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Planning & Zoning Commission
Regular Public Hearing
Tuesday, August 29, 2006

The Planning & Zoning Commission met in a regular public hearing on Tuesday, August 29, 2006 at 7:00 p.m. In attendance were Commission Chairman Andre Holland; Commissioner Kurt Kraft; Commissioner Janet Heilman; Commissioner Mike Gill; Zoning Manager Taurus Freeman and Zoning Technician Rita Peele. Commissioner Susan George was absent with notification. There were approximately ten (10) 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 Kraft seconding. Motion carried 4/0. Motion to approve July 25, 2006 minutes was made by Commissioner Heilman and seconded by Commissioner Gill. Motion carried 4/0.

Freeman presented RA-10-06, Richard Armstrong of Villa Rica, GA requests a rezoning for the property located at 150 E. Church Road, in Land Lot 192 of the 6th District, in Carroll County from LI (Limited Industrial) to CR (Commercial-Residential) for the purpose of a retail and mixed-use development. The property consists of 1.99+/-acres and is located in Ward 1. The applicant, Richard Armstrong of Tyrone, GA spoke and explained that they want to build a project building and that's the reason for "the old depot" style. This request would give the developer a lot of opportunities for retail, restaurant and loft apartments.

Commissioner Heilman questioned Armstrong about the loft apartments. Armstrong explained that the front and rear elevation of the building would be the same so that any future development behind the property would not have to look at the rear of the building and tenants occupying the space wouldn't have to enter as if they were entering the rear of a building. Armstrong presented some photographic samples of what the colors of the exterior and roof of the building would be composed of. Armstrong spoke about the plans for resurfacing the existing old Church Street behind the building which would make for better circulation and also emergency access.

Commissioner Heilman asked Freeman about traffic concerns because of the railroad crossing near the proposed site. Armstrong said they have made several unsuccessful attempts in contacting the railroad to inquire on any future plans for railroad arms, etc. They're attempts have been unsuccessful. Freeman does not anticipate any traffic concerns.

Bill Taylor representing the Downtown Development Authority spoke in favor of the application. The project is consistent with what the Downtown Development Authority wants to see happen downtown and will have great aesthetic and functional value.

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Debra Holland spoke and was not opposed to the project, but was concerned about the access to her father's property behind the site. Armstrong responded to her question, their plans for the road access will remain open. They are proposing that the road should be paved with stone or other material which will be better than what is currently there. Freeman said the road is a city road which has not been maintained in the past. The city will work with the developer to maintain the road after it's been brought up to city standards. Freeman reminded the Planning Commission that this application was submitted before the adoption of the Unified Development Code which was adopted on August 1, 2006. Therefore the request will be under the old rules and regulations. Staff recommends approval of the request with two (2) conditions, which are as follows:

1. The exterior of the structure shall be constructed as submitted by the applicant.
2. The request shall follow the development standards of the Unified Development Code, adopted on August 1, 2006.

Commissioner Heilman made the motion to approve the recommendation with the two (2) previously stated conditions. Commissioner Gill seconded the motion. Motion carried 4/0.

Next, RA-11-06 was presented by Freeman. Tamece Investments, LLC, is requesting a rezoning for the property located at 311 Old Stone Road, in Land Lot 192 of the 6th District, in Carroll County, from R-20 (Single-Family Residential) to OI (Office Institutional) for the purpose of a Professional Office. The property consists of .41+/- acres and is located within Ward 4. This request goes along with RA-12-06 as both are owned by the same property owner and both properties are adjacent to each other. The first case RA-11-06 will be utilized in its current state and RA-12-06 will remain vacant and used for possible parking space. Staff recommends approval of both applications, with the four (4) following conditions:

1. The exterior of the structure shall remain residential in appearance.
2. All parking and loading/unloading shall be located on the side or rear of the property.
3. The request shall follow the development standards of the Unified Development Code, adopted on August 1, 2006.
4. Only the following uses may be allowed for this property:
 - a. Physician services
 - b. Dental services
 - c. Hospital services

Tim McDonald with Tanner Medical Centers spoke for the request. McDonald explained how the hospital is in a tremendous growth spurt and is in need of expansion. The rezoning request backs up to the hospital and would consist of foot traffic from the

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building to the hospital. The existing structure will be used for office space while the vacant property would possibly be used for additional parking. Commissioner Heilman asked if hospital security would be an allowable use from the property. Freeman said it would be allowable since it's still associated with Tanner Medical.

Freeman stated that if Tamece builds a gravel footpath from the property leading to the hospital, Staff will require the path to be paved and meet ADA (Americans with Disabilities Act) standards. Also, if RA-12-06 has not submitted plans or received any type of building permits within 12 months from the rezoning, it will come back before the Planning Commission for a reversion. Commissioner Kraft motioned to recommend approval of RA-11-06. Commissioner Gill seconded, motion carried 4/0.

Commissioner Kraft recommended approval of RA-12-06 and Commissioner Gill seconded motion. Motion carried 4/0.

Freeman presented ORD-01-06, which is an ordinance for the purpose of amending Article 3, by including Section 3.05 of the City of Villa Rica Code of Ordinances which provides for Overlay Districts. The request is to provide an effective date; and for other purposes. Freeman explained that the Downtown Overlay District simplifies the existing layers of regulations by combining under one section of the Code, all of the current overlay districts within the downtown area. This new district allows for the continuity of urban design and land uses through a single zoning classification.

Freeman said, when an overlay district is mapped over any land use district, the development standards used for that site shall be those as set forth in the overlay district and/or the land use district; whichever is more restrictive. This proposed change will assist in the abatement of land uses in the downtown area. An overlay district is an additional zoning requirement that is placed on a geographic area but does not change the underlying zoning. Overlay districts have been used to impose development restrictions in specific locations in a watershed in addition to standard zoning requirements. Commissioner Gill motioned to recommend approval with discussed changes/modification and Commissioner Kraft seconded. Motion carried 4/0.

Next, ORD-02-06 was presented by Freeman. Staff has recommended changing the name of CR (Commercial Residential) to DT (Downtown District). The proposed name change, in conjunction with the proposed Downtown Overlay District, will assist in the abatement of land uses in the downtown area. Commissioner Heilman motioned to recommend approval with Commissioner Gill seconding. Motion carried 4/0.

Freeman presented ORD-03-06, which is an ordinance for the purpose of amending Article 9, Table 9-1, Permitted Sign Standards by Zoning Districts, of the Unified Development Codes, of the City of Villa Rica Code of Ordinances; to provide an effective date; and for other purposes. The proposed changes will simplify and help facilitate the Sign Ordinance. The proposed changes will affect the maximum signage area. Staff recommends adoption of the proposed changes. Commissioner Kraft motioned to recommend approval and Commissioner Gill seconded. Motion carried 4/0.

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Freeman presented ZM-01-06 which is the adoption of the Official Zoning Map and all the notations, references and other matters set forth by said map that are described in the City of Villa Rica Code of Ordinances. The Zoning Map was last adopted in June 1, 1999. The Unified Development Code as adopted by the Mayor and City Council on August 1, 2006; therefore, to carry out the purpose and intend of this Code, The Zoning Map must be revised so that it mirrors the new Code zoning district names.

Staff recommends rezoning the area presented as the Villa Rica Downtown Development Authority area. This section of the City was adopted by the Mayor & City Council on September 7, 2004. The area consists of 334 parcels, and encompasses several different zoning classifications: CR (Commercial Residential); R-20 (Single-Family Residential); R-14 (Multi-Family Residential); OI (Office-Institutional); GC (General Commercial); LI (Light-Industrial); and GI (General Industrial).

The one zoning classification along with the proposed Downtown Overlay District will help ensure quality developments within the area.

Six (6) areas were rezoned to reflect the new zoning classifications of Residential Townhouses, Neighborhood Commercial and Heavy Commercial. The changes correspond with the surrounding area and the current land use.

The Official Zoning Map shall be on file in the office of the Community Development Director and shall bear the signature of the Mayor attested by the City Clerk, under the certification that this is the Official Zoning Map of the Unified Development Code. Commissioner Heilman motioned to recommend approval with Commissioner Gill seconding with recommendation to correct the elimination of CR (Commercial Residential). Motion carried 4/0.

Staff comments were made by Freeman in which he updated The Planning Commission on previous applications at the July 25, 2006 Planning Commission meeting.

Motion to adjourn at 8:07 p.m. was made by Commissioner Heilman and seconded by Commissioner Kraft. Motion carried 4/0.

Planning and Zoning Chairperson

Zoning Manager