

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Monday, April 24th, 2023
6:00 pm

White County Senior Center
1239 Helen Hwy, Cleveland, Ga. 30528

Board members present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, Brad Ash, and John Yarbrough. Staff members present were Mercedes Dodd, Harry Barton, and Doreen Green.

Chairman Thomas called the meeting to order. Mr. Yarbrough gave the invocation. Chairman Thomas outlined the public hearing procedures. No changes made to the agenda.

Application of Jacob Daniel Wiley to redistrict property located at 0 Highway 254, Cleveland, Georgia, 30528 from R-1 Residential Single Family to C-2 Highway Business District. Tax map and parcel 051-133. Total acreage is 3.98. Present zoning is R-1 Residential Single-Family District.

The applicant, Jacob Wiley of 615 Cooley Woods Rd in Cleveland, was present. Ms. Dodd gave a summary of the application. Chairman Thomas asked Mr. Wiley to clarify the stipulations agreed to at the Board of Commissioners meeting on March 27th. Mr. Wiley explained that he has obtained a Georgia Department of Transportation (GDOT) permit to access the property off Highway 254 and has agreed to install a greenery barrier on Donald Alexander, no container wash out on the premises, and a 25-foot buffer around the property. When asked if this property would be larger than the existing property for his business, he said it is larger than his existing business location at 105 Cleveland Highway in Clermont, which has since been sold. Mr. Wiley said he would be closing off the driveway from Donald Alexander Road. Mr. Wiley said the closest neighbor has provided a letter of approval. He said his family has owned this property for 50-70 years with construction and storage as a use prior to zoning. Mr. Wiley added that there are 17 commercial zoned properties in that four or five-mile stretch on Highway 254.

Chairman Thomas asked if anyone would like to speak for the application.

Chad Grizzle of 4835 Hwy 75 S and Crane Trail. Mr. Grizzle said he is in support because he is concerned of what may be placed on the property, such as multiple mobile homes for rent, if this application is not approved in order for Mr. Wiley to recuperate some of his costs.

Chairman Thomas asked if anyone would like to speak against the application.

Mike Dorman of 75 Donald Alexander Road expressed concerns about GDOT issuing a residential driveway permit for a commercial property that would have large trucks accessing it and the continued use of Donald Alexander Road since the driveway is still cut in. He said his additional concerns are the impact to quality of life from having a business in the area that will have noise and trash, water runoff from the containers when it rains, and the impact to his well.

Greg McKenna of 84 Donald Alexander Road expressed concerns about the C-2 commercial zoning and what would be placed there if the property is sold later on. He also expressed concerns with the noise associated with roll offs and the impact to his family at early hours, adding that an industrial park would be a better place for this type of business instead of the residential neighborhood.

Chairman Thomas asked Mr. Wiley if he had anything he would like to add.

Mr. Wiley clarified that the hours of operation would be 7:00am to 5:00pm, with most of the time being before 5:00pm. He said he understands the concerns with well water, but his current location has been on

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a well for 17 years and has had no issues with groundwater. He said there will be a well on this property and they do not haul toxic material or asbestos. Mr. Wiley stated the screening and greenery will cut down on the noise, but noise should not be a big issue since they only have two or three trucks that leave out in the morning and do not return until the afternoon. When asked if this would be storage for full or empty dumpsters, Mr. Wiley said it would typically be for empty dumpsters unless they cannot make it to dump them by 5:00pm. He said they have ten to fifteen containers at the most on the yard and two full-time employees. Mr. Wiley explained that his business is light commercial and could be classified as agricultural because they haul forestry products. He said he understands the concerns and suggested for anyone that has concerns to visit the current location at 105 Cleveland Highway in Clermont to get a full understanding of their operations. He said he sold the current location and now rents it.

Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on Monday, May 1st.

Application of William Ferguson to redistrict property located 1622 Westmoreland Road, Cleveland, Georgia, 30528 from A-1 Agriculture Forestry District to R-1 Residential Single Family District. Tax map and parcel 063-112. Total acreage is 2.30. Present zoning is A-1 Agriculture Forestry District. The applicant, William Ferguson of 2975 Highway 75 South in Cleveland, was present. Ms. Dodd gave a summary of the application. Mr. Ferguson stated the proposed use is to divide the property into two lots that would be sold and a new doublewide mobile home placed on each lot. The closet neighbor is Firehouse Station 4.

Chairman Thomas asked if anyone would like to speak for the application, there was no response.

Chairman Thomas asked if anyone would like to speak against the application.

Mr. Patrick Bone of 794 Mossy Creek Church Road said his opposition is not against Mr. Ferguson or the mobile homes, but for the county missing a prime opportunity to build a bigger, more modern fire station since this property adjoins the fire station and the existing station is small and understaffed. He stated that over the past three years, over 30 new homes have been built in the area within a half mile of Station 4 and Station 2 in the Leaf community often has to help cover Station 4 due to lacking infrastructure. Mr. Bone explained how the county is looking to hire more firefighters with the amount of growth, but will not have enough accommodations or living quarters to place them in this station.

