

PAULDING COUNTY PLANNING COMMISSION MEETING
May 28, 2020

The regular meeting of the Paulding County Planning Commission was held on May 28, 2020 at 2:00 p.m., in the Watson Government Administration Building. Planning Commission members in attendance were Chairman Jody Palmer, Ellis Astin, Jim Henson; Roger Leggett, and Helene Fitzgerald. Commissioner Dave Carmichael, Commissioner Sandy Kaecher, Commissioner Ron Davis, Commissioner Chuck Hart and County Attorney J. Jayson Phillips were present. Staff present were Director of Operations, Scott Greene, Planning and Zoning Division Manager, Chris Robinson; Planning and Zoning Administrative Assistant, Leah Wilson; Water System Engineering Division Manager Cory Coats; Department of Transportation Director George Jones and Chief Trevor Hess and Sgt. Brian Smith from the Paulding County Marshal Bureau.

Planning Commission Chairman Jody Palmer called the meeting to order at 2:02 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

Roger Leggett made a motion to adopt the Planning Commission meeting minutes from February 25, 2020 as presented and was seconded by Jim Henson. The motion carried. (4-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett
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

2020-02-LUP: Application by **JARED YORK** for a Land Use Permit to operate a Rural Business (Truck / Auto Repair) in an R-2 (Suburban Residential District) on a 4.79 acre property. Property is located in Land Lot 864; District 2; Section 3; on the south side of Buchanan Highway (SR 120), east of White Oak Cemetery Road. (4585 Buchanan Highway). **POST 2**

Planning & Zoning Manager Chris Robinson noted the Planning & Zoning Division received a phone call from a neighbor in opposition, and three letters in support of the request; and stated staff recommends approval of this request with four proposed stipulations.

Jared York, applicant, stated his intention for the Land Use Permit is to work on diesel and service trucks in his garage safely and out of the weather.

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

Ellis Astin asked if Mr. York was working on heavy-duty trucks. Mr. York indicated he works on medium to heavy trucks and box trucks.

Ellis Astin asked if there was an engine overhaul, and if he planned on using the existing building. Mr. York responded there was no engine overhaul and he did plan on using the existing building.

Roger Leggett asked if there were any trailers on the property. Mr. York, no sir.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

Diane Debord, lives in front of applicant where all she sees is a humongous building with traffic, noise, trucks and cars. Ms. Debord stated that she did not move into the area to be around tractor trailers; and has every right to object. She feels that she has no privacy at all and asks if there were any way to hide the garage. She is worried about the smell of diesel fuel & spillage.

Jody Palmer asked what precautions Mr. York was taking in regards to fuel spillage. Mr. York stated that he uses a product similar to kitty litter, which stays in the garage, to help with any spillage that may occur. Mr. York stated that he has trees lining the property to serve as a screen or buffer. He also stated that he was not attempting to bother any neighbors.

Jody Palmer asked Mr. York about having a previous permit. Mr. York stated he was not sure how to apply for a permit before and wanted to go forward the right way.

Roger Leggett asked how far the garage was from Ms. Debord's home. Mr. York stated he guesses about 400 or 500ft. He also stated the garage is fully insulated with spray foam, there are no windows where any smell could come out through.

Roger Leggett asked if Mr. York planned to continue his mobile service. Mr. York stated he would continue to work his two service trucks on the roads.

Jody Palmer asked if Mr. York was in agreement with the stipulations and recommendations by Chris Robinson. Mr. York replied that he was in agreement.

Jody Palmer asked Chris Robinson about the building location in regards to meeting the setback regulations. Mr. Robinson stated the building is approximately 50 ft. from the western property line and 300 ft. from the neighbor's house and confirmed it does meet the setback.

Jody Palmer asked Mr. Robinson if there were a fuel spillage, who would oversee that issue. Mr. Robinson stated if any complaints or issues were brought to the department that it would be investigated.

Questions from the Board of Commissioners:

Commissioner Dave Carmichael asked whether there was a shared driveway, and if 18-wheelers were being worked on at the property. Mr. York stated he does not allow trailers to come in because there is not adequate room for them to turn around. He only works on the front or tractor part(s).

Jody Palmer allowed Ms. Debord to show a photo via cell phone for clarity of the location of her property in relation to the applicant.

There were questions from the Board and discussion followed.

Ellis Astin made a motion to recommend approval of application **2020-02-LUP** with four 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 planted buffer along the western property line for screening purposes.

The motion was seconded by Jim Henson. The motion carried (4-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett
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.

New Business

2020-02-SUP: Application by **JAMES D. AND CHRISTINA L. DEFOOR** for a Special Use Permit to operate a wedding/event venue in an R-2 (Suburban Residential District). The property is approximately 22.492 in area. The property is located in Land Lots 17 and 18; District 1; Section 3 and Land Lot 1252; District 19; Section 3 on the west side of McBrayer Road and north of Weaver Road. (902 McBrayer Road) **POST 2**

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.

Chris Robinson, Planning & Zoning Manager noted that the Planning & Zoning Division received no opposition on application and recommends eight stipulations if approved.

