

EUHARLEE PLANNING & ZONING MEETING MINUTES

7:00pm | April 12, 2022 | Euharlee City Hall

MEMBERS PRESENT: Judd Mobbs - Chair, Steve Gray, James Evans, Kathy Faulk, Lovako Patterson, James Stephens – City Manager

Chair Judd Mobbs called the meeting to order at 7:02pm. Mr. Steve Gray opened the meeting in prayer. Mr. James Stephens called roll and noted that Mr. Frank Graziano was not present because he was out of the state.

Mr. Mobbs sought an approval of the agenda for the night's meeting. Ms. Kathy Faulk made a motion to approve the agenda, with a second from Ms. Lovako Patterson. The agenda was approved unanimously. Mr. Mobbs pointed out that the date of the previous meeting on the agenda was incorrect, but was correct in the minutes. Mr. Stephens pointed out that the agenda had already been approved.

Mr. Mobbs sought an approval of the Planning and Zoning Public Hearing meeting minutes from March 22, 2022. Mr. Stephens informed the Commission that the minutes were more detailed than usual but had all of the critical parts from the previous meeting. Mr. Gray wanted to clear up the date of the last meeting, believing that it was held on March 29, 2022. After some discussion that Commission did confirm that the meeting was held on March 22, 2022 as stated in the minutes. Mr. Stephens pointed out a section of the minutes where the engineer representing Pak Eagle Homes at 937 Euharlee Rd. had agreed at the February meeting to have all commercial units at the front of the property. Ms. Patterson made a motion to approve the minutes as written, with a second by Mr. Gray. The minutes were approved unanimously.

Mr. James Evans asked if there had been a submittal of a general layout from both property owners seeking rezoning. He stated the Commission was waiting on a general layout based on the motion made at the last meeting. Mr. Mobbs responded that Mr. Stephens had addressed that point in information sent to the Commission. Mr. Stephens responded to Mr. Evans that the property owners had not submitted a layout but had verbally agreed at the February Planning and Zoning meeting that there would be commercial units on the road frontage of their properties. He further stated that the excerpt from the Zoning Ordinance explained the properties owners were not required to submit a layout before rezoning was approved. Mr. Mobbs confirmed that the property owners would be required to come back to the Commission when/if the rezoning was approved with their site plans for approval. Mr. Evans reiterated that they did not ask for a site plan, but only for a general layout. Ms. Faulk asked Mr. Jonathan Jones, the engineer representing Mr. Rana Ahmaed at 937 Euharlee Rd., if he planned on putting in Section 8 Housing. Mr. Jones assured her that they were not planning for Section 8 because they would need Federal funding to do so. Ms. Faulk then asked if Mr. Jones was redoing the site plan to include two parking spaces per apartment. Mr. Jones assured her he was, as that is what the regulations require. Ms. Faulk expressed a concern regarding the gas lines on the property. Mr. Jones responded that they were aware of the gas lines, that were service lines only, and that once the residents were vacated from the property the lines would be terminated and removed during

the demolition process. Ms. Faulk expressed a second concern regarding sink holes. Mr. Jones informed her that all sink holes and debris would be removed from the property during the grading process which would then need to pass inspection. He stated he was not familiar with any sink holes, but all of those issues would be brought up and fixed during the construction process. Ms. Faulk asked if any ideas have been thought of to help with traffic on Euharlee Rd. Mr. Jones stated that both owners were in agreement to build an access road for their properties. Mr. Stephens informed the Commission that for C-1 rezoning an access road would be required. Mr. Jones confirmed to the Commission that they would abide by all requirements from the City.

Mr. Evans asked Mr. Jones and Mr. Ahmaed if they thought it would be wise to an investigation into the sink holes on the property. Mr. Stephens informed Mr. Evans that in regards to the question before the P&Z Commission the project is financially successful. Mr. Stephens explained that if there were issues with sink holes then the Code Enforcement Officer would handle those issues, and the developer would be most likely required to provide an environmental audit of the property when the time came. Mr. Stephens asked how many sink holes Mr. Ahmaed had experienced on the property. He responded that there was one a few years ago but they filled it and it has had no other issues. Mr. Evans expressed concern that without knowing the cause of the sink holes then you could not know how to fix it. He feels an examination would be in order. Mr. Mobbs and Ms. Faulk responded that was the due diligence of the owner of the property.

Mr. Mobbs asked the Commission had any concerns regarding the rezoning of the two properties at 933 and 937 Euharlee Rd. Mr. Gray asked for the number of units were going to be on the property. City Code Enforcement Officer, Don Matthews responded by explaining that the owners would not have an accurate count of units until the land was surveyed and an engineer created plans with the accurate measurements and ordinance requirements calculated. Mr. Mobbs clarified that the Commission would then approve those plans at a later date than this meeting.

Ms. Faulk expressed a concern regarding the current upkeep of the properties. Mr. Ahmaed assured her that he would keep up this new property and keep it in line with the City ordinances. He explained that he has a better property manager now that will do a good job. Mr. Gray asked if Mr. Michael Hopfner, property owner at 933 Euharlee Rd. was presented. He was. Ms. Faulk addressed the same question regarding the state of the property to Mr. Hopfner. Mr. Hopfner responded that he would be happy to show her the books of how much money he spends on upkeep of his park, and that none of his trailers are kept below a standard of living. He stated his plans were to continue to rent homes within the trailer park or within alignment of the Overlay plan to rezone the park. He stated that upon rezoning approval he would move toward a development plan that would be nice. He stated that he understood and was willing to work closely with the City of Euharlee on the development. But he was not going to apply for development if the property was not going to be rezoned. Ms. Faulk confirmed that Mr. Hopfner was not going to install Section 8 Housing. He responded that he would not. He reiterated that he planned on building townhome style living at the back and commercial at the front.

Mr. Gray commented that three other rezoning applications also turned in site plans before getting approved rezoning. He stated he has a hard time buying something when he doesn't know what he's buying and that the motion to approve was contingent upon receiving a general layout

which had not been submitted. Mr. Hopfner stated that he had already agreed that commercial would be in the front with residential in the back. He stated that there were many things to consider in the development application, but not in the rezoning. He stated if was to be forced to create a development plan to get rezoning approval, then he would just continue to operate as a mobile home park. Mr. Stephens advised to Mr. Mobbs that the ordinance says the applicants MAY submit a layout but are not required to do so. Mr. Gray stated to the room that he wanted both properties to do the same thing with their developments. He again stated that he felt the Commission needed a general layout to make a decision on rezoning. Mr. Hopfner questioned why this was relevant to a rezoning application, as Mr. Gray was discussing items needed for a development application. There was discussion between Mr. Gray and Mr. Hopfner regarding the guidelines for submitting a rezoning application. Mr. Hopfner restated that he had applied for a rezoning because the overlay indicated that the City wanted commercial frontage, but if they City did not want to rezone then he was okay leaving the property as an operating mobile home park. Mr. Stephens informed Mr. Hopfner that he was very grateful for the application to rezone. He reminded Mr. Gray that the matter at hand was a consideration of a rezoning application and the ordinance stated that the property owners may provide a site plan but were not required to do so. Mr. Evans reiterated that he was not asking for a site plan but a general layout that showed how much of the property would be commercial and how much would be residential. Mr. Matthews addressed the issue with Mr. Evans and explained that without surveying the property and hiring an engineer for the math, Mr. Hopfner could not provide that information. Mr. Hopfner would provide that information after the rezoning was approved. Mr. Matthews urged the Commission to please make a vote on this matter so that the City can move forward. Mr. Mobbs addressed the Commission to explain that the rezoning application was for O/I and R-3. Once the zoning was approved, the property owners would then bring site plans back to the Commission for approval, but the current task was to vote to either recommend or not to recommend rezoning for the properties. After discussion amongst the Commission, Mr. Mobbs called the Commission's attention to the minutes from the previous Public Hearing meeting. At that meeting, the Commission voted to recommend approval of the rezoning to the City Council. He asked for discussion regarding that vote. Mr. Evans stated that the vote held conditions that had not been met. Mr. Mobbs asked for a motion to recommend to approve or disapprove to the City Council. Ms. Faulk interjected to make sure Mr. Gray did not have any more questions. Mr. Gray stated he was going on what the motion last meeting was contingent upon. Mr. Stephens reminded him that the authority to make that contingency was not in the ordinance. Ms. Faulk drew a general layout with Mr. Hopfner and brought it back to Mr. Gray and Mr. Evans so that the contingency had been met. Mr. Evans still requested more information from the property owner which would include a plat of the property.

Mr. Mobbs requested a motion. Ms. Lovako Patterson made a motion to recommend approval of the rezoning application for 933 and 937 Euharlee Rd. to O/I and R-3. A second was made by Ms. Faulk. There was no more discussion. Ms. Patterson and Ms. Faulk voted in favor of the motion, Mr. Evans and Mr. Gray voted against the motion. Because of the tie vote, Mr. Mobbs voted as Chairman to recommend approval of the rezoning application. The vote passed 3-2.

Mr. Stephens thanked the Commission for their thoroughness in their discussion of the rezoning.

The next agenda item was discussion of the new campground, Euharlee Creek Campground. Ms. Faulk asked for clarity of the new additional sites. Mr. Stephens clarified that the City Council approved a bid for design of 15 new campsites at Frankie Harris Park. Because this did not require any change in land use, the issue was not brought before the Planning and Zoning Commission. Ms. Faulk asked how the new sites would affect Frankie Harris Park as an event park. Mr. Stephens answered that the park has been used for camping for years so it is not a change in land use. Ms. Patterson wondered if events would still be held at Frankie Harris. Mr. Stephens said that it was possible to have both events and campgrounds by not allowing reservations the weeks of events. He also informed the Commission that the campsites were strictly for RV's and not for tent camping. Mr. Mobbs asked if the campsites would meet the requirements of the ordinance. Mr. Stephens informed the Commission that the design firm had a copy of the ordinances. There was discussion regarding the different ordinances and compliance with those ordinances. Mr. Stephens reminded the Commission that the previously built 11 sites were found to be compliant with the ordinance.

Mr. Mobbs asked if the project came in front of the Commission for development approval or if it was just for information for the Commission. Mr. Stephens informed Mr. Mobbs that the information was provided to answer outstanding questions being asked by members of the Commission. Mr. Mobbs clarified that Planning and Zoning did not have any jurisdiction over this matter, they were just looking at information.

Mr. Gray brought up ordinance section 10.4.2 in regards to Independent verses Dependent RVs. After discussion was had regarding the definitions of each recreational vehicle and the potential of violating this section of the ordinance, Mr. Gray made a motion to amend section 10.4.2 to extend the 200 ft distance from a bathroom to a 500 ft distance from a bathroom. Ms. Faulk made a second to the motion. The motion was approved unanimously.

There being no other business, Ms. Faulk made a motion to adjourn. Mr. Gray made a second. The motion was approved unanimously. The meeting adjourned at 8:03pm.