

PAULDING COUNTY PLANNING COMMISSION MEETING
January 28, 2020

The regular meeting of the Paulding County Planning Commission was held on January 28, 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 and Helene Fitzgerald. Commissioner Ron Davis, 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 Sgt. Brian Smith from the Paulding County Marshal Bureau.

Planning Commission Chairman Jody Palmer called the meeting to order at 2:00 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.

Mr. Palmer introduced new Planning Commission member Herb Haynes.

Elections

Roger Leggett made a motion to nominate Jody Palmer as Chairman and was seconded by Jim Henson. The motion carried by a vote of 5-0-1.

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

Ellis Astin made a motion to nominate Roger Leggett as Vice Chairman and was seconded by Jim Henson. The motion carried by a vote of 4-0-2.

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

Approval of Minutes

Jim Henson made a motion to adopt the Planning Commission meeting minutes from November 19, 2019 presented and was seconded by Ellis Astin. The motion carried. (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and 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. 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

2019-01-TAA: Application by **WINTERGREEN DEVELOPMENT** for text amendment to Zoning Ordinance Article VIII, Section V “R-55” (Active Adult Residential District) Subsection (4) b as it relates to double-car garages for single-family detached and attached cottage dwellings.

Planning & Zoning Manager Chris Robinson provided an overview of the requested text amendment and noted that staff does not oppose the change.

Joel Larkin with Sams, Larkin & Huff, applicant’s representative, was present to represent the application. Mr. Larkin provided a history of the R-55 zoning district and stated the request was intended to meet the often unique active adult housing market. Mr. Larkin noted that most units will be larger than 1,400 square feet and further stated that the garage requirement is limited to R-55 and applies to very few other residential zoning districts. Mr. Larkin stated that allowing one-car garages will give those properties zoned R-55 more variety.

Jim Henson asked what the materials would be on the outside of the structures. Mr. Larkin stated it would be a mix of brick, stone and cementitious siding and discussed the prohibition in the zoning district of vinyl siding with exception of accessories.

Herb Haynes asked if there would be overflow parking provided. Mr. Larking stated that they were not discussing one specific project but noted that many will have parking at the clubhouse.

Chairman Dave Carmichael asked how many R-55 communities there are. Chris Robinson stated that there are six but none are currently developed although several are under development. Roger Leggett stated that are about 1,200 to 1,500 lots zoned R-55.

Commissioner Ron Davis asked County Attorney Jayson Phillips if a one car garage plus driveway meet the two-space requirement. Mr. Phillips stated yes.

Commissioner Ron Davis asked if there is a way to prevent clustering of single car garages. Mr. Phillips stated that there was nothing to prevent them being side by side.

Commissioner Brian Stover asked who will police this requirement in the future. Chris Robinson stated that it would be reviewed during the review process.

Commissioner Stover commented about the age restriction and noted the differences between Baby Boomers and Generation X and asked if it would be possible to waive the age requirement. Mr. Robinson stated that a change to the age restriction would need to come back through the zoning process. Commissioner Stover asked who checks the age. Mr. Robinson stated he was not sure. County Attorney Jayson Phillips provided an overview of Federal Housing rules that permit age requirements and stated that a Homeowner's Association would be required to monitor the age requirement. Joel Larkin responded to this question as well and stated that the Homeowner's Association will require all residents to be over 55 years of age and will have strong covenants. Commissioner Stover commented that it could be possible for a property to be sold at an auction and buyer could be under 55 and asked who polices. Mr. Larkin restated that the Homeowner's Association is the first line of defense.

Applicant Steve Romeyn with Windsong Properties stated the average age in their developments is 69.

Herb Haynes asked what percentage of members of the Homeowner's Association can change covenants. Joel Larkin stated that during development the declarant controls and stated a change such as that would be a two step process. County Attorney Jayson Phillips, after research, indicated that a two-thirds majority is the general rule to change covenants.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

William Allen Turner was present to ask a question but in reference to another case.

Roger Leggett made a motion to recommend denial of application **2019-01-TAA** and was seconded by Ellis Astin. The motion carried (3-2-1)

FOR: Astin, Henson and Leggett
AGAINST: Fitzgerald and Haynes
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

2019-24-Z: Application by **W. REED KONIGSMARK** to rezone approximately 52.2 acres from R-2 (Suburban Residential District) to R-55 (Active Adult Residential District) for a 135 lot age restricted single-family residential development. Property is located in Land Lots 224, 294, and 295; District 19; Section 2; on the south side of Poplar Road, west of Clearwater Court. **POST 1**

Mr. Robinson noted that the Planning & Zoning Division received one email with concerns about buffers and stated staff recommends approval of this request with five proposed stipulations.

Reed Konigsmark, applicant, was present to represent the application. Mr. Konigsmark stated that he is proposing 135 homes in the R-55 zoning designation which should not have an affect on area schools. Mr. Konigsmark stated he had reached out to the School District and noted that all three schools affected by this project are under capacity. Mr. Konigsmark stated that a traffic count was conducted the week of December 14, 2019 on Poplar Road, which is designated as a local road, and the vehicle trips per day at the proposed entrance to the development was 2,000 with the two-way trips of the proposed developed calculated at 700 per day. Mr. Konigsmark noted that the Water System had verified the water pressure test passed the required fire flow and the required sewer capacity was confirmed as available by Water System Engineer Corey Coats. Mr. Konigsmark noted that although no open space is required they plan to leave 40% of the site as open space. Mr. Konigsmark showed a photo of the proposed home style to be built in the development.

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

Roger Leggett asked if the undisturbed area is wetland. Mr. Konigsmark stated there was no wetlands but there is some floodplain and that they are leaving 10 buildable acres as open space.

Herb Haynes asked what the property has been used for previously. Mr. Konigsmark stated it was a farm.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

William Alan Turner, adjacent property owner stated that his previous question had been answered but asked what size the houses will be and if they would be attached.

Scott Long, Clearwater Court, adjacent property owner stated that he was a school teacher and commented on the tax revenue and lack of industry in Paulding County. Mr. Long noted a creek on the northern part of the property and asked how it would be protected.

Mr. Konigsmark responded to the questions and stated that the lot size and house size will adhere to the minimums set forth in the code, with no houses being less than 1,100 square feet but would agree to a minimum house size of 1,600 square feet with two car garages. Mr. Konigsmark stated that any streams would have required buffers.

Jim Henson asked if he would agree to a stipulation that all houses would be 1,600 square feet or larger. Mr. Konigsmark stated he would agree but would like the flexibility.

Ellis Astin noted the Homestead Exemptions provided to senior citizens receive at age 65 (50% reduction in school taxes) and 70 (full discount).

Herb Haynes made a motion to recommend approval of application **2019-24-Z** with five listed stipulations:

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. Public access to county maintained detention/retention areas located on the site shall not be permitted. Design of such facilities shall incorporate measures to ensure public safety. This stipulation will not apply to privately owned and maintained detention/retention areas.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
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 this development is within the mandatory Coppermine Sewer Service Basin.
5. Owner/Developer acknowledges that sewer availability is not expressly implied as a result of zoning.

Helene Fitzgerald seconded the motion. The motion carried (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and 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

2019-27-Z: Application by **HIGHLANDS RESIDENTIAL, LLC** to rezone approximately 1.26 acres from R-2 (Suburban Residential) District to R-55 (Active Adult Residential) District for six (6) age-restricted attached single-family residential units. Property is located in Land Lot 388; District 2; Section 3; on the west side of Charles Hardy Parkway (SR 120), across from Village Boulevard.
POST 1

Mr. Robinson provided a history of this property and stated that this property was recently de-annexed from the City of Hiram to be combined with another tract rezoned to R-55 last year. He stated that staff did not receive any call regarding this application and stated that staff recommends approval with five proposed stipulations.

Joel Larkin with Sams, Larkin & Huff, applicant's representative was present to represent the application. Mr. Larkin noted that the 1.2 acre tract is located directly across from Woodstock Furniture and noted that access is the main reason for the property to be included with the tract previously zoned to R-55. The initial access point was located on Bobo Road.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

There was no one present to speak in opposition or with questions about the application.

Jody Palmer asked if the applicant had reviewed the five proposed stipulations. Mr. Larkin stated they had and agreed to them.

Roger Leggett made a motion to recommend approval of application **2019-27-Z** with five listed stipulations:

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. Public access to county maintained detention/retention areas located on the site shall not be permitted. Design of such facilities shall incorporate measures to ensure public safety. This stipulation will not apply to privately owned and maintained detention/retention areas.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
3. Owner/Developer acknowledges this development is within the mandatory Coppermine Sewer Service Basin.
4. Owner/Developer acknowledges that sewer availability is not expressly implied as a result of zoning.
5. Owner/Developer acknowledges Paulding County does not guarantee water service above an elevation of 1130 MSL.

