

PAULDING COUNTY PLANNING COMMISSION MEETING
August 22, 2023

The regular meeting of the Paulding County Planning Commission was held on August 22, 2023 in the Watson Government Administration Building. Planning Commission members in attendance were Chairman Jody Palmer; Ellis Astin; Jim Henson; Helene Fitzgerald; Roger Leggett; Jacob Wix and James Steele. Board of Commissioners Chairman Dave Carmichael, Commissioner Keith Dunn; Commissioner Sandy Kaecher; Commissioner Virginia Galloway; Commissioner Brian Stover and County Attorney, J. Jayson Phillips were present. Staff in attendance included Community Development Director, Ann Lippmann; Planning and Zoning Division Manager, Chris Robinson; Planning and Zoning Senior Administrative Assistant, Leah Wilson; Department of Transportation Director, George Jones; Water and Sewer Department Director, Ray Wooten; Director of Operations, Scott Green; Deputy Rick Mahan; Sgt. Tommy Biggs and Chief Trevor Hess from the Paulding County Marshal Bureau.

Planning Commission Chairman Jody Palmer called the meeting to order at 2:01 PM, and requested everyone turn off or silence all audible devices.

Approval of Minutes

Ellis Astin made a motion to adopt the meeting minutes from July 25, 2023; seconded by Jacob Wix. Motion carried. (5-0-2).

FOR: Astin, Fitzgerald, Henson, Steele and Wix

AGAINST: None

ABSTAIN: Palmer and Leggett

Printed copies of the agenda and Conduct of Hearing were made available for the public.

Policy and Procedures state applicants and anyone speaking on behalf of the application will have fifteen (15) 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 approval. The Paulding Board of Commissioners next meeting will be September 12, 2023 at 2:00 p.m.

Item tabled from the July 25, 2023 meeting:

2023-15-Z: Application by **ELITE ENGINEERING – JONATHAN JONES**, requesting to rezone two parcels totaling 9.265 acres from R-2 (Suburban Residential District) to B-2 (Highway Business District) to develop a convenience store with gas pumps. Property is located in Land Lot 980; District 3, Section 3; at the corner of Frey Road and Dallas Acworth Highway. Site address is 6467 & 6525 Dallas Acworth Hwy. **POST 4.**

Planning and Zoning Division Manager Chris Robinson stated there has been tremendous calls and letters in opposition and/or with concerns, which is included in your staff packet as additional material. Staff recommends approval with eight (8) stipulations and one amendment.

Chairman Palmer stated for clarification, the application was tabled to allow the applicant additional time to speak with staff and D.O.T. to go over recommended stipulations and proposed amendments.

James Steele asked if Director Jones had a chance to speak with the applicant in regard to the previous stipulations, sight distance and Corridor Overlay District standards for this project.

Director Jones stated there has been discussion.

Chairman Palmer noted the public comment portion of this application will not be extended. Discussion will be to address comments from the Planning Commission and Board of Commissioners if they choose to engage.

James Steele asked the same question of Jonathan Jones, to which he replied yes; and, he agrees to the eight (8) stipulations and voluntarily would like to add a zoning stipulation to increase the buffer along the residential from 40 ft to 100 ft.

There was a brief discussion between Planning Commission, Board of Commissioners and the applicant.

James Steele made a motion to **APPROVE** application **2023-15-Z** with the eight (8) listed stipulations:

- 1. Owner/Developer agrees any future commercial uses excluding the proposed convenience store and attached tenant spaces will be subject to Board of Commissioner approval through the site plan amendment process.**
- 2. Owner/Developer shall incorporate Project Limits and Impacts of Paulding County D.O.T. project PR-IMP-CR710-(65)(32) into the development plans and utilize that information for development design.**
- 3. Owner/Developer shall coordinate with Paulding County DOT (PDOT) and Construction Contractor on PR-IMP-CR710-(65) (32).**
- 4. Owner/Developer agrees to provide a 130 foot right of way along their property frontage on Dallas-Acworth Highway (65' from centerline).**
- 5. Owner/Developer agrees to provide 10 foot permanent easement along their frontage of Dallas-Acworth Highway.**
- 6. Owner/Developer agrees to provide a 66 foot right of way along their property frontage on Frey Road (33' from centerline).**
- 7. Owner/Developer agrees access to the development along both Dallas-Acworth Highway and Frey Road shall be determined during the plan review process utilizing, but not limited to the required Traffic Impact Study and the Corridor Overlay District requirements.**
- 8. Owner/Developer agrees to provide a traffic impact study for the development and coordinate with Paulding County DOT on methodology and parameters of the study.**
- 9. Owner/Developer agrees to increase residential rear buffer from 40 ft to 100 ft.**

Seconded by Ellis Astin. Motion carried (4-2-1).

FOR: Astin, Henson, Steele and Wix
AGAINST: Fitzgerald and Leggett
ABSTAIN: Palmer

The recommendation will be forwarded for consideration to the Paulding Board of Commissioners' meeting on September 12, 2023 at 2:00 PM. Applicant must be present for it to be considered.

2023-11-Z: Application by **HIGHLANDS RESIDENTIAL / DAVE LOEFFEL** requesting to rezone 23.1619 acres from R-2 (Suburban Residential District) and B-2 (Highway Business District) to R-55 (Active Adult Residential District) and B-2 (Highway Business District) for a proposed 1.5 acre commercial use development along the frontage tracts, and a 105-unit independent living retirement community along the rear. Property is located in Land Lots 145 & 152; District 19; Section 2; eastside of Charles Hardy Parkway. Project site addresses are: 4036, 4068, 4070 & 4072 Charles Hardy Parkway. **POST 1.**

Planning and Zoning Division Manager Chris Robinson stated staff has received several call with inquiries; Recommends approval with three (3) stipulations.

Dave Loeffel, applicant, explained his request to rezone the proposed property to an active adult independent-living community to counteract loneliness within the "baby-boomer" generation. In addition to speaking with staff, D.O.T. and neighbors, Mr. Loeffel is agreeable to the recommended stipulations.

Lastly, Mr. Loeffel presented additional material showcasing home elevations.

There was discussion from Staff, Planning Commission and Board of Commissioners to the applicant as to the number of units to be sold and HOA regulations.

James Steele asked Chris Robinson to explain how/why this application follows the old R-55 zoning ordinance.

Mr. Robinson noted this project was submitted over a year ago, just prior to the zoning ordinance (including R-55) being updated. Therefore, the application did remain active under staff review which is why it does not reflect the current R-55 standards.

Support/Input/Comments

There was one individual with comments or concerns to the application.

Joel Larkin, attorney with Sams, Larkin & Huff, LLP, shared his opinion of this residential product which acts as a commercial product, and in turn will benefit the County's tax revenue.

Opposition/Input/Comments

There was no one to speak in opposition, with comments or concerns to the application.

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

Jacob Wix made a motion to **APPROVE** application **2023-11-Z** with the three (3) listed stipulations:

- 1. Owner/Developer agrees to no billboard signs within the B-2 portion of the development.**
- 2. Owner/Developer agrees to no auto repair or sales businesses within the B-2 portion of the property.**
- 3. Owner/Developer agrees access to the development shall be determined during the plan review process.**

Seconded by James Steele. Motion carried (4-2-1).

FOR: Astin, Fitzgerald, Steele and Wix
AGAINST: Henson and Leggett
ABSTAIN: Palmer

The recommendation will be forwarded for consideration to the Paulding Board of Commissioners' meeting on September 12, 2023 at 2:00 PM. Applicant must be present for it to be considered.

There being no further business, a motion to adjourn was made by Roger Leggett; seconded by James Steele. Motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Wix and Steele
AGAINST: None
ABSTAIN: Palmer

The meeting adjourned at 2:39 PM.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman