

**PAULDING COUNTY PLANNING COMMISSION MEETING**  
**August 25, 2020**

The regular meeting of the Paulding County Planning Commission was held on August 25, 2020 at 2:00 p.m., in the Watson Government Administration Building. Planning Commission members in attendance were Ellis Astin, Jim Henson; Roger Leggett, Helene Fitzgerald, and Debra Sever. Commissioner Board Chairman Dave Carmichael, Commissioner Sandy Kaecher, Commissioner Chuck Hart, Commissioner Brian Stover, 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 Assistant Director, Darrell Vaughan; Department of Transportation Director George Jones and Chief Trevor Hess and Corporal Tommy Biggs from the Paulding County Marshal Bureau. Chief Operations Officer for the Paulding County School District, Erick Hofstetter was also present.

Chairman Jody Palmer and Matt Lowe were not present at today's meeting.

Planning Commission Vice - Chairman Roger Leggett called the meeting to order at 2:01 p.m.

**Approval of Minutes**

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

FOR: Astin, Fitzgerald, Henson, and Sever

AGAINST: None

ABSTAIN: Leggett

The reading of Conduct of Hearing was dispensed. Printed copies were available for the public. Mr. Leggett requested everyone turn off all mobile devices, and to be mindful of social distancing regulations from the Board of Commissioner Chairman.

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.

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**

**2020-08-SUP:** Application by **RONARD MAZILE**, requesting a Special Use Permit on approximately 18.43 acres for the operation of a personal home care facility. Property is located in Land Lots 163 & 164; District 2; Section 3; on 410 Dewberry Creek Dr., Southeast of East Memorial Dr. **POST 1**

Planning & Zoning Manager Chris Robinson stated staff recommends five stipulations upon approval and noted one call in opposition of the application.

Ronsard Mazile, applicant, stated his intention for a Special Use Permit to open a personal home care facility for the elderly.

Planning Commission, Board of Commissioners, staff and applicant discussed issues relating to medical attention of home-care residents, facility capacity and traffic concerns.

**Support/ Input/ Comments**

There two individuals to speak on behalf of the application.

James Kenneth Westbrooks and wife, Sandra Westbrooks stated they were in favor of Mr. Mazile.

**Opposition/ Input/ Comments**

There was one individual to speak in opposition of the application.

Mike O'Connell, a resident, expressed his concern of increased traffic, interference with livestock and simply does not want the business in the community.

Discussion with Planning Commission, Board of Commissioners and Mr. O'Connell continued addressing relative concerns.

Mr. Leggett asked if Mr. Mazile was agreeable to the stipulations. Mr. Mazile read over the stipulations and agreed.

Discussion continued between Planning Commission and staff.

Jim Henson made a motion to deny the application. Debra Sever seconded the motion. The motion carried (4-0-1) for denial.

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

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. All applicants must be present to have their cases heard.

### **New Business**

**2020-03-LUP:** Application by **STARR S. STERLING**, requesting a Land Use Permit on approximately 3.0 acres to operate Starr Custom Cycles by appointment only. Property is located in Land Lot 194; District 1; Section 3; at 7791 Villa Rica Hwy **POST 2**

Planning & Zoning Manager Chris Robinson stated staff recommends approval with three recommended stipulations.

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.

Starr Sterling, applicant stated her intention to reinstate prior Land Use Permit and re-open her cycle shop by appointment only, and agrees to the stipulations.

There was discussion from Planning Commission, Staff and applicant with respect to the 3 acreage rule of business and hours of operation.

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

### **Support/ Input/ Comments**

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

### **Opposition/ Input/ Comments**

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

Ellis Astin motioned for approval of application **2020-03-LUP** with the three approved 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 outside storage of vehicles.

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

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

### **New Business**

**2020-13-Z:** Application by **ELITE ENGINEERING, LLC – JONATHAN JONES**, to rezone 17.3 acres from R-2 (Suburban Residential) & R-7 (Multi-family) to R-55 (Active Adult Residential) to complete the second phase of the existing Cedarcrest Village development. The property is located in Land Lots 256 and 321; District 3; Section 3; South of Graves Rd and Cedarcrest Rd at Cedarcrest Village Drive. **POST 4**

Planning & Zoning Manager Chris Robinson stated staff recommends approval with seven stipulations. There have been numerous calls in opposition of the application.

Jonathan Jones, applicant, expressed his desire to create and improve the existing community at Cedarcrest Village. 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. Mr. Jones also provided seven voluntary stipulations in addition to the staff recommendations in hopes of a favorable outcome by the Planning Commission.

