## **AGENDA**

Board of Zoning Appeals / Planning Commission Meeting Tuesday, April 29, 2025 - 6:00pm

#### Pre-agenda @ 5:30pm

- □ Call to Order
- □ Roll Call
- □ Approval of Agenda April 29, 2025
- □ Approval of Board of Zoning Appeals/Planning Commission Minutes

  □ Approval of Board of Zoning Appeals Planning Commission Minutes

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  □ Approval Of
  - o (5) April 08th, 2025
- □ Board of Zoning Appeals
  - (7) PC-4-25-1125: Bulldog Gaming Requests a use approval for use (76) electrical repair and similar activities at 12 Brampton Rd, PIN: 6011 02006B, which is zoned C-1, for a slot machine and electronic video poker machine repair business.
- **□** Adjournment
- □ Planning Commission
  - (Pulled) (Applicant Withdraws Petition) PC-4-25-1124: Humanities Foundation Inc requests a rezoning of 55 Brampton Rd and 61 Brampton Rd, PIN: 60015 03032 and 60015 03033, from R-1 to R-I-N for a senior apartment/housing complex.
- **Adjournment**

## PROCEDURES FOR CONDUCTING PUBLIC HEARINGS ON PROPOSED ZONING DECISIONS BEFORE GARDEN CITY'S CONSOLIDATED BOARD OF ZONING APPEALS/PLANNING COMMISSION AND STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWERS OF THE BOARD OF ZONING APPEALS AND THE PLANNING COMMISSION

#### I. Procedures for Conducting Public Hearings on Proposed Zoning Decisions:

All public hearings conducted by the Consolidated Board of Zoning Appeals/Planning Commission for Garden City, Georgia, on proposed zoning decisions shall be conducted as follows:

- All public hearings conducted by the Consolidated Board of Zoning Appeals/Planning Commission on matters referred to it shall be called to order by the presiding officer.
- (2) The presiding officer shall open the hearing by stating the specific zoning matter being considered at the public hearing, and shall explain the procedures to be followed in the conduct of the hearing and further stating that printed copies of the adopted standards governing the exercise of the zoning powers of the Board of Zoning Appeals and Planning Commission, and the procedures governing hearings before the Board are available to the public.
- (3) The presiding officer shall determine the number of attendees who desire to testify or present evidence at the hearing.
- (4) When there is a large number of individuals wishing to testify at a hearing, the presiding officer may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Proponents, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and expert opinions; opponents of the proposed decision shall have an equal minimum period of time. The presiding officer may grant additional time; provided, however, an equal period of time shall be granted both sides.
- (5) The petitioner requesting the proposed decision, or the petitioner's agent, shall be recognized first and shall be permitted to present and explain the request for the decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the matter.
- (6) After all individuals have had an opportunity to speak in accordance with subparagraph (5) above, those individuals present at the public hearing who wish to speak in opposition to the proposed decision shall have an opportunity to speak.
- (7) Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

## II. Standards Governing the Exercise of The Zoning Powers of Garden City's Board of Zoning Appeals: The Board of Zoning Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleging that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Chapter 90 of the Garden City Code of Ordinances.
- (2) To decide upon requests for permission to establish uses which the Board of Zoning Appeals is required to pass under the terms of Chapter 90 of the Garden City Code of Ordinances. The application to establish such use shall be approved on a finding of the Board of Zoning Appeals that:
  - (a) The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in Chapter 90 of the Garden City Code of Ordinances and in any master plan or portion thereof adopted by the Mayor and Council.
  - (b) The proposed use will not be contrary to the purposes stated for Chapter 90 of the Garden City Code of Ordinances.
  - (c) The proposed use will not affect adversely the health and safety of residents and workers in the city.
  - (d) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
  - (e) The proposed use will not adversely affect the existing uses in the neighborhood.
  - (f) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
  - (g) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.

(h) The standards set forth for each particular use for which a permit may be granted have been met.

The Board of Zoning Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of the property in the general neighborhood. The proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located. The proposed use shall be subject to the off-street parking and service requirements of Chapter 90 of the Garden City Code of Ordinances. Wherever the Board of Zoning Appeals shall find, in the case of any permit granted pursuant to the provisions of said Chapter 90, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

- (3) To authorize upon appeal in specific cases such variance from the terms of Chapter 90 of the Garden City Code of Ordinances as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of said Chapter will, in an individual case, result in practical difficulty or unnecessary hardship. Such variance may be granted in such individual cases of practical difficulty or unnecessary hardship upon a finding by the Board of Appeals that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
  - (b) The application of said Chapter 90 to this particular piece of property would create practical difficulty or unnecessary hardship;
  - (c) Such conditions are peculiar to the particular piece of property involved; and,
  - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of said Chapter 90.

No variance shall be granted for a use of land or building or structure that is prohibited by Chapter 90 of the Garden City Code of Ordinances.

#### III. Powers and Duties of the Planning Commission.

The Planning Commission is granted all powers and is assigned all duties that the City's Mayor and Council is authorized and empowered to grant and assign, to include the following:

- (1) Making comprehensive surveys and studies of existing conditions and probable future developments and preparing such plans for physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or general welfare, as well as efficiency and economy in the development of the city.
- (2) Preparing a master plan or parts thereof for the development of the city.
- (3) Preparing and recommending for adoption to the city council a zoning ordinance or resolution and map for the city.
- (4) Preparing and recommending for adoption to the city council regulations for the subdivision of land within the city, and administering the regulations that may be adopted.
- (5) Preparing and recommending for adoption to the city council a plat or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened, or narrowed streets, public open spaces, or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the city or a specified portion thereof.
- (6) Making, publishing, and distributing maps, plans, and reports and recommendations relating to the master plan and development of the city to public officials and agencies, public utility companies and civic, educational, professional, and other organizations and citizens.
- (7) Recommending to the executive or legislative officials of the city programs for public improvements and the financing thereof.
- (8) Reviewing all proposed amendments to the zoning ordinance, the subdivision ordinance, and the zoning map, and making recommendation as per Garden City Code Section 90-201 in each case to the city council for approval or denial.
- (9) Approving site and development plans as per Garden City Code Sections 90-43, 90-47, 90-48 and 90-49.
- (10) Approving certain uses in the mixed-use zoning districts as per Garden City Code Section 90-49.

## PROCEDURES FOR CONDUCTING PUBLIC HEARINGS ON PROPOSED ZONING DECISIONS BEFORE GARDEN CITY'S MAYOR AND COUNCIL AND STANDARDS GOVERNING THE EXERCISE OF CITY COUNCIL'S ZONING POWER

#### Procedures for Conducting Public Hearings on Proposed Zoning Decisions:

All public hearings conducted by the Board of Zoning Appeals for Garden City, Georgia, on proposed zoning decisions shall be conducted as follows:

- All public hearings by the Mayor and Council on zoning amendments shall be chaired by the Mayor.
- (2) The Mayor shall open the hearing by stating the specific zoning amendment being considered at the public hearing and further stating that printed copies of the adopted standards governing the exercise of the Mayor and Council's zoning power and the procedures governing the hearing are available to the public.
- (3) The Director of the City's Planning and Zoning Department shall advise the Mayor and Council of the recommendation of the Planning Commission when applicable.
- (4) The Mayor shall determine the number of attendees who desire to testify or present evidence at the hearing.
- (5) When there is a large number of individuals wishing to testify at a hearing, the Mayor may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers. Proponents, including the petitioner or the petitioner's agent requesting the zoning decision, shall have no less than ten (10) minutes for the presentation of data, evidence, and expert opinions; opponents of the proposed decision shall have an equal minimum period of time. The Mayor may grant additional time; provided, however, an equal period of time shall be granted both sides.
- (6) The petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (7) After all individuals have had an opportunity to speak in accordance with subparagraph (6) above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- (8) The Mayor may limit repetitious comments in the interest of time and may call for a show of hands of those persons present in favor of or opposed to the proposed decision.
- (9) It shall be the duty of the Mayor to maintain decorum and to assure the public hearing on the proposed decision is conducted in a fair and orderly manner.
- (10) Once all parties have concluded their testimony, the Mayor shall adjourn the public hearing.

#### Standards Governing the Exercise of The Zoning Powers of Garden City's Mayor and Council:

Prior to making a zoning amendment, the Mayor and Council shall evaluate the merits of a proposed amendment according to the following criteria:

- (1) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (3) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- (4) Will this request place irreversible limitations or cause material detriment on the area similarly zoned as it is or on future plans for it?
- (5) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
- (6) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

#### Board of Zoning Appeals/Planning Commission April 8<sup>th</sup>, 2025 - 6:00 PM

Opening: Chairman Michael Bruner welcomed everyone and called the meeting to order.

Roll Call: Charles Orrel; Wayne Joyner; Yuridia Maldonado; Chad Flowers; Jenecia Perry; Micheal Bruner

Staff: Carlos Nevarez: Planning and Zoning Department

Jonathan Trego: Zoning Administrator

Denise Grabowski: Planning Manager (Consultant)

Visitors: Enclosed

Chairman Bruner opens on the first item of the agenda to approve the April 8<sup>th,</sup> 2025. 1<sup>st</sup> Motion: Charlie Orrell motions to approve the agenda, followed by a second motion by Jenecia Perry. Chairman Bruner requests a motion for the minutes of March 11<sup>th</sup>, 2025. The approval for the March 11<sup>th</sup>, 2025, meeting minutes. 1<sup>st</sup> Motion: Jenecia Perry motions to approve the minutes, followed by a second motion by Charlie Orrell. All in favor of the motion.

#### **Board of Zoning Appeals**

There were no cases for BOA. Chairman Michael Bruner motioned to adjourn the Board of Appeals meeting. All were in favor.

#### **Planning Commission**

#### PC-4-25-1119:

Chairman Michael Bruner opened the Planning Commission Meeting and introduced item PC-4-25-1119: Ashok Lakhami requests a rezoning of 0 3rd St, PIN: 60019 13010, from R-2 to C-2A. Mr. Lakhami was not present during the discussion. Chairman Bruner requests a motion of the board. Jenecia Perry motioned table item 4-25-1119 for the next meeting, followed by a second motion by Charlie Orrell. All in favor of the motion.

#### PC-4-25-1120:

Chairman Michael Bruner introduces item PC-4-25-1120: Maupin Engineering Inc. requests a general development plan for a rental flex space at 36 W. Chatham Ct, PIN: 60801 02029. Jonathan Trego, Zoning Administrator, gives an overview of the case. Chairman Bruner calls the petitioner, Maupin Engineering Inc., to provide an update on the case. Chairman Bruner opens a public hearing. Bonnie Young spoke about concerns on 3<sup>rd</sup> Street. City staff advised that the public hearing is only for 36 W. Chatham Ct. City staff will note her concerns and recommend that she also attend the city council meeting.

#### PC-4-25-1121:

Chairman Michael Bruner introduces item PC-4-25-1121: Joshua Yellin requests a rezoning of 38 Telfair PI, PIN: 60799 01001A, from C-1 to C2 for the rental and sale of tools, equipment, and similar items. Jonathan Trego, Zoning Administrator, gives an overview of the case. Chairman Bruner calls the petitioner, Josh Yellin, to provide an update on the case. Chairman Burner opens a public hearing. Marnie Williams spoke and asked questions about the zoning

Minutes Board of Zoning Appeals/Planning Commission April 8<sup>th</sup>, 2025 – 6:00 pm

request. Chairman Bruner answered the question and clarified the zoning differences. Charlie Orrell and Jenecia Perry asked questions of the petitioner. Chairman Bruner requested a motion from the board. Jenecia Perry motioned to approve item- PC-4-25-1121, followed by a second motion by Chad Flowers. All in favor by vote.

#### PC-4-25-1122:

Chairman Michael Bruner introduced items PC-4-25-1122: Scott Allison requested a general development plan for office space and ancillary storage at 1901 HWY 80, PIN: 60827 01001. Jonathan Trego, Zoning Administrator, gave an overview of the case. Chairman Bruner called the petitioner, Scott Allision, to provide an update on the case. Chairman Burner opened a public hearing. Michael Lisle, region manager, spoke about the business. Chairman Bruner requested a motion from the board. Charlie Orrell motioned to approve item PC-4-25-1122, followed by a second motion by Yurdia Maldonado. All in favor by vote.

#### PC-4-25-1123:

Chairman Michael Bruner introduced item PC-4-25-1123: Rochelle Ferguson requests rezoning 181 Smith Ave, PIN: 60007 02046, from R-1 to C-2 for outdoor activities and events. Jonathan Trego, Zoning Administrator, gave an overview of the case. Chairman Bruner called the petitioner, Rochelle Ferguson, to provide an update on the case. Chairman Bruner opened a public hearing. No public hearing. Chairman Bruner requested a motion from the board. Yurdia Maldonado motioned to approve item PC-4-25-1123, followed by a second motion by Jenecia Perry. All in favor by vote.

