

April 21, 2005

The Planning & Zoning Commission met for a Hearing at City Hall on Thursday, April 21, 2005 at 7:00 p.m. with Commission Chairman Bobby Culpepper presiding.

Present: Commission Chairman Bobby Culpepper, Commissioner Tim Farr, Commissioner Franklin Jennings, Commissioner Rich Wingate and Commissioner Donnie Head; City Administrator Jean R. Dove, City Clerk Debra E. Moore, Planning & Zoning Director Robert Newman and City Attorney Barry Fleming. VISITORS: Raymond Washington, Lou and James Cook, Michael Alicea and Elaine Rice.

Purpose: Rezoning Request-180 W. Milledgeville Road .63 acres

From: R-1B Residential District

To: B-1 Business District

Mrs. Louise Cook

Rezoning Request-Hwy78/278 at Lamkin Road 1.84 acres

Tract "A" From: R-1A Residential .92 acres

To: B-1 Business

Tract "B" From: R-1A Residential .92 acres

To: R-3 Residential

Mr. Raymond Washington

Rezoning Request-Hwy 78/278 at Mt. Tabor Church 51.15 acres

From: R-1A Residential

To: R-1B Residential

Mr. Darrell Wells

The meeting was called to order by Chairman Culpepper at 7:00 p.m.

Chairman Culpepper welcomed everyone to the meeting. Chairman Culpepper stated that the purpose of the meeting was to review the rezoning requests of Ms. Louise Cook, Mr. Raymond Washington and Mr. Darrell Wells.

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Ms. Louise Cook: She is requesting that the property she owns located at 180 W. Milledgeville Road be re-zoned from R-1A Residential to B-1 Business. The purpose of this request is so that she can re-locate her antique business from its current location to her residence. She is also requesting the option that it be changed back to R-1A at the sale of the property. There is no precedence in place that says this can be approved by the Commission. Attorney Fleming stated that Ms. Cook would have to go back through the same process she is currently going thru to change it back to residential.

Opposition: There was no one from the public present at this time. There was a letter received from Derry Kitchens who owns the property located behind Ms. Cook's. She has concerns with parking and other uses of the property. She stated that if the property

pposition (cont'd): turned back to residential at the sale of the property, she had no problems. If it was not, she would like the opportunity to state her case concerning the future use of the property. She has concerns with a business coming in and putting in a parking lot. She has requested that an 8' fence be installed due to the fact of her having young children. She would like notification at the time of the sale of the property of what is going in there and having input concerning that.

Response: Ms. Cook responded that the purpose of the request is that she wants to sell the property as a residence and not as a business. Attorney Fleming reiterated that Ms. Kitchens wants the stipulation that she would have input on what type of business would go into the property. Chairman Culpepper voiced his concerns with Historic Preservation and parking issues (parking spaces for the amount of space). Ms. Cook responded that there was parking at the park at the Woman's Club. As far as the fence, the paperwork received stated they could put up 10 foot shrubbery; an 8 foot privacy fence was not required. Attorney Fleming asked about the access to the property. There is access to the property from the Woman's Club side, North Bell Street and South Hicks Street. There is no access directly from Highway 78. It does access onto the side street/alley at the Woman's Club.

Chairman Culpepper asked for comments and concerns from the Commission. Commissioner Jennings stated that his were mostly with the parking and they were answered. He spent some time looking over the area. He felt that all the properties in the Milledgeville Road area would ideally be used for businesses. He would have to take into consideration the properties that are zoned R1-B Residential surrounding this property and how this would affect their property values. Attorney Fleming stated that this was one of the questions before the Commission tonight, whether the property can automatically revert back to a residential property. Chairman Culpepper wanted clarification; Attorney Fleming reiterated that the property cannot automatically revert back to residential status; they would have to go thru the rezoning process to do that.

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Chairman Culpepper put the question of giving the Kitchens the opportunity to speak on this matter as they are under the impression that the property will revert back to residential. This was agreed on by the total Commission.

