

Ms. Lee presented the case. Ms. Lee gave the surrounding zoning, future land use designation and discussed staff comments. Ms. Lee stated that she received no letters of support or opposition. She noted that the existing building would be required to retrofit to commercial building standards. Ms. Lee stated that Engineering's comments stated the existing driveway would need to be converted to the Cherokee County standard for Non-Residential Driveways and this requirement would include a deceleration lane, radius improvements and possibly a left turn lane if warranted by a traffic study.

Donna Johnson and Lisa Schultz represented this case. Ms. Johnson stated that in this rezoning they would like to take approximately 12-14 of their employees from their existing corporate office and expand to the Bells Ferry location. She stated the business includes real estate titles, acquisitions and they do have attorneys on staff. Ms. Johnson noted that most everything they service is over the internet so they will not have a lot of customers or clients coming and going.

Ms. Schultz stated they would be working Monday thru Friday, no nights and no weekends. She noted that this lot is a little over 3 acres and is secluded from the other neighbors.

Ms. Escondo stated that the rezone application includes both parcels 27 and 28 and asked why they are requesting parcel 27 in this rezone request with this property going deeper down Faye Road.

Ms. Johnson stated for some reason they were not combined at the time of purchase and they had intended for them to be one (1) lot. Ms. Johnson stated they would like to expand the parking lot and add lighting but unsure if they would do this on the back lot however, they would still like for this parcel to be included in the rezone.

Mr. Whitaker asked if there was anyone to speak in support or opposition. There being none, he closed the public hearing.

Ms. Escondo stated that she understands this property has been used commercially under the current zoning, but the issue she has is with the depth of the property onto Faye Road. She stated she is uncomfortable with putting an OI zoning in the middle of an AG zoned area with residential uses and feels this would create spot zoning. Ms. Escondo noted that rezoning this rear parcel to OI would create a burden on the property owners that expect this to be Agricultural across the street.

Mr. Kirby stated this property was previously being used commercially as a furniture store and discussed some other commercial properties in the area. Mr. Kirby stated there is not much you can do with this property other than what is being proposed. He stated it is too big for a residence and not big enough for a commercial use. He stated it would be appropriate to the area but his concerns are the location to Bells Ferry and the safety of making turns in and out.

Ms. Lee discussed Engineering Department's comments regarding a decel lane being required and pending a traffic study if they would be required to have a turn lane as well.

Mr. Kirby asked if the determination of a turn lane would be from GDOT.

Ms. Lee stated that this is not a GDOT road it is a County road.

Mr. Stewart made a motion to recommend approval with the conditions that the applicant is to work with Cherokee County Engineering Department on a traffic study to determine what will be needed for roadway improvements and with the understanding that the existing driveway and parking would need to comply with the Development Standards.

Seconded by Mr. Kirby. The motion passed 7-1, Ms. Escondo opposed.

Case #12-05-004 Chris Moore requesting to rezone 7.3 acres from AG to GC. If rezoned, the property will be utilized for RV/Boat Storage. The property owned by Chris Howell is located at the intersection of Knox Bridge Highway and Willie West Road in Land Lot 16 of the 21st District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 120, 115A and 115B on Tax Map 22N12.

Ms. Lee presented the case. Ms. Lee gave the surrounding zoning, future land use designation and discussed staff comments. Ms. Lee stated that she received no letters of support or opposition.

Chris Moore represented this case. Mr. Moore stated his intentions are to put together an aesthetically pleasing RV and Boat storage facility with a privacy fence along Highway 20 as well as anything else that may be done to accommodate anyone who may be opposing this request. He stated currently it is zoned AG (Agricultural) and is being used as a landscape business with large tractors, things of that nature, etc. and is confident this proposal would

have less of an environmental impact. Mr. Moore stated there has been a rear entrance added to this property because it was originally built up to commercial standards with the intention to later be zoned commercial. He stated there are several commercial entities near this area and a few other storage facilities as well.

