



Walker County Planning Commission

Minutes

March 17, 2022

Walker County Civic Center

6:00 PM

ATTENDEES:

Planning Commission Members

Todd Holt
Stan Porter
Zack Chapman
Michael Hicks
Daryl Brooks
Jack Mullinax
Michael Haney
Cindy Askew
John Morehouse
Robert Carter
Jon Hentz

Walker County Planning Staff

David Brown, Director of Codes, Inspections & Planning
Kristy Parker, Planning Commission Secretary

I. CALL TO ORDER:

Chairman Michael Haney called the meeting to order at 6:00 P.M.

II. ROLL CALL

III. READING AND APPROVAL OF THE MINUTES FOR FEBRUARY 17, 2022: Michael Hicks stated that in the adjournment of the February meeting he had questioned the legality of the rezone and he would like that noted in the minutes. Chairman Haney asked if Michael would be ok with approving the minutes with that amendment and he said yes. Chairman Haney then asked if there was a motion to approve the minutes with the amendment. Stan Porter made a motion to approve with amendments. Daryl Brooks seconded the motion to approve. Vote was unanimous. Vote to approve with amendments carried.

II. MOTION TO OPEN THE PUBLIC HEARING: Chairman Haney asked if there was a motion to open the public hearing. Daryl Brooks made a motion to open. Jack Mullinax seconded the motion. Vote was unanimous. Motion to open the public hearing carried.

III. PUBLIC HEARING:

A. Variance:

1. Michael & Regina McCormack: Michael McCormack came forward and explained that he had a plat that had been approved back in 2004. He said that one of the lots was 1.94 acres and because of the location of the houses he would like to lower that lot size to .94 so it would not affect his drive when he sells the house.

Chairman Haney went over the lots on the plat. Zach Chapman questions if there were two or three lots. Mr. McCormack stated that on the original plat there were four, but he will be keeping the three minus the lot with the cabin. Chairman Haney asked if there was anyone present in opposition of the request. No one came forward.

2. Deborah S. England: Mrs. England came forward and stated that when they bought the property that they were not told that nothing else could be build on the property. She stated that her husband is retired, and she is fixing to retire, and their daughter would like to build on the property to help take care of them. Chairman Haney asked how many acres was there and she stated five and they would like to give the daughter one acre. Stan Porter asked when she would start building and Mrs. England stated that she was ready to start now. Mr. Porter said so you don't live there now, and Mrs. England said no they are remodeling the house but will be moving into it soon. Todd Holt asked why just one acres and Mrs. England said that she had a son too, but he still lived at home. Jack Mullinax asked that when the son moves out would they be wanting him to build there also, and she said yes she would like for him to, and Jack said so what is now a five-acre tract would be three lots less than five acres. Chairman Haney asked if anyone was there against this request and Doug Howell came forward. Mr. Howell stated that he was not against this but just had some questions. He first asked where the house would be built, what kind of house would it be and could it become rental. Chairman Haney said that whatever type of house was built would have to meet the current building codes. Mr. Howell asked if the home could be a modular home and he was told yes. Mr. Howell then asked about setbacks. Chairman Haney stated that they would have to be fifteen feet on the sides and rear and sixty feet from the centerline of the road. Mr. Howell then stated that he was not in favor of the request.

3. Robert Carter: Lee Smith came forward and started passing around pictures and a petition. He stated that he was the president of the Soldiers Field. Chairman Haney stopped him and asked if he was representing Mr. Carter and he said no and sat down. Chris Phillips came forward on behalf of Mr. Carter and Dish Wireless. Ms. Phillips stated that Walker County's regulations state that cell towers are allowed in any zones. She stated that the setback requirements from the property lines can be met but the setbacks from structures can not be. She stated that the structures that would be affected would all be owned by Mr. Carter. Jack Mullinax stated that the people that live in the duplexes on Mr. Carters property would be the ones that it would affect, and Ms. Phillips stated that they would be the ones to choose to live there. Michael Hicks asked where on the property would the tower sit, and Ms. Phillips showed him on a map. Chairman Haney then asked Mr. Smith to come back up. He explained that the neighbors are concerned about the look of the area and how it would lower their property values. He stated that paved drives would look better than the gravel drives that is there. Dave Graham came forward and stated that he has no problem with all the homes but has noticed a motor home on the property and was concerned that people will start living in these. He stated that he did not understand why they would put a cell tower in such a low area and will be an eyesore to the area. Ms. Phillips came back up and addressed on why they chose that area for the cell tower placement. She said that they would go by Walker County's guideline for buffer and landscape requirements.

B. Rezone:

1. Jon Capello: Jennifer Capello came forward and stated that her and her husband had purchased the property and are asking to only rezone the part across the road which is 1.84 acres. She said that they can not sell the lot because it does not have the required five acres so that is why they are asking for the rezone. Jack Mullinax asked if the other small tract across the road would remain theirs and she said yes. Jack then asked if the property on that side was R-2 and Kristy Parker stated yes. Chairman Haney stated that there was two pages of signatures that stated they were against this rezone and asked if they had two or three people that could speak. Tony Jackson came forward and stated that he has lived there all his life. He asked if he could ask her a question that might clear up all the confusion. Mr. Jackson said that the neighborhood had heard that they were wanting the rezone to build apartments. Mrs. Capello said that was not what they were wanting to do. She said that they could not split off anymore property from their larger tract to give to the 1.84-acre tract. There were some comments among the crowd about what can be built on A-1 and R-2 zones. Chairman Haney stated to the crowd that they could build apartments even in and A-1 zone. Mr. Jackson did state that the road is dangerous in the curve and there is not good water coverage in that area. Cindy Askew asked if there was going to be one home built there and Mrs. Capello said two. She stated that her best friend and mother-in-law both wanted a house there. Cindy Askew asked so that would be two driveways and Mrs. Capello said yes and Planning staff said that they did not have the acreage to share a driveway. Mrs. Capello stated that the buyers had talked about two homes, but they would have to work that out. David Lewis came up and stated that he had bought half of the property that Mrs. Capello had purchased and wanted to know if the two pieces would be under the same address. Mrs. Capello stated that if it was approved to break up them they would have different addresses. Jimmy Maggard came forward and stated that he was only concerned about the water issue and his driveway washing. Chairman Haney stated that they would have to go by Walker County's guidelines for stormwater and construction.

2. Manish Patel: Mr. Patel came forward and stated that they would like to rezone the property to C-1 to build a convenience store, hotel, offices, restaurant, and some houses. Zack Chapman asked what the road frontage for C-1 was. Planning staff stated that the regulations does not give a required amount of road frontage for commercial zones. Chairman Haney said that the GDOT would regulate that. Cindy Askew asked about that being spot zoning if it was rezoned to C-1 when it does not touch C-1. Terri Wood came forward and stated that her property backs up to this and wanted to know what they would do with the large pond on the property. Mr. Patel stated that they might build houses back there. She also asked about the GDOT requirements and a possible redlight. Mrs. Wood asked if they would be selling liquor and Mr. Patel said no liquor because the Walker County is a dry county. The issue was also brought up about sewer not being in this area. Shirley Hardman came up and asked what he wanted to place on the property and Mr. Patel said again what all they wanted to do.

IV. MOTION TO CLOSE THE PUBLIC HEARING:

Chairman Haney asked if there was a motion to close the public hearing. Todd Holt made a motion to close the public hearing. Jack Mullinax seconded the motion. Vote was unanimous. Motion to close the public hearing carried.

V. NEW BUSINESS:

1. Michael & Regina McCormack: Chairman Haney asked if there was a motion. Jack Mullinax made a motion to approve he request. Robert Carter seconded the motion to approve. Vote was Zack Chapman, Jon Hentz, Stan Porter, Michael Hicks, Todd Holt, John Morehouse, Daryl Brooks, and Robert Carter to approve the request. Cindy Askew voted to deny the request. Vote to approve the request carried.

2. Deborah England: Chairman Haney asked for a motion. Robert Carter made a motion to approve the request. John Morehouse seconded the motion to approve. Vote in favor of request was Robert Carter, John Morehouse, Stan Porter, and Michael Hicks. Vote to deny the request was Jack Mullinax, Daryl Brooks, Todd Holt, Cindy Askew, Jon Hentz and Zack Chapman. Vote to approve denied. Chairman Haney then asked if there was a vote to deny. Zack Chapman made a motion to deny. Jack Mullinax seconded the motion to deny. Vote to approve the motion to deny was Daryl Brooks, Jack Mullinax, Todd Holt, Cindy Askew, Jon Hentz and Zack Chapman. Vote no in favor of denial was Robert Carter, John Morehouse, Stan Porter and Michael Hicks. Vote to approve the denial carried.

3. Robert Carter: Chairman Haney asked for a motion Robert Carter said he abstained from this vote. Jack Mullinax made a motion to deny the request. Cindy Askew seconded the motion to deny. Vote was unanimous to deny the request. Motion to deny carried.

4. Jon Capello: Chairman Haney asked if there was amotion. Michael Hicks made a motion to approve. Todd Holt seconded the motion to approve. Vote is favor of approving request was Zack Chapman, Jon Hentz, Stan Porter, Michael Hicks, Todd Holt, John Morehouse, Jack Mullinax, Daryl Brooks, and Robert Carter. Vote to deny the request was Cindy Askew. Motion to approve the request carried. Vote approved.

5&6. Manish Patel: Chairman Haney asked if there was a motion on these two parcel rezone requests. Jon Hentz made a motion to deny the requests. Jack Mullinax seconded the motion. Vote was unanimous. Motion to deny carried for both parcels.

VII. ADJOURNMENT:

Chairman Haney asked if there was a motion to adjourn. Michael Hicks stated that before adjourning he would like to say something. He said that he had been to a class with LaFayette and Chickamauga in Birmingham and one thing they wanted everyone to look at was how the main traffic corridor could look and to set a precedence on how the building is going to look. He said he would like to start working with the Walker County Joint Development Authority and maybe come up with a zone that would run between Chickamauga and LaFayette since it's the most traveled. He said it would be like the Chickamauga Overlay District. Jack Mullinax said he thought it would be a great idea to do that. Stan Porter made a motion to adjourn. Todd Holt seconded the motion. Vote carried. Motion adjourned.

Date Submitted	Planning Commission Chairman
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Date Submitted	Kristy Parker, Planning Commission Secretary
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Date Submitted	David Brown, Director of Codes, Inspection & Planning
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