

PAULDING COUNTY PLANNING COMMISSION MEETING
July 28, 2020

The regular meeting of the Paulding County Planning Commission was held on July 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, Helene Fitzgerald, Matt Lowe and Debra Sever. Commission Board Chairman Dave Carmichael, Commissioner Sandy Kaecher, Commissioner Chuck Hart, Commissioner Brian Stover, Commissioner Ron Davis and County Attorney J. Jayson Phillips were present. Staff present were Community Development Director, Ann Lippmann; Planning and Zoning Division Manager, Chris Robinson; Planning and Zoning Administrative Assistant, Leah Wilson; Water System Director Laurie Ashmore; Department of Transportation Director George Jones and Chief Trevor Hess, Corporal Tommy Biggs, and Deputy Patrick McCarthy 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 everyone turn off all mobile devices, and welcomed new Planning Commission Board member Debra Sever.

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

Ellis Astin made a motion to adopt the Planning Commission meeting minutes from June 23, 2020 as presented and was seconded by Jim Henson. The motion carried. (6-0-1)

FOR: Astin, Fitzgerald, Henson, Leggett, Lowe and Sever

AGAINST: None

ABSTAIN: Palmer

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.

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.

Old Business

Text amendment to the Zoning Ordinance (2003 as amended). The amendment is in regards to Article VIII, Section V, R-55, Active Adult Residential District. Tabled from the June 23, 2020 Planning Commission meeting.

Ms. Ann Lippmann, Community Development Director, gave a presentation summarizing the main issues surrounding the R-55 Active Adult Residential District, as well as new suggestions and improvements made from the previous Planning Commission meeting.

Mr. Jody Palmer, before opening the floor to the Board of Commissioners, recognized and thanked Paulding County School District representative Mr. Eric Hofstetter for being present at today's meeting.

There was discussion between staff, Planning Commission and Board of Commissioners.

Support/ Input/ Comments

There was no other person to speak on behalf of the R-55 Text Amendment.

Opposition/ Input/ Comments

There were a two individuals with comments regarding the R-55 Text Amendment.

Shawn Randall, business owner of Total Company Advisors, asked staff, Planning Commission and Board of Commissioners to reconsider density and lot size in Active Adult Residential districts.

Joel L. Larkin expressed his concerns regarding the R-55 Text Amendment.

There was no one else to speak in opposition of the R-55 Text Amendment.

Mr. Matt Lowe made a motion to leave Ordinance as approved originally in 2018.

The motion failed.

Discussion followed between Planning Commission and County Attorney, J. Jayson Phillips in regards to revisiting this ordinance at a later date.

Mrs. Debra Sever made a motion to require a two-car garage, and larger lot size of 8,000 square feet.

Mr. Phillips clarified the intent of Mrs. Sever's motion.

Mr. Roger Leggett seconded the motion pointing out there are 1,027 homes in this classification, leaving only about 300 single-car garages grand-fathered in.

The motion carried (4-2-1).

FOR: Astin, Sever, Henson, Leggett
AGAINST: Lowe and Fitzgerald
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.

Planning & Zoning Manager Chris Robinson welcomed new Planning Commission member, Debra Sever. Also, application **2020-13-Z** has been forwarded to the August 25, 2020 Planning Commission meeting.

New Business

2020-07-SUP: Application by **RICHARD NUNNALLY**, for a Special Use Permit on approximately 10.06 acres in a B-2 (Highway Business) to operate a tattoo parlor located in Land Lot 145; District 19; Section 2. The property is located at 4075 Charles Hardy Parkway Suite 112 in the Citizens Square Shopping Center. **POST 1.**

Planning & Zoning Manager Chris Robinson stated staff recommends two stipulations upon approval and has had no opposition.

Richard Nunnally, applicant, stated his intention for a Special Use Permit to open a tattoo studio in the Citizen Square Shopping Center at 4075 Charles Hardy Parkway.

Mr. Palmer asked if the applicant was in agreement with the two stipulations put forth by the staff. Mr. Nunnally stated he is in agreement.

