



Approved 4-2-2019

CHEROKEE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

March 5, 2019
Cherokee Hall 7:00 PM

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, March 5, 2019 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Ken Smith, Dr. Rick Whiteside, Bob Whitaker, Nicole Carbetta, Marla Doss, and Scott Barnes. Richard Weatherby was not in attendance. In attendance for Cherokee County Planning Staff were Jeff Watkins, Planning Director; Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; and Thomas Trawick, Planner.

The meeting was called to order at 7:20 p.m.

Case #19-03-007 Vision Warriors Church, Inc. (BOC Dist. 2)

Applicant is requesting to rezone 6.491 acres at 1709 Old Country Place from R-80 (Estate Residential) and R-20 (Single-Family Residential) to OI (Office Institutional) to allow a dormitory with a primary home, a detached garage, a chapel/assembly hall and a warehouse. The applicant also seeks a variance to Article 10, Table 10.1 Minimum Buffer Width Between Abutting Districts to reduce buffer from thirty (30) feet to twenty (20) feet to accommodate an existing building and improvements.

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

Ethan Underwood represented this case. Mr. Underwood stated that Vision Warriors is a facility that is a faith based ministry for people recovering from drug and alcohol abuse. He stated it is voluntary and is a membership based organization. He stated it is not a detox facility or a treatment facility. He discussed further the timeline of events and provided a slideshow of pictures showing what they have on the property. He stated they do not charge rent but do request a donation. He stated he feels the County has tried to change the rules on them several times.

Truth Graf spoke in support. She stated they are individuals in long-term recovery not drug addicts in treatment. She stated it has been 9 years and 11 months since she has needed to use alcohol or other drugs. She stated she is proud to be sober, working and paying taxes in Cherokee County. She stated they are working and living together in a safe, supportive, Christian environment.

Morris Cowan spoke in support. Mr. Cowan stated Vision Warriors received an award last year from United Way for their work in Fulton County. He stated the property was used for religious purposes in the past and feels the continuation in this capacity with Vision Warriors is a well-intended purpose for what the County originally approved.

Chris Everett spoke in support. Mr. Everett stated he is an alcoholic and has been sober for over 10 years. He stated this is an organization that gives men a hand up, not a hand out. He stated law enforcement has

never been called to the property and the property has been inspected by the Fire Marshal. He stated they have taken in people living in tents behind Home Depot and making these people productive citizens in Cherokee County.

Lawrence Freil spoke in opposition. Mr. Freil stated his concerns with the location, massive change to character area, increase in traffic, and high-density.

Caroline Hartog spoke in opposition. Ms. Hartog stated her concerns with the location. She stated Vision Warriors is doing the right thing, but in the wrong location. She stated Vision Warriors and the sellers knew the use could not change or expand. She stated they charge rent, they have large weekly events, and this increases traffic in the area.

Ed Hill spoke in opposition. Mr. Hill stated his concerns with parking. He stated he believes the existing property only supports 35 to 40 parking spaces, however the applicant claimed initially he had 100 parking spaces and now the revised plan shows 109 parking spaces. He discussed the driveway issues and stated this is a single lane driveway and is concerned with safety and traffic issues.

Tracey Hill spoke in opposition. Ms. Hill stated her concerns with increasing the size of septic, safety and compliance of codes for existing structures. She stated any expansion would need to meet health regulations.

Douwe Bergsma spoke in opposition. Mr. Bergsma stated his concerns with the number of people on this property, creation of spot zoning, use not being compatible with the area, values of surrounding property and that a non-conforming use should be temporary.

Robyn Zedach spoke in opposition. Ms. Zedach stated she lives near Vision Warriors and is now being interrupted by trash dumpsters, loud conversations and vehicle traffic. She stated this is a rural area and if this application is approved they would be living next door to 55 people. She is concerned how this would affect her property value.

Al Fox spoke in opposition. Mr. Fox stated his concerns with traffic, noise, not being compliance with land use plan and how this will affect property values.

Mr. Underwood spoke in rebuttal. He stated Vision Warriors has received no citations from Cherokee County on any noise violations. He stated the staff report indicates the roads are adequate for this use. He stated the building did obtain a certificate of occupancy 30 years ago and much of this would be grandfathered. He stated a dormitory has been on this property for 30 years and there has to be some feasible use. Mr. Underwood stated this would not affect property values or sale in the area. He stated this is a reasonable use for the property.

Mr. Whitaker closed public comment.

Mr. Ware stated he cannot support an OI zoning. He stated this surrounded by residential and cannot see putting an OI in a residential area.

Mr. Barnes stated this is not the right area and cannot support an OI zoning.

Dr. Whiteside stated the intended use is not what is being proposed now and he cannot support an OI zoning.

Mr. Hill stated he cannot support an OI zoning either. He stated the intent of the character area is to preserve primary residential nature.

Dr. Whiteside made a motion to recommend denial. Seconded by Mr. Smith. Motion passed 8-0.

Case #19-03-003S Vision Warriors Church, Inc. (BOC Dist. 2)

Applicant is requesting a special use permit to allow a dormitory with a primary home, a detached garage, a chapel/assembly hall and a warehouse/workshop. In addition, the applicant seeks the following variances: Article 7, Table 7.1A: Minimum District Development Standards to reduce the side building line setback from fifty (50) feet to twenty (20) feet; Article 10, Table 10.1 Minimum Buffer Width Between Abutting Districts to remove all internal buffers and Article 7, Section 7.7-18 Religious Institutions to reduce the fifty (50) foot buffer for Religious Institutions along residential zoned property to twenty (20) feet.

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

Ethan Underwood represented this case. Mr. Underwood stated the variances requested is for existing buildings. He stated the dormitory was approved and permitted. He stated a zoning change may not be necessary but we need to accommodate this use. He stated the dormitory was a permitted use up until the Ordinance was changed in April 2018.

Kurt Driskell spoke in favor. He stated he is a Pastor, father, business owner, addict and alcoholic that is in recovery. He stated there are no violations on the property and have provided 100% employment.

James Burns spoke in support. Mr. Burns stated September 2014 is his sobriety and was the hardest thing he ever had to do. He stated if it wasn't for Vision Warriors, he would not be here to speak today and would certainly not be the man he is today. He stated if this is not the right place, then where is the right place.

Dwight McCoy spoke in opposition. Mr. McCoy stated his concerns with the current use.

Dennis Martin spoke in opposition. Mr. Martin stated his concerns with density, traffic, property values, parking, safety of children in neighborhood and safety with this being a narrow road.

John Long spoke in opposition. Mr. Long stated he has been to these meetings for the last 2 or 3 years and appreciates how in depth the Planning Commission gets with each of the cases.

Mr. Underwood spoke in rebuttal. He stated they do feel the special use permit is appropriate.

Mr. Whitaker closed public comment.

Mr. Barnes stated he still has some of the same concerns and with this not being consistent with the land use plan, he cannot support this application.

Mr. Hill stated he feels these are two (2) different types of uses from what was previously at this location and what they are requesting now. He stated he cannot support this application.

Mr. Ware stated he has made several visits to this neighborhood and this is one of the best kept facilities in the neighborhood. He stated the outside of the facility is just as nice. He stated he is in support of the special use with several conditions.

Ms. Doss stated she visited the site today and agrees with Mr. Ware. She stated she feels fifty (50) people is too many, possibly a maximum of twenty (20) is more appropriate.

Dr. Whiteside stated he cannot support this use at this location.

Mr. Whitaker stated the use does not support this location and he cannot support.

Mr. Smith stated he feels this is a great thing they are providing but it is in the wrong location. He stated he cannot support this application.

Mr. Whitaker made a motion to recommend denial. Seconded by Mr. Hill. Motion passed 6-2.

Case #19-03-002S 6345 Hwy 92, LLC (BOC Dist. 4)

Applicant is requesting a special use permit for a used car dealership at 6345 and 6347 Highway 92.

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

Benson Chambers represented this case. Mr. Chambers provided a photograph of the property and was shocked to see all the commercial at this location on Highway 92. He stated the property is unique due to the widening of the road. He stated there are 3 tenants, an auto care center, appliance dealer and auto dealer with sales on internet. He stated the property is already zoned correctly and will not affect other surrounding properties. He stated there are other car dealers in the area.

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

Chris Dempsey spoke in opposition. Ms. Dempsey stated she is next door and shares the entrance on Highway 92. She stated her concerns with noise, outside arguments, impact on surrounding properties, selling cars with no license or permit and traffic coming into her property for access. She explained an incident that happened on the property.

Mr. Dempsey spoke in opposition. He stated he would like to see something successful at this location but he is not sure this will happen with what they have seen so far. He stated his concerns with access, traffic, selling cars with no license or permit.

Mr. Hill asked how much traffic comes through his parking lot. He stated they have put up cones to keep some traffic off their property. He stated the easement going to the back property was blocked off by the adjoining property owner, so now more people are coming onto their property.

Ben Vasseghi spoke in rebuttal. Mr. Vasseghi discussed the traffic issues and access issues. He stated he has discussed the issues with the adjoining neighbor. He stated he put up a fence because he was tired of all the traffic cutting through his property because they do not want to wait on the red light.

Mr. Whitaker asked whose cars are sitting out back behind the building. Mr. Vasseghi stated they are his cars because now they have a mechanic on site. He stated they move the cars to Marietta, Georgia to sell.

Mr. Whitaker stated he read the police report regarding a recent law enforcement incident at the property and someone was selling cars on this property. Mr. Vasseghi stated it was not him.

Mr. Whitaker closed public comment.

Mr. Ware stated he has concerns with traffic issues and this will only get worse.

Mr. Ware made a motion to recommend tabling the application for 30 days to allow the applicant to develop a definitive plan for traffic and this is to be worked out with the neighboring property owner. Seconded by Mr. Barnes. Motion passed 8-0.

Mr. Hill made a motion to approve the February 5, 2019 Minutes. Seconded by Mr. Ware. Motion passed 8-0.

Mr. Ware made a motion to approve the February 18, 2019 Work Session Minutes. Seconded by Mr. Barnes. Motion passed 8-0.

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Hill. Motion passed 8-0. The meeting adjourned at 10:30 p.m.