

PAULDING COUNTY PLANNING COMMISSION MEETING
April 26, 2022

The regular meeting of the Paulding County Planning Commission was held on April 26, 2022 in the Watson Government Administration Building. Planning Commission members in attendance were Chairman Jody Palmer; Roger Leggett; Jim Henson; Helene Fitzgerald; Debra Sever; James Steele and Ellis Astin. Commissioner Board Chairman Dave Carmichael; Commissioner Keith Dunn; Commissioner Sandy Kaecher; Commissioner Brian Stover and County Attorney, J. Jayson Phillips were present. Staff in attendance included Community Development Director, Ann Lippmann; Planning and Zoning Manager, Chris Robinson; Planning and Zoning Senior Administrative Assistant, Leah Wilson; Water System Director, Laurie Ashmore; Department of Transportation Director, George Jones; Department of Transportation Deputy Director, Erica Parish; Director of Operations, Scott Greene; Lt. Brian Smith and Deputy Rodney Schubert from the Paulding County Marshal Bureau. Also in attendance, Jacob Wix, Susan Browning, and Ms. Collette from the Paulding County School District.

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

Chairman Palmer requested everyone turn off or silence all audible devices.

It was explained this is a recommending body and any action taken today will be forwarded to the Board of Commissioners for final action, with the exception of the last agenda item which will be heard by the city council of Hiram. 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 (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.

Approval of Minutes

James Steele made a motion to adopt the Planning Commission meeting minutes from March 22, 2022 as printed; seconded by Helene Fitzgerald. Motion carried. (6-0-1).

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

Planning & Zoning Manager Chris Robinson announced applications 2022-01-Z by Richard Butler c/o Heirs of Butler Estate, has been forwarded to the May agenda due to ongoing legal circumstances. Application 2022-07-Z by Samuel and Kelly Gaw has been withdrawn.

Chairman Palmer reminded fellow Board members and Staff to turn on microphones if wishing to speak.

2022-06-Z: Application by **ASHLEY OVERTON**, requesting to rezone 7.969 acres from R-2 (Suburban Residential) to A-1 (Agriculture) for agricultural purposes and a canine breeding program. Property is located in Land Lot 631 and 666; District 2; Section 3; property address is 180 Kensington Path. **POST 1.**

Planning & Zoning Manager Chris Robinson mentioned there were no calls with questions or any noted opposition. Staff recommends approval.

James Steele announced he would be abstaining, as he and Mrs. Overton are neighbors.

Ashley Overton stated her intention to rezone would eventually include horses and a barn on the property, however her main objective is to be in compliance with her canine breeding program which is situated inside the bottom portion of her home instead of outdoor kennels.

Chairman Jody Palmer asked what type of dogs she works with.

Mrs. Overton stated she primarily breeds golden-doodles and bernese-doodles, which is a mix between a golden retriever and a bernese-mountain dog bred with a poodle. Mrs. Overton stated all dogs go through an extensive health test and full DNA panel-testing to ensure the dogs are healthy to breed.

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

Mrs. Overton presented photos to the Committee.

There was continued discussion between the applicant, Planning Commission, Staff and Board of Commissioners regarding the setbacks for the existing structure to now be used as a barn, the number of dogs housed for the guardian program and what method Mrs. Overton would use to sell the dogs.

Support/Input/Comments

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

Opposition/Input/Comments

There was no one with comments and concerns with the application.

No further questions from Planning Commission or Board of Commissioners.

Jim Henson made a motion to **APPROVE** application **2022-06-Z**; Seconded by Ellis Astin. Motion carried (5-0-2).

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

The recommendation will be forwarded to the Paulding Board of Commissioners' next meeting this evening at 7:00 PM. Applicant and interested parties must attend.

2022-08-Z: Application by **JONATHAN JONES – ELITE ENGINEERING**, requesting to rezone 5.03 acres from R-2 (Suburban Residential) to B-1 (General Business) in order to construct a 4,500 square foot gas station and convenience store. Property is located in Land Lot 789; District 2; Section 3; proposed site is located at the east side corner of Scoggins Road, Buchanan Hwy and Paul Harris Road. **POST 2.**

Planning & Zoning Manager Chris Robinson mentioned there were no calls with questions or any noted opposition. Staff recommends approval with six (6) stipulations.

Jonathan Jones with Elite Engineering, representing Matt Carter, stated the proposed project site is located on two GDOT regulated roads, meets the Future Development Map & 2017 Comprehensive Plan. Mr. Jones stated the applicant is agreeable to the six (6) stipulations.

There was discussion between the applicant, Planning Commission and Board of Commissioners regarding access points, soil-testing and whether the applicant plans to have any uses other than the proposed convenience store.

Support/Input/Comments

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

Opposition/Input/Comments

There were several individuals with comments and concerns regarding the application.

Cyril Watnes, resident as 1189 Paul Harris Rd, stated his concerns with not receiving notification and placement of the public notice sign. Mr. Watnes listed numerous gas stations / convenience stores in the surrounding areas, and does not want another one due to the crime and traffic congestion.

Planning and Zoning Division Manager Chris Robinson noted the applicant made his staff aware of the missing public notice sign to which a new sign was given. Mr. Robinson continued with Staff's policy of signage and notification, which is made via letters to adjoining property owners as well as notification to the Dallas New Era newspaper.

Brooke Roe, stated in addition to Mr. Watnes' concerns, she believes her cattle farm will also be impacted by the noise.

Andrea Postell, owner of 3612 & 3580 Buchanan Highway, voiced similar concerns of traffic and safety.

Chris Roe, voiced same concerns as his wife (Brooke Roe).

Shyla Crenshaw, resident, expressed similar concerns of traffic and safety. Ms. Crenshaw stated she likes to drive road-bikes and with the addition of a new gas station, Ms. Crenshaw fears she would not be able to do that activity in the future.

Chairman Jody Palmer asked Department of Transportation, George Jones to speak with regard to speed detection and speed signs along Paul Harris Road. In addition, Mr. Jones relayed traffic study statistics compiled by the Institute of Transportation Engineers.

Based on the proposed project site with twelve (12) pumps, Mr. Jones and Staff guestimate approximately 3200 total trips per day. More information regarding the number of car trips per day can be found online at the Georgia Department of Transportation website.

James Steele asked if the parcel across from Scoggins Rd currently zoned B-1. Mr. Robinson confirmed. Mr. Steele continued, B-1 is the use the applicant is requesting for the property in question; should the applicant purchase that parcel and build the gas station, the same concerns would be an issue without the Board even approving this rezoning. Mr. Robinson agreed.

Mr. Steele asked if the parcel met the Comprehensive Plan of 2017. Mr. Robinson confirmed it does.

Chairman Jody Palmer reiterated the intent of the Board is to determine if the use for the proposed land is in fact in accordance with the Future Land Use map and 2017 Comprehensive Plan. Mr. Robinson concurred, stating it is one of the standards staff reviews.

Jonathan Jones addressed the concerns brought forth from the public, as well as plans with P.D.O.T. to alleviate traffic-stacking along Buchanan Highway. Furthermore, Mr. Jones stated he and his client have done their best to do due diligence to facilitate a plan to provide safety, work with P.D.O.T., meets the Future Land Use Map and in conformance with 2017 Comprehensive Plan.

There was further discussion regarding public notice sign placement, intended use of the convenience store and turn lanes into the proposed site.

Post II Commissioner Sandy Kaecher asked if this project would be for an actual gas station, or if Mr. Jones is looking only for the rezoning. Mr. Jones stated the project is definitely for a gas station. Mrs. Kaecher also asked about landscaping and building designs, to which Mr. Robinson stated the Corridor Overlay would determine the landscaping and design once submitted through the plan review process.

There was a brief discussion between James Steele, Post IV Commissioner Brian Stover, George Jones and Jonathan Jones.

Debra Sever made a motion to **APPROVE** application **2022-08-Z** with the six (6) listed stipulations;

- 1. Owner/Developer shall incorporate Project Limits and Impacts of Paulding County D.O.T. project IMP-SR 120 (SR120Conn) into the development plans and utilize that information for development design.**
- 2. Owner/Developer agrees access to the development shall be determined during the plan review process.**
- 3. Owner/Developer agrees access to SR 120 Connector to be determined during the plan review process subject to GDOT requirements.**
- 4. Owner/Developer agrees any full access driveway shall be a minimum distance of 660', measured from radius to radius, from the intersection of Paul Harris Road and SR 120.**
- 5. Owner/Developer agrees any right in/ right out driveway shall be a minimum distance of 330', measured from radius to radius, from Paul Harris Road and SR 120.**
- 6. Owner/Developer agrees to provide a traffic impact study for this development. Study parameters and assumptions to be agreed on by Paulding County DOT.**

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

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

The recommendation will be forwarded to the Paulding Board of Commissioners' next meeting this evening at 7:00 PM. Applicant and interested parties must attend.