There were no questions from the Planning Commission Board, or Board of Commissioners.

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.

Mr. Lowe made a motion to approve application **2020-07-SUP**.

Jim Henson seconded the motion. The motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Lowe and Sever
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 must be present for application to be considered.

New Business

2020-10-Z: Application by **JOEL L. LARKIN ON BEHALF OF FARM STORE GA DEVELOPMENT, LLC,** for a modification of zoning applied in Rezoning Application 2006-10-Z to allow applicant to develop a free-standing monument sign on the property; and to clarify the zoning conditions applicable to the sub-divided tract. The property is located in Land Lot 605; District 3; Section 3 on Cedarcrest Road. **POST 4**

Planning & Zoning Manager Chris Robinson stated staff recommends approval of the removal of prior rezoning (2006-10-Z) stipulation #4 in its entirety. All prior 2006 rezoning stipulations will remain in effect.

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.

Joel L. Larkin, representative on behalf of applicant, proposing to develop the property, however failed to realize the prior zoning ordinance in regards to the out-parcels would have to share a monument sign which is not feasible. The applicant is asking that the prior zoning conditions be deleted in order to build a sign in accordance to the ordinance.

There was discussion from Planning Commission and the representative on behalf of applicant.

There were no further questions from the Planning Commission, or Board of Commissioners.

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.

Mr. Robinson made clarification regarding the maximum height being 15 feet, not 10 feet for the monument sign.

Roger Leggett motioned for approval of application **2020-10-Z** with the removal of prior rezoning stipulation #4.

Matt Lowe seconded the motion. The motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Lowe and Sever
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

2020-11-Z: Application by **GEORGE T. McGARITY,** to rezone 2.44 acres of R-2 (Suburban Residential) to B-1 (General Business) to operate an upscale neighborhood convenience store/gas station. The property is located in Land Lot 618; District 3; Section 3 at 875 Cedarcrest Rd across from Belmont Lane. **POST 4**

Planning & Zoning Manager Chris Robinson stated staff recommends approval with five stipulations. There have been a number noted written and calls in opposition of application.

Mr. Jody Palmer announced recusal of Debra Sever due to potential conflict of interest.

Jerry Shearin, representative on behalf of applicant, expressed the applicant's wishes to develop a project he believes would be a significant commercial investment in the future. Applicant is in agreement with the five stipulations, but has concerns about the stipulation relating to water.

Planning Commission, Board of Commissioners and representative discussed respective concerns.

George Jones, Department of Transportation Director, addressed the traffic and roadway concerns.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

There three individuals to speak in opposition of the application.

Daniel Walker presented his concerns constructing an entrance on Sandpiper Path. Concerns of the rezoning classification, emittance of gas / benzene fumes, traffic and increase in vehicular accidents.

Mark Jenkins reiterated concerns made by Mr. Walker. He also voiced concerns about the speed limit safety, store closing time and increase in crime. Additionally, he proposed a 50 foot buffer instead of the recommended 25 foot buffer.

George Gabois lives adjacent to proposed site. He believes this project is a bad idea, and reiterated concerns of speeding traffic.

There were additional questions and discussion from the Planning Commission, staff and the representative.

There were no questions from the Board of Commissioners.

There was further discussion was made between Planning Commission, Mr. George Jones and Ms. Laurie Ashmore in respect to the road-widening and the water main specifically as it relates to Cedarcrest Road.

Mr. Jody Palmer referred to Mr. Christopher Robinson in regards to the regulations on the 25 foot buffer.

A motion from Matt Lowe to approve application **2020-11-Z** with five listed stipulations and one additional stipulation:

1. Owner/Developer agrees the site and development is subject to the Highway Corridor Overlay District.
2. Owner/Developer agrees the access to the development shall be determined during the plan review process.
3. Owner/Developer acknowledges the existing water main on the west side of Cedarcrest Road will need to be abandoned and re-designed to connect to the water main on the east side of Cedarcrest Road outside of any new pavement.
4. Owner/Developer acknowledges the development is within the Mandatory Pumpkinvine Sewer Service Basin.
5. Owner/Developer acknowledges sewer availability is not expressly implied as a result of zoning.
6. Owner/Developer agrees to no access on Sandpiper Path.

