

The Planning and Zoning Commission met for their Regular meeting on Tuesday, March 1, 2011 at 6:00 p.m. at Harlem City Hall with Chairman B. J. Cunningham presiding.

Present: COMMISSION: Chairman B. J. Cunningham, Vice-Chairman Dale Arnold, Commissioner Tim Farr and Commissioner John Neal; STAFF: City Manager Jason M. Rizner, City Clerk Debra E. Moore, and City Attorney Barry Fleming; ABSENT: Commissioner Franklin Jennings; VISITORS: Robert Hand, Allen Stewart, Jeffery Shane Donaldson, Richard Andrew, Joshua Hand, Franklin Neal and Sherrie Winkler.

The meeting was called to order by Chairman Cunningham at 6:00 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of the Minutes-December 14, 2010**-Commissioner Neal made the motion to approve the Minutes of the December 14, 2010 meeting as written; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

**Conditional Use Permit Application-Herb Newsome and Shane Donaldson:**

Chairman Cunningham asked the interested parties to address the Commission; Mr. Newsome was not in attendance. Shane Donaldson, Pastor of the Church, addressed the Commission. They are asking for a conditional use permit for the property located at 320 E. Milledgeville Road; the proposed use is for a Church. The property is currently zoned B-3 which will allow for the requested conditional use permit.

City Attorney Fleming questioned if they were aware that there is a liquor store located to the east of the building. Mr. Donaldson stated that they were aware and that they have no problems or objections with the liquor store being in the vicinity (within the 100 yards regulation. Mr. Donaldson openly affirmed that they had not conflict or objections and will bring no "suit" at a later date.

City Attorney Fleming read from Code Section 3-3-21 of the State law that "no person knowingly can sell alcohol within 100 yards of a Church building". He is not aware of an exception in the State law. Mr. Fleming stated that the license for the liquor store was sold by the County and not the City. According to Code Section 6-62 of the Columbia County ordinance, it repeats the State law but also has an exception stating that the distance requirements may be waived if the property owner (Herb Newsome) files a waiver with the Clerk of Superior Court to be place in the real estate records that he and Mr. Donaldson have no objections. The State laws override the County law, but he feels that the County must've come upon something for them to have included this in

**Conditional Use Permit Application-Herb Newsome and Shane Donaldson (cont'd):** their Ordinance. The City's Ordinance is similar to the County's. City Attorney Fleming will look into this further to try to get an answer.

City Attorney Fleming explained that it was recently discovered that the Commission can only make recommendations on Conditional Use Permits and that by law Council should approve. A recommendation will be made tonight to take to Council at the March Council meeting scheduled for March 21, 2011.

Vice-Chairman Arnold made a motion to make a recommendation to Council to approve the Conditional Use Permit request contingent upon any further findings of the City Attorney in reference to State law and the owner of the building (Herb Newsome) in conjunction with the Church files the appropriate waiver with the Superior Court Clerk's office; 2<sup>nd</sup> by Commissioner Farr. Discussion-It was recommended that both Mr. Newsome and Mr. Donaldson be in attendance at the March Council meeting. Motion carried; all in favor.

**Other:** Sherry Winkler of Ansley Place asked to address the Commission in reference to the Conditional Use Permit request of David Callahan. She spoke against changing the property to a Personal Care home. She wanted to know if the area will stay residential. City Manager Rizner addressed Ms. Winkler and informed her that the application had been withdrawn due to lack of funding; the home would have to be established a year before they would receive any reimbursements. City Attorney Fleming explained to Ms. Winkler what a Conditional Use Permit was; that it is asking for an exception not a zoning change. That it could not be changed.

Being no further business before the Commission, Vice-Chairman Arnold made the motion to adjourn the meeting; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor. The meeting adjourned at 6:24 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for their Regular meeting on Tuesday, May 3, 2011 at 7:00 p.m. at Harlem City Hall with Chairman B.J. Cunningham presiding.

Present: COMMISSION MEMBERS: Chairman B. J. Cunningham, Commissioner Tim Farr, and Commissioner Franklin Jennings; STAFF: City Manager Jason M. Rizner and City Clerk Debra E. Moore; ABSENT: Vice Chairman Dale Arnold and Commissioner John Neal; VISITORS: Keith Lawrence, Meybohm Realty

The meeting was called to order by Chairman Cunningham at 7:05 p.m.

The Invocation was given by Chairman Cunningham.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of Minutes:** Chairman Cunningham called for a motion for the approval of the March 1, 2011 Minutes as written; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor.

**Review and Discussion of Proposed PUD Amendment-Cornerstone Creek:**

Chairman Cunningham recognized Keith Lawrence of Meybohm Realty and asked him to address Council. Currently there are no recordings for Phase II of Cornerstone Creek; there are recordings for Phase I. They are requesting to adjust the square footage of the houses at the minimum from 1800 to 1500 and could be up to 2600; they are ranch style houses. There would be an estimated 1/3 of each; depending on the market. They are requesting no changes to Phase I. They are also requesting a change in the materials; combo brick and vinyl or hardy board and not total brick. It was thought to name the area "The Cottages of Cornerstone".

Chairman Cunningham wanted to know what procedure they were to follow; the Commission would actually make a recommendation to Council. This meeting was for discussion only; there will be a meeting set up for prior to the May 16, 2011 Council meeting. Commissioner Jennings would be interested in knowing what the current resident's have to say. We have followed the notification in the newspaper and the placement of the signs notifying about the meeting. Commissioner Jennings wanted to know how far removed is Phase II from Phase I. Mr. Lawrence responded that is was about a 20 to 30 foot buffer.

There are current covenants recorded on all lots (Phase I & II). Phase I is platted; Phase II is not. There will be no changes in the lot sizes only the houses will be smaller. If they could not have both changes, they would accept the 1800 square feet but would like to change the materials. The houses would be 25% brick/stone and 75% vinyl or hardy board. Commissioner Farr asked for the percentages on the houses; small to large. Mr.

**Review and Discussion of Proposed PUD Amendment-Cornerstone Creek (cont'd):**

Lawrence will bring the information to the next meeting along with pictures of current houses that have been constructed (Crown Builders-Pamir in Grovetown). The majority of the houses will be one-story.

Mr. Lawrence stated that he would try to meet with the Homeowner's Association at Cornerstone.

The next meeting has been set for Monday, May 16, 2011 at 5:30 p.m.

Being no further business before the Commission, Chairman Cunningham called for a motion to adjourn. Commissioner Farr made that motion; Commissioner Jennings 2<sup>nd</sup>. Motion carried; all in favor. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission of the City of Harlem met for a Called Meeting on Monday, May 16, 2011 at City Hall at 5:30 p.m. with Chairman B.J. Cunningham presiding.

Present: COMMISSION: Chairman B.J. Cunningham, Commissioner Tim Farr, and Commissioner Franklin Jennings; STAFF: City Manager Jason M. Rizner, City Clerk Debra E. Moore and City Attorney Barry Fleming; ABSENT: Vice-Chairman Dale Arnold and Commissioner John Neal; VISITORS: Keith Lawrence, Cornerstone Residents: Michael Monroe, King L. Holmes, Jeremiah Johnson, Scott Eremus, Robert Johnson, Herman Wilson, Nicole & Stephen Jooster, Dean Hokrein, Wade Soseba, Lorne Hobbly, Bob Hatcher, Maria & Dan Wandless, Lillie & Eurie Jackson and Bobby Culpepper.

The meeting was called to order by Chairman Cunningham at 5:30 p.m.

The Invocation was given by Chairman Cunningham.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of Minutes:** Chairman Cunningham called for a motion for the approval of the May 3, 2011 Regular Meeting; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor.

