

EUHARLEE PLANNING & ZONING MEETING MINUTES

7:00pm | October 11, 2022 | Euharlee City Hall

MEMBERS PRESENT: Steve Gray- Vice Chair, James Evans, Kathy Foulk, Lovako Patterson, James Stephens – City Manager, Katie Gobbi – Community Development Director.

Vice Chair Steve Gray called the meeting to order at 7:00pm. Mr. James Stephens called roll. The current agenda was approved.

Re-zoning application for Parcel No. 0034-0753-002 to re-zone from RE-1 to R-1.

Ron Goss and Josh McWhorter, representing Etowah Bend Developers LLC, presented their application for re-zoning. Mr. Goss explained that Etowah Bend Developers are an equity fund comprised of many local investors. They explained that they sought the re-zoning to revert to the previous zoning of R-1 that was in place prior to 2018. The request was to make it the same zoning as the adjacent properties. Mr. Goss and Mr. McWhorter reserved their time to answer questions from P & Z Commission and adjacent property owners.

The city manager and members of the P & Z asked Mr. Goss questions before adjacent property owners were called upon. Mr. Stephens asked if the two developed parcels from the original 28 tract site plan were removed from the development to ensure that no one else purchased a 3-acre tract with RE-1 zoning. Mr. Goss stated that they were almost like a Phase 1 with an HOA and the remaining undeveloped lots were Phase 2. No additional lots have been sold.

Ms. Patterson asked what the Phase 1 owners thought of the re-zoning. Ms. Foulk asked about the zoning and ownership of the large adjacent parcels. She also asked about the 2018 rezoning application. Mr. Goss and Mr. McWhorter stated that they did not recall the city staff recommendation at the time of the rezoning. Ms. Foulk asked if the rezoning was approved, how would the plans change from the current 28-lot plan. Mr. Goss stated that they did not have engineered drawings, a contract, or a plan at that time.

Mr. Gray asked about the zoning history of the property. He stated that the commission was told in 2018 the zoning was A-5. Mr. Stephens stated that the 2018 documentation shows the request as R-1 to RE-1. Ms. Gobbi stated that the county zoning was A-5.

Goss and McWhorter answered the questions from the commission.

A number of adjacent property owners and Euharlee residents were present and questions from them included concerns about lot size, number of lots, traffic, buffers, wildlife, and pressure on the schools.

Lehmann Smith did not recall his property being zoned as R-1. Mr. Stephens said that Mr. Smith's livestock on his property does not have compliance issues because it exceeds 5 acres and is grandfathered in. He was concerned about buffers and his livestock. He stated he did not have an issue with 3-acre lots. He was worried about continued changes and smaller lot sizes.

James Thibault, 101 & 121 Milam Bridge Road, adjacent property owner, stated his concerns about smaller lots than the original 3-acre minimum tracts. Mr. Thibault said that he has concerns about the long-term plans and would like to see them. He said that his warranty deed and closing documents indicate that he was still part of Etowah Bend. Mr. Thibault asked that the commission considered how this re-zoning would substantially affect the surrounding property owners. He said he attempted to purchase lot 1 to create his own buffer.

Mr. Goss and Mr. McWhorter addressed the questions from the adjacent property owners and addressed why the owners are asking for re-zoning for this property.

Mr. Smith spoke again and expressed concern about his livestock and the liability of people living so close to his property line.

Mr. Stephens explained that notifications would go out to adjacent property owners that the scheduled city council public hearings were postponed.

The commission took a short recess at 8:46pm and resumed 8:52pm.

Minutes of the September 13 meeting were approved.

The P&Z voted unanimously to not recommend that the city council approve the re-zoning for Parcel 0034-0753-002.

Minimum Lot size for lots served by public sewer- P&Z members were provided a table of the current minimum lot size for lots on public sewer in surrounding local municipalities by staff. Mr. Stephens informed the commission of the background of the sewer and current sewer usage. Mr. Stephens recommended a minimum lot size much smaller than the current 15,000 sq ft. He also asks that if they chose to recommend anything less than 10,000 sq ft that there be a requirement for fire retardant materials on the structures.

Mr. Evans suggested that in regards to density, the city needs a plan before the commission discusses density. Mr. Stephens said there may not be a long, drawn-out plan, but in reality, there are only two tracts of land that would be impacted by this lot size change regarding sewer. Mr. Evans said just because there is access to sewer does not mean that the city should want growth and density on those specific tracts. Ms. Foulk stated that sewer was brought down Euharlee Road to serve Euharlee Road and the downtown area.

Mr. Gray said that 15,000 sq ft minimum allows for 2 houses per acre. Mr. Gray suggested lowering it to 14,000 sq ft to allow for 3 houses per acre.

Butch Emerson, speaking as a Euharlee citizen, recommended getting out in front of the inevitable growth and follow staff recommendation on lot size.

After ample discussion, Mr. Evans motioned to recommend a minimum lot size of 14,000 sq ft for a residential lot in any category served by public sewer. Ms. Foulk seconded. Motion passed 3-1. Ms. Patterson voted against because she wanted a smaller lot size.

Environmental Overlay- The city manager provided a Daily Tribune article from 2007 that stated the Environmental Overlay was put in place for erosion control. Mr. Stephens said that there are other state and local regulations in place making the overlay redundant and not equitable to the property owners. Ms. Foulk motioned to remove Section 7.17 regarding the Environmental Overlay from the Zoning Ordinance. Mr. Evans seconded. Motion passed 4-0.

Overnight Streeting Parking – The City Council and Police Chief have requested P&Z take a look at this. Ms. Foulk motioned to table the discussion for further research. Ms. Patterson seconded. The motion passed 4-0.

Mr. Evans motioned to adjourn at 9:44 pm. Ms. Foulk seconded. Meeting was adjourned.