Decision: The decision made by the Commission is to table this until such time that the Kitchens would be able to address the Commission in person.

Response: Mr. James Cook stated that the Commission could “not worry about the request”. He was told that it was his choice to do so. He told them to drop it; they will move to Thomson.

Mr. Raymond Washington: He is requesting that the property he owns, 1.84 acres, at Highway 78/278 and Lamkin Road be rezoned as follows:

Tract “A”- from R1-A Residential to B-1 Commercial (.92 acres)

Tract “B”- from R1-A Residential to R-3 Residential (.92 acres)

Tract “A”-the area next to this tract, from Antioch Baptist Church and the beauty shop, is already zoned commercial. He would like to add the corner lot. He will possibly put in storage units on this property. Whatever he puts there must fall into the B-1 category and follow the façade regulations.

Tract “B”-he wants to incorporate the .92 acres with the other. He wants to change it from single family to multiple family zoning.

Opposition: There was no one from the public present with any opposition.

Chairman Culpepper asked if the Commission had any other comments or questions. Commissioner Jennings had a question concerning the size of the property of tract “B”; he questioned if there was only going to be one trailer put on that property. Mr. Washington responded that no; that it would be a multiple family lot. There would be other trailers put there; it would be part of the existing trailer park.

Chairman Culpepper asked if Attorney Fleming had any other comments or questions. Attorney Fleming stated that the Commission needed to take into consideration the surrounding properties and their uses. There is a resident across the street from the piece of property to be zoned commercial; otherwise, there are businesses located all around Tract “A”. For Tract “B”, there is already residential beside and behind the property.

Decision: Chairman Culpepper called for a motion on this request. Commissioner Jennings made a motion to grant the re-zoning request by Mr. Raymond Washington; 2nd

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by Commissioner Farr. Motion carried; all in favor. Discussion-Attorney Fleming stated that entrances to the property would need to be looked at. Mr. Washington stated that the current entrances to the trailer park and the beauty shop would be the access to the rezoned properties. Mr. Washington was also informed that when the time came there would be other considerations (façade, access to property, etc.) when he made his decision as to what he would be putting on the commercial property.

Chairman Culpepper stated that the Commission will make a recommendation to the City to approve the re-zoning request and that it will be up to Council to make the final approval.

Mr. Darrell Wells: He is requesting that his property, 51.15 acres, located at Highway 78/278 at Mr. Tabor Church be re-zoned from R1-A to R1-B. Mr. Wells was not present.

Opposition: Michael Alicea of Lamkin Road was present. Mr. Alicea stated that he was not necessarily opposed to the re-zoning. He was at the meeting to find what he can do about getting the people who purchased the property to build the planned houses to put in a 6 to 8 foot privacy fence when they build the houses. He owns five acres on the back of the property in question. Attorney Fleming stated that this comes up when someone comes to the City with a plan to put homes in. Mr. Alicea has concerns with him having privacy at his property. Mr. Fleming stated that the question before the Commission does not address Mr. Alicea's concerns. Going from R1-A to R1-B there are virtually little differences. The set backs are the same. What is being looked at is the size of the lots. The realtor is looking at going from a ½ acre lot (20,000 sq ft) to ¼ acre lot (10,000); they will be able to put in more homes; R1-B does not cover that at this time. In the updated zoning ordinance, it will. Attorney Fleming stated that the main question before the Commission tonight is the potential in the future to go from 20,000 square foot lots to 10,000 square foot lots and what the effect would be on the surrounding properties. Chairman Culpepper asked if it would be appropriate for the Commission to request a copy of the plans/plat for the property. Attorney Fleming stated that it would. Commissioner Wingate stated that he lost the issue of going from R1-A to R1-B; what is gained by the owner of the property by approving the change; the size of the lots and the potential of putting in more homes with the smaller size of the lots. Under our current ordinance, R1-B would not change the size; in the updated ordinance, R1-B would. The owner is looking to have the zoning in place so that when the updated version is approved, the property will already be zoned. Commissioner Farr stated that he was not inclined to approve to have "400" homes built; that the surrounding properties have larger lots.

Chairman Culpepper asked if the Commission was ready to make a decision or if they would prefer to table the matter until further information is received. Commissioner Head made a formal request for more information (plats and plans). Chairman Culpepper

requested that P& Z Director Newman request/bring further information to the Commission before they make any decision.

Decision: It was the unanimous decision of the Commission to table this item until they have received more information. Mr. Wells will need to change notice (date) on the sign on their property and re-advertise. The next meeting will be in three to four weeks.

Chairman Culpepper thanked everyone for attending. The meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

Debra E. Moore

City Clerk

May 26, 2005

The Planning & Zoning Commission met for a Hearing at City Hall on Thursday, May 26, 2005 at 7:00 p.m. with Commission Chairman Bobby Culpepper presiding.

Present: COMMISSION: Commission Chairman Bobby Culpepper, Commissioner Franklin Jennings, Commissioner Donnie Head, and Commissioner Rich Wingate; City Administrator Jean R. Dove, City Clerk Debra E. Moore, Planning & Zoning Director Bobby Newman and City Attorney Barry Fleming. ABSENT: Commissioner Tim Farr.

VISITORS: Steve Bryant, Engineer for Larry Prather (Bryant Engineering)

The meeting was called to order by Chairman Culpepper at 7:00 p.m.

The Invocation was given by P&Z Director Newman.

Approval of the Minutes-Chairman Culpepper called for a motion to approve the minutes of the April 21, 2005 Planning & Zoning Hearing as written; that motion was made by Commissioner Wingate; 2nd by Commissioner Head. Motion carried; all in favor.

OLD BUSINESS:

Cook Rezoning-.63 acres; 180 W. Milledgeville Road; R1-B Residential to B-1 Business-Chairman Culpepper reported that a letter had been received from Louise Cook withdrawing her request for the rezoning of her property.

Wells Rezoning-51.15 acres; Highway 78/278; R-1A Residential to R1-B Residential-Chairman Culpepper reported that this request had been withdrawn due to the change requested would not cover what they wanted to accomplish.

NEW BUSINESS:

Prather Rezoning-51.15 acres; Highway 78/278; R-1A Residential to PUD, Planned Unit Development-Steve Bryant of Bryant Engineering was present for Larry Prather. Mr. Prather is requesting the above property to be rezoned from R1-A Residential to a PUD, Planned Unit Development. The development will consist of 131 single-family homes. The prior opposition is no longer valid; there was no new opposition present at this time. The Commission had various questions which were answered by Mr. Bryant. Attorney Fleming read over the paperwork for the proposed development and recommended making a change in the last paragraph pertaining to the street lighting. His recommendation was to strike "where desirable and required," and ends at "and will be consistent in design". Chairman Culpepper called for a motion to approve the change recommended by Attorney Fleming; that motion was made by Commissioner Head; 2nd by Commissioner Wingate. Motion carried; all in favor.

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NEW BUSINESS (cont'd):

Prather rezoning (cont'd)- Chairman Culpepper called for a motion to approve the rezoning request of Larry Prather for the 51.15 acres located at Highway 78/278 from a R1-A Residential to a PUD, Planned Unit Development with the one change in the wording on the street lighting; that motion was made by Commissioner Jennings; 2nd by Commissioner Wingate. Motion carried; all in favor.

The Commission will make the recommendation to Council to approve the rezoning.

Elect Co-Chairman of Planning Commission- Chairman Culpepper opened the floor for nominations. Commissioner Jennings made the nomination of Commissioner Wingate for Co-Chairman; 2nd by Commissioner Head. Commissioner Wingate accepted the nomination. Motion carried; all in favor.

Other- Chairman Culpepper made a recommendation that the Commission could benefit from some training as the Commission is fairly new. Commissioner Wingate concurred.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Debra E. Moore

City Clerk

August 2, 2005

The Planning & Zoning Commission met for a Hearing at City Hall on Tuesday, August 2, 2005 at 7:00 p.m. with Commission Chairman Bobby Culpepper presiding.

Present: COMMISSION: Commission Chairman Bobby Culpepper, Commissioner Tim Farr, Commissioner Donnie Head, Commissioner Franklin Jennings, and Commissioner Rich Wingate; City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Barry Fleming, Planning & Zoning Director Bobby Newman and Administrative and P&Z Assistant Dee Tapley. VISITORS: Wanda Mills (Maddox)

The meeting was called to order by Chairman Culpepper at 7:00 p.m.

The Invocation was given by Commissioner Wingate.

The Pledge of Allegiance was not done due to a flag not being available.

Rezoning-.63 acres-Louise W. Cook, 180 W. Milledgeville Road- Chairman Culpepper reported that a letter had been received from Ms. Cook withdrawing her rezoning request.

Variance Request-Wanda E. Mills, 395 Harlem-Grovetown Road- Ms. Mills is requesting a variance of 24 ft. on the front setback. There was an error made in the setback information when the building permit was issued for the new house. The front setback for a major road is currently 100 feet from the centerline of the road; Harlem-Grovetown Road is considered a major roadway. The County inspector should have caught the error when the footing was dug and again when it was poured. The front setback was measured by Ms. Mills at 77 feet and by Columbia County at 76 feet.

Chairman Culpepper asked City Attorney Fleming to address the Commission with any concerns he might have. City Attorney Fleming stated that he had concerns that at some future date that the road would be widened into four lanes and how much land would be taken for the right of way if it became a four lane road. He also had concerns with the City's situation if the owners buy the property and ten to fifteen years from now the City has to come and take part of the property, will they take action against the City because they knowingly allowed the house to be built so close to the right of way. Mr. Fleming questioned Ms. Mills if the property owners were aware of what was going on; Ms. Mills stated that they were. Ms. Mills also stated that she had spoke directly to DOT about the taking of the property in the event that the road was widened. DOT explained the procedure they would go through if the road were to be widened. They told her that to add two lanes to the road you would need ten feet for both lanes. That doesn't mean they would take ten on each side, but that it could be a combination. It would be based on the information they gather doing an aerial view of the roadway.

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Variance Request-Wanda Mills (cont'd) - Attorney Fleming stated that if the City were to grant the variance, they would need two things from Ms. Mills. There would need to be a signed agreement between Ms. Mills and the City that if the City were sued over this that Ms. Mills would indemnify the City for any loses. The other would be the City would need to have a record of notice to the owners of the situation that exists. The notice should basically summarize the conversations of today (taking of the property or portion of the property, the possibility of widening of the road, discussions with DOT, etc.). This would probably be the best that can be done to protect the City against any future action by the property owner.

Ms. Mills asked that if the variance is not approved, will the City take care of part of the cost of having to take down the present work that had already been completed. Mr. Fleming responded that as in an earlier conversation he had had with her today, it is the responsibility of the contractors to know the City Ordinances and any changes that have been made.

City Attorney Fleming stated that from a legal standpoint the fair thing to do would be to grant the variance with the two conditions he proposed (indemnification of the City and record of notice to the owners). Chairman Culpepper called for a motion to make a recommendation to Council to grant the conditional variance to Ms. Mills; that motion was made by Commissioner Farr; 2nd by Commissioner Wingate. Motion carried; the vote was four to one with Commissioner Head not in favor. Mr. Fleming will get a proposal to Ms. Mills on the conditional items by this Friday, August 5, 2005.

Planning and Zoning Training- City Manager Dove reported that the Planning & Zoning training has been set up for Saturday, September 10 at with Scot Wrighton of the Carl Vinson Institute of Government. The time and place have been tentatively set for the Library from 9:00 am to 3:00 pm.

Being there was no more business; Chairman Culpepper adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Debra E. Moore

City Clerk