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

### **Support/ Input/ Comments**

There were two individuals with comments regarding the application.

Jeff Binkley, resident adjacent to the subdivision, had questions and concerns regarding a buffer to surround his property.

John Moore, developer for the property owners, addressed previous land issues with the current subdivision.

### **Opposition/ Input/ Comments**

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

Bill Curtiss (and Bob Struzell), Cedarcrest Village HOA members, presented his concerns with the development and presented the Planning Commission and Board of Commissioners with requested stipulations on behalf of the Cedarcrest Village HOA Board of Directors. Mr. Curtiss also requested a Letter of Intent from Mr. Moore to be entered into the meeting's record.

Will Harrell, resident, stated his concerns of silk-build up, traffic and previous stipulations & recommendations from prior meetings that have not been met.

Chris Farr, landscaper on previous project, voiced his concerns about the relationship of the owners of phase 1 & 2, and non-payment of his involvement with the development project.

Scott Perkins expressed his concerns about his plans to build near the site and traffic. He also asked for clarification of location on the zoning map.

There was discussion from the Planning Commission, Board of Commissioners, Staff and Mr. Moore with relation to buffers, setbacks, easements and water concerns.

Discussion from the Planning Commission and Mr. Moore followed with respect to the Cedarcrest Village HOA Board of Directors requested stipulations.

County Attorney, J. Jayson Phillips clarified the agreement with Mr. Moore pertaining to the initial (10) stipulations made by Planning & Zoning staff; the HOA Board of Directors requested stipulations #1,2,3,5 & 6; Letter of Intent; the (7) voluntary stipulations made by Elite Engineering LLC, and the additional (2) stipulations with respect to landscaping and a buffer along the Binkley residency.

Ellis Astin made a motion to approve and adopt the language given by the County Attorney for application **2020-13-Z** with the listed stipulations:

1. Owner/Developer shall construct a right turn lane on Cedarcrest Village Drive at the intersection of Cedarcrest Road unless proven to not be warranted, based on a traffic engineering study.
2. Owner/developer agrees to enter into a development agreement with the PCDOT to participate in mitigation to address traffic concerns on Cedarcrest Road.
3. 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.
4. Owner/Developer acknowledges water, sewer, and reuse infrastructure installed to serve the development must be dedicated to the county.
5. Owner/Developer acknowledges the development is in the mandatory Pumpkinvine Sewer Service Basin.
6. 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.

7. Owner/Developer acknowledges sewer availability is not expressly implied as a result of zoning.

Voluntary Stipulations

8. Owner/Developer agrees the minimum lot width at the building line to be 60-foot, 50 foot for curves and cul-de-sac lots.
9. Owner/Developer agrees to a minimum dwelling size of 1,800 to 2,400 square feet.
10. Owner/Developer agrees to offset front architecture.
11. Owner/Developer agrees to the requirement for front porches with a minimum size of 4 feet deep and 6 feet wide.
12. Owner/Developer agrees windows are required in gables facing street.
13. Owner/Developer agrees to the following home requirements: combination fronts with brick, stone, siding, shakes and cedar with at least two required. Never siding and shakes without either brick or stone accents.
14. Owner/Developer agrees to a minimum 3-bedroom, 2 bath floor plans
15. Owner/Developer agrees to two (2) car garages (mandatory).
16. Owner/Developer agrees that home values will start at \$335,000 in today's dollars.
17. Owner/Developer agrees the architecture and look of the homes will be very similar to those shown in the photos attached in Exhibit A.
18. Owner/Developer agrees to build a 28' by 60' pavilion with walking trails around the central garden area.
19. Owner/Developer to install sidewalks on both sides of the street and tying into the pavilion, walking path and garden area.
20. Owner/Developer agrees to a 35' perimeter buffer whereas the rear setback is the common line of said buffer.
21. Owner/Developer agrees that upon completion of construction in the new development, the Owner/Developer at their expense will freshly pave Cedarcrest Village Drive and Cedarcrest Village Way to restore them to County engineering specifications including any needed repair of curbing and storm drains. During the time of construction and until completion, the Owner/Developer will keep these roads in good condition free of potholes and break-ups in pavement.
22. Owner/Developer must not use any water that goes through the existing Cedar Crest Village master water meter and will not connect to it. All utilities for the new development, including sewer and water, streetlights, gas and electricity must be separate from the existing Cedar Crest Village and with separate invoicing, payments and accounts.
23. Owner/Developer agrees to a landscaping plan or standards for the new development will be similar to the landscaping of the existing Cedar Crest Village.
24. Owner/Developer will not request a Land Disturbance Permit for the New Development unless the following parcels are owned by the Cedar Crest Village HOA, they are free of liens, 2019 property taxes paid, and the Declarant rights for Cedar Crest Village are released to the Cedar Crest Village HOA. Parcel ID Numbers: 031.2.2.032.0000, 031.2.2.061.0000, 032.1.1.26.0000, 032.1.1.48.0000 and 031.2.2.033.0000.
25. Owner/Developer agrees to install a landscaped buffer along the border with Binkley (or successors) property located at 4478 Cedarcrest Road.

Debra Sever seconded the motion. The motion carried (4-0-1).

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

Roger Leggett called for a five minute recess. Session resumed at 3:44 P.M.

**New Business**

**2020-16-Z:** Application by **JOSE H. URIBE**, to rezone 1.462 acres from R-2 (Suburban Residential) District to B-2 (Highway Business) District to operate a landscaping materials and pine straw business in an existing building or new building. The property is located in Land Lot 101; District 1; Section 3; north side of Ridge Road and East side of Vaughn Road. POST 3

Planning & Zoning Manager Chris Robinson stated staff recommends approval with seven stipulations, and has received three calls in opposition.

Jose Uribe, applicant, explained he wants to open a landscaping business for pine straw, mulch and hopefully in the future rock. Mr. Uribe also the business would be primarily by telephone and delivery.

Roger Leggett explained the Plan Review process to Mr. Uribe in order to operate the business, and asked if he was agreeable to the seven stipulations.

Mr. Uribe stated that he is in agreement.

There was discussion and questions from Planning Commission to applicant.

#### **Support/ Input/ Comments**

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

#### **Opposition/ Input/ Comments**

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

Christopher Hartwell, resident, expressed his concerns of increased traffic from tractor trailers, prior damage to nearby property, and what he feels is a complete disregard or lack of concern for neighbors by the applicant. Mr. Hartwell also presented requested stipulations to the board.

Sean Long, roommate of Christopher Hartwell reiterated several points made by Mr. Hartwell.

Susan Strickland, resident, agrees with Mr. Hartwell and expressed her concerns about noise.

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

Debra Sever motioned for approval of application **2020-16-Z** with seven listed staff stipulations and three additional stipulations:

1. Owner/Developer agrees all other B-2 permitted uses (not including the applicant's proposal) will be prohibited on the site. All B-1 permitted uses will be allowed.
2. Owner/Developer agrees no billboards will be located on the site.
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 Vaughn Road (30' from each side of centerline of the road).
5. Owner/Developer agrees to provide 120' R.O.W. along Ridge Road, (60 from each side of centerline of road).
6. Owner/Developer acknowledges this property is within the mandatory Sweetwater Sewer Service Basin and any new development of the property will honor the requirements set forth in the Intergovernmental Wastewater Treatment Agreement for the Sweetwater Creek Basin between Paulding County, Georgia and Cobb County, Georgia dated July 17, 2007. This includes provisions for dry sewer for the project and payment of commercial sewer tap fees.
7. Owner/Developer acknowledges sewer availability is not expressly implied as a result of zoning.
8. Owner/Developer agrees to no access / entrance on Vaughn Road.
9. Owner/Developer agrees to limit hours of operation from 7:00 am to 7:00 pm.
10. Owner/Developer agrees to install a six (6) foot privacy fence outside the required forty (40) foot buffer area on the north side of the property.

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

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

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**

**Zoning Ordinance Text Amendment:** The Paulding County Planning Commission and Board of Commissioners to consider a text amendment of the Paulding County Zoning Ordinance (2003-as amended). The amendment is in regards to Article VIII, Section W, creating a new MPR Master Planned Residential District, and other provisions relating to the creation of the new district.

Community Development Director, Ms. Ann Lippmann presented a new addendum – (MPR) Master Planned Residential District, where she stressed the importance of the “P” in *Planning* with the initial development application process. This district will serve as an “heir” to the PRD- Planned Residential District which will designate special exception uses in this district. A few highlights included: accessory buildings, attached family dwellings which would offer a variety of housing types, child daycare and allow up to fifteen percent of a commercial component within the district.

Comments and questions were made by the Board of Commissioners, Planning Commission and Ms. Ann Lippmann.

Debra Sever motioned for the Zoning Ordinance Text Amendment to be tabled until the next Planning Commission meeting in September.

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

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

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

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

The meeting adjourned at 4:48 p.m.

---

Jody Palmer, Chairman

---

Roger Leggett, Vice-Chairman