

8-F - CASE Z-18038 GODBOLD PROPERTY

CHAIRMAN SAM DAVIS: The next case is Case Z-18038, Godbold property.

MS. CELENA BOYKIN: This is a request to re-zone almost thirty (30) acres from RA to RSF-3. It is located in Planning District 21 just south of County Road 12 South and east of Sherman Road.

The request is to re-zone this to RSF-3, Single-Family. They plan to continue on Hawthorne Subdivision. The Hawthorne Subdivision is the RSF-2 parcels to the northeast. They will need the RSF-3 to meet their minimum lot size.

You can see Hawthorne was previously approved before District 21 became zoned. I looked at their smallest lot. It is ten thousand four hundred (10,400) square feet. And their largest lot goes up to seventeen thousand (17,000) square feet. So it has the lot size of RSF-2 and RSF-3. But they need the RSF-3 to -- for their Phase II.

Staff sees no issues with this request and has recommended approval. And the Phase II, I believe, will probably come to you next month for subdivision approval.

CHAIRMAN SAM DAVIS: All right. Thank you, Celena. Is there any questions for Celena?

(No response.)

1 CHAIRMAN SAM DAVIS: All right. Thank you.
2 We'll open the public hearing at this point. We do have
3 some opposition. Would the applicant come to the mic,
4 please?

5 THE COURT REPORTER: State your name, please.

6 MR. JUSTIN PALMER: Justin Palmer on behalf of
7 the applicant.

8 CHAIRMAN SAM DAVIS: All right. Do you just
9 kind of want to tell us what the project is?

10 MR. JUSTIN PALMER: Basically, as was said,
11 it's just an extension of the Hawthorne Development as it
12 was approved by master plan previously. It's going to be
13 residential -- single-family residential housing, very
14 similar to what's to the north of it there.

15 CHAIRMAN SAM DAVIS: Any questions for this
16 gentleman?

17 (No response.)

18 CHAIRMAN SAM DAVIS: All right. If you will,
19 just have a seat and we will listen to the opposition.
20 We may ask you back up to answer some of that.

21 So Sonia McClusky and Gail Wright have signed up in
22 opposition. Which one wants to go first?

23 MS. GAIL WRIGHT: I really didn't oppose. I
24 had a question before I could decide.

25 CHAIRMAN SAM DAVIS: Come on up to the mic and
26 state your name, please.

27 MS. GAIL WRIGHT: Gail Wright. My question was
28 on this development. We were very interested in the

1 entrance -- entrance and exits. Do y'all have that yet,
2 into the subdivision?

3 CHAIRMAN SAM DAVIS: I think she's got a
4 drawing showing that. Celena, can you answer that?

5 MS. CELENA BOYKIN: I do not have a copy of the
6 proposed plat. That I -- I believe was -- Seth was
7 reviewing it. It'll will come next month.

8 CHAIRMAN SAM DAVIS: That'll come next month?

9 MS. CELENA BOYKIN: Yes.

10 CHAIRMAN SAM DAVIS: Okay. So at this
11 particular point, this is just a re-zoning request. So
12 that --

13 MS. GAIL WRIGHT: Okay.

14 CHAIRMAN SAM DAVIS: The plat will be here next
15 month, if you'd like to come back at that point.

16 MS. GAIL WRIGHT: Yes, sir, I would, to see
17 that.

18 COMMISSION MEMBER BONNIE LOWRY: Celena?

19 MS. CELENA BOYKIN: Yes.

20 COMMISSION MEMBER BONNIE LOWRY: It says on
21 this that this is continuing phases of the Hawthorne
22 Subdivision. Is that subdivision all that we see on the
23 north part of that map?

24 MS. CELENA BOYKIN: The northeast part, yes.
25 That's Phase I of Hawthorne.

26 CHAIRMAN SAM DAVIS: Ms. Wright, do you have
27 any other questions?

28 MS. GAIL WRIGHT: Not at this moment. You

1 can't answer me right now.

2 CHAIRMAN SAM DAVIS: Okay. Thank you.

3 MS. GAIL WRIGHT: Thank you.

4 CHAIRMAN SAM DAVIS: Ms. McClusky, do you have
5 anything you'd like to say?

6 MS. SONIA McCLUSKY: I'm Sonia McClusky. And
7 we own the property. We have a farm on the east side of
8 that property line. My concern is with drainage. We get
9 a lot of water, and it all collects on our west fence
10 line, that's -- which is between us and them. And it
11 gets pretty sloppy sometimes.

12 And also the safety issues, because we have farm
13 animals there. And we've got an electric fence around
14 there. But we've had children come in from the
15 subdivision that's already there, come under the fence
16 and be out in the pasture with the cows before, which I
17 don't have a problem with them coming over there. But
18 them being out in the cows, something could happen to
19 them, and they could get hurt, you know, with us not
20 knowing it.

21 And we kind of -- we were going over just to ask
22 them to get out of the field. And they saw us, and they
23 took off running, rolled under the fence, while screaming
24 obscenities. But I just -- it's --

25 CHAIRMAN SAM DAVIS: It sounds like you need to
26 put another strand of hot wire and make it hot.

27 MS. SONIA McCLUSKY: I've got three strands on
28 it now. But it's a farming community. It's our old

1 family farm, what's left of it. And we're trying to keep
2 it -- Drainage issue is a big thing there.

3 CHAIRMAN SAM DAVIS: Yeah. We understand that.
4 And that's not for this Commission to determine at this
5 time. That would be part of the site plan.

6 And they'll do that study. If it's approved,
7 they'll do those drainage studies following that, and
8 they'll require the proper retention and that sort of
9 thing, supposedly, to not let it run off the property
10 during a rainstorm. So -- But you know how those work.

11 MS. SONIA McCLUSKY: It's -- it's --
12 it's just -- it's always been a farming community. And
13 with all this building up with the people, we don't have
14 people to watch after the safety.

15 There's no police jurisdiction around there. And
16 I've -- we've heard lots of sirens going back like in the
17 Sherman area, Sherman Road area of the subdivision. Over
18 there, there's a lot of sirens goes that way.

19 I don't know what's going on, but we used to not
20 have those kind of issues in our area. So that's a big
21 concern was the safety and problems, you know, with
22 overcrowding and getting in bad people that cause bad
23 problems. We have our grandchild with us. So that's a
24 big issue, too.

25 CHAIRMAN SAM DAVIS: We understand. That's --
26 that's everywhere. Any other -- any other questions for
27 us?

28 COMMISSION MEMBER BONNIE LOWRY: Where to you

1 live in proximity?

2 MS. SONIA McCLUSKY: We are straight across the
3 fence line that's on the east side. We have a farm there
4 with cows and horses.

5 COMMISSION MEMBER KEVIN MURPHY: She has the
6 green area that has the forth (40) in it up there on
7 Norris Lane.

8 MS. SONIA McCLUSKY: We're on twenty (20) acres
9 with the pond on it.

10 COMMISSION MEMBER BONNIE LOWRY: Thank you.

11 CHAIRMAN SAM DAVIS: Any other questions for
12 Ms. McClusky?

13 (No response.)

14 CHAIRMAN SAM DAVIS: All right. Thank you,
15 ma'am.

16 MS. SONIA McCLUSKY: If -- One more thing.
17 If --

18 CHAIRMAN SAM DAVIS: Sure.

19 MS. SONIA McCLUSKY: If they do pass it, if
20 there's any way they can specify that there needs to be a
21 fence up there or some kind of a blockage to stop the
22 people from coming across or the children getting in the
23 pastures where we don't have to worry about them getting
24 hurt.

25 CHAIRMAN SAM DAVIS: David, do you want to
26 address that?

27 ATTORNEY DAVID CONNER: Well, and I -- I think
28 everybody understands what you're saying, the concern

1 there. At the time that the developers or whoever comes
2 in to submit the subdivision plat, they'll look at issues
3 and determine whether or not there's anything that needs
4 to be addressed.

5 But, as a practical matter, I mean, you can't limit
6 your neighbors' use of their property necessarily just
7 because of how you use yours.

8 Now, in reality, anyone that's on your property that
9 way, whether they be adults or children, are trespassing
10 at that point in time. And, so, if -- if you continue to
11 have problems with that or vandalism or anything like
12 that, that may be a time to call the sheriff and -- and
13 have a discussion with them about how they can help,
14 especially if you know who it is. That might be -- that
15 might be your course of action.

16 MS. SONIA McCLUSKY: I don't want to cause
17 problems. And the man on the corner has had somebody --
18 somebody come and steal his pump. And they just put in a
19 big doublewide trailer. And they came and stole the
20 blocks the night they delivered them down at the trailer.

21 ATTORNEY DAVID CONNER: Well, that's what I'm
22 saying, though. We -- we can't --

23 MS. SONIA McCLUSKY: They --

24 ATTORNEY DAVID CONNER: The Planning Commission
25 can't deny --

26 MS. SONIA McCLUSKY: Yeah.

27 ATTORNEY DAVID CONNER: -- an approval of a
28 construction of something on a neighboring property

1 because it might bring those kind of issues.

2 MS. SONIA McCLUSKY: Uh-huh. (Indicates
3 affirmatively.)

4 ATTORNEY DAVID CONNER: If you're having those
5 issues, then the course of action would be to call law
6 enforcement to try and get that addressed somehow.

7 MS. SONIA McCLUSKY: They have overcrowding of
8 our schools here and just have changed the district to
9 get some of the children sent to the Magnolia school to
10 make more room.

11 CHAIRMAN SAM DAVIS: All right. Thank you.
12 Would you like to address any of the other issues that
13 she mentioned concerning drainage and that sort of thing?
14 That all comes down the road.

15 MR. JUSTIN PALMER: We would prefer to address
16 that in the development permit when we have all the
17 finalized drainage plans.

18 CHAIRMAN SAM DAVIS: Okay. Fair enough. Thank
19 you.

20 We'll close the public hearing at this point. Staff
21 has recommended this for approval. Is there a motion to
22 do so.

23 COMMISSION MEMBER ARTHUR OKEN: So moved.

24 COMMISSION MEMBER BONNIE LOWRY: So moved.

25 CHAIRMAN SAM DAVIS: There is a motion to do
26 so. Is there well a second?

27 COMMISSION MEMBER SPENCE MONROE: I'll second.

28 CHAIRMAN SAM DAVIS: There's a motion to

1 approve and a second. All in favor, say aye.

2 (All Commission Members say aye in unison.)

3 CHAIRMAN SAM DAVIS: All opposed?

4 (No response.)

5 CHAIRMAN SAM DAVIS: It carries unanimously.

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