Mr. Whitaker asked if there was anyone to speak in support.

Chris Howell spoke in support. Mr. Howell stated that he is the property owner and he stated after he purchased the property he had to build out the radius onto Willie West Road to accommodate semi-trucks entering and exiting. He stated they had looked at accel/decel lanes and it was not possible due to the fall off so it came to moving the entrance from Highway 20 to Willie West Road to accommodate any big trucks.

Mr. Whitaker asked if there was anyone to speak in opposition.

John Armstrong spoke in opposition. Mr. Armstrong stated he lives at 755 Willie West Road and they do have neighbors in attendance tonight opposing this request as well as some that could not make it to the meeting. He stated that this is a very dangerous intersection and had numerous fatalities on this road. Mr. Armstrong stated that this property has gone from residential to a big landscaping business with a large gravel parking lot. It is not kept up or the grass has not been cut is just a huge eye sore. He stated he heard Staff note that this parcel falls within the scenic corridor and feels this property looks horrible with the piled up crates and dirt piles. Mr. Armstrong stated he sees a need for storage, however, he does not know that this is the right location for it. He stated it is a safety hazard to enter and exit at this intersection.

Jan Smith spoke in opposition. Ms. Smith stated that she lives at 345 Willie West Road and it is very hard to get onto Willie West Road from Highway 20 currently. She stated there are plenty of commercial and storage lots currently that are not being fully utilized. She stated there are children that live down Willie West Road and it is not safe with all the traffic. Ms. Smith stated she would like to know if this would increase their taxes and what other commercial could possibly be allowed. She stated she doesn't feel this is something that is really needed and request this application be denied.

Mr. Moore spoke in rebuttal. He stated that the biggest concern they would need to address is the safety concerns. He stated he is confident that this proposal would create less traffic than as currently zoned. Mr. Moore stated that he is trying to turn this lot around to make it look better.

Mr. Whitaker discussed the purpose of a public participation meeting.

Mr. Whitaker asked what the applicant was proposing for the back of the property.

Mr. Moore stated most of the property would be used for storage. He noted the building in the back would be indoor storage.

Mr. Whitaker closed the public hearing.

Ms. Escondo asked Staff regarding this being a non-conforming use with the landscaping company.

Ms. Lee stated there was a time that a landscaping business was a permitted use within the AG (Agricultural) zoning district. She noted that they did go through the development review process.

Ms. Escondo asked Mr. Armstrong would he rather see this application denied or would he rather see some conditions placed on the property.

Mr. Armstrong stated for him the biggest issue is the ingress and egress.

Ms. Escondo stated that this is spot zoning in the middle of Agriculture and supports Staff recommendation.

Mr. Whitaker asked Staff if she was aware of why access was allowed from Willie West Road.

Ms. Lee stated that she was not involved with technical review at that time and she could certainly research this to see why. She stated she would like to add that our code does call for a fence to be set inside the buffer with vegetation between the fence and the exterior property lines, so if done properly you would not see the fence.

Mr. Whitaker stated that on one side you have a property that is carved up, that is not pretty and will not get pretty without a significant amount of work and probably the only way to get this done is to allow something else, however on the other side safety is a big issue and sees this specific use as a significantly more dangerous use.

Ms. Escondo stated safety is a big issue.

Mr. Stewart noted that if this application is approved these road improvements could cost anywhere from \$100,000 to \$150,000.

Mr. Hill stated he has two issues with this proposal, the safety concerns and with this proposal not complying with the existing land use map or the future development map.

Mr. Barnes made motion for denial. Seconded by Mr. Stewart. Unanimous 8-0 for denial.

The last item on the agenda was the approval of January 3, 2012 Public Hearing Minutes.

Mr. Whitaker made a motion to approve the January 3, 2012 Minutes. Seconded by Ms. Callahan. Unanimous approval.

Mr. Hill made a motion to adjourn. Seconded by Mr. Barnes. Unanimous approval.

The meeting adjourned at 7:52 p.m.