

White County Planning Commission

Regular Session

MINUTES

Monday, March 2<sup>nd</sup>, 2020

6:00 pm

White County Senior Center

1239 Helen Hwy, Cleveland, Ga. 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, Brad Ash, and John Yarbrough.

Staff: Harry Barton, John Sell, and Mercedes Dodd

- I. Call to Order: Chairman Thomas called the meeting to order.
- II. Invocation: Mr. Yarbrough gave the invocation.
- III. Review of Agenda- Chairman Thomas asked if there were any changes to the agenda. Chairman Thomas said there were no changes to the agenda. Chairman Thomas opened the regular meeting.
- IV. Review and approval of minutes of January 27<sup>th</sup>, 2020 and February 3<sup>rd</sup>, 2020- Motion made by Mr. Ackerman to approve the minutes; seconded by Mrs. Burke. Motion was unanimously approved.
- V. Land Use
  - i. **Application of Patricia F. Rottenberg** to request a conditional use permit on Hester Road, Cleveland, Georgia, 30528. Tax map and parcel 007-087. Total acreage is 5.00. Proposed use is to place in "Short Term Rental" program. Present use is A-1 Agriculture Forestry District.

The landowner, Patricia F. Rottenberg of 260 Hester Rd, Dahlonega, GA, 30533, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mrs. Rottenberg if she had anything she would like to add.

Mrs. Rottenberg stated that she would like to add that they are one of six applicants for short term rental, but she thinks their site has some benefits. She explained that she has been renting her other places in Dahlonega for some time and she gets questions like: how far are you from downtown Dahlonega and Helen, how far are you from wineries, how many stairs do you have, how steep is the access, and do you allow pets. Mrs. Rottenberg stated that this property is seventeen minutes from downtown Dahlonega, nineteen minutes from Helen, within ten minutes of six wineries, she will have three stairs at max with a very level driveway that a non-four wheel drive vehicle can access, and they do allow well-behaved pets. She stated that she would like to correct her comment from last week when someone had asked how far from neighbors the house will be. She stated that it will be 600 feet from one and 250 feet from the other two, and they are one of those two. She added that parking will be out of the right of way.

Chairman Thomas asked if anyone on the board had questions; no response.

Motion was made by Mr. Ackerman to recommend to the Board of Commissioners to approve the application as requested; seconded by Mr. Freeman. Motion was unanimous.

- ii. **Application of Herb Lanphear** to request a conditional use permit at 1224 Poplar Stump Road, Helen, Georgia, 30545. Tax map and parcel 041-024. Total acreage is 1.00, more or less. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

A representative, Regina Berg with Cabin Rentals of Helen at 26 Carolina Springs in Sautee Nacoochee, was present.

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Mr. Barton gave a summary of the application. Mr. Barton added that he had mentioned to Mr. Lanphear at the meeting last week that a 911 address will need to be posted.

Ms. Berg stated that they are in the process of getting the sign made with the 911 address and they have hired a plumber to update the septic tank and to make sure it is good for commercial use.

Mrs. Burke recused herself.

Chairman Thomas asked what the 911 address is; Ms. Berg said she wasn't sure. Mr. Barton stated that it is 1224 Poplar Stump Road.

Chairman Thomas asked if there were any questions from the board; no response.

Motion was made by Mr. Freeman to recommend to the Board of Commissioners to approve the request for short term rental; Seconded by Mrs. Dixon. Motion was unanimous.

- iii. **Application of Robert Loomis** to request a conditional use permit at 952 Chattahoochee Acres Drive, Cleveland, Georgia 30528. Tax map and parcel 072-180. Total acreage 13.36. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Robert Loomis of 860 Chattahoochee Acres Drive in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Barton stated that there are two applications. Mr. Barton stated that the covenants are being amended to allow short term rentals.

Mr. Loomis stated that he has a paper from the association; Mr. Barton stated that the board has it.

Mr. Loomis stated that someone had asked last week the square footage, which is 1400-1420 square feet for each house.

Chairman Thomas asked how long he has been doing short term rentals at this property; Mr. Loomis stated this one for 16 years- it was built in 2003 and started renting in 2004.

Chairman Thomas asked how long he has owned the property for; Mr. Loomis stated since around 2003.

Chairman Thomas asked if there were any questions from the board; no response.

Motion made by Mr. Yarbrough to recommend to the Board of Commissioners to approve the application; seconded by Mrs. Dixon. Motion was unanimous.

- iv. **Application of Robert Loomis** to request a conditional use permit at 1049 Chattahoochee Acres Drive, Cleveland, Georgia 30528. Tax map and parcel 072-180. Total acreage 13.36. Proposed use is to place in "Short Term Rental" program. Present use is R1 Residential, Single-Family District.

The landowner, Robert Loomis of 860 Chattahoochee Acres Drive in Cleveland, was present. Mr. Barton gave a summary of the application.

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Mr. Loomis stated that rental started on this one around 2001 and it is about the same square footage, just a little smaller.

Chairman Thomas asked to clarify that he has owned the property since 2001 and it has been a short term rental the entire time; Mr. Loomis said correct.

Chairman Thomas asked if there were any questions from the board; no response.

Motion made by Mrs. Burke to recommend to the Board of Commissioners to redistrict 1049 Chattahoochee Acres for short term rental; seconded by Mr. Ackerman. Motion was unanimous.

- v. **Application of Bryan Lee** to redistrict property located at GA Hwy 115 East, Cleveland, GA, 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-121. Total acreage is 4.50. Present use is R-1 Residential Single Family District.

The applicant, Sharon Lee of 993 Merck Road in Cleveland, was present.

Chairman Thomas asked Mr. Barton to verify that he will be presenting in a different order than on the agenda. Mr. Barton said yes.

Mr. Barton gave a summary of the application. Mr. Barton stated that there are two adjoining properties with applications to be rezoned.

Mr. Barton asked if this is the tract where the office building and storage will be; Mrs. Lee stated that the other tract is where those will be. Mrs. Lee stated that they do not have a site plan for this piece of property. She said they put an offer in on the other piece of property and within a week's time, this property became available. She explained that they jumped on this one, so there is not an actual site plan like the other property. Mrs. Lee stated that her husband, who is the builder, is on jury duty so she will try to answer questions the best she can, but she might struggle a little bit on the construction part.

Chairman Thomas asked Mrs. Lee how many storage units they plan to add to this tract; Mrs. Lee stated that as of right now, since it took sixteen years to fulfill the six acres they currently have, their main priority is to build the office building for the construction company on the other piece of property. She said then over time, as they need it, the storage units will start behind the construction office and if it is feasible, they may go ahead and grade the entire piece of property. Mrs. Lee stated that the first phase is to build on the first piece of property and they don't have plans to build on this one unless they tied it over, which would probably require a bridge because of the creek. She said they don't have a site plan because they jumped into it and just tried to include it into this hearing. Mrs. Lee explained that they don't see plans to put any other type of business at this time, other than what they are already in business for, which their construction company and self-storage.

Chairman Thomas asked if they plan to leave a natural buffer between their property and the adjoining properties; Mrs. Lee stated yes, specifically on the other piece and she assumes this one too once they have their engineer develop the site plan. She explained that they rearranged the whole dynamic of the site plan to make sure the back end residential had the retention pond and that there will also be a landscape setback off of that, which they plan to make a landscape buffer.

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Chairman Thomas asked if they plan to clear it to the property line; Mrs. Lee said if they do clear it, they will replace it with vegetation of some sort, but it depends on what is back there. She explained that pine trees tend to tumble over, and if that's what the back line is then they feel it would be better to replace it with some type of landscape buffer, but it won't be fencing.

Chairman Thomas stated that her husband had talked about lighting at the last meeting; Mrs. Lee stated yes, they make lighting that would be face down that they would use.

Chairman Thomas asked if they would commit to that; Mrs. Lee said yes and if he would like to put that in the recommendation, they would be glad to do it.

Mr. Barton stated that the code calls for fencing and screening and it has to be in the back of the building for storage.

Chairman Thomas asked if the code says how wide the buffer needs to be; Mr. Barton said no it just says screen and the back gives the definition of screen.

Mrs. Lee said that's why they pointed out that they would do a landscape buffer.

Mr. Ash asked if there is a height requirement for the screening; Mr. Barton stated no, but it gives different types of screening.

Chairman Thomas asked if Mrs. Lee looked into if the stream was cold water or warm water;

Mrs. Lee stated that they hired an engineer that said they would need a 25 foot buffer on either side of the creek, but she believes that when Mr. Barton and her husband met, they had determined which it was.

Mr. Barton stated that it would be either a 25 or 50 foot buffer from the stream.

Mr. Sell read from the code book to state that the screening definition is a minimum of six feet.

Mrs. Lee stated that the way the engineer drew it, the landscape buffer would come down to where the pond is for a gradual slope.

Chairman Thomas asked if there were any other questions from the board; no response.

Motion was made by Mrs. Burke to recommend to the Board of Commissioners to redistrict this from R-1 to C-2 with a condition, because there has been some concern from the people that live behind there, that there is at least 75 foot of natural vegetation left.

Mrs. Lee stated that when they were at the hearing last week, they didn't hear of any concerns.

Mrs. Burke stated yes, because they didn't know it was happening. She explained that a lot of people in that subdivision take Lothridge Road to Cleveland or Leatherford Road to Hwy 115 to go to Clarkesville, so they don't go by there to know that anything was happening. Mrs. Burke stated that if she lived there for twenty something years, she wouldn't want something to be that close and everything to be cut down.

Chairman Thomas stated that they have a motion and asked if there was a second; no response.

Chairman Thomas stated that if there was no second, the motion dies, and asked again if there is a second; no response.

Chairman Thomas stated that hearing no second, this motion dies, and he opened the floor for another motion.

Motion was made by Mr. Ackerman to recommend to the Board of Commissioners to approve the application as requested; seconded by Mr. Yarbrough.

Chairman Thomas asked if there was any discussion; no response.

Mr. Freeman, Mr. Ackerman, Mrs. Dixon, and Mr. Yarbrough were in favor of the motion; Mrs. Burke and Mr. Ash were opposed to the motion. Motion was carried by majority.

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- vi. **Application of Bryan Lee** to redistrict property located at GA Hwy 115 East, Cleveland, GA, 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-120. Total acreage is 5.94. Present use is R-1 Residential Single Family District.

The applicant, Sharon Lee of 993 Merck Road in Cleveland, was present.  
Mr. Barton gave a summary of the application.

Mrs. Lee stated that this is the property that the board has the site plan for. She said that this is the property that they originally were interested in and that it is C-2 on the front end. She explained that it is zoned R-1 to the east, but that is a church and really should be a C-2, it is residential in the back, and is next to the property that was just voted on.

Mrs. Burke asked if there is a house close to the back of this one; Mrs. Lee stated no, there is one home owned by Donald Harris that is a long piece of property that looks like it has some clearing. She stated that they looked at all of the residential areas around it and most of it has a natural buffer on the residential side before they even but their buffer in. She said that it has a residential wooded buffer already, but it looks like Donald Harris's property is a little farther cleared out than the other ones.

Chairman Thomas asked what the name of the church is on the other side; Mrs. Lee stated Faith Lutheran Church.

Mrs. Lee stated that to the north one of the homes, which is C-2, has a natural buffer of trees.

Chairman Thomas asked if they would agree to commit to the down lighting and same as the other tract they talked about; Mrs. Lee said yes, she grew up in that area and they want to be good neighbors. She stated that their intention is not to disrupt that area, but it's to be a good neighbor and still do business in the places that she's lived.

Chairman Thomas asked if there were any other questions from the board; no response.

Motion was made by Mrs. Dixon to recommend to the Board of Commissioners to rezone from R-1 to C-2; seconded by Mr. Ackerman.

Motion was unanimous.

- vii. **Application of Verizon Wireless, represented by Clark Davidson**, to request a conditional use permit at 291 West Farm Road, Cleveland, GA, 30528. Tax map and parcel 046-043C. Total acreage is 71.65. Proposed use is to place antennas on existing tower. Present use is C-2 Highway Business District.

The applicant, Clark Davison of 3060 Mercer University Drive in Atlanta, GA, was present to represent Verizon Wireless.

Mr. Barton gave a summary of the application. Mr. Barton stated that the engineer's report came back saying that this tower is suitable to handle the extra load as per this application.

Mrs. Burke recused herself due to family relations.

Chairman Thomas asked if Mr. Davidson had anything he would like to add; Mr. Davidson said no.

Chairman Thomas asked if all of the engineer studies checked out and if everything is good for the county regulations; Mr. Barton stated that he still needs to go through the tower permitting process.

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Chairman Thomas asked if there were any questions from the board; no reponse.

Motion was made by Mr. Freeman to recommend to the Board of Commissioners to approve the conditional use of this property for the cell tower; seconded by Mr. Yarbrough.

Motion was unanimous.

- viii. **Application of Carol Chambers Crumley** to request a conditional use permit at 591 Dock Dorsey Road, Cleveland, Georgia 30528. Tax map and parcel 062-079. Total acreage 2.23. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Carol Chambers Crumley of 591 Dock Dorsey Road, was present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked Mrs. Chambers Crumley if she had anything she would like to add; Mrs. Chambers Crumley said no.

Chairman Thomas asked if there were any questions from the board; no response.

Motion was made by Mr. Ash to recommend to the Board of Commissioners for approval; seconded by Mrs. Burke.

Motion was unanimous.

- ix. **Application of Lisa Parker** to request a conditional use permit at 768 Tolhurst Road, Cleveland, Georgia, 30528. Tax map and parcel 017-125. Total acreage is 17.15. Proposed use is to place in "Short Term Rental" program. Present use is A-1 Agriculture Forestry District.

The landowner, Lisa Parker of 586 Tolhurst Road in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mrs. Parker stated that, upon the septic inspection, the property is only suitable for four people, so she went ahead and applied for an addition of a one thousand gallon tank and contacted a contractor. She said she is waiting on the permit and the weather to begin.

Chairman Thomas asked if there were any questions from the board; no response.

Motion was made by Mr. Ash to recommend to the Board of Commissioners approval; seconded by Mrs. Dixon.

Motion was unanimous.

- x. **Application of Chad Knott** to redistrict property located at 26 Carolina Springs Road, Sautee Nacoochee, GA, 30571 from: C-1 Community Commercial District to C-2 Highway Business District, and requesting a conditional use permit for Agri-tourism Event Facility. Tax map and parcel 058C-049A. Total acreage is 1.70. Present use is C-1 Community Commercial.

The applicant, Chad Knott of 233 Mossy Creek Point in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mrs. Burke asked how many parking spots he said that could hold; Mr. Knott stated twenty five to thirty- eight to ten are probably right adjacent to the building, there's probably four or five to the west of the building, six adjacent to the right away of Hwy 75.

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Mrs. Burke asked if Carolina Springs is still an open access road; Mr. Knott approached the board to show the parking on the map.

Mr. Knott stated that some of the parking is already there; Mrs. Burke stated that it doesn't look like it will accommodate thirty cars.

The landowner, Regina Berg of 26 Carolina Springs Road, joined Mr. Knott at the podium.

Ms. Berg stated that there are at least ten to twelve in front of the building, then at the end of the driveway there is at least six across the back, then the part facing the highway there is at least five or six.

Mrs. Burke stated that it would be about twenty; Ms. Berg said it varies and depends on how you angle the spaces. She stated that she wouldn't mind marking it to show how it is supposed to be with yellow or white paint like actual parking spaces.

Mrs. Burke stated that the parking was her only concern with seating that many people and not having the adequate parking.

Mrs. Burke stated that she would like to put a condition on it that it be at least 25 spots.

Ms. Berg stated that her max is 50 people.

Mr. Knott stated that they may not want to limit to 25, because other places people don't have a limitation and are parking all over the place that have already been rezoned. He suggested waiting until she has the property surveyed to determine how much parking she can actually get before putting a limit on it.

Mrs. Burke stated that she was told last week that there was enough room for thirty spaces and she didn't believe there was enough room, so that was her only concern.

Chairman Thomas asked if the board had any other questions; no response.

Motion was made by Mr. Freeman to recommend to the Board of Commissioners to rezone this property from C-1 to C-2; seconded by Mr. Yarbrough.

Motion was unanimous.

VI. Citizens Comments

Donald Harris of 338 Leatherford Road in Cleveland approached the podium.

Mr. Harris stated that he was one of the ones that didn't know about the Public Hearing last Monday and he just wanted to put on record that he is in opposition to the rezoning of the property on Highway 115. He stated that he has two children that are almost grown, but he still has a six year old at home. Mr. Harris stated that he saw the site plan and where the retention pond will be is right in his back yard and there is no buffer. He explained that if you have a storage building, people will be in and out at night and lights will be shining right into his backyard and into his house at night. He said you can put up screens and try to darken it, but it's not going to prevent lights from coming through. Mr. Harris stated that if they put in lights that point down doesn't mean they aren't going to be in the air and he won't be looking at them all the time. He went on to explain that with road noise, he doesn't have much now but when they clear it out there will be road noise, but there's a difference of looking at houses than looking at commercial storage buildings. He said not only will it affect his family and disrupt them, but it will also affect his property values. He said he feels it is too late to get out and sell, even though he has lived there since 1999. Mr. Harris explained that it was his understanding that there was R-1 back there and that he wouldn't have anything to worry about. He said he wanted the board to know that he just found out today at lunch time and has let his neighbors know, and they are up in arms and will be visiting the County Commissioners.

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Chairman Thomas asked if there was any other citizen comment.

B.J. Meaders of 134 Chickasaw Trail in Cleveland approached the podium.

Mr. Meaders stated that he has the same concerns as Mr. Harris, even though his property is not adjacent to the lots and he is up on the hill. He said his concern is noise pollution, light pollution, and home values. Mr. Meaders said he has been there since 2003 and he has a young son. He said he understands people want to make money and do what they want with their property, but he didn't know about it until he got the phone call today so he wasn't at the meeting last week. He said he spoke to some of his neighbors today, who weren't able to be here, so they will be speaking with the Commissioners, as well.

Chairman Thomas asked if there was any other citizen comment; no response.

VII. Adjournment- Mrs. Burke made a motion to adjourn; seconded by Mrs. Dixon.