

EUHARLEE PLANNING & ZONING MEETING MINUTES

7:00pm | August 8, 2023 | Euharlee City Hall

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

Vice Chairman Gray called the meeting to order at 7:00pm.

Minutes of the July 11 meeting were approved.

Ms. Foulk motioned to amend the meeting agenda to add Public Comments as agenda item 4. Mr. Evans seconded.

Dirt Bike Tracks: Shaw Woods HOA President Tracy Queen reported that there were a few property owners in Shaw Woods that have turned their backyards into motocross tracks and causing a noise disturbance for their neighbors. Mr. Queen pointed out that there was no ordinance in Euharlee that regulated dirt bike tracks in residential districts; he stated that there is a county ordinance. He was hoping that the city could draw up an ordinance that prohibited these tracks on properties less than 2 acres or something similar. Ms. Foulk asked could the HOA just amend their covenant? Mr. Queen said that the HOA does not have any teeth where the city would. Ms. Gobbi pointed to the member meeting package that outlines the county and city ordinance that allows for motocross tracks as a conditional use on properties zoned A-1 agriculture that are 50 acres or larger, which seems to be geared toward professional use rather than personal. Mr. Queen said that there were no local ordinances that spoke to personal tracks on residential. Mr. Gray confirmed that the zoning for Shaw Woods is R-1. Ms. Foulk asked if the noise ordinance would help with the disturbance. Mr. Queen said that it is hard to enforce because it sounds like a lawn mower. Mr. Evans said that most of the riders take the mufflers off.

Mr. Evans said that he would like to prohibit all dirt bikes in residential. Mr. Gray asked Mr. Queen what his suggestion would be for zoning district and minimum lot size. Mr. Queen said 5 acres. Mr. Gray said that he would like to see tracks prohibited in any zoning district that starts in an R. Mr. Queen said that the attorney needs to look at it to make sure it is appropriately written. He said that with increased residential development on smaller lots, this could happen anywhere.

Mr. Evans said he would like to make it illegal to ride dirt bikes in the city limits. Ms. Gobbi said that would also require rewriting the conditional use in A-1 districts. Mr. Queen said this is a hornet's nest that he is stirring and he anticipates complaints. Mr. Queen said that they do cross streets but they are difficult to catch in the act. He did get the people to stop riding across other people's lawns. Ms. Patterson said that she did not think we could regulate what other people are doing on their own property even if we want to.

Ms. Gobbi says that section 7.9 of the noise abatement ordinance would be enforceable as it prohibits vehicles without mufflers. The commission discussed adding decibel levels to the noise abatement ordinance.

Mr. Queen said that he wanted to forward the complaints that he was receiving. Ms. Foulk asked if the residents in question would argue that they were grandfathered in if they passed an ordinance.

Staff will research if this is something that the city could legally do. Mr. Evans suggested that staff talk to the state as well.

A member of the public asked if a code enforcement officer has visited or if they had videotaped the riders. He also suggested putting it on social media to see what the public wanted. Mr. Queen said that social media is a double edge sword. Mr. Queen has asked the homeowners to call the police and record the noise. Another member of the public said that he would not want to see the city telling people what to do on their property. Euharlee Police Chief Jody Matthews said please tell them to call 911.

Ms. Foulk motioned that they table the item for more research to be conducted. Ms. Patterson seconded.

Noise Abatement Ordinance – Table 1: Chief Jody Matthews requested that the commission simplify the time frames outlined in Table 1 of the noise abatement ordinance to make it more enforceable. This would be in place of the table and become Section 7.11 in the ordinance. Chief Matthews presented time frames based on type of property: residential, non-residential, and commercial, between specific hours.

Chief Matthews also pointed out section 6 of the ordinance in reference to the dirt track discussion, stating that this was the first he heard of the issue for dirt bike.

Chief Matthews said that this would not change other aspects of enforcement with animals etc. He said that fireworks and holidays are allowed by state code.

A public comment about the distance requirement.

Mr. Evans motioned that the commission recommend the proposed amendment to city council. Ms. Foulk seconded.

Land Subdivision Ordinance Review: Ms. Gobbi reminded the commission that the new third-party engineer reviewed plans for the Cherry Glen development and suggested that the city make updates to the Land Subdivision Regulation Ordinance since it was last amended in 2006. This will bring it up to date with current building materials and practices as well as lessons learned after the Great Recession in 2008.

Mr. Gray asked about the city engineer position. Ms. Gobbi said that one could be appointed as city engineer at the beginning of the year along with the city attorney. Mr. Gray also asked what is a flag lot. Ms. Gobbi provided a definition. Mr. Gray asked if we had a definition of wastewater. He asked if the city had a code enforcement officer. Ms. Gobbi said the city's code enforcement officer is Lewis Wilkie. Mr. Evans said that he would like preliminary plat application to first come before Planning and Zoning Commission prior to City Council. Ms. Gobbi asked about sidewalks. Ms. Foulk said that she wished every road had sidewalks.

Mr. Evans motioned to recommend the changes the commission discussed to the city council. Ms. Foulk seconded.

Public Comments: Ron Hartman asked who the zoning administrator is. Ms. Gobbi said that the zoning administrator, depending on the situation, is either the city manager or her.

Mr. Hartman asked about the Certificate of Appropriateness application for 118 Covered Bridge Road in regard to Drowned Valley Microbrewery. Ms. Gobbi responded that the Historic Preservation Commission would be hearing that application for the new building on August 22.

Mr. Hartman asked about Senate Bill 213 from the most recent legislative session.

Mr. Hartman presented members of the commission with typed copies of an email regarding Plant Bowen closing in 2035 and asked whether the city and the Planning & Zoning Commission has considered future uses of that property.

Mr. Queen asked if the land behind Shaw Woods that had recently been purchased was being developed. Ms. Gobbi said that they had not received any application related to that property.

Mr. Evans motioned to adjourn at 8:11pm. Ms. Foulk seconded. Meeting was adjourned.