Chairman Thomas called Mr. Ferguson to the podium and asked him if the county has expressed any interest in purchasing this property.

Mr. Ferguson said the county has contacted him not for a fire station, but for a maintenance fleet and garage to maintain county firetrucks. He said he provided a price to the county at the end of March but has not heard back.

Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on Monday, May 1st.

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Application of Alton Swann to redistrict property located at 254 Star Lake Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 069-452. Total acreage is 0.70. Proposed use is to place in “Short Term Rental” program. Present use is R-1 Residential Single-Family District.

The applicant, Alton Swann of 254 Star Lake lane, was present. Ms. Dodd gave a summary of the application. Mr. Swann explained the proposed short-term rental would have a maximum occupancy of six, parking for six vehicles, and is accessed by private road and gravel driveway. He said he has owned the home for a year and half, a previous owner rented it short-term years ago, and there are five other short-term rentals in the subdivision with three of them being R3. Mr. Swann said he lives in North Myrtle Beach, South Carolina and plans to self-manage with his brother and mother as local contacts since they live nearby. He explained that he will have extensive rules, such as no parties and an age minimum of 25 years old, and that he has no intentions of renting the property long term or living there full time so he would feel the R-3 zoning would best suit his purpose rather than a conditional use permit. He does plan to stay at the property with his family on occasion. When asked about the subdivision, he said there is no homeowner’s association but money is contributed for the community well and road upkeep.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response.

Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on Monday, May 1st.

Application of Hetrip Unit LLC, on behalf of Kirt Koch, to redistrict property located at the intersection of Highway 255 South and Highway 115 East in Cleveland, Georgia, 30528 from A-1 Agriculture Forestry District to C-2 Highway Business District. Tax map and parcel 061-230. Total acreage is 2.03. Present zoning is A-1 Agriculture Forestry District.

The owner, Kirt Koch of 42 Stone Wall Drive in Cleveland, and the developer’s engineer with JM Engineering, Jason Smith of 317 Woodmont Drive in Cornelia, GA, were present. Mr. Barton gave a summary of the application, adding that the application had been applied for previously and was denied but has now been resubmitted with an updated site plan. Mr. Koch explained the proposed acreage would be surrounded by his remaining A-1 acreage and the use is for a service station. Mr. Smith explained the site plan now reflects changes recommended by GDOT. This includes: entrances off of both roads, a right bypass entrance off of Highway 115 that would allow better traffic flow, the entrances placed further away from the intersection that meets sight distance requirements for the speed limit and locations from the intersection, and a deceleration lane on both entrances,. Mr. Smith provided the email from GDOT stating support of the layout and the traffic reports for both highways to the board. He stated the hours of operation would be 7:00am to 10:00pm, seven days a week. To address previous concerns for septic, Mr. Smith stated a soil study has been completed and they did a calculation of primary and reserve drain field lines to make sure there would be enough room for repair and a storm water retention pond. When asked about the amount of fill dirt needed, Mr. Smith said there would be a good amount of fill that would be imported to balance the grade between Highway 115 and Highway 255 South. Regarding concerns about runoff, Mr. Smith said all of the runoff would go toward Mr. Koch’s property and there are plans for a storm water retention pond in the low area. Mr. Koch added there is a hill that would block the pond and

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the stream is on the other end of his property, so storm water would have to go through three retention ponds and a bog pond before reaching the other owner's portion of the stream. Chairman Thomas asked Mr. Smith if he had any information on the wrecks at that intersection. Mr. Smith said he did not and Mr. Koch said most accidents at Shenandoah Road and vineyard sign than at that intersection. Mr. Koch added that he had previous opportunities to sell this corner, but wanted to be able to control what went there. He said he has inspected every store this developer owns, which are impressive and he is confident this development will benefit the Blue Creek Community.

Chairman Thomas asked if there was anyone to speak for this application, there was no response. He asked if there was anyone to speak against the application.

Nick Campagna of 191 Highway 255 South provided documentation to Mr. Barton to support his opposition. He stated that nothing has changed from the previous application aside from the building facing a different direction and added that Mr. Koch's property does not completely surround it due to the location at the intersection. Mr. Campagna expressed concerns of traffic safety at the intersection, the grade and roof level of the building, environmental and septic concerns along with the pond, the impact to the residential street, the safety of the area, traffic congestion, the entrances on both Highway 115 and Blue Creek negating the commercial corridor, and the buildability of the agricultural property. He said the proposal was denied previously and should be denied again.

Ken Marks of 224 Edwards Drive said he speaks on behalf of multiple family members. He expressed concerns of the dangerous intersection and the location in a hole in the middle of a curve, lack of a traffic light, the deceleration lane being an issue due to the building being in a hole and cars exiting not being able to see the road, and lack of sight distance at the intersection. Mr. Marks questioned the environmental impact to groundwater, wells ponds, and streams, as well as noise and light pollution. He said there are already other gas stations in the area.