Carlos Nevarez, Assistant Director, advises the Chairman and Commissioner that the petitioner for item PC-4-25-1119. Chairman Bruner advises that the board needs to withdraw the initial motion to table the item. Charlie Orrell motioned to withdraw PC-4-25-1119, followed by a second motion by Jenecia Perry. All in favor by vote.

#### PC-4-25-1119

Chairman Michael Bruner introduced item PC-4-25-1119 and asked the petitioner, Ashok Lakhami, to provide an update on the case. Chairman Bruner opened a public hearing. The public is asking for the area of the rezoning. Charlie Orrell and Chairman Bruner addressed the concern. Mr. Williams has concerns about the location and wishes not to change the commercial zoning to 3<sup>rd</sup> Street. Melissa Heren spoke against the rezoning. Dolores Davis spoke against the rezoning. Bridget Reddit spoke against the rezoning. Commissioner Jenecia Perry made comments in favor of concerned residents. Chairman Bruner requested a motion from the board. Charlie Orrell motioned to approve item PC-4-25-1119, but there was no second motion by the board. Motion fails. Jenecia Perry motioned to deny item PC-4-25-1119, followed by a second motion by Chad Flowers. All in favor by vote.

Chairman Michael Bruner motioned to adjourn the meeting.

Jenecia Perry is 1st motioned to approve, followed by a second motion by Wayne Joyner. All present in favor of adjourning.

Respectfully submitted Carlos Nevarez



## **MEMORANDUM**

**To:** Garden City Planning Commission & Board of Appeals

From: Jonathan Trego- Zoning Administrator

**Date:** April 20<sup>th</sup> 2025

Re: PC-4-25-1125 Use Request: 12 Bramtpon Rd

Application Type	Use Request
Case Number	PC-4-25-1125
Applicant	Bulldog Gaming
Name of Project	Slot Machine Repair Use Approval
Property Address	12 Brampton Rd Ste A, B, and C
Parcel ID	60011 02006B
Area of Property	1.00
Current Zoning	C-1
Land Use	Commercial Condo Building

#### **GENERAL INFORMATION**

*Project Description*: The applicant is requesting approval for a repair of slot machines, video poker machines, and similar gaming machines.

Additional Background: The property is a commercial condo complex zoned C-1.

Per the City of Garden City Zoning Ordinance, the requested use requires approval by the Board of Appeals. The requirements for the requested use are provided below:

(76)Electrical repair and similar activities: C-1(B), C-2, C-2A, C-2A(B & W), I-1, I-2.

#### **FINDINGS**

The business was found to be operating without a business license, after receiving a citation from code enforcement, the business applied for zoning approval where it was determined board of appeals approval is needed.

#### **ACTIONS**

The Planning Commission/ Board of Appeals shall take one of the following formal actions:



- i. Approve the use request as presented;
- ii. Approve the use request with modifications or conditions, in conformance with the intent of the Zoning Ordinance;
- iii. *Defer action* of the proposed use request upon motion of the Planning Commission or at the request of the applicant. The applicant may revise the proposal based on the comments at the meeting and resubmit it for formal action at a future meeting; or
- iv. Deny the use request as presented.

#### **USE REQUIREMENTS**

To decide upon requests for permission to establish uses upon which the board of zoning appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the board of zoning appeals that:

- a. The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter and in any master plan or portion thereof adopted by the mayor and council.
- b. The proposed use will not be contrary to the purposes stated for this chapter.
- c. The proposed use will not affect adversely the health and safety of residents and workers in the city.
- d. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- e. The proposed use will not adversely affect the existing uses in the neighborhood.
- f. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
- g. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.
- h. The standards set forth for each particular use for which a permit may be granted have been met.

The board of zoning appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood. The proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located. The proposed use shall be subject to the offstreet parking and service requirements of this chapter. Wherever the board of zoning appeals shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

#### **RECOMMENDATION**

The body evaluates the application and use their discretion to evaluate the use.

#### RECOMMENDED MOTION

Based on the body's discretion.

#### City of Garden City Board of Appeals Use Request



#### **Development Information**

Development Name (If applicable)
Property Address Property Address
12 Brampton ROAD GARDEN CHY, 6A 31408
Parcel ID Total Site Acreage
194528, 60011, 02006 B N/A  Current Zoning Current Use
Provide the use number and use from the Garden City Zoning Ordinance (Sec. 90-47) you are requesting:
Use Number: 16 Use: Electrical repair à similar activitie
Do you affirm to abide by all conditions/regulations required conditions/regulations as outlined in the Garden City Zoning Ordinance  (Sec. 90-47)? Yes  No Not Applicable  Detailed project description including the character and intended use of the development. Please provide any additional information that you deem relevant, particularly as related to the criteria listed below. Attach additional pages as needed.
Gaming equipment repairs

The application to establish such use shall be evaluated on the basis that the proposed use:

- a. Does not affect adversely the general plans for the physical development of the city
- b. Will not be contrary to the purposes of the zoning ordinance
- c. Will not affect adversely the health and safety of residents and workers in the city
- d. Will not be detrimental to the use or development of adjacent properties or the general neighborhood
- e. Will not adversely affect the existing uses in the neighborhood
- f. Will be placed on a lot of sufficient size to satisfy the space requirements of such use
- g. Will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity
- h. Meets the standards set forth for the particular use set forth in Section 90-47 (where applicable)

## **City of Garden City Variance Application**



#### **Applicant Information**

Address
12 Brampon KD
Email
Kened accelentertainment com
prietor   Firm Corporation   Association  Firm Corporation   Association  Firm Corporation  Association
ed agent
Contact (Individual Name)
Email
□ Check here to receive staff review comments via email  Contact (Individual Name)
Email
ity City Council, to whom campaign contributions were made, within two (2) nich campaign contributions total \$250.00 or more or to whom gifts were
Amount or Description of Gift

misleading information provided in this or subsequent applications will be null and void and subject to penalty as provided by law and ordinance.

I understand that I will need to attend or be represented by a duly authorized agent at the meeting of the Board of Zoning Appeals and that my application cannot be approved unless I am represented.

OFFICE USE ONLY		
Received By	Date Received	Case Number

Rev. 10/2024

## City of Garden City Agent Authorization Form



Applicant In	nformation
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Address	100 de 10017
lents 1025 61	Man Egyawah 6A
Email	ecm IIC net
wynne	5011-119-11-1
n the owner of the property affected I	by the proposed application to the
e undersigned owner(s) of property in	
act as Agent for the attache	ed application in my/our behalf.
WAQ	3/29/25
Signature	Date
Signature	Date
SIB. III. SIC	544
Clanatura	Date
Signature	Date
	uspie W
uc Ken E	aas
2 Kene &	accelentertainme
	Email  WYNNC  The owner of the property affected undersigned owner(s) of property in the attached signature  Signature  Contact (Individual National Signature)

11

# **Zoning/Permitted Use Verification**



Submitted on 24 February 2025, 2:14PM

Receipt number 367

Related form version 0

## **Contact Information**

Parcel Identification No. (PIN):	194528 60011 02006B (Edit :JRT)	
Address:	12 Brompton Rd., Garden City, GA 31408	STE A, B, C
Describe fully all business activities or intended use of property:	Repair of slot machines and video poker machines	
Proposed Business or Project:	Bulldog Gaming	
	limited Liability	
Requestor:	Bulldog Gaming, LLC	
Phone:	217-974-8862	
Requestor Email:	kene@accelentertainment.com	

## **Point of Contact for Inspection If Different than Requestor:**

Name:	Ken Eads c/o Bulldog Gaming, LLC
Phone:	217-974-8862
Address:	12 Brompton Rd., Garden City, GA 31408

## **Disclaimer**

Applicant Signature:	Duff
	<u>Uploaded signature image: Derek_HarmerBlue-removebg-preview</u> (1).png
Print Name:	Derek Harmer

**Date:** 02/24/2025

## \*\*\*\*Office Use Only\*\*\*\*

Current Zoning District C-1

Use No. & Title (76) Electrical repair and similar activities

Use Permitted in Zoning District: Requires BOA approval

Verification Date: 2025-02-27

Authorized Official/Title Jonathan Trego/ Zoning Administrator Jonathan Trego

Permit Number: N/A

Inspection Approval Date: N/A

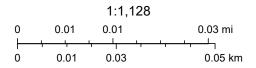
## SAGIS Map Viewer



4/24/2025, 2:07:52 PM

Owner, PIN and Address Labels

Property Boundaries (Parcels)



SAGIS