

MINUTES

City of Milton Planning Commission Regular Meeting February 26, 2008, 7:00 PM

This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by the Planning Commission, but not quoted. This document includes limited presentation by the Planning Commission and invited speakers in summary form. This is an official record of the City of Milton Planning Commission meeting proceedings. Official Meetings are audio recorded.

Commission Members Present: Paul Hackman, Curtis Mills, Cary Schlenke, Paul Moore, Fred Edwards, George Ragsdale, Jennifer Fletcher

Meeting Leader/City Staff: Robyn MacDonald, Community Development

INVOCATION

The invocation was led Commission Member Cary Schlenke.

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

CONDITIONS AND STATEMENT OF BOARD

Chair Paul Moore read to attendees of meeting the conditions and statement of the Board.

RULES AND PROCEDURES OF MEETING

Chair Paul Moore read to attendees of meeting the rules and procedures from the City of Milton Zoning Ordinance. He explained the portion of the Public Comment Card stating that any opponent of a re-zoning application must file this disclosure at least five calendar days prior to the first hearing by the local government or any of its agencies, which is usually the Planning Commission meeting if they have made a contribution in the amount of \$250 or more. If you have not filed a disclosure prior to the Planning Commission meeting, the City Attorney strongly suggests that you have someone else speak to your point of view.

**Planning Commission
Regular Meeting
Tuesday, February 26, 2008**

AGENDA
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February 26, 2008

<i>AGENDA ITEM/LOCATION</i>	<i>REQUEST</i>
<i>I. Call to order</i>	
<i>II. Approval of Minutes</i>	Minutes from January 29, 2008 Planning Commission Meeting
<i>III. Use Permits</i>	
U08-001 VC08-001 Land Road	To obtain a use permit to develop a landscape business. The applicant is also requesting the following concurrent variance: To allow access from a local road (Article 19.4.27 Section B.1) (Mike Searles)
U07-011 VC07-017 13620 Hopewell Road	Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8 th graders. The applicant is also requesting the following 5-part concurrent variance: 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3) 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.) 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1) 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3) 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)
<i>VII. Adjournment</i>	

Chair Paul Moore stated he was presented surprised at the public attendance. Made announcement that the Agenda has two items that were posted, but in both cases, the applications have been requested by the applicants to be withdrawn this evening. Action does have to be taken to acknowledge the withdrawals, but if you came to speak on either items you could come forward to speak, but it is not necessary.

Chair Paul Moore opened public comment.

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PUBLIC COMMENT

Sofia Ribeiro, 3050 Land Road, Milton, GA

Stated she came to talk about the first place. Expressed concerned that as long as there was an application, the City given applicant the rights to operate their business. Would like to know what happens when applicant withdraws. Does the person have to stop all the work?

Chair Paul Moore: Do not usually respond to questions, but since the case is withdrawn, will defer to Staff.

Staff Robyn MacDonald: Would allow the applicant a proper amount of time to vacant from the property as well as get the property back into an acceptable condition to ensure there will not be issues with the land. We have discussed possibly 60 days, but that is up to Code Enforcement. We need to give them an appropriate amount of time to find a new place to take all the materials to. With them withdrawing, they will not be able to operate the business.

Chair Paul Moore: Will they be allowed to continue their business during the 60 day period or will they have to cease and desist as well during that window time.

Staff Robyn MacDonald: They could continue on but Code Enforcement would give them an agreed upon time limit, a certain date, to say they would have to stop by that time or they would probably take them to court and have the judge handle it.

Sofia Ribeiro: Will the community be privileged to get that time information?

Staff Robyn MacDonald: Would be happy to share that information with you.

Chair Paul Moore: For your information, Staff had recommended denial of this application.

Mike Searles, 4779 Atlanta Road, Smyrna, GA: Stated he was here representing the Applicant Celestino Martinez. He has withdrawn his request. At the end of this week, he will not have any additional deliveries. Hopefully, given the 60 days to find a new place to start moving his stone to, then you will start his business there.

Chair Paul Moore: The Commission will be taking a vote this evening for the withdrawal of the case.

Kim Horne, 415 Wade Glen Court, Milton, GA: Asked if applicant was going to be required to replant the trees and bring it back up to the standard the property was before he illegally used the property for the site.

Staff Robyn MacDonald: Stated it was her understanding from the Arborist, there were no specimen size trees that he saw. Not sure he would be required to replant under AG-1. Would make sure the property is stabilized and not left with any junk.

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Chair Paul Moore: Called for any other public comment.

There was no further public comment.

Chair Paul Moore: Called for a motion to close public comment.

Motion and Vote: Fred Edwards moved to close public comment. Seconded by Jennifer Fletcher. There was no discussion. Vote: 7-0. Motion unanimously carried to close public comment.

APPROVAL OF MINUTES

Chair Paul Moore: Called for approval of the January 29, 2008 Planning Commission meeting minutes.

Motion and Second: Paul Hackman moved to approve the January 29, 2008 Planning Commission meeting minutes. Seconded by Fred Edwards. There was no discussion. Vote: 7-0. Motion unanimously carried and minutes were approved.

Chair Paul Moore: Called the first item on the Agenda and asked Staff Robyn MacDonald to read the first item.

Staff Robyn MacDonald: Read Petition **U08-001, VC08-001**, property on Land Road. Request for Use Permit and a concurrent variance. Did not read entire report. Community Development Department's recommendation is denial of the Use Permit, U08-001 and denial of VC08-001.

Chair Paul Moore: Asked the applicant to come forward.

Mike Searles, 4779 Atlanta Road, Smyrna, GA: Stated he was the representative for Celestino Martinez and they are requesting withdrawal of this application.

Chair Paul Moore: Called for anyone else who would like to add something in addition to what may have already been shared this evening by the community.

There was no additional public comment.

Chair Paul Moore: Asked applicant if there was anything further he wished to share.

Mike Searles: Stated after this week, Mr. Martinez will not be getting in anymore shipments of stone and will start looking for a new place to open his business and will gradually start transferring the existing inventory of rock and mortar to the new location. He is hoping to have at least 60 days to get the material moved. They do understand about getting the ground cover back and cleaning up any trash. Stated he was a developer and understand that it should be left the way it should be.

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Chair Paul Moore: Asked if owner had any intention to do any re-plantings in response to community comment.

Mike Searles: Stated applicant did not have any intention to replant. The site is probably a 25 year re-growth of pines that were timbered. Whatever was taken down is very minimal. He was just planning to clean it up and redo the ground cover so there is no raw dirt.

Chair Paul Moore: Asked if applicant planned to remove what gave the appearance to be a drive on that site.

Mike Searles: Would have to talk to staff to see if there was a problem with that.

Staff Robyn MacDonald: He would not be required to remove it. He owns the property and he can do what he would like to. We do not have a problem with the driveway going into it.

Chair Paul Moore: Any more questions?

George Ragsdale: Had a question for staff. How did this come about?

Staff Robyn MacDonald: It was a code enforcement issue that was reported.

George Ragsdale: Went and looked at the property and saw some stored items, but what is the extent of the activity on the site currently?

Staff Robyn MacDonald: Stated they go to pick up material and take it. They may actually have workers come and leave their trucks and then leave on crews.

George Ragsdale: Did not see any vehicles there when he drove by.

Staff Robyn MacDonald: There have been vehicles stored and parked there. They are heavy vehicles to move rock as well as trucks belonging to people.

Mike Searles: Stated he does have a bobcat and a flatbed truck that is parked there.

George Ragsdale: Stated reason for asking is because it raised the same question as before about the definition of a landscape business, because in the absence of the vehicles being stored there, it does not constitute a landscape business the way the ordinance is written.

Staff Robyn MacDonald: Code Enforcement believed it would be in violation of the ordinance.

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Chair Paul Moore: Called for a motion to accept the withdrawal.

Motion and Second: Paul Moore made a motion that the Commission accept Staff's recommendation for withdrawal of U08-001, VC08-001, the Land Road Use Permit and concurrent variance and request that we acknowledge and accept the withdrawal. Seconded by Paul Hackman.

Discussion:

George Ragsdale: Stated that as a technicality, Staff's recommendation was not for withdraw.

Chair Paul Moore: Thanked Mr. Ragsdale for correcting him and restated the motion:

That the Commission accept the request for withdrawal of U08-001, VC08-001, the Land Road Use Permit and concurrent variance and request that we acknowledge and accept the withdrawal. Seconded by Paul Hackman. There was no further discussion. Vote: 7-0. Motion unanimously carried.

Mike Searles: Inquired as to when the next meeting on this would be.

Staff Robyn MacDonald: Stated at the City Council on March 17th. You can appear and ask for the withdrawal as well because they have to take a vote as well.

Mike Searles: Asked if this had to be done in person.

Staff Robyn MacDonald: Stated that was preferable, but you could write a letter for Mr. Martinez stating everything you could do so.

George Ragsdale: Asked Staff Robyn MacDonald to call the next agenda item.

Staff Robyn MacDonald: Read Petition **U07-011, VC07-017**, The Academy, 13620 Hopewell Road, J.T. Adams. Application for a Use Permit for a private school and a 5-part concurrent variance 1) to reduce the building setback, (2) reduce the 75 foot buffer and 10 foot improvement setback, (3) To increase the 20 foot setback to all the septic field encroachment and (4) to allow parking between the right-of-way and the building.

Staff Robyn MacDonald: Stated she received a letter from the applicant, J. T. Adams, requesting the withdrawal of this petition without prejudice and Staff recommends withdrawal.

Chair Paul Moore: Asked if applicant was present tonight.

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Staff Robyn MacDonald: Stated applicant was not present, but had sent in the letter for the Commission.

Chair Paul Moore: Called for any public comment from the community.

There was no public comment.

Chair Paul Moore: Called for a motion to close public comment.

Motion and Second: Paul Hackman made a motion to close public comment. Cary Schlenke seconded the motion. There was no further discussion. Vote: 7-0. Motion to close public comment unanimously carried.

Chair Paul Moore: Called for a motion to accept the withdrawal.

Motion and Second: Paul Hackman made a motion to allow withdrawal of **U07-011, VC07-017**, The Academy. Seconded by Jennifer Fletcher. There was no further discussion. Vote: 7-0. Motion to withdraw unanimously carried.

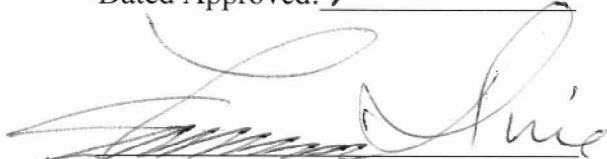
Chair Paul Moore: Called for a motion to adjourn.

ADJOURNMENT:

Motion and Second: Fred Edwards moved to adjourn the meeting. Paul Hackman seconded the motion. There was no further discussion. Vote: 7-0. Motion unanimously carried and meeting was adjourned.

Meeting adjourned at 7:40 p.m.

Dated Approved: 3-25-08



Francesca Ivie
City Clerk's office



Paul Moore, Chairman
Planning Commission