

**PLANNING & ZONING COMMISSION
MEETING
JANUARY 26, 2016**

Present: Sarah Murphy
Mike Menchinger
Derryll Anderson
Debi Renfroe
Kenneth Collins
Steve Gulas

Chair Murphy called the January 26, 2016 meeting to order. The first item on the agenda was approval of minutes for the November 17, 2015 meeting.

Chair Murphy called for a motion on the minutes.

Motion: Commissioner Collins moved to approve the minutes from November 17, 2015 meeting as submitted.

Second: Commissioner Anderson.
Vote: Unanimous

The next item on the agenda was election of Chair and Vice- Chair for 2016.

Chair Murphy called for a motion on Chair.

Motion: Commissioner Anderson moved to elect Sarah Murphy Chairman.

Second: Commissioner Renfroe.
Vote: Unanimous

Motion carried.

Chair Murphy called for a motion on Vice-Chair.

Motion: Commissioner Anderson moved to elect Mike Menchinger Vice- Chair.

Second: Commissioner Collins.
Vote: Unanimous

Motion carried.

OLD BUSINESS

None

NEW BUSINESS

Pine Circle-Parcel #053101029
Preliminary Plat / File #16-004

Chair Murphy called on the applicant for comments. Mr. Marvin Ramos gave an overview of the project and plans for the property. Chair Murphy called for staff report on the project. Ms. Brown reported the applicant is seeking approval of a preliminary plat for Pine Circle Parcel#053101029 to subdivide into two parcels and build craftsman style homes on each of the parcels. The property sits on a 2.1 acre lot and is zoned R-30 (Medium Density Single Family Residential). This lot carries a minimum lot size 30,000 square feet, minimum house size of 1800 square feet and is located in the Main Street Historic District. R-30 zoning in the Main Street District has setback requirements of 30 feet for the front yard, 20 feet for the side yard, and 30 feet for the rear.

The applicant initially submitted plans showing a 50 foot setback which need to be updated and show the corrected 30 foot setback on the plat. Originally Mr. Ramos suggested the division of the lot down the middle of the parcel, but in order to meet the lots' minimum width requirements of 150 feet, the applicant decided to divide lots horizontally and have each driveway going up the north side of the homes. The applicant is also required to come back before Planning & Zoning for approval of development plans.

Chair Murphy called for public comments. There were no public comments. Chair Murphy then called on the commissioners for their comments. Chair Murphy asked if the driveway that will be located on the north side of the property will be a part of lot 1 or lot 2, or in the easement. Applicant stated that the driveway would be part of lot 2. Chair Murphy stated that the location of the property is in an older neighborhood and asked if the applicant has checked into deed restrictions or covenants that would keep him from dividing the property. Applicant stated that he has researched the property in depth and has no knowledge of any holdings on the property.

Commissioner Anderson asked the applicant if he has received any feedback from the neighbors in regards to the proposed construction. Applicant stated that he has spoken with neighbors on both sides of the parcels and they have voiced no issues with the proposed construction. Commissioner Gulas asked Mr. Wismer if there is anything in the ordinance on the minimum distance between driveways. Mr. Wismer stated there is nothing in the ordinance dealing with driveways that would apply to this application. Commissioner Gulas asked Mr. Wismer if the applicant would need to file a variance request for lot 1 with a setback of 97 feet versus 150 feet. Mr. Wismer stated it only requires a 30 foot front yard setback. Commissioner Gulas asked applicant if there will be a sewer easement. Applicant stated yes there are plans for a sewer easement. Commissioner Anderson asked if the applicant would go before Art & Architectural Advisory Committee for exterior colors with this property being in the Main Street District. Ms. Brown stated that yes the applicant would need to come before the Art & Architectural Advisory Committee for colors. Commissioner Renfro voiced concerns that the neighborhood doesn't have any current craftsman style homes but rather a mix of different style homes with residents who have been there for over 50 years. Mr. Wismer stated that as neighborhoods develop over the years they will have multiple architectural styles, Ms. Brown also added that as older homes are torn down and newer homes are being built the craftsman style homes will be the homes of choice for the Main Street District.

Recommendation

The applicant has to revise plat to show 30 foot front set back lines per requirements of City Codes and Ordinances.

Otherwise, Staff recommends APPROVAL of the Preliminary Plat as submitted.

Chair Murphy called for a motion on the Preliminary Plat.

Motion: Commissioner Gulas moved to approve the Preliminary Plat with the following conditions:

1. Revise plat to show 30 foot front set back lines per Code

Second: Commissioner Anderson.

Vote: Unanimous

Motion carried.

Palmer Auto- 160 Grady Ave Special Exception/File #16-003

Chair Murphy called on the applicant for comments. Mr. Bruce Palmer gave a brief description of the used auto dealership and repairs offered by his company. Chair Murphy called for staff report on the project. Ms. Brown reported the applicant is seeking a special exception to operate a used auto sales business on a 1 acre lot located at 160 Grady Ave. The property is zoned C-3 (Highway Commercial), and is located amidst a corridor of C-3 properties located along GlynnStreet South. Residential zoned properties in the vicinity are R-THC (Residential Townhouse Condominium) to the West, and R-30 (Single Family Residential) across Grady Avenue. Both of the residential areas are adequately buffered by either the road or by woods. The property houses a 3,750 square foot, one story building with two bay doors. It was last utilized as an automotive repair facility from 2012-2015. Ingress and egress to the property is provided by way of a paved drive off Grady Ave. The applicant is not proposing any structural modifications to the building so there is no additional application for elevations or development plans.

For C-3 zoned properties this use falls under section 94-167 (7) that states: *Automobile, truck, mobile home, recreational vehicle, heavy equipment, and boat dealerships, including establishments for new and used vehicles and equipment, where any inventory is kept on site, and related service and maintenance facilities are permitted by special exception only.*

The applicant is proposing to have no more than seven cars on display outside, but would like to have additional cars on display in the showroom (former garage bays). Required parking for automobile sales and service businesses is one space for each regular employee plus one space for each 250 square foot of floor area. With Mr. Palmer being the sole employee, required parking for this use would be sixteen (16) spaces. At present, there are thirteen (13) designated parking spaces. The applicant feels that the current parking is adequate for his business and City Code allows for "compliance to the greatest degree practical" per Sec. 94-209. Hours of operation for the business will be 10:00 am to 7:00 pm. Monday thru Friday and 10:00 am to 3:00 pm on Saturday. The business will be closed on Sundays.

Chair Murphy called for public comments. There were no public comments. Chair Murphy then called on the commissioners for their comments. Vice- Chair Menchinger had a clarification question about whether the Special Exception is for 160 Grady Avenue or 162 Grady Avenue where the wooden fence is located. Ms. Brown stated that the Garcia Law Firm owns both properties, so the applicant would be a tenant of the Garcia Law Firm, and has an agreement with Mr. Garcia to allow vehicles to be parked behind the wooden fence. Several Commissioners voiced concerns on the wooden fence that faces the Apple Orchard Community that was either broken or missing. The applicant stated that he repaired the broken part of the fence but that there was a section that was missing when he leased the property. The applicant suggested if this was something needing to be repaired that he had no issues in repairing it so that there were no sections missing. Vice-Chair Menchinger stated that he would like to see the fence extended to show no missing areas.

Commissioner Anderson asked the applicant if he was planning on keeping the shed located on the property or was it going to be torn down. Mr. Palmer stated that he had no use for the shed but that it would be up to the landlord on if he would like to have the shed removed. Commissioner Gulas asked the applicant if there were any plans to install lighting. Applicant stated that he placed an LED light on the front of the building between the two bay doors and has spoken with Georgia Power in regards to getting the security lights turned on but is waiting on the approval of his special exception application before moving forward. Commissioner Gulas asked Mr. Wismer if the applicant would be required to submit a lighting plan. Applicant stated that Georgia Power made known of two existing light poles and Mr. Wismer voiced no lighting plan needed at this time. Commissioner Gulas asked applicant to explain the parking spaces. Applicant explained all locations of the parking spaces. Commissioner Gulas asked the applicant if one of the parking spaces would be designated for handicap. Applicant stated yes there will be one handicap parking space located in between the two bay doors and also mentioned that he would be changing the exterior color of the building to a beige color.

Commissioner Renfroe voiced her concern on the items discussed being contingent on Mr. Garcia's (the landlord) response and wanted to know if the applicant had spoken with him regarding projected improvements on the property. The applicant stated that Mr. Garcia has given free reign over any improvements that needed to be done according to any conditions placed on approval. Commissioner Collins asked the applicant if he knew what's on the surface in the back part of the lot where the vehicles will be parked. Applicant stated that it would be some concrete milling, but mostly grass. Mr. Wismer stated that this property in which the special exception was given to previously was allowed gravel as one of the conditions and it should still be on the property which is why there was no requirements placed on this special exception application for the back lot but, if the commissioners wanted to have it changed then that would be at their discretion and can be made a requirement. Vice- Chair Menchinger asked the applicant if there were any plans to change the bay doors to clear glass so that the inside inventory can be viewed from the outside. Applicant stated that he had no plans to changing out the bay doors at the moment.

Recommendation

The applicants proposed use is compatible with the zoning district and staff believes that used auto sales will have less impact on the surrounding properties than the previous auto repair service did that left many cars on the lot, either waiting for repair or waiting to be picked up.

Based on these findings listed above, Staff recommends APPROVAL of the special exception to operate a used auto sales lot with the following conditions.

1. Applicant must replace any missing sections of wood fence along the Apple Orchard community property line and the applicant's wooden fence enclosure.
2. Applicant may not park more than seven (7) vehicles outside and visible from the street for display, and no more than 5 vehicles behind the wooden fence enclosure.
3. Any vehicles stored behind the wooden fence enclosure must be parked within 5' of the fence in order to minimize views from the adjacent neighborhood.

Chair Murphy called for a motion on the Special Exception.

Motion: Vice- Chair Menchinger moved to approve the Special Exception with the following conditions.

1. The applicant must replace any sections of the wood fence along the Apple Orchard Community property line as necessary to prevent view of vehicles on the lot.
2. The applicant shall not park any more than seven vehicles outside of the building, and no more than five vehicles behind wood enclosure.
3. Any vehicles parked behind the wood enclosure must be parked no more than 5 feet from the fence to prevent viewing from the adjacent community.

Second: Commissioner Collins.

Vote: Unanimous

Motion carried.

Promenade Parkway- Parcel #0538088

Preliminary Plat/File #16-001

Chair Murphy called on the applicant for comments. Applicant was not present. Chair Murphy called for staff report on the project. Ms. Brown reported applicant is seeking plat approval of a 19 acre property located off of Highway 85 North and across from the Fayetteville Pavilion. In March of 2007, the Planning and Zoning Commissioners approved a Preliminary Plat for commercial development but the applicants never filed a Final Plat. The applicant has come back now for approval of the preliminary plat for this property with its current zoning and setbacks. The applicant was granted rezoning from C-3 (Highway Commercial) to M-1 (Light Manufacturing) in November 2015 to allow for development of an industrial park. The adjoining properties are to the north Georgia Power, to the south R-40 (county property), to the east is C-3 (Highway Commercial) that is undeveloped, and west is Fayette Common shopping center which is also zoned C-3. The ingress and egress to the property is provided by the existing road Promenade Parkway.

The revised preliminary plat is very similar to the plat that was submitted back in 2007. It still has eighteen (18) lots, with only minor changes to the actual lot sizes. The original preliminary plat had lots ranging in size from approximately ½ acre to 2.5 acre lots. The new lots range in size from ½ acre to 3.17 acres. Mitigation between the M-1 and R-40 zoning to the south will be accommodated with the required 100 foot buffer and 12 foot rear yard building setback.

The applicant will be required to come back to the Planning and Zoning Commissioners for development plan approval of specific parcels at a later date. The City Code also requires that the applicant submit a document of covenants and restrictions as a part of their final plat approval. Staff will work with the applicant to ensure that the covenants will encourage quality business development within this new industrial park.

Chair Murphy called for public comments. There were no public comments. Chair Murphy then called on the commissioners for their comments. Commissioner Gulas asked where a sign would be located for the property. Mr. Wismer stated that nothing has been received from the applicant and that no signage is permitted at the street but an example would be similar to the adjacent Guthrie Center signage. Vice-Chair Menchinger asked if the ordinance would cover any noise violation. Mr. Wismer stated that the M-1 zoning only permits uses that don't generate noise odor.

Recommendation

The subject property has remained vacant for several years with no interest in further commercial development. The rezoning to M-1 (light manufacturing) was granted as the City currently has very limited M-1 zoned property and is in need of additional industrial space.

Staff recommends APPROVAL of the Preliminary Plat as submitted.

Chair Murphy called for a motion on the Preliminary Plat.

Motion: Commissioner Collins moved to approve the Preliminary Plat as submitted.

Second: Commissioner Gulas.

Vote: Unanimous

Motion carried.

Staff Report

HEARTIS Senior Living- 936 W. Lanier Ave

Development/ File #16-002- Ms. Brown reported on receipt of application from Caddis Healthcare for the Development plans of HEARTIS Senior Living Center. Ms. Katie Newman gave an overview of the project and Mr. Kirby Pate presented the elevations for this project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments.

Parkside Medical Group-730 S. Glynn St & Parcel #0517010

Proposed Medical Office/ Option 1 & Option 2- Ms. Brown reported on a proposed medical office building for Parkside Medical Group. Mr. Chuck Ogletree gave an overview of the project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments.

Chair Murphy called for a motion to adjourn

Motion: Vice-Chair Menchinger moved to adjourn the meeting of January 26, 2016.

Second: Commissioner Collins.
Vote: Unanimous

Motion carried.

Meeting Adjourned.

Respectfully submitted,

Katannah Maxwell
Administrative Assistant