

JACKSON COUNTY PLANNING COMMISSION MINUTES
Jackson County Administration Building Auditorium
67 Athens Street
Jefferson, GA
February 28, 2019
6:00 p.m.

Members Present

Marty Clark – Chairman
David Ayers – Vice-Chairman
Steve Wittry
Nick Bledsoe
Les Knoblock

Staff Present

Gina Roy – Director
Jamie Dove – Planner
Justin Crighton – Planner
Kathy Holloway – Zoning Coordinator

Marty Clark called the meeting to order at 6:00 p.m.

Steve Wittry opened in prayer. Then, Marty Clark led everyone in the Pledge of Allegiance.

Steve Wittry made a motion to approve the January 24, 2019 Planning Commission Minutes and was seconded by Les Knoblock. The motion was unanimous.

Gina Roy noted there will be a March 28, 2019 Planning Commission Meeting. Furthermore, Gina Roy read the public hearing procedures and noted they are located on the table by the door.

Old Business –

SU-18-08 - Jeremy Schmidt, 3290 Maysville Rd., Commerce, GA; .80 acre; special use in the East Jackson Overlay for outside display of storage buildings. (Map 034A/Parcel 011)

Justin Crighton gave the staff report. The applicant is requesting a special use in order to use the property for outside storage of model storage buildings that his business sells. The property is located within the East Jackson Overlay District. This property has been zoned for commercial use since 1974. It was previously the site of an auto repair shop and was granted a conditional use in 1999 in order to place a mobile home on the property for a night watchman's residence. The auto repair shop has since closed. The current tenant wishes to come into compliance with the Unified Development Code by obtaining a special use to operate his business. Staff recommends approval with 1 condition: 1) If the following special use request to allow outdoor display and/or storage in the HRC zoning district are approved, all outside storage is to be screened by fencing and landscaping, per the Jackson County Unified Development Code.

Jeremy Schmidt, 467 Shirley Rd., Bowersville, GA 30516 was present to represent this special use case. Mr. Schmidt would like to sell storage buildings at 3290 Maysville Rd., Commerce, GA. There is an office building that exists on this property. The hours of operation for the proposed business are 9:00 a.m. –

5:00 p.m. Monday thru Friday; 8:00 a.m. – 12:00 p.m. Saturday. Water and sewer currently exist in the office building. Expectations of sales for this business would result in a total approximate sales tax income of \$25,000 annually for Jackson County. Mr. Schmidt plans to abide by the Jackson County Unified Development Code. There was discussion between Mr. Schmidt, the board, and staff regarding the building on this property meeting building code requirements.

There was no opposition to this special use case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Les Knoblock made a motion to approve the special use in the East Jackson Overlay for outside display of storage buildings with 2 conditions: 1) If the following special use request to allow outdoor display and/or storage in the HRC zoning district are approved, all outside storage is to be screened by fencing and landscaping, per the Jackson County Unified Development Code. 2) Have the current building on the property inspected and brought up to current codes prior to issuing an occupational tax license. The motion was seconded by Steve Wittry. Les Knoblock, Steve Wittry, David Ayers, and Nick Bledsoe approved the special use case.

New Business:

MA-19-01 – JCDB Properties, LLC, Hwy. 124, Jefferson, GA; 1.6 acre; future land use map change from “Commercial” to “Residential”. (Map 105/Parcel 005)

Justin Crighton gave the staff report. The applicant is requesting a map amendment to the Comprehensive Plan in order to change the Future Land Use designation from “Commercial” to “Residential”. This property was rezoned in May of 2016 from A-2 to HRC. At that time the applicant intended to develop the property as a commercial use that would complement the future active adult community planned for the adjacent parcel. While the area is identified as a commercial corridor, the relatively small lot size could make location of a commercial use on the site difficult. Once the required transportation, parking, landscaping, and other improvements are installed, the overall buildable area would be significantly reduced. Thus, the request to fold the lot into the larger master planned R-3 residential development would be a logical solution. Staff recommends approval of this map amendment request. There was discussion between the board and staff regarding the commercial development of this property.