Mr. Roger Leggett seconded the motion. Motion carried 4-1-2.

FOR: Astin, Fitzgerald, Leggett, and Lowe

AGAINST: Henson

ABSTAIN: Palmer and Sever (Recusal)

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. Jody Palmer allowed for the Planning Commission to take a five minute recess at 3:48pm. The hearing resumed at 3:55pm.

New Business

2020-12-Z: Application by **ELITE ENGINEERING, LLC – JONATHAN JONES**, to zone 109.7 acres to LDQRD (Low Density Quality Residential District) for a total of 214 single family residential subdivision. The property is located in Land Lots 962, 984, 985 & 1033; District 3; Section 3 at 684 Gullede Road. **POST 4**

Planning & Zoning Manager Chris Robinson stated staff recommends approval with eleven stipulations, no noted opposition but received one phone call with questions.

Jonathan Jones, applicant, proposing to rezone 109.7 acres located off of Gullede road as Low Density Quality Residential District, which is one of the most conservative zoning categories in the ordinance for

Paulding County. Mr. Jones pointed out that staff has agreed the site is in conformance with the Comprehensive Plan and Future Development Map. He stated that his client has reviewed the recommended stipulations, and is in agreement.

There was discussion and questions from Planning Commission to applicant.

Mr. Jody Palmer opened the floor to School Board Representative, Mr. Hofstetter who expressed his concern that the development would put a great burden on the school district which is already currently at capacity. Mr. Hofstetter also commented that the property would potentially put a zoning modification in effect with the school board.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

There were two individuals to speak in opposition of the application.

Dan Dooley, residing at 74 Dooley Road, stated his concerns about what type of buffer would be provided between his property and the housing development, and the possibility of constructing a fence.

Mr. Robinson answered a Low Density Quality Residential District requires a 25 foot perimeter of planted and / or undisturbed buffer.

Jeff Atcheson, 144 Dooley Road, also stated his concern regarding privacy; suggesting a six-foot or eight-foot high fence. He stated he does not like the idea of a new development, but would like to retain some sense of privacy.

Planning Commission, Board of Commissioners, staff and applicant discussed respective concerns.

No further questions or comments from the Planning Commission, or Board of Commissioners.

Matt Lowe motioned for approval of application **2020-12-Z** without added stipulation adding a fence.

The motion failed.

Ellis Astin motioned for approval of application **2020-12-Z** with eleven listed stipulations, and added stipulation:

1. Owner/Developer shall submit detailed landscaping plans prepared by a registered design professional for entrances, amenity, and required buffer areas for review/approval by the Planning and Zoning Division during the Plan Review Process.
2. Owner/Developer acknowledges all required landscape buffers, amenity areas, detention area lots, lift station lots, easements, parking areas, and buildings may not be accounted for as greenspace areas.
3. Owner/Developer agrees access to the development shall be determined during the plan review process.
4. Owner/Developer agrees to provide 60' R.O.W. along Dooley Road (30' from each side of centerline of the road).
5. Owner/Developer agrees to provide 84' R.O.W. along Gullede Road, (42 from each side of centerline of road).
6. Owner/Developer shall enter into a development agreement with PCDOT for intersection improvements to accommodate development.
7. Owner/Developer shall be responsible for incorporating traffic calming practices. All practices shall be approved by the Paulding County Department of Transportation and designed in accordance with the Institute of Transportation Engineers (ITE) Manual for Traffic Calming.
8. Owner/Developer acknowledges the development is located in and subject to the requirements of the Pumpkinvine Sewer Service Basin. The county may elect, at its discretion, to transfer flow to another basin for treatment.

9. Owner/Developer will enter into a Development Agreement with the Paulding County Board of Commissioners for their proportionate share of costs for off-site infrastructure related to the outfall from the Possum Creek Lift Station to Seven Hills.
10. Owner/Developer agrees to provide a re-use plan at time of preliminary plat submittal including an analysis of existing infrastructure that will demonstrate the proposed development's ability to receive re-use water in the amount equal to the wastewater discharged. Improvements may be required.
11. Owner/Developer agrees sewer availability is not expressly implied as a result of zoning.
12. Owner/Developer agrees to install a double-sided, six feet high privacy fence along the entire property lines which adjoins the Dooley property (74 Dooley Road) and the Atcheson property (144 Dooley Road).

Motion was seconded by Matt Lowe. The motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Lowe and Sever
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

2020-14-Z: Application by **ELITE ENGINEERING, LLC – JONATHAN JONES**, to zone 62.21 acres and combine with two adjacent parcels for the zoning of a LDQRD (Low Density Quality Residential District) totaling 132 single-family residential subdivision. The property is located in Land Lots 401, 402, 403, 463 & 464; District 3; Section 3; at 2978 Cedarcrest Road in Acworth. **POST 4.**

Planning & Zoning Manager Chris Robinson stated staff recommends approval with eleven stipulations, no noted opposition but received one phone call with questions.

Jonathan Jones, applicant, requesting a Low Density Quality Residential District on Cedarcrest Road with 132 lots. Mr. Jones commented staff agrees the site is in conformance with the Comprehensive Plan and Future Development Map. Mr. Jones stated his client is in agreement with the stipulations, but would like clarity on #5 which states: Owner/Developer agrees proposed entrance shall have 660' separation from North Springs Drive.

Planning Commission, staff and applicant discussed respective concerns as they relate to traffic, sight-distance and separation.

Mrs. Debra Sever commented with 132 homes, along with two other subdivisions going in on the Seven Hills connector, how would the school district be affected.

Mr. Hofstetter responded there would be an increase of about 100-110 new K-12 students at two of the local schools, and would precipitate a new attendance recommendation. In addition, Mr. Hofstetter stated the school district is looking at scheduling, virtual schools and a number of things; but also with the number of housing the district needs to be sure there are available seats to accommodate the capacity.

No further questions from the Planning Commission or Board of Commissioners.

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.

Matt Lowe motioned for approval of application **2020-14-Z** with eleven listed stipulations and modification of the 5th stipulation:

1. Owner/Developer shall submit detailed landscaping plans prepared by a registered design professional for entrances, amenity, and required buffer areas for review/approval by the Planning and Zoning Division during the Plan Review Process.
2. Owner/Developer acknowledges all required landscape buffers, amenity areas, detention area lots, lift station lots, easements, parking areas, and buildings may not be accounted for as greenspace areas.
3. Owner/Developer agrees access to the development shall be determined during the plan review process.
4. Owner/Developer agrees to setback project improvements for the Cedarcrest Road Widening Corridor.
5. Owner/Developer agrees the proposed entrance separation from North Springs Drive shall be approved by the PDOT.
6. Owner/Developer shall be responsible for incorporating traffic calming practices. All practices shall be approved by the Paulding County Department of Transportation and designed in accordance with the Institute of Transportation Engineers (ITE) Manual for Traffic Calming.
7. Owner/developer agrees to enter into a Development Agreement with the PCDOT to participate in mitigation to address traffic concerns on Cedarcrest Road.
8. Owner/Developer acknowledges the development is in the mandatory Pumpkinvine Sewer Service area.
9. Owner/Developer agrees to submit a downstream sewer capacity study. Improvements may be required.
10. Owner/Developer agrees to provide a re-use plan at time of preliminary plat submittal including an analysis of existing infrastructure that will demonstrate the proposed development's ability to receive re-use water in the amount equal to the wastewater discharged. Improvements may be required.
11. Owner/Developer acknowledges sewer availability is not expressly implied as a result of zoning.

Ellis Astin seconded the motion. The motion carried (4-2-1).

FOR: Astin, Fitzgerald, Henson and Lowe
AGAINST: Sever and Leggett
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, a motion to adjourn was made by Matt Lowe and seconded by Helene Fitzgerald. The motion carried (6-0-1).

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

The meeting adjourned at 4:26 p.m.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman