

Board of Zoning Appeals/Planning Commission
January 10, 2023 - 6:00PM

Opening: Chairman Billy Jackson welcomed everyone and called the meeting to order.

Roll Call: Billy Jackson; Chair, Jenecia Perry; Vice-Chair, Jeff Ashley; Parliamentarian, Michael Bruner, Nancy Cox, Gary Monroe, and Charles Orrel. Misty Selph was absent.

Staff: Denise Grabowski: Planning Manager (Consultant), Jonathan Trego (Code Enforcement Officer), Tonya Roper (Permitting and Inspections Coordinator), and Scott Robider (City Manager).

Visitors: Enclosed

Chairman Jackson asked for questions or comments for the January 10, 2023 agenda; being none Chairman Jackson called for a motion of approval for the January 10, 2023 agenda. Vice-Chair Perry made a motion to approve. Commissioner Cox second the motion; vote passes without opposition.

Chairman Jackson asked for questions or comments for the December 13, 2022 minutes; being none Chairman Jackson called for a motion to approve the Board of Zoning Appeals/Planning Commission December 13, 2022 minutes. Vice-Chair Perry made a motion to approve. Commissioner Orrel second the motion; vote passes without opposition.

Board of Zoning Appeals

PC2245: Brian C. Hollings request a variance of Anderson Avenue of Article II Section 90.47, Use 100 to reduce the setback from 350' to 180' for container storage. PIN 60022 01004; PIN 60022 01005; PIN 60021 01001; PIN 60021 01003; PIN 60021 01004; PIN 60021 01005; PIN 60021 01006; PIN 60021 01002

Chairman Jackson read the synopsis of the application for this case and requested Denise Grabowski (Planning Manager) to give an overview of the case.

Denise Grabowski gave an overview and slideshow at the request of Chairman Jackson regarding the variance that was being requested.

Commissioner Monroe asked Denise Grabowski about the recent proposed text amendment regarding an increased buffer for industrial zoning.

Denise Grabowski stated that those changes are not in effect yet, and based on the application date would have no bearing on the project in question even when they pass.

Commissioner Monroe asked how long until it is effective?

Denise Grabowski said that she was unsure of the timeline for when it may be passed.

Commissioner Monroe spoke more about the potential future standards for buffers and potential changes in the ordinance.

Commissioner Ashley asked if one of the parking lots on the diagram which was pointed to would be used for parking shipping Containers.

Denise Grabowski said the plan for the lot in question to be used for container parking.

Commissioner Ashley said he was concerned about the proximity of the container parking to the nearby houses.

Denise Grabowski showed on the plan where parking would be allowed with the proposed variance and where it would be allowed without the variance.

Scott Robider (City Manager) clarified that container parking means chassis parking, there will not be container stacking.

Denise Grabowski made additional comments about the measurements and parking location.

Commissioner Monroe made comments to clarify for the public the setback requirements.

Denise Grabowski clarified the current setback standards.

Commissioner Monroe inquired about the process of City Council changing an ordinance.

Denise Grabowski confirmed that for text amendments City Council must pass the ordinance after being heard by the Planning Commission.

Commissioner Monroe asked what is required for a change in city policy.

Scott Robider asked for clarification for what policy type he was speaking of

Commissioner Monroe clarified that he meant any current policy.

Chairman Jackson stated that the meeting must move forward and stay on topic.

Vice-Chair Perry asked if they need clarity on the time limits?

Denise Grabowski made a comment about the rules for setting time limits through the Chairman.

Commissioner Monroe asked for a point of order about time limitations on comment, and if such a limitation would be required to go through council.

Scott Robider said that time limits are recommended based on the rules of the meeting through the Chairman.

Chairman Jackson asked for order, and then opened up the floor for comments regarding this application.

Mr. Barker from Davis Ave. asked if there was a committee or group who evaluated setbacks.

Commissioner Monroe asked Mr. Barker if he was in favor or against the proposed variance.

Mr. Barker stated that he was against the proposal.

Chairman Jackson confirmed that all access would be from Anderson Ave, there would be no vehicle access from Rossignol Hill.

Chairman Jackson asked if there were addition comments for or against the proposal.

Richard Lassiter stated that he is coming to speak in his private capacity and he is strongly against this variance.

Chairman Jackson asked if there are additional public speakers.

Corey Foreman spoke against the proposal and made comments about the decorum and behavior of some in the audience.

Rebecca Russel spoke against the variance as it was making the setback and buffer too limited against a residential area. She also encouraged the Board to consider the environmental and carbon impacts of such developments.

Chairman Jackson asked if there are any other public comments at this time.

Mr. Rosen stated that he is against the proposal as he feels the reduced setback is a drastic reduction in required setback. He also thinks that Garden City already has too many container yards and warehouses.

Chairman Jackson asked if there are any further public comments.

Robin King is against the proposal and said Garden City is not adequately protecting citizens.

Chairman Jackson asked Robin King to sit down and end her comments after becoming out of order.

Commissioner Monroe said that speakers should be respected and allowed to make their points.

Kenneth Mack spoke in opposition of the proposal, and felt that proper notice was not given out. He asked about the notice methods.

Chairman Jackson explained the notice protocols.

Mr. Ellison spoke in opposition. He also felt that proper notice was not given. He made comments that he had concern about increased traffic.

Ms. Barker spoke in opposition and felt like the location was inappropriate due to nearby residential properties. She was also concerned about the increased traffic.

Chairman Jackson asked if there were any other public comments.

Ms. Simmons stated she was a student and wanted to ask about impact studies relating to safety, and affordable housing.

Commissioner Monroe said he would like to answer some of the questions and spoke about the current procedure.

Ms. Simmons asked about what studies have been completed.

Scott Robider said that the speaker's time has expired.

Chairman Jackson asked if anyone else would like to speak.

Mr. Brauner spoke in opposition to more warehouses.

Chairman Jackson clarified that the current case was regarding the variance proposal.

Richard Lassiter asked if this case was for a variance.

Chairman Jackson confirmed that it was for a variance from the setback requirements.

Richard Lassiter asked about a sound proof wall.

Chairman Jackson clarified the terminology.

Christina Riguel, spoke on behalf of Hispanic families that do not speak English in opposition of the proposal, and requested that the Board think about non-English speakers when making decisions.

Chairman Jackson asked for a motion.

Councilman Monroe made a motion to deny the variance application. Commissioner Ashley seconded. The vote passed 6-0 with no opposition (the Chairman did not vote).

Chairman Jackson called for a motion to adjourn. Vice-Chair Perry made a motion to adjourn; Commissioner Cox second the motion; vote passes without opposition.

Chairman Jackson called the Planning Commission to order.

Planning Commission

PC2243: Brian C. Hollings request a general development plan review of Anderson Avenue; PIN 60022 01004; PIN 60022 01005; PIN 60021 01001; PIN 60021 01003; PIN 60021 01004; PIN 60021 01005; PIN 60021 01006; PIN 60021 01002.

Chairman Jackson asked Denise Grabowski to give an overview after reading the application summary.

Denise Grabowski gave an overview of the general development plan.

Scott Robider clarified that this is not a meeting to discuss the state farmer's market.

Commissioner Ashley asked about the location of the wall.

Denise Grabowski stated the location of the wall.

Commissioner Ashley was concerned about the height of the wall and asked for height clarification.

Denise Grabowski stated that the screening is located where required and the City Manager has the ultimate authority on screening.

Scott Robider said that the wall will be increased to 12'.

Denise Grabowski made a comment about wetlands on the property.

Gary Monroe made comments about the State Farmer's Market and Garden City acquiring the farmer's market.

Scott Robider said the farmer's market is not on the agenda.

Chairman Jackson stated that the farmers market is not on the agenda and should not be discussed.

Commissioner Monroe mentioned the general development plan and how that is relevant to fact about the farmer's market.

Chairman Jackson said that the meeting must move forward.

Commissioner Monroe stated that GDOT's general goal was to limit truck traffic on the roads.

Commissioner Cox said that this is not the time or the place for this.

Vice-Chair Perry said that there needs to be order.

Commissioner Cox walked out of the meeting.

Vice-Chair Perry said that this is a complicated question and that hard decisions have to be made.

Commissioner Orrel asked about how the denial of the variance will effect the proposed general development plan.

Denise Grabowski said that the plans must be updated to reflect not acquiring the variance approval.

Commissioner Bruner stated that the property is already zoned I-2 and they have the legal right to develop the property within the conformity of their zoning.

Commissioner Monroe said it is allowed by right to develop, however the ordinances do have language in place to allow for reasonable regulations. He proceeded to make comments about the gateways to the city.

Scott Robider asked for a point of order and said Commissioner Monroe is getting off-topic.

Commissioner Monroe asked for an additional 30 seconds as he was interrupted.

Scott Robider said that we are here to discuss the GDP.

Chairman Jackson said that the meeting must move forward.

Chairman Jackson asked for members of the public to come forward with questions or comments.

Don Bethune, Garden City resident asked why the petitioner is not coming forward to address his application or answer some of the concerns that have been brought up.

Brian Hollings of Centerpoint (applicant) came forward and addressed some of the concerns and spoke to the history of working with Garden City. He also mentioned that he was willing to now increase the wall to 15'.

Commissioner Monroe asked how many trucks would

Brian Hollings said that he would be happy to share the traffic study with the board and the public.

Commissioner Ashley asked if the applicant would be willing to have a meeting with the citizens in a public forum.

Brian Hollings said he would be happy to participate in such a meeting.

Scott Robider said there is no justification to table to gdp.

Commissioner Monroe said tabling can be a reasonable option.

Denise Grabowski explained the tabling process.

Commissioner Ashley asked if it is tabled would the applicant be required to supply an updated plan showing the variance being denied.

Denise Grabowski said no that would not be required as the City Engineer would review the new plan to ensure that it conforms to the requirements.

Scott Robider asked what is the legal precent for tabling a GDP.

Commissioner Monroe said a board has a legal right to table and there can be no ramifications against Garden City in his view.

Richard Lassiter spoke that some things that have been stated may not be true regarding industrial rezoning and also made comments about the notice period.

Angel Rosen spoke and asked for clarification about the future land use plan.

Commissioner Monroe spoke about the history of the future land use plan.

Denise Grabowski clarified that when a new plan is adopted it overrides the previous plan, and that the current plan was published in 2021 and is known as “The 2040 plan”.

Commissioner Monroe said that Denise Grabowski is correct, but made comments about how the studies are done.

Denise Graboski said that the MPC made the comp plan, but the actual zoning is what is legally binding.

Commissioner Monroe made a comment about taking into account the general comp plan of the city.

Angel Rosen said he urges the board to look at the future land use plan for this GDP.

Mr. Elisor wants to know how citizens are notified.

Scott Robider spoke about the notification methods.

Vice-Chair Perry asked if the notifications can be put in a bulletin.

Scott Robider said yes.

Mr. Ellisor spoke more about the development of the land over his years living there and opposed the proposal.

Chairman Jackson encouraged everyone to come to every meeting and stated the schedule.

Commissioner Monroe spoke about the community meeting date.

Chairman Jackson asked for a motion.

Commissioner Monroe made a motion to table the proposal, Vice-Chair Perry seconded. The vote passed 4-1 with only Commissioner Bruner opposing.


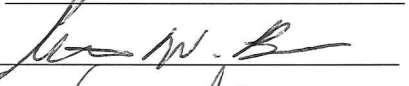

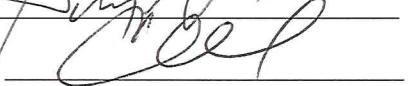
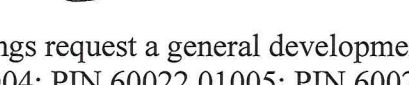
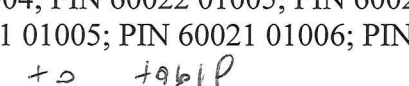
Chairman Jackson called for a motion to adjourn. Commissioner Perry made a motion to adjourn; Commissioner Cox Ashley seconded the motion; vote passes without opposition.

Respectfully submitted
JRT

**BOARD OF ZONING APPEALS/PLANNING COMMISSION MEETING
January 10, 2022 – 6:00pm**

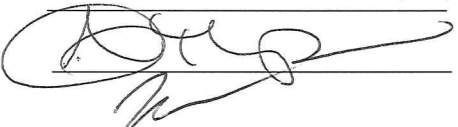
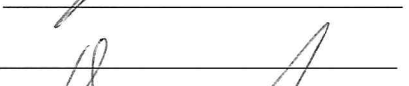





PC2245: Brian C. Hollings request a variance of Anderson Avenue of Article II Section 90.47, Use 100 to reduce the setback from 350' to 180' for container storage. PIN 6002201004; PIN 60022 01005; PIN 60021 01001; PIN 60021 01003; PIN 60021 01004; PIN60021 01005; PIN 60021 01006; PIN 60021 01002

MOTION Deny

MEMBER	VOTING IN THE AFFIRMATIVE	VOTING IN THE NEGATIVE
BILLY JACKSON ✓	<u>—</u>	<u>—</u>
MISTY SELPH	<u> Absent </u>	
JENECIA PERRY ✓		
JEFF ASHLEY ✓		
MICHAEL BRUNER ✓		
NANCY COX ✓		
GARY MONROE ✓		
CHARLIE ORREL ✓		

PC2243: Brian C. Hollings request a general development plan review of Anderson Avenue; PIN 60022 01004; PIN 60022 01005; PIN 60021 01001; PIN 60021 01003; PIN 60021 01004; PIN 60021 01005; PIN 60021 01006; PIN 60021 01002.

MOTION motion to table

MEMBER	VOTING IN THE AFFIRMATIVE	VOTING IN THE NEGATIVE
BILLY JACKSON	<u>—</u>	<u>—</u>
MISTY SELPH	<u> Absent </u>	
JENECIA PERRY		
JEFF ASHLEY		
MICHAEL BRUNER		
NANCY COX		
GARY MONROE		
CHARLIE ORREL		

SIGN-IN SHEET

Date: January 10, 2023

Meeting: BOARD OF ZONING APPEALS/PLANNING COMMISSION

Facilitator: Chairman

Place/Room: Council Chambers

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