**PUD Amendment-Cornerstone Creek:** Chairman Cunningham recognized Keith Lawrence of Meybohm Realty. They are requesting a change to the PUD for Cornerstone Creek Phase II due to the market changes over the last two years. The requests are as follows:

- The minimum square footage will change from 1800 to 1500, but will go up to 3000 square feet.
- The exteriors shall be a minimum of 25% brick or stone with the other 75% being either cement fiber siding or vinyl siding.
- The second phase shall be a new neighborhood called The Cottages of Cornerstone Creek; this will be done so that the smaller homes will be less likely to affect the comparables of the existing homes.
- There may be homes with either single car or double car garages.
- There is no request to change the rezoning requirements for the existing platted lots in Phase I.

Phase II is not platted at this time; only Phase I (Dozier/Wells) is. Phase I is currently 75% brick and 25% other material. The houses are in the 2400 square foot range. The

**PUD Amendment-Cornerstone Creek (cont'd):** lot sizes in Phase II will not change; some of the houses will be smaller. About 30% of the homes would be below 1800 square feet.

Chairman Cunningham opened the floor for comments from the residents of Cornerstone Creek. There was discussion about the cost of the new houses, concerns with the decrease in the values of the existing properties (just received property assessments from the County) and wanted to know what guarantee they would have that the smaller houses would not affect their property values. There was no support from the resident's that were present; they were not in favor of the changes being requested. They also expressed concerns with having transient residents (military) and what level of resident would be moving in with lower incomes for the smaller lower priced homes. Some of those present were military and retired military who have decided to settle in Harlem. The residents spoke favorably of the City, but were not in favor of having the amendment approved.

City Attorney Fleming commented that the builders were dealing with a downed economy and can not build the houses that they previously said they would.

Chairman Cunningham thanked the resident's for their comments and let them know that the Commission's responsibility was to make a recommendation to Council for or against the request.

Chairman Cunningham asked if there was a recommendation from the Commission. Commissioner Jennings made the motion to make the recommendation to Council to deny the request to amend the PUD for Phase II of Cornerstone Creek; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

Being no further business before the Commission, Commissioner Jennings made the motion to adjourn the meeting; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor. The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerks

The Planning & Zoning Commission of the City of Harlem, Georgia met for a Called Meeting on Monday, June 13, 2011 at Harlem City Hall at 6:00 p.m. with Chairman B.J. Cunningham presiding.

Present: COMMISSION: Chairman B. J. Cunningham, Vice-Chairman Dale Arnold, Commissioner Tim Farr, Commissioner Franklin Jennings, and Commissioner John Neal; STAFF: City Manager Jason M. Rizner, City Clerk Debra E. Moore, and City Attorney Kurt Worthington; VISITORS: Phil Turner, Harvey Minton, Ruth Tracy-Blackburn and builder from Kuhlke Construction.

The meeting was called to order by Chairman Cunningham at 6:00 p.m.

The Invocation was given by Commissioner John Neal.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of Minutes:** Chairman Cunningham called for a motion on the Minutes of the May 16, 2011 meeting. Commissioner Jennings made the motion to approve the Minutes as written; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Variance Requests-Lucky Lady Pecans Gifts and More:** The request is to reduce the minimum required landscape buffer at the side property line at the proposed Cold Storage Warehouse from 40 feet to 12 feet. They are also requesting to reduce the minimum rear setback at the Pole Barn from 25 feet to 5 feet.

Chairman Cunningham opened the floor for discussion. There was no one from Lucky Lady in attendance at this time to address the request or answer questions the Commission may have. There was also no opposition present.

Per City Manager Rizner, the landscape buffers can be reduced by 1/3 and the installation of a six foot fence is required. The current buffer requirement is 40 feet; this would reduce it to 26.67 feet; they are requesting a 12 foot buffer or a variance of 14 to 16 feet. The drawings show a 10.4 foot buffer from the side property line. The current rear setback for all properties is 25 feet per the ordinance book; they are requesting a 5 foot rear setback or a variance of 20 feet.

There was a lot of discussion about notification being given to the property owners. The City met the requirements that are set forth in the Code of Ordinances in that they ran the legal ads and posted signage at the property requesting the variance. We are not required to notify the residents personally. Chairman Cunningham was not comfortable making a decision without knowing how the neighbors would feel.

**Variance Requests-Lucky Lady Pecans Gifts and More (cont'd):** Note: Ruth Tracy-Blackburn and someone from Kuhlke Construction showed up at about 6:20 p.m. They were attending the HPC meeting at 6:30 p.m.

They were questioned about notifying the residents; Ms. Tracy-Blackburn said she was not aware that they needed to do this; she had turned everything over to the construction company. She spoke about the deadlines they had to meet to have their project done. She was open to being contacted by the residents if they had any questions.

Commissioner Neal questioned about the placement of compressors and the noise level. The contractor responded that they originally were going to be on top of the buildings, but now will be placed in between the buildings. Ms. Tracy-Blackburn also responded due to new government regulations pertaining to noise levels, a lot of the noise will go away.

Chairman Cunningham wanted to Table this item until the residents could be notified. He was advised that to Table an item would mean that they may or may not resume this discussion at a later time; it was recommended to make a motion to Postpone to the next meeting. This would be for the residents to be notified. City Attorney Worthington stated that we had thirty days to come to a decision on a recommendation on the request. Discussions followed pertaining to HPC and having to have a Called meeting by Council as it has to go before them for the final decision. City Attorney Worthington also stated that we have met the requirements as set by the Code of Ordinances and that the residents were listed by name and address in the legal ad. Chairman Cunningham reiterated that we had met the requirements, but that he would still like the residents to be notified; City Manager Rizner stated that he would contact the residents.

Chairman Cunningham asked if there was a motion to be made from the Commission. Commissioner Neal made the motion to make a recommendation to Council to grant the variance request; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; with a vote of 3-0 with 1 abstaining (Commissioner Jennings). Commissioner Jennings stated that he was not voting against it but that it is due to not having the information prior to the meeting so that he would know what was going on. Per the City Charter, a person abstaining from voting is seen as an affirmative vote.

Being no further business before the Commission, Commissioner Jennings made the motion to adjourn the meeting; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor. The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Debra E. Moore, City Clerk

The Planning & Zoning Commission met for a Called meeting on Monday, June 20, 2011 at 5:30 p.m. at Harlem City Hall with Chairman B.J. Cunningham presiding.

Present: COMMISSION: Chairman B.J. Cunningham, Vice-Chairman Dale Arnold, Commissioner Franklin Jennings, and Commissioner John Neal; STAFF: City Manager Jason M. Rizner and City Clerk Debra E. Moore; ABSENT: Commissioner Tim Farr; VISITORS: N/A

The meeting was called to order by Chairman Cunningham at 5:30 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of Minutes:** Chairman Cunningham called for a motion on the June 13, 2011 minutes. Commissioner Neal made the motion to approve the minutes as written; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

**Rezoning Request-Harlem Housing Authority Property-Applying Harlem Road:** A request has been received from Harlem Housing Authority Chairman Phil Turner to have the property rezoned from R1-B to A-1 for the purpose of the construction of a fire station to be operated by the City of Harlem.

Vice-Chairman Arnold made the motion to approve the request for rezoning the property from R1-B to A-1; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor.

**Other:** N/A

Being no further business before the Commission, Commissioner Neal made the motion to adjourn the meeting; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor. The meeting adjourned at 5:40 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning and Zoning Commission of the City of Harlem met for a Called meeting on Tuesday, July 19, 2011 at Harlem City Hall at 6:00 p.m. with Chairman B. J. Cunningham presiding.

Present: COMMISSION MEMBERS: Chairman B. J. Cunningham, Commissioner Tim Farr, and Commissioner John Neal; STAFF: City Manager Jason M. Rizner, City Clerk Debra E. Moore, and City Attorney Barry Fleming; ABSENT: Vice-Chairman Dale Arnold and Commissioner Franklin Jennings; VISITORS: Johnny White, Alan Crawford, and Rosella Crawford.

The meeting was called to order by Chairman Cunningham at 6:00 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of the June 20, 2011 Minutes:** Chairman Cunningham called for a motion on the minutes. Commissioner Neal made the motion to approve the June 20, 2011 minutes as written; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Rezoning Request-City of Harlem-6470 Campbell's Way:** The City of Harlem is requesting to rezone the City property located at 6470 Campbell's Way from R1-A Residential to A-1 Agriculture for the purpose of building a fire station to be operated by the City. A fire station is not allowed in the zoning of R1-A.

Chairman Cunningham opened the floor for any comments from those present.

Alan and Rosella Crawford from 6472 Campbell's Way, property right next to proposed property to be changed, had questions concerning the existence of a buffer that would be left between their property and the new fire station; also, on the noise level from the station when calls go out. City Manager Rizner responded that this station will not be manned; that the most activity will probably be on Monday nights when the department has training. He thought that there could possibly be something worked out to have the department not turn on the lights and sirens when a call goes out until they are actually on Highway 221. There was a question pertaining to the placement of the building; this has not been fully decided, but will be as close to Highway 221 as is feasible. They questioned the movement of a power pole and fire hydrant that are located at their property; these will not be moved, but a power pole that is closer to the highway will be. They have requested that when the plans for the placement of the building are complete, if they could see them. They will be contacted when they are available.

**Rezoning Request-City of Harlem (cont'd):**

Johnny White of 6482 Campbell's Way had a question about the entrance and exit for the fire station; this will be onto Campbell's Way. There was some concern about losing the entrance way into Campbell's Crossing; this will not change. He had questions about an annexation letter he had received a couple of years ago, but there was no follow-up. City Manager Rizner will get with him after the meeting to check to see if his property will be eligible. He also wanted to know what "doors would be opened" with the rezoning of the property to A-1; there would be none as the City owns the property. He would also like to see the plans when they are available.

City Manager Rizner showed the renditions of the proposed building and the new Public Safety Building; favorable comments came both families.

Being no further discussion, Chairman Cunningham called for a motion on the Rezoning request. Commissioner Neal made the motion to approve the Rezoning of the property located at 6470 Campbell's Way from R1-A to A-1 for the purpose of building a fire station; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

Chairman Cunningham called for a motion to adjourn the meeting; that motion was made by Commissioner Neal; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor. The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for a called meeting on Monday, October 17, 2011 at City Hall at 5:30 p.m. with Commissioner Franklin Jennings presiding.

Present: COMMISSIONERS: Commissioner Tim Farr, Commissioner Franklin Jennings, and Commissioner John Neal; STAFF: City Manager Jason M. Rizner, City Clerk Debra E. Moore, and City Attorney Adam Nelson; ABSENT: Chairman B. J. Cunningham and Vice-chairman Dale Arnold; VISITORS: Dale and Angie Wiltshire.

The meeting was called to order by Commissioner Jennings at 5:40 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Commissioner Jennings.

**Approval of the July 19, 2011 Minutes:** Commissioner Neal made the motion to approve the July 19, 2011 Minutes as written; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Variance Request:**

- **Dale Wiltshire, Owner, 180 W. Milledgeville Road-**Dale Wiltshire has applied for a variance on his side setback of five feet; the variance would go from 15 feet to 10 feet. He would like to install a carport to match the existing structure. The carport would be located on the right side of his home or the Woman's Club side. Having the five foot variance would alleviate having to place the carport at his back porch. Mr. Wiltshire will also have to apply for a COA with the Historic Preservation Commission. There was no one in attendance that had any opposition to his request. Commissioner Neal made the motion to approve the variance of five feet on the side setback amending it to a ten foot setback; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

Being no further business before the Commission, Commissioner Farr made the motion to adjourn the meeting; 2<sup>nd</sup> by Commissioner Neal. Motion carried; all in favor. The meeting adjourned at 5:46 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk