



## Meeting Minutes - Final Planning and Zoning Commission

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Monday, June 9, 2014

6:00 PM

Council Chambers

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### 1. Call To Order

**Present** 8 - Board Member Michael Seagraves, Chair Person Joel Powell, Board Member Matt Wirth, Board Member Dale Holmes, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, and Board Member Earl Rice

**Also Present** 3 - Joey Staubes, Russell Martin, and Terri Graham

### 2. Business:

#### A. Public Hearing - Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.38 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation

Sponsors: Fennel

Rusty Martin, Senior Planner presented the staff recommendation. In January Planning & Zoning Board recommended approval 7-0. The case moved forward to Mayor and Council, but they declared Plant Rd a private drive for a city park. The applicant redesigned the subdivision to have the access from N Cooper Lake and demolish the existing house, which is the only house on the property. The zoning request is to change from R-15 to RAD-Conditional. The land use is Suburban Residential which will not change as the site is 4.38 acres, with 12 units, making the density 2.74 units/acre. Changing the access point to N Cooper Lake decreased the density from 2.94. Staff recommends approval with conditions described in staff report.

Chairman Powell asked Mr. Martin to clarify condition 16 referring to minimum lot size. Mr. Martin clarified that the minimum lot size will be 7,047 square feet.

Board Member Rice asked how many houses can be built within R-15 zoning. Mr. Martin commented that approximately 8-9 units could be built, but that is only a gross estimate.

Board Member Seagraves asked if the previous request was also to rezone to RAD-Conditional. Mr. Martin confirmed that it was.

Chairman Powell asked the applicant Brad Thompson, to add any comments. Mr. Thompson commented that the current plan is the same plan as before but access to the subdivision is changing.

Chairman Powell opened the floor for public comment.

Public Hearing

Robert Sudduth – N Cooper Lake – commented that stormwater off N Cooper Lake

Road flows through his property with current land conditions. Mr. Sudduth had concerns about additional stormwater after development is complete. Mr. Sudduth would also like to see a fence around the subdivision on the west side and the City park side.

Doug Howser - N Cooper Lake, questioned whether a survey will take place to make sure stormwater detention is built accurately. Mr. Martin clarified that prior to final plat an as-built certification of the stormwater detention will take place. The City's civil plan review process includes reviewing grading, infrastructure and stormwater. Mr. Howser has concerns that stormwater detention will not be constructed properly. Mr. Martin responded that plans and surveys are prepared by licensed engineers and surveyor's who may lose their license if plans are incorrect.

Kristin Howser-Sudduth –N Cooper Lake, questioned what the permitted work hours were. Mrs. Howser-Sudduth has concerns about truck traffic and truck parking on public roads and enforcement of work hours. Joey Staubes, Planner, clarified that work hours are 7am to 6pm Monday through Friday, and 9am to 6pm on Saturdays, and he would clarify which department should receive those complaints.

Brad Thompson responded to previous comments, and stated that he makes every effort to comply with city ordinances. The stormwater ordinance requires the developer to reduce existing stormwater flow by 10 percent.

Chairman Powell asked Mr. Thompson if notices for work hours are posted onsite. Mr. Thompson confirmed that they are and that he will have a 24 hour contact located within the permit box.

Board Member Rice questioned whether lots 8 and 9 would create stormwater issues. Staff responded that all stormwater review will take place at time of civil plan submittal and staff will make sure the development complies with all city ordinances.

A motion was made by Boardmember Earl Rice to approve 2014-163 Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.38 Acre Tract - Land Lot 335 - 4105 Cooper Lake Road - McLane Corporation, seconded by Boardmember Denny Campo. Motion carried by the following vote:

**Aye:** 7 - Board Member Seagraves, Board Member Wirth, Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo and Board Member Rice

## **B.**

Public Hearing - Zoning Request Z14-013 - Rezoning from R-15 to RAD-Conditional for the construction of two new single-family homes - 0.46 Acre Tract - Land Lot 489 - 1084 Fleming Street - Jasper Wayne Proctor

**Sponsors:** Anulewicz

A motion was made by Boardmember Denny Campo to table 2014-129 Zoning Request Z14-013 - Rezoning request from R-15 to RAD-Conditional for the development of two new single-family homes - 0.46 Acre Tract - Land Lot 489 - 1084 Fleming Street - Jasper Wayne Proctor, seconded by Boardmember Matt Wirth. Motion carried by the following vote:

**Aye:** 7 - Board Member Seagraves, Board Member Wirth, Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo and Board Member Rice

**C.** Public Hearing - Zoning Request Z14-016 - Approval of a Special Land Use Permit for the use of a modular classroom building - 8.83 Acre Tract - Land Lots 595, 596 and 597 - 3130 Atlanta Road - Covenant Christian School

**Sponsors:** Lnenicka

Rusty Martin presented the staff recommendation. In March 2008, the school was approved for a modular classroom. The special use permit is required to be renewed every two years. The classroom has subsequently been approved in 2010, and 2012, and the applicant is requesting another two year period.

Board Member Seagraves questioned whether the permit can be approved indefinitely. Mr. Martin replied that the permit can be requested for a 24 month period each time and that economic issues have postponed the schools ability to build permanent building.

Board Member Wirth asked staff if any complaints have been filed with the city regarding the modular unit. Staff responded that the city has not received any complaints.

Randy Ball – Head of Covenant Christian School – 2050 Whispering Pines Lane, McDonough, was called to the podium. Mr. Ball commented that the modular unit, referred to as the “Annex” contains 4 classrooms with 65 students. The school is eager to replace the modular unit with permanent structure. The school is working to accomplish that. In 2012 their capital fund was at \$100,000 and currently they have raised \$200,000. The school anticipates additional student growth, and needs additional infrastructure to meet demand.

Brant Sudduth , Chair of Board of Trustees – 4233 Collier Gate – lives directly behind the subject property. Mr. Sudduth commented that when the annex was added the school had 150 students and currently they have 250 students. The school hopes to grow to 350 students. The Board has hired consultants to develop a master plan to do more than replace modular. The Board also plans to hire a Director of Development to raise the required funds of \$1 million to \$5 million. They anticipate raising money over the next 3 to 5 years.

Chairman Powell opened the floor for public comment and there was none.

A motion was made by Boardmember Denny Campo to approve 2014-162 Zoning Request Z14-016 - Approval of a Special Land Use Permit for the use of a modular classroom building - 8.83 Acre Tract - Land Lots 595, 596 and 597 - 3130 Atlanta Road - Covenant Christian School, seconded by Boardmember Ed Whittington. Motion carried by the following vote:

**Aye:** 7 - Board Member Seagraves, Board Member Wirth, Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo and Board Member Rice

**3. Approval of Minutes:**

**A.** Approval of the May 12, 2014 Planning and Zoning Meeting Minutes

**Sponsors:** City Council

A motion was made by Boardmember Matt Wirth to approve 2014-168 the May 12,

2014 Planning and Zoning Meeting Minutes, seconded by Boardmember Dale Holmes. Motion carried by the following vote:

**Aye:** 7 - Board Member Seagraves, Board Member Wirth, Board Member Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo and Board Member Rice

#### **4. Adjournment**

The meeting was adjourned at 6:57 PM