

HARRIS COUNTY PLANNING COMMISSION REGULAR SESSION

July 17, 2019
7:00 PM

Board Members Present: John Britt, John Brent, Chris Lintner, Matthew Newberry. Members Absent: Chad Kimbrough, Bobby Irions, Chance Carlisle. Staff Present: Brian Williams, Community Development Director; Nancy McMichael, Recording Secretary.

1. **CALL TO ORDER.** Chairman Britt called the meeting to order
2. **MINUTES.** The motion to approve the minutes of the June 19, 2019 Regular Session was made by Mr. Lintner, seconded by Mr. Newberry, and passed unanimously.
3. **DECISIONS BY BOARD OF COMMISSIONERS**
 - A. **Application of Purvis Chapman** for Special Use Permit for Private Kennel (no boarding/training) on 20.047 acres of Map 085, Parcel 041, LL 278, LD 17; present use residential and farm; proposed use residential, farm & private kennel for breeding (no boarding or training); property located at 1652 Mt. Airy Drive, Waverly Hall. Approved unanimously with condition of no more than five (5) dogs.
 - B. **Application of Dennis Thorne** to Rezone 3.05 acres of Map 084, Part of Parcel 049A, LL 127, LD 18, from C-3 (Neighborhood Commercial) to A-1 (Agricultural/Forestry); present use timber land; proposed use agricultural with residence; property located at 745 McKee Road, Waverly Hall. Approved unanimously.
 - C. **Application of Mt. Pleasant Properties, LLC**, to rezone 99.691 acres of Map 084, Parcel 112A004, LL 98 & 127, LD 17, from A-1 (Agricultural/Forestry) to R-1 (Single Family Residential); present use timber; proposed use single family residential homes; property located at the south end of Abberly Lane, Ellerslie. Approved unanimously.
4. **NEW BUSINESS**
 - A. **Final Plat: Maple Lakes Subdivision; 43 lots; Edgar Hughston Builder, Inc., Developer.** Edgar Hughston, representing Edgar Hughston Builder, Inc., was present but had no comments regarding the plat. Brian Williams, Community Development Director, said that one lot had been added since the Preliminary Plat. In response to questions, Mr. Edgar said the green space can be accessed via an easement across the dam; that the HOA will be responsible for the greenspace and dam; and that perhaps the County can incorporate guidelines regarding ownership/responsibility for the dam. There being no questions, the motion to approve the Final Plat was made by Mr. Lintner, seconded by Mr. Newberry, and passed unanimously.
5. **PUBLIC HEARINGS @ 7:15 PM**
 - A. **Explanation of Public Hearings.** Chairman Britt explained the procedures for the scheduled Public Hearings.
 - B. **Application of Neil Block/Backwater Plaza, LLC, to Rezone 1.19 acres on Land Lot 58, Land District 19, Map 016, Part of Parcel 058 from A-1 (Agricultural/Forestry) to C-4 (Highway Commercial); current use vacant; proposed use to provide for septic drainage field for adjacent commercial mini-mall; property located behind 5175 GA Hwy 219, Fortson.** Chairman Britt called the Public Hearing to order and read the specifics of the application. Neil Block, applicant, appeared before the Commission and said that the existing septic system needs to be upgraded to current standards and because the subject property is zoned differently than the property for which the septic system will serve, rezoning is needed. In response to questions from the Commission, Mr. Block said that the property is at a higher elevation than the commercial property; that the existing system will remain in place for use as a back-up system in the event of a power outage; that the new system will have storage capacity and will pump on a cycle basis; and that the existing system will only be used under dire circumstances. Chairman Britt asked if anyone wished to speak in favor of or in opposition to this Rezoning. There being none, he closed the Public

Hearing and asked that the Impact Sheets be completed. The motion to recommend approval of this Rezoning application was made by Mr. Brent, seconded by Mr. Lintner, and passed unanimously.

- C. **Application of Jedidiah B. Duncan to Rezone 2.41 acres on Land Lot 48, Land District 19, Map 045, Parcels 178 & 179, from C-3 (Neighborhood Commercial) to C-4 (Highway Commercial); current use gas station and self storage; proposed use gas station/mercantile, self-storage, and outdoor power equipment sales and service; property located at 6017 GA Hwy315, Fortson.**

Chairman Britt said that this Rezoning application has been withdrawn and action is needed only on the withdrawal. The motion to recommend approval of the withdrawal was made by Mr. Newberry, seconded by Mr. Lintner, and passed unanimously.

- D. **Application of Willie Shepherd, III, to Rezone 1.0 acre on Land Lot 75, Land District 3, Map 056B, Parcel 354, from R-1 (Single Family Residential) to C-2 (Commercial); current use vacant; proposed use laundromat; property located at 814 West Harris Street, Pine Mountain.**

Chairman Britt called the Public Hearing to order, said that the property is located within the city limits of Pine Mountain and that the reason for the rezoning is to restore the historical use of the property as a laundromat, which requires C-2 zoning in Pine Mountain. Willie Shepherd, III, applicant, appeared before the Commission and said that the property was built in 1974 as a laundromat that ran until about 1991; that he wants to re-open the laundromat to serve the needs of the citizens in the area. In response to questions from the Commission, Mr. Shepherd said that it will not be a dry cleaners so there will be no chemicals on the premises. Chairman Britt asked if anyone wished to speak in favor of this Rezoning application. There being none, he asked if anyone wished to speak in opposition.

Bo Hastey, citizen who lives in the subject area, appeared before the Commission and said that while he does not have a problem with a laundromat, he has a problem with the proposed location, which would be in the middle of a residential area; that there will be an increase in traffic and noise; and the laundromat needs to be in another location.

There being no further comments in opposition, Chairman Britt asked Mr. Shepherd for rebuttal comments.

Mr. Shepherd said that when the laundromat was previously in operations, there were no problems; that he can't say the laundromat will bring additional traffic to the area; and that the business will be properly run. In response to questions from the Commission, Mr. Shepherd said he plans to have an attendant on duty during operating hours; that the hours would be 7:00 AM to 9:00 PM; that he would like to have it open seven days a week, but if that causes a problem, six days would be sufficient; that he plans to add lighting at each corner of the building and possibly a yard light to help brighten the area at night for security purposes; that there is another entrance from Wood Avenue, but the main entrance would be from GA Hwy 18 and he plans to have a "horseshoe" driveway; that he plans to have 18 washers from 25 pounds to 45 pounds and two being about 80 pounds; and that the building is on sewage, not septic. There being no further questions or comments, Chairman Britt closed the Public Hearing, said there was no Impact Sheet since the property is in Pine Mountain, and asked for a motion. The motion to recommend disapproval of this Rezoning was made by Mr. Brent, seconded by Mr. Lintner, and passed with three in favor (Brent, Lintner, Britt) and one opposed (Newberry).

- E. **Application of Benjamin Q. Johnson to amend the text of the Zoning Ordinance, Article V, Section 8, related to storage of certain vehicles and equipment.**

Chairman Britt called the Public Hearing to order. Benjamin Johnson, applicant, appeared before the Commission and said that this is more of a civil or covenant issue, but because he could not find another avenue to address the situation, he chose to try to amend the ordinance. He said there is an individual in his subdivision who has made multiple complaints regarding him and his neighbors; that the person has been harassing him and others; that the complaints are made to the County whose personnel then come out to address the issues, usually involving the parking of certain vehicles; that not allowing property owners to park certain vehicles, like boats and recreation vehicles, on their property is a taking of rights; and that he has no recourse to control the harassment. There being no questions or comments from the Commission, Chairman Britt asked if anyone wished to speak in favor of the amendment.

James Warren, citizen who lives on Rosewood Drive, appeared before the Commission and said that he agrees with everything Mr. Johnson said; that the individual complained about his camper being in the driveway for

a couple of weeks due to repairs needed on the truck that tows the camper, and when Mr. (Brian) Williams visited in response to the complaint, he was understanding about the situation; and that the camper is now being stored elsewhere.

Anne Marie Warren, citizen who lives on Rosewood Drive, appeared before the Commission and said that the County only investigates complaints; that it appears to be a pick and choose resolution to violations; and she asked about enforcement of the ordinance. Chairman Britt said that the Commission does not handle enforcement issues.

There being no further comments in favor, Chairman Britt asked if anyone wished to speak in opposition to the amendment.

Gary Hubbard, citizen who lives on Birchwood Drive, appeared before the Commission and said that he said that he had sent a letter to Mr. Williams (the letter was distributed to the Commission), but that he would not read it to the Commission; that he opposes the proposed amendment as written; that the intent of the current ordinance is to prevent unsightly collections of various vehicles and items; that if approved, the proposed amendment would limit the right of citizens to report or file a complaint about possible ordinance violations since complaints can only be made if living with five lots/parcels of the violation; that the current ordinance is acceptable; and that if owners cannot comply they need to arrange to park or store their vehicles elsewhere.

Thomas McNerney, citizen who lives on Elmwood Drive, appeared before the Commission and said that while the amendment has resulted from complaints in a certain subdivision, any amendment to the ordinance would affect all areas of the County; and that the result of the amendment could affect property values.

George Ridley, citizen who lives on Morton Court, appeared before the Commission and distributed copies of his statement and said that he is opposed to the amendment; that perhaps the Sheriff's office should enforce the issue regarding certain vehicles violating the ordinance; that the amendment is to allow certain vehicles to be parked as long as you want as long as you move them around every 60 days; and the current ordinance allows the storage of vehicles in a way that protects property values.

David Gray, citizen who lives on Birchwood Drive, appeared before the Commission and said that he observes what goes on in his neighborhood; that he wants to avoid his neighborhood from becoming like Melody Lakes or Mulberry Estates; and that parking of certain vehicles violates the current ordinance.

At this point, Mr. Lintner reminded everyone that the Planning Commission is not responsible for enforcement, but to recommend approval or disapproval of issues.

Mr. Gray continued by saying that the code section has been circumvented on several occasions; that he did not make complaints; that the neighborhood does have active covenants but they are not enforced; and that he hopes to make changes to the covenants to strengthen them.

There being no further comments in opposition, Chairman Britt asked Mr. Johnson for rebuttal.

Mr. Johnson said that there is a list of 12 complaints made by Mr. Gray in December 2018; that several other complaints previously filed were found to be in compliance with the ordinance; that the current ordinance prohibits the rights of property owners; and that the problem can't be fixed unless the ordinance changes.

There being no further comments, Chairman Britt closed the Public Hearing and asked for a motion. The motion to recommend disapproval of the text amendment was made by Mr. Lintner, seconded by Mr. Brent, and passed unanimously.

6. **ADJOURNMENT**. There being no further business, the motion to adjourn was made by Mr. Brent, seconded by Mr. Lintner, and passed unanimously.

John Britt, Chairman

Nancy McMichael, Recording Secretary