

PAULDING COUNTY PLANNING COMMISSION MEETING
February 25, 2020

The regular meeting of the Paulding County Planning Commission was held on February 25, 2020 at 2:00 p.m., in the Watson Government Administration Building. Planning Commission members in attendance were Ellis Astin, Herb Haynes, Jim Henson, Jody Palmer, Roger Leggett, Matt Lowe and Helene Fitzgerald. Commissioner Brian Stover, Chairman Dave Carmichael, Commissioner Sandy Kaecher, Commissioner Chuck Hart and County Attorney J. Jayson Phillips were present. Staff present were County Administrator, Frank Baker; Director of Operations, Scott Greene; Community Development Director, Ann Lippmann; Planning and Zoning Division Manager, Chris Robinson; Water System Director, Laurie Ashmore; Department of Transportation Director George Jones and Chief Trevor Hess and Cpl. Tommy Biggs from the Paulding County Marshal Bureau.

Planning Commission Chairman Jody Palmer called the meeting to order at 2:01 p.m.

The reading of Conduct of Hearing was dispensed. Printed copies were available for the public. Mr. Palmer requested that everyone turn off all mobile devices.

The Ordinance states all recommendations and other action of the Commission shall be approved by at least a simple majority of those members of the quorum present.

Approval of Minutes

Jim Henson made a motion to adopt the Planning Commission meeting minutes from January 28, 2020 as presented and was seconded by Matt Lowe. The motion carried. (6-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett and Lowe
AGAINST: None
ABSTAIN: Palmer

It was explained this is a recommending body and any action taken today will be forwarded to the Board of Commissioners for final action. The Paulding Board of Commissioners next meeting will be this evening at 7:00 p.m.

Policy and Procedures state applicants and anyone speaking on behalf of the application will have fifteen minutes to make their presentation and any opposition will also have fifteen minutes to present. The fifteen minutes are cumulative for each side. All comments are to be addressed to the Chairman.

New Business

2020-01-LUP: Application by **DAVID T. PACE** for a Land Use Permit to operate a Rural Business (Auto Repair) in a R-2 (Suburban Residential District) on a 6.882 acre property. Property is located in Land Lot 799; District 2; Section 3; on the east side of Paul Aiken Road, south of Scoggins Road (63 Paul Aiken Road). **POST 2**

Planning & Zoning Manager Chris Robinson noted that the Planning & Zoning Division received a petition of support from neighbors of the application and stated staff recommends approval of this request with three proposed stipulations.

David Pace, applicant, was present to represent the Land Use Permit application. Mr. Pace stated that he had been a mechanic for Nissan for 27 years but an auto accident prevented him from continuing to continue full time. Mr. Pace stated that he has had a small shop for several years which is not open to the public but only by word of mouth although he does sometimes work on Nissans for Dallas Auto Mart.

Jody Palmer asked if the applicant had reviewed the three proposed stipulations. Mr. Pace stated he had and was agreeable to them.

Jim Henson asked how many vehicles are on site at any given time. Mr. Pace stated no more than eight.

Jody Palmer asked where on the property the work was done. Mr. Pace indicated on the map available to view the body shop location to the south of the property.

Chairman David Carmichael asked what is done with scrap parts. Mr. Pace responded that at least once per month scrap parts are recycled.

Support/ Input/ Comments

Rodney Plunkett, neighbor of David Pace, was present to speak in favor of the petition. Mr. Plunkett stated that he has no problem with the shop and further stated there is no noise and noted the shop cannot be seen from the road. He stated that he has had no issues with the number of cars.

Opposition/ Input/ Comments

Joyce Kirk, owner of Land Lot 800 adjacent to Mr. Pace's property was present with no issues about the business but concerns about 4-wheelers entering her property from the applicants. Ms. Kirk requested a fence be installed to prevent property encroachment.

Jody Palmer asked if she thinks the 4-wheelers are coming onto her property directly from the applicants. Ms. Kirk respond no but the ones she has caught have come from that area. Mr. Pace stated that 4-wheelers and dune buggies have come through his property to Ms. Kirk's but without his permission and noted an incident from the past weekend in which a truck with an empty trailer was parked on his property. Mr. Palmer asked if the applicant was willing to cordon off his property and Mr. Pace stated he was not opposed to installing barbed-wire fence but was concerned about any liability.

Ellis Astin asked if Mr. Pace has a current business license. Mr. Pace stated that he did not but that he needs the Land Use Permit prior to obtaining a business license.

Ellis Astin also noted that upon driving by the location he observed more than eight cars, more like 10 to 12. Mr. Pace agreed that there are often more than eight, but several are owned by himself and family members that he is working on. Mr. Astin stated that he feels a privacy fence would be beneficial. Mr. Pace indicated that he was willing to make a fence a stipulation for approval.

Jim Henson asked if it would be possible to install a barrier or chain when the shop was closed. Mr. Pace stated that his mother-in-law lives in a house located on the same driveway as the shop so that would be a problem.

Herb Haynes asked if the applicant was willing to put a limit on the cars at the shop. Mr. Pace responded that he would. Mr. Haynes stated he feels the limit should be between 15 and 20 vehicles.

Jody Palmer asked Chris Robinson about time limits for Land Use Permits. Mr. Robinson stated that they are good for two years and then must be renewed.

Matt Lowe made a motion to recommend approval of application **2020-01-LUP** with one listed stipulation:

1. Owner/Applicant agrees approval of this LUP is not transferable to another owner other than the current property owner/applicant.

The motion died for lack of a second.

Matt Lowe made a motion to recommend approval of application **2020-01-LUP** with three listed stipulations:

1. Owner/Applicant agrees approval of this LUP is not transferable to another owner other than the current property owner/applicant.

2. Owner/Applicant agrees to limit material deliveries to the site to a maximum of two (2) per day with the delivery vehicle being no larger than a double-axle van/box truck. (Tractor trailers are prohibited).
3. Owner/Applicant agrees to no storage of junk vehicles and/or parts.

The motion died for lack of a second.

Ellis Astin made a motion to recommend approval of application **2020-01-LUP** with five listed stipulations:

1. Owner/Applicant agrees approval of this LUP is not transferable to another owner other than the current property owner/applicant.
2. Owner/Applicant agrees to limit material deliveries to the site to a maximum of two (2) per day with the delivery vehicle being no larger than a double-axle van/box truck. (Tractor trailers are prohibited).
3. Owner/Applicant agrees to no storage of junk vehicles and/or parts.
4. Owner/Applicant agrees to install a privacy fence from the existing auto repair service building to the southern property line.
5. Owner/Applicant agrees to a maximum of fifteen (15) vehicles for repair on the site at any time.

The motion was seconded by Herb Haynes. The motion carried (5-1-1)

FOR: Astin, Fitzgerald, Haynes, Henson and Leggett
AGAINST: Lowe
ABSTAIN: Palmer

The recommendation will be forwarded to the Paulding County Board of Commissioners meeting this evening at 7:00 p.m. for consideration. Applicant and all interested parties should attend.

New Business

2020-01-SUP: Application by **BOBO INVESTMENT, LLC** for a Special Use Permit to operate a camper, boat, recreational vehicle and auto storage lot in a B-2 (Highway Business District). The property is approximately 7.36 acres. Property is located in Land Lot 26; District 2; Section 3 and Land Lot 1271; District 3; Section 3 on the east side of Bobo Road and the north side of Riverwood Way. **POST 1**

Chris Robinson, Planning & Zoning Manager noted that the Planning & Zoning Division received one phone call from a neighbor in opposition to the request and stated staff recommends one stipulation if the request is approved.

Mandy Whitmore, applicant, and Brad Whitmore were present to represent the application. Mrs. Whitmore stated that the photograph shown on the screen was old and did not show the 7,200 square foot auto repair shop and associated detention pond that are currently on the property. Mrs. Whitmore stated that they had an idea to do storage in to the rear of the repair shop. Mr. Whitmore noted that they have a lot of customers from Riverwood Subdivision and have been contacted by 20-30 people about having storage at their facility.

Ellis Astin asked if the property is wooded. The Whitmore's both indicated that the property had been cleared but there is a border of Leyland cypress trees that were planted about two years ago and are currently about five to six feet tall. Mrs. Whitmore stated they think they can store 75 units on the property. Mr. Astin asked about security and how they plan to control who is going in and out. The Whitmore's stated they plan to have gated access at the front of the business. Mr. Astin noted that their letter of intent stated cars would be parked in the storage area and asked why. Mr. Whitmore stated there would be some cars parked on the site because they may lack a current registration, they do not currently work or the owner cannot pay for repairs.

Jim Henson asked if the lot would be paved. Mr. Whitmore stated they plan on six inches of compressed millings. Mr. Henson asked if this would cause a runoff problem. Mr. Whitmore stated that they current detention pond should contain additional runoff.

Herb Haynes referred to the letter of intent and asked what was meant by etc... in what they plan to store. Mrs. Whitmore stated they would like to store anything and Mr. Whitmore stated they would not store tractor trailers only boats, campers, work vans and similar vehicles.

Jody Palmer asked about the potential for junk vehicles. The Whitmore's stated that they plan to tow any inoperable vehicles back to the owner at their own expense after one month.

Herb Haynes asked if any other materials, such as wood, would be stored on site. The Whitmore's stated no.

Jim Henson asked if the Leyland Cypress will be enough to secure the property adjacent to Riverwood Subdivision of the storage area. Mr. Whitmore stated there is a 25-foot hill in between the lot and Riverwood to serve as security.

Jody Palmer asked if the applicant was familiar with and agreed to the one stipulation. The Whitmore's stated that they agreed to the stipulation.

Chairman David Carmichael noted the presence of a church across the street and asked if the business was open on Sundays. The Whitmore's stated no. Chairman Carmichael asked if there are homes or lots in Riverwood subdivision adjacent to the business. Mr. Whitmore stated there is one house in the corner. Chairman Carmichael asked how much buffer is provided. Mr. Whitmore stated 50 feet plus an additional 50-60 feet to allow vegetation to regrow.

Commissioner Stover asked if they would be willing to install a fence around the property. Mr. Whitmore stated they would but did not feel a fence on top of the embankment would be beneficial.

Ellis Astin asked if they would be agreeable to a stipulation requiring a fence. Mr. Whitmore stated they would if required. Mr. Astin stated it could increase security to have a fence installed. Mrs. Whitmore noted they had thought about fencing, but stated that anyone who parks there does so at their own risk and provide proof of their own insurance. Mr. Whitmore stated they had reached out to Greystone Power about installing lights to increase security.

Support/ Input/ Comments

There was no one other than applicant to speak on behalf of the application.

Opposition/ Input/ Comments

Harold J. Bickers, adjacent property owner stated his concern was a fence for security and safety and requested something more substantial than a privacy fence. Mr. Bickers noted that parking for the current repair shop was not limited to the rear and has concerns about it becoming a junk yard. Mr. Bickers also stated concerns about runoff since the additional paving could cause more runoff.

Jody Palmer ask Chris Robinson if this addition would be subject to plan review by the County's professional staff. Mr. Robinson stated it would and that was the intention of the stipulation requiring application of the corridor overlay district.

Jim Henson asked Chris Robinson if the overlay requires a fence. Mr. Robinson stated it requires a six-foot tall fence for protection and to shield view.

Herb Haynes asked Chris Robinson if there was a limitation to hours. Mr. Robinson stated that there was not but reiterated that no tractor trailers would be allowed.

Ellis Astin restated his belief in the need of a fence stipulation. Mr. Robinson asked if they want a fence around the entire property. Mr. Whitmore stated they were ok with a fence around the parking area perimeter but they are not willing to install a fence around the entire property.

Herb Haynes asked if the parking would be a 24/7 facility. The Whitmore's stated yes but that it would be under surveillance. Mr. Haynes noted the height of the rear of the property which might not require a fence. Jim Henson asked where they were willing to put a fence. The Whitmore's stated around the parking area.

Matt Lowe made a motion to recommend approval of application **2020-014-SUP** with one listed stipulation:

1. Owner/Developer agrees the site is subject to Highway Corridor Overlay District standards.

Roger Leggett seconded the motion. The motion carried (6-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett and Lowe
AGAINST: None
ABSTAIN: Palmer

The recommendation will be forwarded to the Paulding County Board of Commissioners meeting this evening at 7:00 p.m. for consideration. Applicant and all interested parties should attend.

There being no further business, Matt Lowe made a motion to adjourn and was seconded by Herb Haynes. The motion carried. (6-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett and Lowe
AGAINST: None
ABSTAIN: Palmer

The meeting adjourned at 3:01 p.m.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman