

Board of Zoning Appeals/Planning Commission
June 13, 2023 - 6:00PM

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

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

Staff: Denise Grabowski (Planning Manager -Consultant), Jonathan Trego (Planning and Zoning Supervisor) and James Gerard (City Attorney)

Visitors: Enclosed

Chairman Jackson asked for a motion to approve the May 9, 2023 minutes. Commissioner Orrel made a motion to approve the minutes. Commissioner Cox seconded; vote passes with no opposition.

Chairman Jackson asked for a motion to approve the May 23, 2023 Special Discussion meeting minutes. Vice-Chair Perry made a motion to approve the minutes. Commissioner Selph seconded; vote passes with no opposition.

Chairman Jackson asked for a motion to approve the agenda. Vice-Chair Perry a motion to approve the agenda, Commissioner Bruner seconded, vote passes with no opposition.

Board of Zoning Appeals

PC2322: Austin Cantrell, America's Home Place, representing property owner Larry Wimpy request a variance to build a single-family dwelling at 315 Chatham Villa Drive; PIN 60017 03004

Chairman Jackson gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City recommended approval of the variance request.

Applicant Austin Cantrell came forward and gave a quick summary of his plans to rebuild a single-family dwelling that was previously destroyed by fire. Mr. Cantrell stated the new dwelling will be a similar footprint with 210 additional square feet in the same location with the same homeowner but will have more square footage.

Richard Garcia said he is the resident of the home that was owned by grandparents Marian and Larry Wimpy; will need a larger home to accommodate a large family and appreciates if it the request passes.

Vice-Chair Perry commended Mr. Garcia on rebuilding home after loss due to fire.

Chairman Jackson asked for questions, comments or those in favor of the request; being none he called for those in opposition. With no opposition, Chairman Jackson calls for a motion. Commissioner Selph makes a motion to approve, Commissioner Cox seconded. Vote passes with no opposition.

Commissioner Selph made a motion to adjourn the ZBA meeting, Commissioner Cox seconded, vote passes with no opposition.

Planning Commission

Chairman Jackson called the Planning Commission meeting to order.

Chairman Jackson asked for a motion to un-table PC2304: Joshua Yellin; Hunter Maclean requests a general development plan review for proposed development as a service station for electric fleet vehicles to be located at 2202 US Highway 80; PIN 60080 01012, 2207 US Highway 80; PIN 60880 01013, 2301 US Highway 80; PIN 60881 04001, 2303 US Highway 80; PIN 60881 04002, 2305 US Highway 80; PIN 60081 04003 and US Highway 80; PIN 60881 04004. Commission Orrel makes a motion to un-table PC2304; Commissioner Selph seconded to motion. Vote passes without opposition.

Planning Consultant Denise Grabowski stated this case has been before the Planning Commission for previous discussion. The City recommended approval of the general development plan.

With no further discussion; Chairman Jackson called for a motion. Commissioner Monroe makes a motion to deny; Commissioner Selph seconded. Vote passes by majority with Vice-Chair Perry voting in opposition.

Josh Yellin stated we have filed with the City a Notice of Constitutional Objections for record.

PC2320: Tom Havens; Coastal Civil Engineering requests a general development plan review of for addition of a 5,661 sq. ft. metal building and associated access improvements to 1620 Dean Forest Road; PIN 60988A 02009.

Chairman Jackson gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City recommended approval of the General Development Plan.

Tom Havens said the request is to add 5660 sq. ft. to an existing building, the entire back parcel is graveled and the landscaping will not be disturbed, the frontage along the 12000 sq. ft. has some landscaping.

Chairman Jackson asked for additional comments or questions; being none he called for those in opposition.

Kelly MacMillan stated he owned 1618 Dean Forest Road and has easement concerns, problems with water runoff and the applicant doesn't have his permission to proceed. Mr. MacMillan stated he objects and that his attorney has prepared documents that need to be signed before the project is permitted.

Denise Grabowski said the petitioner provided documentation of the deed and plat for legal access to Morgan Road; Staff is satisfied with the submittal, the subdivision happened as shown with the parcel line from Sagis that shows boundary line. Easements that go with the property are specific to those properties.

Mr. MacMillan said according to my attorney no one has the right to access the easement; we want to get together to discuss granting access and maintain the easement. He said the 30ft easement has been in place since 1985.

James Gerard; City Attorney said the ordinance says the lot must adjoin a public Right-of-Way; which it does(Dean Forest Road).

Vice-Chair Perry said there is requirement for the length of the easement and Mr. Macmillan has a valid case.

Commissioner Selph said are there three more businesses on this road and would this affect the other businesses?

Denise Grabowski said this is a civil matter between two parties; the language was included on the plat when access was created. The maintenance and blocking of a private road are a civil matter.

Bill Glass, attorney on behalf of the applicant said the matters to address are private regarding the easement as it was created 40 years ago, the language is shown on the 1985 plat and Morgan Road is private. Mr. MacMillan may have been given the wrong information by his team. My client has access easement and utility rights along with the other businesses. The only way it goes away is if all agree; this is a good building plan and a good local business.

Vice- Chair Perry said is there a time limit on the title rights? Has Mr. MacMillan owned the property the entire time?

Mr. Glass stated Mr. MacMillan has not owned the property the entire time, the title rights run with the property as assigned and extended. The easement on the plat is for access and utilities. This is a private civil matter. The request before the Board is whether the General Development Plan makes sense. Mr. MacMillan purchased the property in 2017 with these rights in place.

Commissioner Monroe said please clarify access improvements; at what point do we consider stormwater runoff?

Mr. Havens said this is a simple system that is still going to sheet flow with the volume taken out.

Denise Grabowski stated this will go to third-party engineer reviews prior to permitting.

Ryan Hughes said I will pay my share of the maintenance. This site offers plenty of parking for my tenants; there are no trucks only delivery of motors for repair and pick-up.

Commissioner Monroe asked Staff to address the setback concerns.

Denise Grabowski stated the setback is zero, which is all that is required for an industrial development. There are no landscape buffer requirements for neighboring properties which are also in industrial zoning districts.

Mr. MacMillan said there will be unloading and blocking my access. I will make semi's back down Dean Forest Road.

Commissioner Monroe said Mr. MacMillan what you are stating is a legal issue, we as a Board are here to review the General Development Plan.

Mr. Hughes stated we will take any responsibility on part of the civil matters.

Chairman Jackson asked for further questions; being none Chairman Jackson calls for a motion. Commissioner Selph makes a motion to approve; Commissioner Cox seconded. Vote passes by majority with Vice-Chair Perry voting in opposition.

PC2324: Ryan Smith request a general development review of 108 Burgess Road; PIN 60988 01005, 110 Burgess Road; PIN 60988 01006, 112 Burgess Road; PIN 60988 01007, 114 Burgess Road; PIN 60965 01001 and 116 Burgess Road; PIN 60956 01002 for proposed development of modular offices.

Chairman Jackson gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City recommended approval of the General Development Plan.

Ryan Smith; applicant and Rusty Windsor; Kimley-Horn stated the buildings are to be designed by an architect; they will be modular buildings built offsite and put on a permanent foundation. The buildings will be setup with the wheels removed. The site is zoned heavy industrial and is a tough site. There is a stand of trees that we are planning to keep.

Commissioner Selph stated we want this development to be aesthetically pleasing and we have a preference on building characteristics; I would like to see masonry skirting.

Mr. Smith said the buildings will be built to local codes.

Denise Grabowski stated code has statement included that a development must meet landscape requirements, they have room for vegetative screens with the front for visibility along Dean Forest Road.

Vice-Chair Perry asked who is the ideal tenant, what type façade are the buildings and how will you beautify the site?

Mr. Smith the tenant will be logistics based; options for the façade are being considered and we'll look at the competitive in relation to the site.

Chairman Jackson asked for questions, comments or those in favor of the request; being none he called for those in opposition. With no opposition, Chairman Jackson calls for a motion. Commissioner Selph makes a motion to approve with the condition of masonry skirting to each unit; Commissioner Cox seconded. Vote passes by majority with Vice-Chair Perry voting in opposition.

PC2325: City of Garden City request an ordinance to amend the Code of Ordinances of Garden City, Georgia and the Zoning Ordinance to bring the ordinances in compliance with changes to the zoning procedures law implanted by the HB1405(Georgia Laws Act 881) to repeal all ordinances in conflict herewith; and for other lawful purposes.

Chairman Jackson gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal and section changes.

Commissioner Monroe asked for more clarification from the City Attorney and does this only refer to zoning changes.

James Gerard; City Attorney said the change allows for Staff to adhere to State standards and allows for simplification to enforce and be placed for advertising notification of requirements. It allows for considerations; establishes boundaries and it does not dissolve Planning Commission Duties.

Vice-Chair Perry said are their future plans to dissolve the Planning Commission?

Mr. Gerard said we need a Planning Commission; it's a functioning body. The adjusted sections increase the length of time for notices and hearings. It gives the Director of Planning the

authority to accept the service of the petition and the Mayor to accept on behalf of the City. Anything pending or prior to July 1st goes under the old law.

Chairman Jackson asked for questions, comments or those in favor of the request; being none he called for those in opposition. With no opposition, Chairman Jackson calls for a motion. Commissioner Orrel makes a motion to recommend to Council to approve; Commissioner Cox seconds the motion. Vote passes without opposition.

Vice-Chair Perry makes a motion to adjourn, Commissioner Selph seconds; motion passes with no opposition.

Respectfully submitted
TTR