The motion was seconded by Jim Henson. The motion carried (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and 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

2020-01-Z: Application by **FORESTAR (USA) REAL ESTATE GROUP, INC.** to rezone approximately 13.08 acres from R-2 (Suburban Residential) District to R-2 with Sewer (Suburban Residential with Sewer) District for 17 single-family residential lots. Property is located in Land Lot 463; District 3; Section 3 on the eastern end of Westbrook Creek Road and north of Seven Hills Connector. **POST 4**

Mr. Robinson noted that the Planning & Zoning Division received no questions or comments regarding this application and stated staff recommends approval of this request with six proposed stipulations. Mr. Robinson also stated that the rezoning request allows a net of four additional lots than allowed in the current zoning designation.

Michelle Macauley, with LeCraw Engineering, applicant's representative was present to represent the application. Mrs. Macauley stated this property will be an extension of Wildbrooke subdivision that is currently in development and will include 17 lots, or 13% of the overall development.

There were no 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 present to speak in opposition or with questions about the application.

Jody Palmer asked if the applicant had reviewed the six proposed stipulations. Mrs. Macauley stated they had and agreed to them.

Jim Henson made a motion to recommend approval of application **2020-01-Z** with six listed stipulations:

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. Public access to county maintained detention/retention areas located on the site shall not be permitted. Design of such facilities shall incorporate measures to ensure public safety. This stipulation will not apply to privately owned and maintained detention/retention areas.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
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 agrees to work with Paulding County DOT for the donation of R/W for the Westbrook Creek Connector Road.
5. Owner/Developer acknowledges this development is within the mandatory Pumpkinvine Sewer Service Basin.
6. Owner/Developer acknowledges that sewer availability is not expressly implied as a result of zoning.

The motion was seconded by Herb Haynes. The motion carried (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and 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-Z: Application by **SCOBBS, LLC / ASHUTOS RAO** to rezone approximately 5.10 acres from R-2 (Suburban Residential) District to B-1 (General Business) District for the development of a three-story medical office building. Property is located in Land Lot 531; District 2; Section 3; on the west side of Bill Carruth Highway, south of Jimmy Lee Smith Parkway (US 278). **POST 3**

Planning & Zoning Manager Chris Robinson noted that the Planning & Zoning Division received no questions or comments regarding this application and stated staff recommends approval of this request with four proposed stipulations.

Tom Rhodes with Meadows & Ohly, applicant's representative was present to represent the application. Mr. Rhodes stated they are working with WellStar Hospital to meet the current demand for physicians and they propose to construct a three-story 50,000 square foot office building.

Herb Haynes asked if the parking for the proposed building will connect to the Hospital and how many spaces will be provided.

Mr. Rhodes stated that they anticipate to have 265 spaces and will work with the hospital to connect the properties.

Jody Palmer asked if the applicant had reviewed the four proposed stipulations. Mr. Rhodes stated they had and agreed to them.

Herb Haynes asked if the building would be all doctor's offices or if ancillary uses would be included. Mr. Rhodes stated they anticipate it will be all offices between 2,000 and 2,500 square feet in size.

Herb Haynes asked about turning in and out of Bill Carruth Parkway. Mr. Rhodes stated that turning will be addressed on the final plans.

Commissioner Chuck Hart asked if the offices at the hospital were at full capacity. Mr. Rhodes stated yes.

Chairman Dave Carmichael asked about the house adjacent to the property. Mr. Rhodes stated that the house was not included in the rezoning request and is owned by a family member of the subject property.

Support/ Input/ Comments

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

Opposition/ Input/ Comments

There was no one present to speak in opposition or with questions about the application.

Ellis Astin made a motion to recommend approval of application **2020-02-Z** with four listed stipulations:

1. Owner/Developer agrees access to the development shall be determined during the plan review process.
2. Owner/Developer acknowledges that this development is in the mandatory Coppermine Sewer Service Basin.
3. Owner/Developer acknowledges that sewer availability is not expressly implied as a result of zoning.
4. Owner/Developer acknowledges Paulding County Water System does not guarantee water service above an elevation of 1130 MSL.

The motion was seconded by Roger Leggett. The motion carried (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and 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.

There being no further business, Jim Henson made a motion to adjourn and was seconded by Herb Haynes. The motion carried. (5-0-1)

FOR: Astin, Fitzgerald, Haynes, Henson and Leggett

AGAINST: None

ABSTAIN: Palmer

The meeting adjourned at 3:08 p.m.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman

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