



**Approved 4-2-2019**  
**CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION**  
**WORK SESSION MINUTES**

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

**March 19, 2019  
6:30 p.m.**

Planning Commission Members Present: Bob Whitaker (Chairman), Dr. Rick Whiteside (Vice-Chairman), Marla Doss, Richard Weatherby, Tom Ware, Tom Hill, Nicole Carbetta, Scott Barnes and Ken Smith

Planning and Zoning Staff Present: Michael Chapman (Zoning Division Manager), Jeff Watkins (Planning and Zoning Director), Thomas Trawick (Planner).

Staff provided the Planning Commission with their packets containing staff comments.

Chairman Whitaker called the meeting to order at 6:30 pm.

**ZONING APPLICATIONS:**

**1. Case # 19-03-002S 6345 GA Hwy 92, LLC (BOC District 4) – (Continued from March 5<sup>th</sup>, 2019 Planning Commission Meeting).**

Applicant is requesting approval for a Special Use Permit to allow a used car dealership at an existing commercial property located at 6345 and 6347 Hwy 92 Acworth, GA 30102. The property is approximately 1.8 +/- acres.

Mr. Chapman reminded the Planning Commission that board continued the case to the April 2<sup>nd</sup>, 2019 meeting to allow the applicant and adjoining property owner to discuss issues regarding access. Staff explained that there was a concern regarding an installed fence over an existing easement allegedly directing traffic onto the adjacent property.

Nicole Carbetta confirmed that the two main issues from the case were regarding the thru traffic onto adjacent properties and large trucks parking on Hwy 92 delivering inventory to the site. Discussion ensued among the board members regarding the Special Use Permit (SUP) review criteria. Mr. Chapman reminded the board that no public hearing would be required at the April meeting since one was already conducted at the previous meeting. Tom Ware explained that he would prefer to see a written agreement between the applicant and the neighboring property owner with a solution to the traffic and access issue. Chairman Whitaker asked if a resolution to the traffic issue could become a

condition for SUP approval. Marla Doss also asked that if the condition was not being met, then the Special Use Permit could be revoked. Staff confirmed yes to both Ms. Doss and Chairman Whitaker. Scott Barnes raised a concern about including a condition for the trucks parking on Hwy 92 delivering inventory to the site. He said that most car dealerships stock their inventory this way and it would not be uncommon. Chairman Whitaker explained that if an issue regarding safety were to come from this, then the sheriff's office could help with enforcement.

**2. Case #19-04-008 Gary and Christi Bagley (BOC District 1)**

Applicant is requesting to rezone property located at 11911 Cumming Highway Canton, GA 30115 from R-40 (Single-Family Residential) to GC (General Commercial) for commercial truck sales. The property is approximately 3.921 +/- acres.

**Case #19-04-004S Gary and Christi Bagley (BOC District 1)**

Applicant is seeking a Special Use Permit to allow internet truck sales. The property is approximately 3.921 +/- acres.

Mr. Chapman introduced the case and summarized the staff reports. Staff mentioned that the applicant was proposing to sell commercial vans and box trucks. Mr. Chapman also explained that most sales would be primarily by appointment and online. Mr. Chapman explained the characteristics of the site which included a berm in the front of the property along Cumming Highway, commercial businesses located directly across the street from the site, and a residential property located to the west of the site. Staff mentioned that no significant buffer screening the adjacent residential property and the subject property was identified during the site visit.

Tom Ware explained that there was an agreement between the property owner and the residential property to the rear of the site restricting parking behind the existing building (to become an office for the used truck sales). Chairman Whitaker questioned how the Special Use process is effective towards regulating some uses like used car sales. Jeff Watkins explained that many uses, like used car sales, often do not require or propose any land disturbing activity and no improvements are made to existing property. He explained that county staff does not review plans for many of these uses who could potentially require additional landscaping, impose sign limitations, review exterior building materials, etc. Discussion ensued among the board members regarding conditions that could be included with some uses that require a Special Use Permit.

Marla Doss asked if the owner of the used car lot sells the property to somebody else, would the SUP be transferred to the next owner. Jeff Watkins explained that the Planning Commission can limit the SUP to the applicant or include a time limit as a condition if necessary. Nicole Carbetta asked if signage was regulated by a SUP. Staff explained that the underlying zoning district would determine the allowed signage unless the Planning Commission included a condition of approval. Marla Doss asked if conditions could be placed on the zoning or SUP application. Staff explained that it would depend on each individual case since the review criteria for zoning and SUP applications are different.

### **3. Case # 19-04-009 The Pacific Group, Inc. – Belmont Downs (BOC District 2)**

Applicant is requesting to rezone property from R-80 (Estate Residential) to R-40 (Single-Family Residential) for a single-family residential community consisting of 50 lots in a Conservation Design Community located at 9641 Cumming Highway Canton, GA 30115. Additionally, the applicant seeks a variance to Article 23 - Conservation Design Community to reduce the required minimum lot width from 95 feet to 75 feet. The property is approximately 116.2 +/- acres.

Mr. Chapman introduced the case and summarized the staff report. Staff went over the proffered conditions by the applicant as well as the requested variance. Staff explained that the request only pertained to the areas along the perimeter of the property, as identified on the submitted site plan, which made up a total of 116 +/- acres. He also mentioned that the applicant has proposed to limit the total number of homes to fifty (50). The applicant is currently allowed sixty-three (63) homes with the current zoning in place.

Tom Ware expressed a concern that the applicant is seeking a zoning district and is already asking for a variance to be able to not have to comply with the regulations of that zoning district. Dr. Whiteside confirmed that the road is already installed, the existing R-30 zoning towards the center of the property would remain, and sixty-three (63) lots were originally allowed but the applicant is requesting to limit the number of homes to fifty (50). Staff confirmed, yes to all statements. Dr. Whiteside stated that the property has been undeveloped for too long which has posed issues of safety and neglect to the site and surrounding area. Tom Ware stated that back when the property was rezoned, estate residential lots were being proposed whereas now, smaller lots are being proposed. He mentioned that in neighborhoods with both larger and smaller lots, the larger ones usually sell first. Jeff Watkins explained that the neighborhood was proposed to be gated and that no proposal has been submitted for the NC (Neighborhood Commercial) portion of the site along Cumming Highway. Staff also mentioned that no entrance was proposed on Dornell Road.

### **4. Case # 19-04-010 Abdel Mihyar (BOC District 4)**

Applicant is requesting to rezone property located at 5983 Highway 92 Acworth, GA 30102 from R-20 (Single-Family Residential) to GC (General Commercial) for a used car lot and sales office. Additionally, the applicant seeks a variance to Article 8, Section 8.10.4 (e) to locate the parking lot in front. Article 8, Section 8.10.4 (e) states, "Open parking areas shall be located at the Second and Third Lot Layers, except that Driveway aprons and drop-offs may be located at the First Layer." The property is approximately 0.45 +/- acres.

#### **Case # 19-04-005S Abdel Mihyar (BOC District 4)**

The applicant is seeking a Special Use Permit to allow a used car dealership. The property is approximately 0.45 +/- acres.

Mr. Chapman introduced the case and summarized the staff report. He explained that there may be similar conditions to consider regarding signage, landscaping, and screening as mentioned in a previous case discussion.

Tom Ware asked staff if the applicant was proposing to pave the front yard. Tom Hill responded yes based on the applicant's response statement. Chairman Whitaker asked if Cherokee County required certain paving standards for parking areas. Staff explained only for ADA parking. Chairman Whitaker stated he would like the applicant to explain what he means by paving the front of the site in detail.

Marla Doss asked staff if they needed parking for customers. Staff confirmed yes based on the parking standards in Article 12 of the zoning ordinance. Chairman Whitaker asked how the application was able to move forward without meeting the minimum lot size requirement of 0.5 acres for GC zoning. Jeff Watkins explained that the applicant still had a right to develop and use their property even though Georgia Department of Transportation widened Highway 92 and acquired a portion of the subject property. Scott Barnes expressed concern about the actual size of the lot and the limitations of placing a used car dealership on the site. He stated that even if the applicant does not obtain approval for the car dealership, but approval for the rezoning, he could still use the property for other commercial purposes. Discussion ensued among the board members regarding this. Ken Smith asked staff if the applicant were to be denied for the SUP but approved for the rezoning, would the zoning decision still stand. Staff confirmed, yes.

## **ADJOURN**

Mr. Chapman reminded the Planning Commission that their next regular meeting is scheduled for April 2<sup>nd</sup>, 2019.

There being no further business, Chairman Whitaker adjourned the Work Session at 7:30 p.m.