Mark Rudolph, 975 Old Forge Lane, Jefferson, GA was present to represent this case. Mr. Rudolph noted that 3 years ago they rezoned this property into a master planned development for a 55 and over adult subdivision with 2 commercial outparcels. The two outparcels could possibly be a bank and a medical office building. Since then, they have been working with an engineering firm and are getting ready to turn that plan in. Due to traffic issues with the GA DOT requirements and the many commercial zoned tracts on Hwy. 124, they believe it will be best to put the commercial out parcels back into the residential master planned development. There was discussion between the board and Mr. Rudolph.

There was no opposition to this map amendment case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Nick Bledsoe made a motion to approve the future land use map amendment change from “Commercial” to “Residential” and was seconded by Les Knoblock. Nick Bledsoe, Les Knoblock, David Ayers, and Steve Wittry approved the map amendment case.

MA-19-02 – JCDB Properties, LLC, Hwy. 124, Jefferson, GA; 3.0 acres; future land use map change from “Commercial” to “Residential”. (Map 105/Parcel 005)

Justin Crighton gave the staff report. The applicant is requesting a map amendment to the Comprehensive Plan in order to change the Future Land Use designation from “Commercial” to “Residential”. This property was rezoned in May 2016 from A-2 to HRC. At that time the applicant intended to develop the property as a commercial use that would complement the future active adult community planned for the adjacent parcel. While the area is identified as a commercial corridor, the relatively small lot size could make location of a commercial use on the site difficult. Once the required transportation, parking, landscaping, and other improvements are installed, the overall buildable area would be significantly reduced. Thus, the request to fold the lot into the larger master planned R-3 residential development would be a logical solution. Staff recommends approval of this map amendment request. There was discussion between the board and staff regarding the commercial development of this property.

Mark Rudolph, 975 Old Forge Lane, Jefferson, GA was present to represent this case. Mr. Rudolph noted that 3 years ago they rezoned this property into a master planned development for a 55 and over adult subdivision with 2 commercial outparcels. The two outparcels could possibly be a bank and a medical office building. Since then they have been working with an engineering firm and are getting ready to turn that plan in. Due to traffic issues with the GA DOT requirements and the many commercial zoned tracts on Hwy. 124, they believe it will be best to put the commercial out parcels back into the residential master planned development. There was discussion between the board and Mr. Rudolph.

There was no opposition to this map amendment case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Steve Wittry made a motion to approve the future land use map amendment change from “Commercial” to “Residential” and was seconded by Les Knoblock. Steve Wittry, Les Knoblock, Nick Bledsoe, and David Ayers approved the map amendment case.

SU-19-01 – Shaquita White, 2105 Hwy. 441 South, Commerce, GA; 0.59 acre; special use in the East Jackson Overlay for light duty vehicle repair/paint; tow service; and outside display and/or storage in HRC zoning. (Map 012/Parcel 001A)

Marty Clark recused himself from this case and David Ayers, Vice-Chairman, led this case proceeding. Justin Crighton gave the staff report. The applicant is requesting approval of a special use in order to operate a light duty vehicle repair/paint shop; tow service; and outside display or storage in HRC zoning. The property is located within the East Jackson Overlay District. The property has been zoned for commercial use since 1974. It’s been used for many businesses since then including an auto repair shop. The current owner wishes to come into conformance with the Unified Development Code by obtaining a

special use for a tenant to operate a vehicle repair business. The property is currently served by Nicholson Water Authority and a septic system. Staff recommends approval of this special use request with 1 condition: 1) If the following special use request to allow outdoor display and/or storage in the HRC zoning district are approved, all outside storage is to be screened by fencing and landscaping, per the Jackson County Unified Development Code.

Mitchell Clark, 7262 Jackson Trail Rd., Hoschton, GA was present to represent this case. Mr. Clark noted that the building has been remodeled and will be used for a car vehicle repair shop; tow service; and for outside display and/or storage under the name of Jackson Automotive.

There was no opposition to this special use case.

David Ayers closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Nick Bledsoe made a motion to approve the special use in the East Jackson Overlay for light duty vehicle repair/paint; tow service; and outside display and/or storage in HRC zoning with 1 condition: 1) If the following special use request to allow outdoor display and/or storage in the HRC zoning district are approved, all outside storage is to be screened by fencing and landscaping, per the Jackson County Unified Development Code. The motion was seconded by Les Knoblock. Nick Bledsoe, Les Knoblock, David Ayers, and Steve Wittry approved the special use case.

SU-19-02 – Asset Plus, LLC/Oleksandr Shevchuk, Tom White Rd., Braselton, GA; 7.56 acres; special use for vehicle repair/paint; offsite parking lot for trucks; and equipment rental center in HRC zoning. (Map 111/Parcel 008K)

Justin Crighton gave the staff report. The applicant is requesting approval of a special use in order to lease commercial space for vehicle repair/paint, offsite truck parking, and equipment rental center. This property has been zoned for commercial use since 2003, and left undeveloped. The current owner wishes to construct commercial buildings for lease to uses that would repair and maintain trucks, and would like to offer offsite parking for trucks as well. The property has public water provided by the Town of Braselton, but no sewer. Staff recommends approval of this special use request.

Alex Kharabora, P. O. Box 39, Braselton, GA was present to represent this special use case. Mr. Kharabora plans are to build 4 buildings for the use of light mechanical truck repairs. Services to include but not limited to air conditioner services, brake services, oil change, computer diagnostics, electrical systems, tire repair, paint services, and equipment rental. Also, there will be an offsite truck parking area.

There was no opposition to this special use case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, David Ayers made a motion to approve the special use for vehicle repair/paint; offsite parking lot for trucks; and equipment rental center in HRC zoning and was seconded by Steve Wittry. David Ayers, Steve Wittry, Nick Bledsoe, and Les Knoblock approved the special use case.

SU-19-03 – Tod Fox, U.S. Hwy. 441, Commerce, GA; 2.715 acres; special use in the East Jackson Overlay for the outside display and storage for all types of trailers in HRC zoning.
(Map 020/Parcel 004D)

Justin Crighton gave the staff report. The applicant is requesting approval of a special use for the outside display of trailers in the East Jackson Overlay. The applicant intends to establish a business selling utility trailers. The submitted concept plan proposes the construction of a sales office and a paved area for outside display of stock offered for sales. This property was rezoned for GI to HRC in November 2017. The City of Commerce provides water to this property. The property's sewerage would be provided by septic tank as sanitary sewer is not available according to the City of Commerce. Staff recommends approval with 1 condition: 1) Prior to the land disturbance permit being issued, the applicant must complete the development review process, and obtain the necessary approvals described for all non-residential developments as outlined in the Jackson County Unified Development Code.

Todd Fox, 877 Shoreline Drive, Jefferson, GA was present to represent this special use case. Mr. Fox noted that they plan to construct a nice office building on the front of the property with utility trailers and some camper trailers displayed behind the office. Also, they have a Georgia Power Company right of way agreement and a drainage pond underneath the Georgia Power Company easement. There was some discussion among the board and Mr. Fox.

There was no opposition to this special use case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Steve Wittry made a motion to approve the special use in the East Jackson Overlay for the outside display and storage for all types of trailers in HRC zoning with 1 condition: 1) Prior to the land disturbance permit being issued, the applicant must complete the development review process, and obtain the necessary approvals described for all non-residential developments as outlined in the Jackson County Unified Development Code. The motion was seconded by David Ayers. Steve Wittry, David Ayers, Nick Bledsoe, and Les Knoblock approved the special use case.

RZ-19-01 – Helena Dale, Hwy. 124 West, Jefferson, GA; 15 acres; rezone from A-2 to CRC.
(Map 094/Parcel 021D)

Justin Crighton gave the staff report. The applicant is requesting a rezoning from A-2 to CRC in order to relocate her existing business. This property has not been rezoned since the inception of zoning and was once used as the site for Jones Used Auto Parts and Recycling, Inc. In February 2018, the applicant requested and received a Land Use Map amendment which changed its designation from "Residential" to "Commercial" (MA-18-01). Public water provided by Jackson County Water and Sewerage Authority, is available within 1,500 feet. Public sewer is not available. Staff recommends approval.

Helena Dale, 3730 Jackson Trail Rd., Jefferson, GA was present to represent this rezone case. Mrs. Dale stated that she would like to relocate her existing business, H & H Homestead to this property. She proposes to build a 6,000 sq. ft. building. She sells new and used merchandise and holds outdoor vendor markets. There was discussion between the board, staff and Mrs. Dale.

There was no opposition to this rezone case.

Marty Clark, closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Nick Bledsoe made a motion to approve the rezone from A-2 to CRC and was seconded by Steve Wittry. Nick Bledsoe, Steve Wittry, David Ayers, and Les Knoblock approved the rezone case.

RZ-19-02 – Commerce Green Tree Park, LLC, 363 Joe Bolton Rd., Commerce, GA; 2 acres; rezone from A-2 to L-I. (Map 011/Parcel 006A)

Justin Crighton gave the staff report. The applicant is requesting approval to rezone a portion of the subject tract from A-2 to L-I in order to develop a business park on two parcels that will be tailored to meet the needs of Centurion Auto Logistics, Inc., including all the facilities necessary to accommodate a full-service auto transport hub. According to a letter received from the City of Commerce, there is no water and sewer availability from Joe Bolton Road. Water and sewer will be provided by the City of Commerce. Water is available from Hwy. 334. The sewer can be pumped across the road to the Toyota property lift station. Staff recommends approval with 1 condition: 1) The proposed development utilizes a 30 ft. structural buffer, including fencing and evergreen planting every 6 to 10 feet on its northern and western boundaries. Due to the nature and character of the property, no buffer will be utilized to separate the access drive way from the property boundary (a distance of approximately 307 feet). There was discussion between the board and staff.

Wayne Reece, 4200 Northside Pkwy., Bldg. 7, Atlanta, GA 30327 was present to represent this rezone case. Green Tree Park, LLC and Centurion Auto Logistics, Inc. intend to develop a 37.50 acre business park on two parcels of land located on Joe Bolton Road in Commerce, GA. The proposed development will consist of one or two buildings to accommodate a full-service auto transport hub, including transport truck maintenance, refueling and offices for logistics support. This facility will provide auto transportation services throughout the southeast. Using the newest technology and most efficient practices, this project will create new jobs for Jackson County.

There were several people who spoke in opposition to this rezone case. Chad Wheeler and Stacy Ellington who live on Wheeler Road which is located behind this proposed development. They had concerns regarding the noise of the big transport trucks all times during the day and night; lighting that comes from a big development; and opposed to this development in their back yards.

Wayne Reece used his remaining time for rebuttal to the opposition present. He noted they would plant evergreen trees to create a buffer as well as fencing. There will be no transporting of vehicles at night. The outside lighting will be down faced lighting for security purposes. There will be parking for the employees as well as parking for the big transport trucks.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, David Ayers made a motion to approve the rezone from A-2 to L-I with one condition: 1) The proposed development utilizes a 30 ft. structural buffer, including fencing and evergreen planting every 6 to 10 ft. on its northern and western boundaries. Due to the nature and character of the property, no buffer will be utilized to separate the access driveway from the property boundary (a distance of approximately 307 ft.). The motion was seconded by Nick Bledsoe. David Ayers, Nick Bledsoe, Steve Wittry, and Les Knoblock approved the rezone case.

RZ-19-03 – Commerce Green Tree Park, LLC, Joe Bolton Rd., Commerce, GA; 35.98 acres; rezone from A-2 to L-I. (Map 011/Parcel 019C)

Justin Crighton gave the staff report. The applicant is requesting approval to rezone the subject tract from A-2 to L-I in order to develop a business park on two parcels that will be tailored to meet the needs of Centurion Auto Logistics, Inc., including all the facilities necessary to accommodate a full-service auto transport hub. According to a letter received from the City of Commerce, there is no water and sewer availability from Joe Bolton Road. Water is available to this property from Hwy. 334. The sewer could be pumped across the road to the Toyota property lift station. Staff recommends approval with 1 condition: 1) The proposed development utilizes 30 ft. structural buffer, including fencing and evergreen planting (every 6 to 10 ft.) on its northern and western boundaries. Due to the nature and character of the property, no buffer will be utilized to separate the access driveway from the property boundary (a distance of approximately 307 ft.). There was discussion between the board and staff. Wayne Reece, 4200 Northside Parkway, Bldg. 7, Atlanta, GA 30327 was present to represent this rezone case. Green Tree Park, LLC and Centurion Auto Logistics intend to develop a 37.50 acre business park on two parcels of land located on Joe Bolton Road in Commerce, Georgia. The proposed development will consist of one to two buildings to accommodate a full-service auto transport hub, including transport truck maintenance, refueling and offices for logistics support. This facility will provide auto transportation services throughout the southeast. Using the newest technology and most efficient practices, this development will create new jobs for Jackson County. There was discussion between the board and Mr. Reece.

There were several people who spoke in opposition to this rezone case. Chad Wheeler and Stacy Ellington live on Wheeler Road, which is located behind this proposed development. They had concerns regarding the noise of the big transport trucks all times during the day and night; lighting that comes from a big development; and opposed to this development in their back yards. There was discussion between the opposition and the board.

Wayne Reece used his remaining time for rebuttal to the opposition present. He noted they would plant evergreen trees to create a buffer as well as fencing. There will be no transporting of vehicles at night. The outside lighting will be down faced lighting for security purposes. They will be parking for the employees as well as parking for the big transport trucks. There was further discussion between the board and Mr. Reece.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Steve Wittry made a motion to approve the rezone from A-2 to L-I with 1 condition: 1) The proposed development utilizes a 30 ft. structural buffer, including fencing and evergreen planting (every 6 to 10 ft.) on its northern and western boundaries. Due to the nature and character of the property, no buffer will be utilized to separate the access driveway from the property boundary (a distance of approximately 307 feet). The motion was seconded by Nick Bledsoe. Steve Wittry, Nick Bledsoe, David Ayers, and Les Knoblock approved the rezone case.

RZ-19-04 – White Plains Baptist Church, 3650 Hwy. 124 West, Jefferson, GA; 8.05 acres; rezone from A-2 to R-2. (Map 094/Parcel 006)

Justin Crighton gave the staff report. This property is 8.05 acres that was purchased and combined with the church property when the church had plans to expand. Before the church purchased the 8.05 acres, the property was included as a part of phase 1 and phase 2 of Westcott Place Subdivision. Now, the church wishes to sell this property with the intent of marketing it as lots in another phase of Westcott Place Subdivision. This property was previously approved for a map amendment in December of 2018. The map amendment allowed them to apply to have the property rezoned from A-2 to R-2. The property is currently served with water and sewer through the Jackson County Water and Sewer Authority. Staff recommends approval with the following 9 conditions: 1) Project to be developed as an “Open Space” development. 2) A 25-foot undisturbed buffer/vegetative screen must be retained along all property lines adjacent to agriculturally zoned property; if 25 feet of vegetation does not exist then developer must plant the balance. Said buffers must be shown and noted on all plans/plats. 3) Owner/Developer shall install Jackson County approved traffic calming devices, where required. 4) Minimum dwelling size 1/3 shall be 1,800 heated square feet, 1/3 shall be 2,000 heated square feet, and 1/3 shall be 2,200 heated square feet. 5) Access road providing connectivity per the submitted site plan shall be platted. 6) A fence shall be placed along all property adjoining the White Plains Baptist Church property. 7) At least 2 pedestrian easements shall be provided from the public right of way to green space in this development. 8) No vinyl siding and all conditions shall be placed on the recorded deed. 9) Width of pedestrian easement shall be 5 feet as well as sidewalks providing access. There was some discussion between the board and staff.

Cary Pittman, Pastor of White Plains Baptist Church, was present to represent this rezone case. The 8.05 acres is currently under contract to sell as another phase of Westcott Place Subdivision. By selling this land a significant financial burden will be lifted off of White Plains Baptist Church. The church fully intends to use the new income gain to minister to the community.

There was no opposition to this rezone case.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, Steve Wittry made a motion to approve the rezone from A-2 to R-2 with the following 9 conditions: 1) Project to be developed as an “Open Space” development. 2) A 25-foot undisturbed buffer/vegetative screen must be retained along all property lines adjacent to agriculturally zoned property; if 25 feet of vegetation does not exist then developer must plant the balance. Said buffers must be shown and noted on all plans/plats. 3) Owner/Developer shall install Jackson County approved traffic calming devices, where required. 4) Minimum dwelling size 1/3 shall be 1,800 heated square feet, 1/3 shall be 2,000 heated square feet, and 1/3 shall be 2,200 heated square feet. 5) Access road providing connectivity per the submitted site plan shall be platted. 6) A fence shall be placed along all

property adjoining the White Plains Baptist Church property. 7) At least 2 pedestrian easements shall be provided from the public right of way to green space in this development. 8) No vinyl siding and all conditions shall be placed on the recorded deed. 9) Width of pedestrian easement shall be 5 feet as well as sidewalks providing access. The motion was seconded by Les Knoblock. Steve Wittry, Les Knoblock, Nick Bledsoe, and David Ayers approved the rezone case.

MA-19-03 – Jackson County Board of Commissioners, Intersection of Hog Mountain Road/Storey Lane, Jefferson, GA; 89.71 acres; future land use map change from “Industrial” to “Master-Planned Mixed Use”. (Map 079/Parcel 029)

Justin Crighton gave the staff report. The applicant is requesting a map amendment to the Comprehensive Plan in order to change the Future Land Use Map designation from “Industrial” to “Master Planned Mixed Use”. In December of 2016, the proposed property Future Land Use Map designation was changed from “Commercial” and “Industrial” to solely “Industrial” with the intent of marketing the property to be developed for a manufacturing or distribution center (MA-16-07). Another request in April of 2017 to rezone the property from A-2 to G-I was denied (RZ-17-05). Then, the current owner, EWC Commons filed suit challenging the constitutionality of the A-2 classification for the property. Since this property lies between industrial and residential zoning, the Board of Commissioners felt like a Master Planned Mixed Use Development would provide a transitional use for the property. Staff recommends approval of this map amendment case.

Chris Hamilton, Jackson County Attorney, was present to represent this map amendment case. After the Board of Commissioners denied the rezone of this property from A-2 to G-I (RZ-17-05), the owner, EWC Commons, filed suit challenging the constitutionality of the A-2 classification for the property. Although the Board of Commissioners do not believe that the existing A-2 classification is unconstitutional, the BOC desires to support the property owner’s best possible use of the property consistent with the competing public and private interests in the vicinity. As a result, given the fringe nature of the property located in relatively close proximity to both industrial and residential uses, the BOC believes that a R-2, Master Planned Mixed Use Development would provide an appropriate transitional use for the property and would allow the property owner flexibility in designing an appropriate development for the property. In order to accomplish this in the fastest possible manner and without cost to the property owner, the BOC has opted to pursue the necessary land use permissions of the property pursuant to its authority to initiate such changes pursuant to Divisions I, III, and IV of the Unified Development Code. There was discussion between Mr. Hamilton and the board. Mr. Hamilton noted that he can’t go into details about this lawsuit as it is still ongoing.

Mr. David King, attorney for the owner, EWC Commons, was present in opposition. Mr. King noted that EWC Commons was not consulted about the unconstitutional map amendment, rezone, and special use cases. The owner wants this property rezoned to Industrial and will continue with the lawsuit. Also, Corey Wilkins, who lives on Hog Mountain Road across from this proposed development, was present in opposition. He has lived on this land his entire life. He stated that he would rather see Industrial go there rather than the proposed Master Planned Mixed Use Development. He has concerns regarding road problems on Hog Mountain Rd; the proposed distances between the houses; decreased value of his property.

Mr. Hamilton used his remaining time in rebuttal to the opposition present. Mr. Hamilton noted that the Board of Commissioners believe that R-2, Master Planned Mixed Use Development is a good

transitional use between industrial and residential properties. The county and EWC Commons will continue in their lawsuit over the zoning of this property.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, David Ayers made a motion to deny the future land use map amendment change from "Industrial" to "Master Planned Mixed Use" and was seconded by Steve Wittry. David Ayers, Steve Wittry, Marty Clark denied the map amendment case. Nick Bledsoe abstained from voting. Les Knoblock approved the map amendment case. Thus, the map amendment case was denied.

RZ-19-05 – Jackson County Board of Commissioners, Intersection of Hog Mountain Road/Storey Lane, Jefferson, GA; 89.71 acres; rezone from A-2 to R-2. (Map 079/Parcel 029)

Justin Crighton gave the staff report. The applicant is requesting to rezone this property from A-2 to R-2. In December of 2016, the proposed property future land use map designation was changed from "Commercial" and "Industrial" to solely "Industrial" with the intent of marketing the property to be developed for a manufacturing or distribution center (MA-16-07). Another request in April of 2017 to rezone the property from A-2 to G-I was denied (RZ-17-05). Then, the current owner, EWC Commons filed suit challenging the constitutionality of the A-2 classification for the property. Since this property lies between industrial and residential zoning, the Board of Commissioners felt like a Master Planned Mixed Use Development would provide a transitional use for the property. Staff recommends approval of this rezone case with the following 3 conditions: 1) A maximum net density of 3.5 dwelling units per acre divided as follows – A) Maximum of 94 duplex, townhouse, or multifamily dwelling units. B) Maximum of 220 and a minimum of 94 single-family dwelling units. C) Maximum of 97,694 square feet of non-residential (neighborhood commercial) use. 2) A minimum of 17.9 acres of open space. 3) All non-residential uses shall gain access from Hog Mountain Road.

Chris Hamilton, Jackson County Attorney, was present to represent this rezone case. After the Board of Commissioners denied the rezone of this property from A-2 to G-I (RZ-17-05), the owner, EWC Commons, filed suit challenging the constitutionality of the A-2 classification for the property. Although the Board of Commissioners don't believe that the existing A-2 classification is unconstitutional, the Board of Commissioners desire to support the property owner's best possible use of the property consistent with the competing public and private interests in the vicinity. As a result, given the fringe nature of the property located in relatively close proximity to both industrial and residential uses, the Board of Commissioners believe that a R-2, Master Planned Mixed Use Development would provide an appropriate transitional use for the property and would allow the property owner flexibility in designing an appropriate development for the property. In order to accomplish this in the fastest possible manner and without cost to the property owner, the Board of Commissioners have opted to pursue the necessary land use permissions of the property pursuant to its authority to initiate such changes pursuant to Divisions I, III, IV of the Unified Development Code. There was discussion between Mr. Hamilton and the board. Mr. Hamilton noted that he can't go into details about this lawsuit as it is still ongoing.

Mr. David King, Attorney for the owner, EWC Commons was present in opposition. Mr. King noted that EWC Commons was not consulted about the unconstitutional map amendment, rezone, and special use cases. The owner wants this property rezoned to Industrial and will continue with the lawsuit. Also, Corey Wilkins, who lives on Hog Mountain Road across from this proposed development, was present in

opposition. He has lived on this land his entire life. He stated that he would rather see Industrial go there rather than the proposed Master Planned Mixed Use Development. Also, he had concerns regarding road problems on Hog Mountain Rd.; the proposed distances between the houses; decreased value of his property.

Mr. Hamilton used his remaining time in rebuttal to the opposition present. Mr. Hamilton noted that the Board of Commissioners believe that R-2, Master Planned Mixed Use Development is a good transitional use between industrial and residential properties. The county and EWC Commons will continue in their lawsuit over the zoning of this property.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, David Ayers made a motion to forward this rezone case to the Board of Commissioners without a recommendation and Mr. Ayers followed with a withdrawal of the motion. Then, David Ayers made a motion to deny the rezone from A-2 to R-2 and was seconded by Steve Wittry. David Ayers, Steve Wittry, and Nick Bledsoe denied the rezone case. Les Knoblock approved the rezone case. Thus, the rezone case was denied.

SU-19-04 – Jackson County Board of Commissioners, Intersection of Hog Mountain Road/Storey Lane, Jefferson, GA; 89.71 acres; special use for a master planned mixed use development. (Map 079/Parcel 029)

Justin Crighton gave the staff report. The applicant is requesting a special use for an R-2, Master Planned Mixed-Use Development. In December of 2016, the proposed property Future Land Use Map designation was changed from “Commercial” and “Industrial” to solely “Industrial” with the intent of marketing the property to be developed for a manufacturing or distribution center (MA-16-07). Another request in April of 2017 to rezone the property from A-2 to G-I was denied (RZ-17-05). Then, the current owner, EWC Commons filed suit challenging the constitutionality of the A-2 classification for the property. Since this property lies between industrial and residential zoning, the Board of Commissioners felt like a Master Planned Mixed Use Development would provide a transitional use for the property. Staff recommends approval of the special use case with the following 2 conditions: 1) Minimum setbacks from each property line for single-family residential lots shall be: 7.5 feet from each side, 20 feet from the rear, and 20 feet from the front as defined in the Jackson County Unified Development Code. 2) Minimum lot size for single family lots shall be 7, 128 square feet.

Chris Hamilton, Jackson County Attorney, was present to represent this special use case. After the Board of Commissioners denied the rezone of this property from A-2 to G-I (RZ-17-05), the owner, EWC Commons, filed suit challenging the constitutionality of the A-2 classification for the property. Although the Board of Commissioners don't believe that the existing A-2 classification is unconstitutional, the BOC desires to support the property owner's best possible use of the property consistent with the competing public and private interests in the vicinity. As a result, given the fringe nature of the property located in relatively close proximity to both industrial and residential uses, the BOC believes that a R-2, Master Planned Mixed Use Development would provide an appropriate transitional use for the property and would allow the property owner flexibility in designing an appropriate development for the property. In order to accomplish this in the fastest possible manner and without cost to the property owner, the BOC has opted to pursue the necessary land use permissions of the property pursuant to its authority to initiate such changes pursuant to Divisions I, III, IV of the Unified Development Code. There was

discussion between Mr. Hamilton and the board. Mr. Hamilton noted that he can't go into details about this lawsuit as it is still ongoing.

Mr. David King, Attorney for the owner, EWC Commons was present in opposition. Mr. King noted that EWC Commons was not consulted about the unconstitutional map amendment, rezone, and special use cases. The owner wants this property rezoned to Industrial and will continue with the lawsuit. Also, Corey Wilkins, who lives on Hog Mountain Road across from this proposed development, was present in opposition. He has lived on this land his entire life. He stated that he would rather see Industrial go there rather than the proposed Master Planned Mixed Use Development. He has concerns regarding road problems on Hog Mountain Road; the proposed distances between the houses; decreased value of his property.

Mr. Hamilton used his remaining time in rebuttal to the opposition present. Mr. Hamilton noted that the Board of Commissioners believe that R-2, Master Planned Mixed Use Development is a good transitional use between industrial and residential properties. The county and EWC Commons will continue in their lawsuit over the zoning of this property.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Furthermore, David Ayers made a motion to deny the special use for a R-2, Master Planned Mixed Use Development and was seconded by Steve Wittry. David Ayers, Steve Wittry, and Nick Bledsoe denied the special use case. Les Knoblock approved the special use case. Thus, the special use case was denied.

The meeting adjourned at 7:25 p.m.

Marty Clark, Chairman

Date