

**Cherokee County Planning Commission  
Public Hearing Minutes  
Tuesday, January 6, 2015  
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, January 6, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Chairman Bob Whitaker, members Thais Escondo, Rick Whiteside, Bill Dewrell, Scott Barnes, Richard Weatherby Gerald Hill and Tom Ware. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:25 p.m.

Mr. Whitaker recognized Tom Hill, Betty Callahan and Garland Stewart and thanked them for their service to the County.

Two (2) new Planning Commission members, Mr. Ware and Mr. Hill were sworn in by Mr. Jeff Watkins.

**Case #14-12-025** Ridgeline Land Planning, Inc. requesting to rezone 42.871 +/- acres from R-80 and NC to R-20. If rezoned, the property will be utilized for a residential subdivision. The property owned by Perimeter Group Corporation and D. T. Beasley is located on Bailey Road in Land Lots 435, 436 and 501 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 143 and 164 on Tax Map 02N03.

This case was postponed until next month at the request of the applicant.

**Case #15-01-001** Bethany N. Butler requesting to rezone 5.33 acres from R-40 to AG. If rezoned, the property will be utilized for a horse pasture. The property owned by David G. Nugent is located off Red Gate Drive on Red Gate Trail in Land Lots 1203 and 1204 of the 3<sup>rd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 082A, 082B and 082C on Tax Map 03N18.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated she received no letters in opposition or in support of this petition. Ms. Lee stated this application is consistent with the Future Development Map.

Bethany Butler represented this case. Ms. Butler stated they have a very large barn setting on less than 12 acres. She stated they purchased the adjoining land to have more usable property for the horses.

Mr. Weatherby asked if there was livestock being kept in small barn and if she plans to keep this small barn.

Ms. Butler stated horses are not kept in this small barn and actually is currently being used as storage.

Mr. Ware asked if the fenced area next to the house is part of the rezone request.

Ms. Butler stated part of this is her property and part is not.

Mr. Whitaker asked if there was anyone to speak in support of or in opposition to this application. There being none he closed public comment.

Ms. Escondo asked for clarification on staff comments and previous rezone. Ms. Lee stated they discussed these, however, it would not affect this property.

Mr. Dewrell made a motion to approve. Seconded by Dr. Whiteside. Unanimous approval.

**Case #15-01-002 Blue Ridge Mountain Recovery Center** requesting to rezone 39 acres from AG to OI. If rezoned, the property will be utilized for a residential treatment center. The property owned by Riverwoods Behavioral Health, LLC and Acadia Riverwoods, LLC is located at 1380 Howell Bridge Road in Land Lots 143 and 146 of the 3<sup>rd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and indicated as Parcels 014 and 014A on Tax Map 03N01.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. She stated a public participation meeting was held with 13 in attendance. She stated the primary concerns were property values, safety, noise and the possibility of including conditions on the rezoning addressing these concerns. Ms. Lee stated the home and guest house has a total of twenty bedrooms, ten full baths and two half baths. She stated the residential counseling center is currently a legal non-conforming facility and at the time the facility opened in 2011 the Code allowed this type facility in AG. She stated when the facility filed to expand their facilities they were informed a rezoning of the property would be required.

Ms. Lee stated this application is not consistent with the Future Development Map designation of Country Estates, but does fit in the suggested secondary uses of semi-public and institutional uses.

Jeff Rusbridge represented this case. Mr. Rusbridge passed out a picture and a list of proposed conditions to each of the members. He stated they held two (2) public participation meetings in attempt to hear the concerns of the community. He stated they are not requesting a new use but to continue an existing use. Mr. Rusbridge stated this facility opened almost 3 years ago and has a large converted home on 39 acres. He stated the use can continue however they have no right to expand and are limited to use. He stated as a legal non-conforming use they could not rebuild if natural disaster occurs. He stated they believe this is appropriate due to the location of the property with I-575, the residential facility being in a residential setting and the conditions they are willing to place on the property. He discussed further these stipulations relating to future expansion and no expansion of services, residential character of property and noise concerns.

Bill Anderson, CEO of Blue Ridge Mountain Recovery Facility came forward to speak on the services they provide. Mr. Anderson stated they have no desire to change any of the services they provide right now. He stated they are a 35 day maximum treatment center, residential in nature on purpose, sub-acute withdrawal symptoms (3-5 days) and provide a treatment plan which is going to group and counseling sessions. He stated they cannot change any of their services without going through the State.

Mr. Whitaker asked if there was anyone to speak in support of or in opposition to this application.

Fred Bentley, Jr. spoke in opposition. Mr. Bentley, Jr. stated he is representing the Bryant's who are adjoining property owners to this facility. He stated he disagrees that this development is a valid non-conforming use and states at the time this use came along we had a standard group home definition with no more than 6 individuals. He stated this facility now houses 50 individuals and proposing to house an additional 24. He stated that does not make it non-conforming. Mr. Bentley, Jr. also stated that it is a drug treatment facility which requires a specific hearing. He stated this has caused his client tremendous detriment. He stated they are licensed with the State as a drug treatment facility and this is not appropriate for this area and it should have been shut down. He noted that it is not in compliance with the Future Development Map and property values have dropped substantially due to the opening of this institution. He stated there is no security, no control and people have been wandering around the neighborhood. He stated they are required by law to bring a Constitutional Challenge and have provided this for the file.

Judd Hall spoke in opposition. Mr. Hall stated the property is about 800 feet from where the Future Development Map would allow OI zoning. He stated he would like a copy of the conditions provided by Mr. Rusbridge that had not been provided to any of the adjoining property owners. He stated this has been a drug treatment center from the beginning and could not find any documentation where it was not disclosed that it was a drug treatment facility.

Tonya Hunter spoke in opposition. Ms. Hunter lives at 209 West Sky and is right next door to this facility. She stated no one ever contacted them to inform them of this facility going in next to them. She contacted the Director and met with both the Director and the CEO of the facility, toured the facility and saw the changes made to the property. She discussed her concerns with the noise and decrease in property value. She stated this is more like a commercial facility and asked the Board to deny this request.

Mr. Rusbridge spoke in rebuttal. He stated they are attempting to resolve the inconsistency that you have with the non-conforming use and there is no other way to do it. He stated they are requesting to continue the uses legally.

Mr. Whitaker closed public comment.

Mr. Ware stated he would like to know a little more about the security on site. Mr. Anderson stated their staff does a head count every 15 minutes from 3:30 p.m. to 8 a.m. in the morning. Mr. Ware asked what is the average stay for a patient. Mr. Anderson stated 29 to 30 days on average.

Dr. Whiteside asked if these are nurses who check. Mr. Anderson stated these are certified addiction counselors they are not security guards. He stated this is a voluntary program.

Mr. Hill asked if the patients have vehicles. Mr. Anderson stated sometimes they do drive their vehicle to the property however they do not have access to them while they are being treated.

Mr. Barnes asked if the patients can go anywhere on the property. Mr. Anderson stated they are limited to the main house, lower house and the recreational areas.

Mr. Barnes asked if they are informed that they can only go in these certain areas and is there a buffer to protect the adjoining properties. Mr. Anderson stated yes, they do try to inform the patients of the areas however there are some instances where they went beyond these locations. He stated there are buffers and the clients

are not to go into the woods. He stated they would like to provide additional screening and buffers hopefully in the Spring.

Mr. Whitaker asked if they have thought about a barrier fence. Mr. Anderson stated there is a fence up now, but they have not discussed adding additional fencing. Mr. Anderson stated he would be willing to look at some additional fencing and barriers.

Mr. Barnes asked if there are any plans to move the recreational areas to the other side of the property. Mr. Anderson stated no, they are very limited to this property and they obtained approval from the County at its current location.

Ms. Escondo asked what is the current bed capacity. Mr. Anderson stated 50 and they would like to expand to 74. He stated they received approval from the State for the 50 however they did not know it would fill up so fast.

Mr. Whitaker asked where the next building will be located. Mr. Anderson stated there is only one place in the middle of the property to locate a building.

Mr. Whiteside asked for clarification on sub-acute addiction. Mr. Anderson stated the State calls it sub-acute detox but really it is sub-acute withdrawals where they can provide medication to the patient so they don't get as sick however they cannot do IV's.

Mr. Dewrell asked how many full time employees did they have when they opened in 2012 and how many do they have now. Mr. Anderson stated he knows they have 50 staff currently but not sure what the number was when they started. He stated they would need to add an additional 5 to 7 staff for the extra patients.

Ms. Escondo asked Staff have they not chosen to expand or increase could this facility still be allowed to operate as is with the 50 patients they have under their current permit. Ms. Lee stated yes, they can still operate even if they are denied this rezoning for the expansion.

Mr. Ware stated he is concerned about the security aspect and cannot support this rezone request.

Mr. Whiteside stated he is having a hard time understanding why we are looking at 39 acres for 24 additional beds.

Mr. Whitaker stated with any non-conforming use, any change in status that exemption disappears.

Ms. Escondo stated she could not support this rezone request.

Mr. Weatherby made a motion to deny. Seconded by Mr. Hill. Unanimous approval.

In other business, Mr. Dewrell made a motion to approve the December 2, 2014 Minutes. Seconded by Dr. Whiteside. Unanimous approval.

Mr. Weatherby made a motion to adjourn. Seconded by Dr. Whiteside. Unanimous approval. The meeting adjourned at 8:20 p.m.