Marie Nolan of 329 Savage Trail stated she believes the rezone to a commercial zoning, particularly a gas station, is not in the best interest of the community and said development should benefit and add value to the community. She expressed concerns of the burden it would place on the community, the devaluation of properties, impact on local wildlife and the ecosystem of the nearby pond, groundwater and well contamination from the storage tanks, highway safety due to the curvature of Highway 115 with existing visibility issues, increased likelihood of accidents and injuries, the danger of entering the residential driveways near that intersection, and the potential increase of criminal activity.

Jeff Umberger of 331 Highway 225 South expressed concerns of the dangerous intersection and the transportation of large equipment, the grade of the building, gas spillage, the overabundance of gas stations and auto part stores, increased traffic, and lack of red lights or turning lanes.

Chairman Thomas asked Mr. Koch if he had anything to add.

Mr. Koch said there is a large hill between the intersection and his pond. No one has approached him about this project. He said the intersection is a problem, people do speed, and he believes this will help. Mr. Smith said the developer does realize it will take a lot of fill dirt and preserve area for septic. Regarding the protection of the pond, he said there would be a retention pond and they could put

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separators on bottom of the lot that could trap in case there were any spills. He explained that most leaks come from older tanks and the newer tanks are fiberglass, double walled. Mr. Smith said very few of the newer tanks have leaked but they will still be monitored for possible ground contamination as part of regulations. He said they can also do light study to make sure there would be no spill lighting onto neighboring properties. For the entrances, he said GDOT would not issue a permit if it does not meet sight distance. GDOT will review the site and sight distance based on speed limit and driver location. He added that the developer chose that location because it is an intersection of two state highways, which are typically commercial nodes.

Chairman Thomas closed the hearing. Mr. Barton advised the owner of the next meeting on Monday, May 1st.

Application of Joseph Almengor to request a conditional use permit located at 2265 Dean Mountain Road, Cleveland, Georgia, 30528. Tax map and parcel 088-091. Total acreage is 2.00. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family. The applicant, Joseph Almengor of 2265 Dean Mountain Road, was present. Ms. Dodd gave a summary of the application. Mr. Almengor explained the proposed short-term rental would have a maximum occupancy of eight with parking for four vehicles. He said he has owned the property since December and plans to use the home for his family in addition to renting it out. Mr. Almengor stated he would have house rules and a local property manager since he works in Rome, GA. When asked how far his closest neighbor was, he said a couple of hundred feet away. He explained that three quarters of the homes on that street are short-term rentals, with one person owning most of them. He said this property has not been rented previously.

Chairman Thomas asked if there was anyone to speak for the application, there was no response. He asked if there was anyone to speak against the application, there was no response. Mr. Almengor did not have anything to add. Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on Monday, May 1st.

Application of Zachary Wilkerson to request a conditional use permit located at 255 Sandra Lane, Cleveland, Georgia, 30528. Tax map and parcel 073-206. Total acreage is 2.41. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family. The applicant, Zachary Wilkerson of 255 Sandra Lane, was present. Ms. Dodd gave a summary of the application. Mr. Wilkerson explained the proposed short-term rental would have a maximum occupancy of six with parking for four vehicles. He said he has owned the home for about a year and has visited with his family. Mr. Wilkerson stated that he owns additional acreage adjacent to it and the lot is secluded. He said he obtained signatures from his closest neighbors, he will not allow parties, and he intends to self-manage with his contractor volunteering to be the local contact. When asked if there are other short-term rentals nearby, he said there are two of the four adjacent homes that are short-term rentals.

Chairman Thomas asked if there was anyone to speak for the application, there was no response. He asked if there was anyone to speak against the application.

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Nathan Eason of 118 Sandra Lane said he is not for or against, but wanted to voice his concerns with traffic and children in the roads. He said he was not asked for a signature but he is not adjacent. He stated as long as there is no noise and everyone abides by the rules, then he is okay with it. Mr. Eason explained there has been lot of turnover in the neighborhood in the last year and that he is aware of two long-term rentals but no short-term rentals. He said he was curious to know main concerns the board has had in the past with these applications.

Chairman Thomas asked Mr. Wilkerson if he had anything to add.

When asked how many signatures he received, he said five signatures. Chairman Thomas asked staff how many residences were in the subdivision, to which Mr. Barton said eight so five signatures would have been needed. Mr. Wilkerson said he understands the concerns since he also has small children. He said there should only be one occupant per stay, so he does not believe traffic would increase based on that. He explained that he intends to rent to families and safety is one of his top priorities.

Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on Monday, May 1st.

Chairman Thomas asked if there was any citizen comment.

Part owner of 84 Donald Alexander Road, name not provided, spoke in opposition to the application for North Georgia Roll Off at Highway 254 and Donald Alexander Road. She expressed concerns of the truck sizes, peacefulness of the area, and the combination of the four other commercial properties in the area.

Motion to adjourn made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous.