

Planning & Zoning Commission
Regular Public Hearing
Tuesday, July 25, 2006

The Planning & Zoning Commission met in a regular public hearing on Tuesday, July 25, 2006 at 7:00 p.m. In attendance were Commission Chairman Andre Holland; Commissioner Kurt Kraft; Commissioner Janet Heilman; Commissioner Susan George; Commissioner Mike Gill; Zoning Manager Taurus Freeman and Zoning Technician Rita Peele. There were approximately twenty-one (21) members of the public in attendance.

Commissioner Holland called the meeting to order at 7:00 p.m. Peele read the agenda to be followed at this meeting. Commissioner Heilman motioned to approve the agenda with Commissioner George seconding. Motion carried 5/0. Motion to approve June 27, 2006 minutes was made by Commissioner Heilman and seconded by Commissioner Kraft. Motion carried 5/0.

Freeman presented SE-01-06, Tasha Sanders-Wells requesting a special exception to zoning requirements for a Family Personal Care Home. The property is located at 217 Thomas Dorsey Drive, in Land lot 160 of the 6th district in Carroll County. The property consists of .44 +/- acres.

Freeman explained that the property was in compliance with all the zoning criteria with the exception of meeting the two-hundred (200) foot setback requirements from any existing, adjoining residence, although the adjoining residence is currently vacant. The structure at the proposed location is a three (3) bedroom, two (2) bathroom home. The square footage of the home is unknown. Staff recommends approval of the request with two (2) conditions:

1. No more than four (4) disabled individuals may reside in the home at any given time.
2. All necessary permits and certifications shall be issued and filed with the Planning and Zoning Department, within one-hundred and twenty (120) days after approval of this request.

There was some discussion of the proposal from Mr. and Ms. Wells. They explained the purpose of the Family Personal Care Home and that all clients will be ambulatory and have medical clearance from a physician. There would be no chronic illness and clients will go through a screening process to reside in the home. They explained the intent is for clients to live independently within the Community with assistance with medication, medical appointments, transportation, etc. The Department of Human Resources requires supervision on a twenty-four hour, seven (7) day a week basis, with one (1) staff person for each eight clients. The Wells will provide one (1) staff person in three (3) shifts to cover a twenty-four hour period. Commissioner George asked Freeman for clarification of the setback requirement. Freeman informed the Planning Commissioners, according to the proposed U.D.C (Unified Development Code), the two-hundred (200) foot setback requirement for Special Exception is not a requirement for the permit.

Motion to recommend approval with the two (2) conditions was made by Commissioner Gill and seconded by Commissioner George. Motion carried 5/0.

Next, Freeman presented ALT-02-06. MCK Development, LLC of Dallas, GA., requesting an alteration to rezoning condition for property located at the intersection of GA Hwy 101, in Land Lots 194, 195 and 233 of the 6th District, in Carroll County. The request is for an additional seventy-seven (77) lots, which is an increase from 158 lots to 235. The property consists of 30+/- acres and is located within Ward 3.

Ken Plank with MCK Development spoke about the request and explained that the additional lots would be built in a three (3) phases over a fifteen (15) month time span. Commissioner Holland asked Freeman about sewer capacity. Freeman explained that the North Plant is supposed to be de-commissioned by the year 2030; therefore, there will no increase of expansion for the capacity levels of the plant. The West Plant has the capacity to serve 640 more permits as of June 29, 2006. The City is currently looking at other options to ease sewer issues, one option is to have engineers review the possibility of looping the Northern and Western plants together.

Commissioner Holland wanted to know the estimated completion date for the development if approved. Joseph Kennedy, builder for Reid Plantation, said it would be 12 to 18 months for completion of the last home if the request is approved. Commissioner Gill asked Plank if they were willing to only receive a Land Disturbance Permit. Plank responded that the lots would need to be permitted next year and it would not be a wise business decision not to be able to build on the lots.

Jennifer Jimmie, 474 Cherry Blossom Cove spoke in opposition, of the request due to run-off problems from the detention area that is washing into the creek. Freeman told her he would forward her concern to the Building Official.

Motion by Commissioner Kraft to recommend approval and seconded by Commissioner George. Motion did not pass from lack of a majority vote. Motion made by Commissioner Gill to deny application, seconded by Commissioner Heilman. Motion carried 3/2.

Freeman presented RA-07-06, Mary Ann Smith Leathers of Sarasota, FL is requesting a rezoning for property located at 1607 W. Highway 78, in Land Lot 166 of the 6th District, in Carroll County. The request is for RD (Rural Development) to GC (General Commercial).

Before the property was annexed into the City of Villa Rica, it was zoned Commercial in Carroll County's jurisdiction. When the property was annexed into the City of Villa Rica, on October 4, 2005, it received our default zoning of RD (Rural Development). The property was being used as a commercial use while in Carroll County and currently has an Alcohol Business License approved by City Council, in January 2006. There are several properties along the corridor that were annexed at the same time and received the default zoning of RD (Rural Development). Staff recommends approval without

conditions. Commissioner Gill inquired if the application will have to conform with buffer requirements. Freeman responded that if application is approved, the lot will be considered a legal non-conforming lot and wouldn't be required to have a buffer unless destroyed by more than 60 percent and then it would have to comply with our current code. A motion to recommend approval was made by Commissioner Kraft and seconded by Commissioner Gill. Motion carried 5/0.

Next, Freeman presented RA-08-06, Clarence Verdell of Villa Rica, GA is requesting a rezoning for property located at 508 North Avenue, in Land Lot 192 of the 6th District, in Carroll County. The request is for rezoning from R-20 (Single-Family Residential) to OI (Office-Institutional) for a medical office. The property consists of 1.2+/- acres and is located in Ward 1.

Staff recommends approval with three (3) conditions:

1. The exterior of the structure shall remain residential in appearance.
2. Planning Staff will draft a Hospital Overlay District to provide an area in the immediate vicinity of Tanner Medical Center for future hospital expansion and for hospital related support services.
3. Only the following uses shall be allowed for this property:
 - a. Physician Services
 - b. Dental Services
 - c. Hospital Services

Bill Shotwell of 2017 Lakeview Parkway, Villa Rica, spoke, as the agent of the subject property. Shotwell said he is in the process of purchasing the property from Mr. Verdell for a one (1) tenant doctor's office. Commissioner Gill asked Shotwell about parking and was assured the parking requirements comply with the zoning code. Freeman discussed the twenty (20) foot buffer requirement and Shotwell is willing to comply with this requirement.

A motion to recommend approval was made by Commissioner Gill and seconded by Commissioner Kraft. Motion carried 5/0.

Freeman presented RA-09-06, Dura L. Boyd of Villa Rica, GA is requesting a rezoning of property located at 1400 Hwy 78 West, in Land Lot 165 of the 6th District, in Carroll County, from RD (Rural Development) to GC (General Commercial). The property was annexed into the City of Villa Rica in October, 2005 and was zoned commercial prior to annexation. The property received the default zoning of RD (Rural Development) when it was annexed and is within our commercial corridor within the City and is shown as commercial on the proposed Future Land Use map. Chuck Griffin spoke for Ms. Boyd and said they want to sell the property for commercial use. No one spoke for or against the project.

A motion to recommend approval was made by Commissioner Heilman and seconded by Commissioner Kraft. Motion carried 5/0.

Freeman updated Planning Commission on the Comprehensive Plan. Staff is currently reviewing the Plan and will resubmit it to the Department of Community Affairs after the review is complete. There was a special meeting for the Unified Development Code on June 29, 2006, in which there was some discussion of the materials for building exteriors.

With no further order of business, Commissioner Heilman made a motion to adjourn with Commissioner George seconding. Motion carried 5/0. Meeting adjourned at 8:35 p.m.

Planning and Zoning Chairperson

Zoning Manager