Jimmy Defoor, applicant, was present and stated that he and his wife have been Paulding County residents for 32 years and plan on staying on their residence with thoughts of implementing weddings & events on the property. They also own 19 acres west of their farm.

Jody Palmer asked if applicants are aware of the eight stipulations and if they agree. Mr. Defoor stated he was in agreement, but asked if the number could be increased from eight to 12 events per month. Jody Palmer stated that he will consider the question to the board briefly.

Ellis Astin asked if Mr. Defoor knew exactly where he would construct the pavilion on the property. Mr. Defoor referred to the map shown – as being the area overlooking the lake.

Roger Leggett asked if Mr. Defoor agreed to put in place a dry hydrant for fire purposes. Mr. Defoor agreed and stated that he had spoken with a representative for the Paulding County Fire Department in regards to implementing an engineered dry hydrant.

Jody Palmer asked Mr. Robinson to address the question regarding the number of events held in a given season. Mr. Robinson stated that with size and the location of the property, he does not object to increasing the number from eight to 12.

J. Jayson Phillips asked Jody Palmer for clarification on “peak wedding season”. Whether it is 12 events per month all season long, or what the applicant identifies as the peak wedding season.

Jody Palmer redirected the question to the applicant for clarification of peak wedding season. Mr. Defoor stated mid-March through June, and September through October.

Roger Leggett added he would not put a restriction on that number. Jody Palmer responded he would leave the stipulation up to the board member who makes the recommendation with a motion.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

There was no one to speak in opposition of the application.

Roger Leggett made a motion to recommend approval of application **2020-02-SUP** with eight listed stipulations and number six being amended from eight to twelve events per month.

1. Owner/Applicant agrees approval of this SUP is not transferable to another owner other than the current applicant.
2. Owner/Applicant agrees all applicable federal, state, and local regulations for a wedding/reception business.
3. Owner/Applicant agrees the development and construction of the pavilion is subject to the County's Plan Review Process include site and building development.
4. Owner/Applicant agrees any expansion and/or addition of new buildings / facilities would require an amended Special Use Permit.
5. Owner/Applicant agrees to low or boxed/shielded out-side lighting.
6. Owner/Applicant agrees to a maximum of 12 events per month with hours of operation during the day time (8 am to 11pm).
7. Owner/Applicant agrees to submit an engineered dry hydrant detail with the required civil drawing/sit plan for approval prior to construction/building permits.
8. Owner/Applicant agrees the proposed pavilion/building will remain under the occupant load which would require an approved sprinkler system. (County water is not available)

Ellis Astin seconded the motion. The motion carried (4-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett
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.

New Business

2020-05-Z: Application by **RICHARD MARTIN** to rezone approx. 12.8 acres from A-1 (Agricultural) to B-2 (Highway Business) to construct a Self-Storage facility. The property is located in Land Lots 103 and 114; District 2; Section 3; on the south side of East Paulding Dr. and east of Mt. Tabor Church Rd. **POST 1**

Planning & Zoning Manager Chris Robinson stated staff recommends seven stipulations upon approval and that there have been calls received with concerns and questions regarding the application.

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.

Richard Martin, applicant stated the house would remain and he would build self-storage around the house. He also has commercial property adjacent to the zoned area and has no intentions of disturbing the creeks or rivers and everything would be in line with EPA rules and regulations. Mr. Martin stated he plans to use existing entrance that has been there for years, and just wants to clean it up to look good for the county.

Jody Palmer asked if the applicant had reviewed the seven stipulations. Mr. Martin replied he had, but he had a few questions - one regarding the decal lane regulations if he already had an existing commercial entrance.

Jody Palmer stated if the applicant is wanting to make modifications to the property the DOT can request he make the necessary upgrades for additional traffic. Mr. Palmer then deferred the question to Mr. George Jones, the Director with DOT.

George Jones stated that yes, regulations would be required.

Mr. Martin stated he was not sure what all that would entail, but he would get together with the engineers to solve the issue.

Jody Palmer stated the purpose of this hearing was to see if the purpose of the rezoning was allowable and, if a favorable review was entered, he would then go through the plan review process with the county.

Jim Henson asked what the intentions for usage with the old buildings are. Mr. Martin stated once they were all cleaned out, he would then lease them to commercial businesses.

Roger Leggett asked if he was planning on asking for any access to Mt. Tabor Church Road. Mr. Martin said not at all. This facility will be chain-link fenced in with nice buildings. No power poles / power light poles or anything like that. Just maybe motion lights for people coming in to be able to see. All under a gated area.

Commissioner Dave Carmichael asked if Mr. Robinson could elaborate on stipulation number four, which states: Owner/Developer agrees the site is subject to the Highway Corridor Overlay District Standards.

Mr. Robinson stated the stipulation is to remind the applicant of the highway standards would provide landscape and stone and/or brick façade if visible from the road.

Roger Leggett stated from his recollection; there is a depression near the property that would require maintenance. Mr. Martin agreed, and does not plan on affecting the area.

Jim Henson asked how many buildings were planned to be on the property. Mr. Martin stated he was unsure and would have to get with the engineers about the number. Perhaps 10 buildings; the buildings are planned to be 30ft wide and needs to have enough room for cars to go in-between buildings.

Roger Leggett reiterated the applicant was not going to store any equipment, vehicles, boats, etc. Mr. Martin answered no sir.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

Brenda Randle, owner residing at 237 Antioch Spur and states the property is a licensed stable that has been in operation for almost 19 years. Ms. Randle stated her concern for the safety of the animals, the children who take lessons, the wildlife and her livelihood. She is also noted the multiple storage facilities already in the area, and concerns of existing crime bleeding over into her property. She stated she moved to Paulding for the agricultural aspect and to grow her horse farm. Ms. Randle asked for reassurance that this facility would not destroy her business, as she has invested a lot of years and dollars and sweat and tears.

Stacy Shead, lives at 2152 East Paulding Drive and is next to the creek that separates the property. Ms. Shead owns the three acres across the street from the property, and states her concerns regarding the heavy traffic; also growing concerns about her property taxes, the creek, and vegetation and wildlife habitats surrounding the area. Another concern is the aesthetics of the building. Whether the area would be gravel or paved; if the existing driveway to the Martin home would be used as any part of the entrance to the facility, stating that it is in close proximity to her driveway. Ms. Shead also voiced her concern regarding crime around that area. Finally, if any improvements to the road would affect her property. Ms. Shead proposed that anyone entering the facility to use the existing business entryway.

Fred Engle, lives in the Sunset Peaks subdivision about 1 mile down the street and stated his concern regarding additional traffic, especially during the school year. Mr. Engle referenced two other storage facilities in Paulding; that he didn't see a need for another storage facility. Another concern was having people driving through at all times of the night. How well lit would the

facility be, and what hours – would this be a 24hr facility as many storage facilities are open 24hrs.

Karla Brown, lives across the street and stated her main concern was the aesthetics of the business. She agrees improvement needs to be made to the area, but just had concerns regarding the gravel and chain-linked fence.

Ms. Shead had a question on whether the changes would be reflected on the deed of the property zoned as A-1 (agricultural) to B-2 (highway business).

J. Jayson Phillips responded Paulding County does not have the authority to place restrictions on a deed or title to a home, only to recommend stipulations.

Jody Palmer reiterated the aesthetics would be asphalted and the 75ft stream bank buffer would not be infringed upon. Mr. Martin answered yes.

Jody Palmer asked Mr. Robinson if there were any regulations regarding the number of buildings within a certain mile radius. Mr. Robinson answered that there were not.

There were questions from the Board and discussion followed.

Ellis Astin made a motion to recommend approval of application 2020-05-Z with seven listed stipulations.

1. Owner/Developer agrees no billboards will be located on the site.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
3. Owner/Developer agrees to provide 120' R.O.W along East Paulding Drive (60' from each side of centerline of the road).
4. Owner/Developer agrees the site is subject to the Highway Corridor Overlay District Standards
5. Owner/Developer acknowledges this property is within the mandatory Coppermine Sewer Basin.
6. Owner/Developer acknowledges that sewer availability is not expressly implied as a result of zoning.
7. Owner/Developer agrees to relocate water and sewer mains out from under acceleration/deceleration lanes, if required.

Helene Fitzgerald seconded the motion. The motion carried (4-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett

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.

New Business

2020-04-SUP: Application by **RICHARD MARTIN** for a Special Use Permit to construct a Self-Storage facility. The property is located on Land Lots 103 and 114; District 2; Section 3; on the south side of East Paulding Dr. and east of Mt. Tabor Church Rd. **POST 1**

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.

Mr. Martin stated that he agreed to the two stipulations, and to clean up the facility in order to construct 25 storage facilities that would be open from 6A.M. until 10P.M. with persons living in the quarters.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

Stacy Shead asked if approved, would the existing driveway to the house not be used; would Mr. Martin have to use exit lanes or turning lanes.

Jody Palmer asked Mr. Martin if he could consider closing off the driveway entrance to the house. Mr. Martin stated he would have to discuss with the engineers about what to do about entrance and the exits; but since he did not plan on using it – he was all for it.

George Jones stated that D.O.T. would have to look at the access to the property.

Mr. Robinson offered a stipulation to agree to not have outdoor parking or storage on the property and also noted that the Special Use permit would allow a resident manager for this type of facility.

Jim Henson made a motion to recommend approval of application 2020-04-SUP with existing two stipulations adding a third.

1. Owner/Developer agrees to building wall lighting (packs) and no pole lights.
2. Owner/Developer agrees to operate gate hours from 6:00 am to 10:00 pm.
3. Owner/Developer agrees to no outside parking or storage.

Roger Leggett seconded the motion. Motion carried 4-0-1.

FOR: Astin, Fitzgerald, Haynes, Henson, Leggett
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.

Mr. Robinson made an announcement to recognize a new member of Planning and Zoning, Leah Wilson.

Jody Palmer thanked the staff of Paulding County both in Planning and other departments for their continued hard work and dedication in support of this meeting.

There being no further business, Roger Leggett made a motion to adjourn and was seconded by Ellis Astin. The motion carried. (4-0-1)

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

The meeting adjourned at 3:25 p.m.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman