

**Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, February 3, 2015
7:00 p.m.**

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, February 3, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Thais Escondo, Rick Whiteside, Bill Dewrell, Scott Barnes, Richard Weatherby, Gerald Hill, Ken Smith and Tom Ware. Bob Whitaker was not in attendance. In attendance for Cherokee County Staff were Jeff Watkins, Director; Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:05 p.m.

One new Planning Commission member, Mr. Smith was 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 2nd District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 143 and 164 on Tax Map 02N03.

***The applicant requested this case be postponed until next month.**

Case #15-02-003 Peter Pauline requesting to rezone 0.4 acres from NC to GC. If rezoned, the property will be utilized for auto leasing. The property owned by Peter Pauline is located at 11582 Cumming Highway in Land Lots 891 and 910 of the 3rd District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 064 on Tax Map 03N23A.

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

Peter Pauline represented this case. He stated he has owned this property since 2006 and the home was originally built in 1909. He stated he has completely renovated this structure and brought up to County code. He stated there was a chiropractic office here for 3 years and he did not realize the limitation of uses within the NC (Neighborhood Commercial) zoning district. He stated the size of the property does limit the uses that could be done on this parcel.

Mr. Ware asked the applicant who will be operating the business and when will the business open.

Lewis Dewberry came forward to speak. Mr. Dewberry stated he has been affiliated with a car business for over 20 years and he is hoping to have a small rental car enterprise for him and his wife. He stated he would like to have at least 10 to 15 used vehicles to lease to the neighborhood. Mr. Dewberry stated there are 3 offices in the home and there is a small lot in the back. If approved, he would like to open in mid-April or early May. He noted that the parking lot will hold about 12 cars.

Mr. Whiteside asked if there was anyone to speak in favor or in opposition to this request. There being none, he closed public comment.

Ms. Escondo asked staff if this property and the adjacent properties came before requesting GC zoning and were given NC zoning. Ms. Lee stated this property requested NC zoning in 2007 however she did not look up information on the adjoining properties.

Ms. Escondo asked if this was consistent with the future development map. Ms. Lee stated it was consistent with the Neighborhood Village but not the character area of Country Estates.

Ms. Escondo asked if this property would accommodate the parking required in the development standards. Ms. Lee stated they would have enough space to the back of the property.

Ms. Escondo asked the applicant do they intend to have fuel pumps on this site. Mr. Dewberry stated no.

Mr. Barnes asked the applicant about the 8 parking spaces shown on the site plan presented. Mr. Dewberry stated there is actually enough space for at least 12 cars. Mr. Barnes asked if there will be any car maintenance. Mr. Dewberry stated no.

Dr. Whiteside wanted to make sure the applicant was aware that if this building was torn down or if something happened to this building, new construction would have to comply with the current commercial building standards. Dr. Whiteside stated you need to operate with what you have.

Mr. Pauline stated he has no intentions of tearing down the building, that this is a historic building and has intends to leave it like it is.

Dr. Whiteside informed Mr. Dewberry that you cannot do car repair. Mr. Dewberry stated he was aware of this.

Mr. Barnes made a motion to recommend approval with the condition of a maximum of ten (10) vehicles.

Ms. Escondo stated this would be limiting the applicant on what they are asking for.

Mr. Dewrell stated he would rather limit the use rather than limit what he could do with the use.

Mr. Dewrell asked Mr. Dewberry how many cars were planned on site. Mr. Dewberry stated no more than 15 vehicles.

Dr. Whiteside asked Mr. Barnes would he consider restricting fleet vehicles to the back of the property. Mr. Barnes stated yes he agrees with that so they don't have these out front and along the highway.

Ms. Barnes asked to add staff's recommendation regarding uses.

Mr. Barnes restated his motion to recommend approval of this application with the following conditions: (1) limitation to not exceed 15 fleet vehicles that are to be parked in the back of the business (2) exclude the uses of auto service, self-storage and drive-thru restaurants. Seconded by Mr. Weatherby. Unanimous approval.

Case #15-02-004 Hendon/Brand Eagle Drive, LLC requesting to rezone 2.95 acres from NC to GC. If rezoned, the property will be utilized for commercial uses. The property owned by Hendon/Brand Eagle Drive, LLC is located on Eagle Drive in Land Lot 937 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Part of Parcel 144 on Tax Map 15N05.

***The applicant has withdrawn this application.**

Case #15-02-005 Harry White requesting to rezone 0.247 acres from R-80 to AG. If rezoned, the property will be utilized for residential uses. The property owned by Patricia and Harry White is located on Arbor Hill Road in Land Lots 912 and 961 of the 3rd District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 017 on Tax Map 03N23.

Ms. Vicki Lee presented this case. She discussed staff comments, location surrounding zoning and uses. She received no letters in support or in opposition to this petition. Ms. Lee stated this application is consistent with the Future Development Map and a public participation meeting was not required.

Christy Roper represented this case. Ms. Roper stated this is her parents property and there is one little section of this property is zoned separately. She stated they would like the property to be all zoned the same.

Dr. Whiteside asked if there was anyone to speak in support or in opposition to this application. There being none, he closed public comment.

Ms. Escondo made recommendation for approval. Seconded by Mr. Dewrell. Unanimous approval.

Case #15-02-006 Majestic Realty Co., c/o William Woodson Galloway requesting to rezone 26.3 +/- acres from GC to LI for warehouse/distribution and/or retail. The applicant is also requesting variances to Article 10, Buffer requirements. The property owned by Acworth Highway 92 Partners, LLC is located on Northpoint Pkwy in Land Lots 1206 and 1243 of the 21st District, 2nd Section of Cherokee County, Georgia and indicated as Part of Parcel 009 and Part of Parcel 005 on Tax Map 21N06.

Ms. Vicki Lee presented this case. She discussed staff comments, location surrounding zoning and uses. She received no letters in support or in opposition to this petition. Ms. Lee stated this application is consistent with the Future Development Map. She stated a public participation meeting was held with four (4) attendees. Ms. Lee stated they are also requesting variances to the buffers.

Mr. Woody Galloway represented this case. Mr. Galloway stated this property is located across from the Cabela's development. He stated they are seeking this rezone request from GC to LI to allow development of 340,000 square feet of warehouse distribution space similar to the development to the east of Cabela's. He stated it is consistent with the future development designation of workplace center. He stated as it relates to the internal buffers are within the development and the external buffers to the west and north is Corp of Engineer property. He stated they received approval from the Corps on the other development with replanting.

Ms. Escondo stated they have received two (2) site plans and asked the applicant what they are looking for. Mr. Galloway stated they are requesting to rezone the entire property on the application to LI however, a part of this application is property along the front that will remain commercial and will remain in the Overlay. He stated this property is too deep to develop entirely as GC but not deep

enough to develop as a big box development. He stated they have people currently waiting to rent space from Majestic.

Mr. Ware asked if the pine tree buffer on the western side will remain. He stated they will need to be a retaining wall in place and will provide landscaping before and after. Mr. Ware stated you will be taking out 35 feet pine trees and putting back 3 foot trees.

Mr. Ware stated he visited this site and they have 182 parking spaces with 30 employees. He stated on Building B they have 121 parking spaces shown with storage of 53 trailers. He stated this is a huge parking area for a distribution center. He stated if you pulled the building closer to Highway 92 and eliminated some of the parking spaces, you may not have to even get into the buffer.

Mr. Galloway stated Majestic knows what they are doing and they have been doing this a very long time. He stated they build buildings to last and do this for the long term.

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

Ms. Lee stated the reason you received 2 different site plans is the applicant was not clear if they would be able to retain all the uses of the Highway 92 Overlay. Ms. Lee stated you are not voting on the site plans, you are voting on the zoning and the land uses associated with Light Industrial zoning.

Ms. Escondo stated this will be where you want the LI uses and feels this could be a very good project.

Dr. Whiteside stated the board can recommend approval or denial of this request. The Board may also bifurcate the zoning request from the variance requests.

Ms. Escondo stated these buffers are internal buffers and they will have to get a letter from the Corp regarding the buffers adjoining them.

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

Case #15-02-007 SR Companies, LLC requesting to rezone 167.50 +/- acres from AG to R-40 and R-60. If rezoned, the property will be utilized for a residential subdivision. The property owned by Hayden Coleman, LLLP is located on Batesville Road in Land Lots 587, 588, 589, 590, 635, 636, 637 and 662 of the 2nd District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 132A and 132E on Tax Map 02N08.

***The applicant requested this case be postponed until next month.**

Dr. Whiteside made a motion to postpone the approval of January 6, 2015 Minutes until next month. Seconded by Mr. Weatherby. Unanimous approval.

Dr. Whiteside announced the results of the election of officers for 2015. Mr. Whitaker was reelected as Chairman, and Dr. Whiteside as Vice-Chairman.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval. The meeting adjourned at 7:55 p.m.