2022-09-Z: Application by **RICHARD HARRIS**, requesting to rezone 6.51 acres from R-2 (Suburban Residential) to I-1 (Light Industrial) for storage of trailered equipment used for his expanding business. Property is located in Land Lots 457 and 480; District 2; Section 3; property is located east side of Paris Road, north of Jimmy Lee Smith Pkwy intersection. Proposed site address is 105 Beckward Path. **POST 3.**

Planning & Zoning Manager Chris Robinson mentioned there were no calls with questions or any noted opposition. Staff recommends approval with three (3) stipulations. The third stipulation would be limited to this specific requested use.

Richard Harris, owner of Harris Diversified LLC, provides temporary power, lighting and temperature control to for outdoor events and movie sets. With his business expanding, Mr. Harris is requesting this rezoning for more room to store his equipment, and is agreeable to the stipulations.

James Steele asked Mr. Harris if he planned to construct additional buildings on the property. Mr. Harris stated no, he only added the one new building and does not rent or lease his equipment.

Support/Input/Comments

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

Opposition/Input/Comments

There was one individual with comments and concerns with the application.

Tony Tibbitts, on behalf of his two sisters (Retha Tibbitts and Tammy Combs) stated they own the 34 acre farm due east of Mr. Harris. Mr. Tibbitts has recently put his land under contract and feels rezoning to commercial would be detrimental to the community. Mr. Tibbitts stated Mr. Harris could store his equipment elsewhere, so as to not interfere with the sale of his family land.

Mr. Harris responded stating he had no idea the Tibbitts had an issue with his plan to rezone the property, and would have discussed any concerns prior to today.

There was discussion between Planning Commission, Staff and the applicant regarding the 50ft buffer requirement and visibility to surrounding developments.

Mr. Harris stated he would do what is necessary to be in conformance.

Ellis Astin motioned to **APPROVE** application **2022-09-Z** with the three (3) listed stipulations:

- 1. Owner/Developer agrees to submit development plans through the Development Review Process.**
- 2. Owner/Developer agrees access to the development shall be determined during the plan review process.**
- 3. Owner/Developer agrees any changes in land use and/or business permitted in the I-1 Zoning District must be approved by the Board of Commissioners through the zoning process.**

Seconded by Roger Leggett. Motion carried (6-0-1).

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

The recommendation will be forwarded to the Paulding Board of Commissioners' next meeting this evening at 7:00 PM. Applicant and interested parties must attend.

Zoning Ordinance Text Amendment: The Paulding County Planning Commission and Board of Commissioners to consider a text amendment to The Zoning Ordinance of the city of Hiram, Georgia (2003- as amended). The amendment is in regards to Article VIII, Sec. D "R-4 Multi-Family Non Fee Simple (Rental) Residential District, Sec. G "R-7 Multi-Family Fee Simple (Non-Rental) Residential District and Sec. H "PRD" Planned Residential Development.

Chairman Jody Palmer stated the intention for the text amendment is for the Hiram Zoning Ordinance to stay consistent with the adoption of the Paulding County UDO (Unified Development Ordinance) and to bring forth to the Hiram City Council for approval.

Chairman Jody Palmer opened the floor for public comment.

Jonathan Jones asked for clarity, with the removal of R-4, R-7 and PRD would the city still consider LDQRD zoning? Chairman Jody Palmer responded as of now the city does offer a LDQRD option, however more than likely, the council will plan to adopt the UDO in its entirety.

Roger Leggett motioned to **APPROVE** the Zoning Ordinance Text Amendment, which will be forwarded to the city of Hiram at a reasonable date to address the legal advertising requirements for their dispensation and legal public hearing; seconded by Jim Henson. Motion carried (6-0-1).

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

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

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

The meeting adjourned at 3:31 PM.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman