

Board of Zoning Appeals/Planning Commission

July 09, 2024 - 6:00PM

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

Roll Call: Vice-Chair Jenecia Perry; Chair Michael Bruner; Parliamentarian, Jeff Ashley, Wayne Joyner, and Misty Selph were present.

Yuridia Maldonado, Chad Flowers, and Charlie Orrell were absent.

Staff: Denise Grabowski (Planning Manager -Consultant), Laureen Boles (Planning and Economic Director), and Jonathan Trego (Planning and Zoning Supervisor.)

Visitors: Enclosed

Chair Bruner called for a motion to approve the agenda. Commissioner Selph made a motion to approve the agenda with an amendment for a case order correction, with a second by Commissioner Ashley; the vote passes with no opposition.

Chair Bruner asked for a motion to approve the June 11, 2024 minutes. Commissioner Selph made a motion to approve with second by Commissioner Joyner; the vote passes with no opposition.

Planning Commission

PC5-24-1079: Nathaniel Smalls on behalf of the estate of Gussie Mae Small requests to rezone the parcel known as 0 Heidt Ave; PIN 60801 03004 from R-2 to C-2A.

Denise Grabowski gave an overview and staff recs (approval but modified for C-1 Zoning.)

Nathaniel Smalls, petitioner came forward to speak on behalf of the application, gave overview of his application. He spoke about his role in the estate and family, and what he wanted to use the property for (office space for a medical dispatch business.) He gave the reason that he was asking for C-2A

Commissioner Ashley asked why he chose the C-2A zoning to request?

Mr. Smalls said he thought this would make it in line with nearby properties.

Chair Bruner asked if the existing property already zoned commercial nearby was being used for residential use?

My. Smalls said there is a trailer that used to be used for a plumbing shop, but there may be somebody living in it now.

Chair Bruner asks if he owns the medical dispatch business?

My. Smalls affirmed.

Chair Bruner asked if he spoke to the residents.

Mr. Smalls said yes and that he believes it will not impact neighboring properties.

Chair Bruner asked again if the business already exists.

Mr. Smalls said yes.

Commissioner Selph asked if employees would be parked there?

Mr. Smalls said no, that only the owner is planned to work there.

Commissioner Ashley made a statement that he was concerned that the property may be sold after it is rezoned.

Commissioner Perry asked if he had an existing medical transportation business?

Mr. Smalls said he felt he already answered that, but no, not an existing transport business.

Commissioner Perry asked if he works in the industry currently?

Mr. Smalls said he has some dispatching experience from working for the County Government in the past, and he spoke of his time as a deputy sheriff.

Commissioner Perry asked what would be in the building?

Mr. Smalls said a desk, bathroom, general office and dispatch related equipment.

Commissioner Perry asked what company he will be working with to dispatch?

Mr. Smalls said that he working on it, and that he is in talks with various limo and transportation companies.

Mr. Smalls said speaking of protecting the residents that the property zoning would not be out of the norm.

Chair Bruner asked if there were public speakers?

Andrew Rosen came forward to speak in opposition of the rezoning saying that he felt that a mixed-use zoning would be more appropriate based on the future land use map and the general area.

Cythnia Parlin approached to speak against the rezoning as she abuts the property to the south.

Commissioner Selph asked Ms. Parlin if she would be against any building there?

Ms. Parlin said that she is a single woman, and she is afraid, but has no grudges, just wants good neighbors.

Chair Bruner asked if there were any other speakers?

Harlem Edwards approached to speak in opposition. He lives next door to the parcel, and claims he is not fully understanding the process or what is going on. He said he lives in the trailer in the other neighboring parcel.

Mr. Smalls came back to speak about his hopes for the property, he said the residents moved to a C-2 area knowing what do expect and his request is not changing the area.

Commissioner Selph asked why the City would not consider an M district?

Denise Grabowski said this would be unusual, but recommends considering R-I-N as an alternative.

Chair Bruner asked if his use would be permitted in R-I-N.

Ms. Grabowski said yes.

Commissioner Selph asked Mr. Smalls if he would be alright with an R-I-N?

Mr. Smalls said he would prefer C-1 as a compromise, and mentioned Garden City growing.

Commissioner Perry asked Ms. Parlin to clarify her name.

Ms. Parlin said her name, and talked about a business across the street around 2000, and her parents passing.

Commissioner Perry asked about the zoning of various parcels around her?

Ms. Parlin talked about the surrounding parcels.

Commission Perry said that she feels the applicant wants to gain the most from this property.

Commissioner Selph said that she favors protecting the residents.

Chair Bruner said the residents could get together and rezone and maybe combine parcels, and they would be more open, but for the single parcel he is considering a maximum of mix use.

Commissioner Ashley said it is not apples to apples for a commercial property to be along major roadways.

Commissioner Perry said she does not believe it is about a business at all, but about future gains.

Commissioner Selph made a motion to deny the original request, Commissioner Ashley seconded, vote does not pass.

Commissioner Perry makes a motion to approve with a modification for R-I-N, Commissioner Selph seconded. Vote does not pass.

Commissioner Ashley, asked Mr. Smalls if he would be good to accept R-I-N.

Mr. Smalls said he will take what he can get.

Commissioner Ashley made a motion to approve with R-I-N, Commissioner Selph seconded. Vote passes 4-1.

PC-6-24-1082: The City of Garden City and All in One Car Export LLC requests to rezone 2799 US Highway 80, Garden City, GA 31408: PINS: 60926 05016, 60926 05017, 60926 05018, 60926 05019, and 60926 05020 from R-1 to R-2.

Denise Grabowski gave an overview and staff recommendations (approval.)

Commissioner Selph asked Ms. Grabowski about why this would be such a good change.

Ms. Grabowski talked about providing more houses, a good location, and acting as a buffer for the nearby single-family homes.

Commissioner Selph said that she would love to see more housing in the area.

Chair Bruner asked if the City is the petitioner.

Ms. Grabowski said yes and she is speaking on behalf of the City.

Chair Bruner asked if there are any speakers?

Andrew Rosen approached to speak in opposition. He said he would like to see these parcels transition to mixed use, and for the city to retain ownership. He likes the idea of more housing in general, but thinks it can be done more efficiently.

Chair Bruner asked if under R-2 Apartment building would be allowed?

Ms. Grabowski said yes.

Commissioner Selph made a motion to approve, Commissioner Ashley seconded, vote passes 5-0.

PC-6-24-1080: The City of Garden City requests an ordinance to amend the Code of Ordinances to add an ordinance for the regulation of electric vehicle charging stations.

Denise gave an overview and staff recommendations (approval.)

Chair Bruner said they will go section by section and allow asking questions in each section.

Commissioner Perry asked about the definition of accessory use.

Ms. Grabowski said that this was secondary to the primary use.

Chair Bruner asked if a rental company can have 50 chargers if needed?

Ms. Grabowski said there is no fixed limitation on the number of charging stations.

Chair Bruner said that is a little concerning.

Commissioner Selph said as long as it is in the correct zoning.

Chair Bruner said it is open for other zoning.

Ms. Grabowski talked about vehicle charging in commercial districts.

Commissioner Selph asked for the definition of a truck.

Ms. Grabowski said it was drafted by the City Attorney.

Chair Bruner asked about R-I-N.

Ms. Grabowski said only with Board of Appeals approval.

Commissioner Selph asked if this is a recommendation to City Council.

Ms. Grabowski said yes.

Chair Bruner said level 3 is for trucks.

Ms. Grabowski said yes and talked about what is required.

Commissioner Selph asked about charging speeds.

Ms. Grabowski said there are level 2 chargers you can get for your home.

Chair Bruner asked if this section can have limitations.

Ms. Grabowski said probably a different section.

Commissioner Ashley asked about a bar who wanted to turn in to a charging station.

Ms. Grabowski said this would be a primary use which requires board of appeals approval.

Chair Bruner talked about shared off-street parking in the pub scenario.

Ms. Grabowski talked about primary uses and destination charging.

Commissioner Perry said the ordinance will evolve with time.

Commissioner Perry said that this is a minimal first step when comparing ordinances.

Commissioner Ashley asked about the phone number and if 911 is needed on the chargers. And, about limiting the number of EV spaces that count towards parking spaces.

Commissioner Perry said that should be up to the business.

Chair Bruner said there may be reasons to consider limiting secondary usage.

Commissioner Perry said how can you determine a limitation?

Commissioner Selph said you can put in a recommendation that the staff look if there is any kind of number in other ordinances.

Commissioner Joyner asked if there is a monthly report to see what is needed for repairs.

Ms. Grabowski said the phone number is there for that purpose.

Commissioner Selph asked Jonathan Trego if there are fines for noncompliance.

Mr. Trego said likely a notice period of 10-15 days, then potentially fines if no progress was made.

Commissioner Perry said she would like some definitions of auto repair.

Chair Bruner agreed some of the definitions were tricky.

Commissioner Selph made a motion to approve with the agreed upon changes, Commissioner Ashley seconded, vote passes 5-0.

PC-6-24-1081: The City of Garden City requests an ordinance to amend the Code of Ordinances to add an ordinance for the regulation of short-term vacation rentals.

Chair Bruner said they can just discuss the ordinance as one instead of going line by line.

Commissioner Selph said she had concerns about shared licenses.

Ms. Grabowski said an initial inspection is required.

Commissioner Selph asked why no business license per property if inspections are needed?

Chair Bruner said you can pay the same taxes, but it is all under one license.

Commissioner Selph said not everyone is as honest.

Chair Bruner said things just need to be checked.

Commissioner Selph said it is very important for a fee schedule to be in place.

Commissioner Perry said she had concerns about parking with on street parking limitations.

Ms. Grabowski clarified on street parking rules relating to guests.

Chair Bruner asked why R-1 is not allowed and suggested R-1 with board of appeals.

Chair Bruner talked about hotel/motel tax. He mentioned license renewal and it should be the same schedule as other businesses. He spoke about contacting the owner and agent as needed.

Commissioner Selph made a motion to approve with agreed changes, Commissioner Ashley seconded. Vote passes 5-0.

Commissioner Selph and Chair Bruner welcomed the new planning director.

Commissioner Perry makes a motion to adjourn, Commissioner Selph seconded. Vote passes with no opposition.

Respectfully submitted,

JRT