



# Planning & Zoning Commission

Community Development Department

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Regular Public Hearing  
Tuesday, September 28, 2010

The Planning & Zoning Commission met in a regular public hearing on Tuesday, September 28, 2010 at 6:00 p.m. In attendance were Commission Chairman Kurt Kraft; Commissioner Robert Francis; Commissioner Les Vogel; Commissioner Mike Gill, Commissioner Bakari Turner, City Manager Larry Wood; Community Development Director Taurus Freeman, Assistant Zoning Administrator Rita Peele. There were thirteen (13) members of the public in attendance.

Commissioner Kraft called the meeting to order at 6:00 p.m., than Peele read the agenda.

**Old Business:** Commissioner Vogel recommended approval of the minutes and Commissioner Francis seconded. The motion carried 3/2, with Commissioners Turner and Gill abstaining, due to not being in attendance for the meeting.

**New Business:** **CU-03-10** was presented by Freeman, and he stated, this agenda item should have been placed in Old Business, since it was postponed from last month. James Butler of Villa Rica, GA, requests a Conditional Use for property located at 309 Elm Drive, parcel number V05-015-0073, in Land Lot 161 of the 6<sup>th</sup> District, in Carroll County, for the purpose of keeping poultry for personal pleasure. The property consists of 0.31+/-acres and is located within Ward 1. Since there was a question about one of the proposed conditions, Staff sought clarification from City Attorney David Mecklin that was presented before the Commission

Applicant, Doug (James) Butler stated that he has nine (9) chickens, which he does not sell, but gives the eggs away. Butler keeps the pens sanitary by placing pine shavings in the chicken pen.

Neighbor, Frank Vacanti, at 305 Elm Drive, spoke in favor of the request. He said there is no noise, odor, traffic or anything that would create a problem. This is Butler's hobby and none of the neighbors have a problem with the chickens, he said.

Carolyn Stephens, of 311 Elm Drive, stated that there is no noise or odor, the pens are kept clean; and Butler gives away the eggs to the neighbors.

Commissioner Gill asked if there is an ordinance limiting the amount of animals on a property, which Freeman said no.

Commissioner Kraft asked if precedence would be established if the request were approved. Freeman said Conditional Use Permits are based on the surrounding land uses and several other factors with each case varying according to the site and request; therefore, precedence would not be established by Butler's case.

Commissioner Turner asked if there is an ordinance pertaining to livestock. Freeman said the property has to have a Conditional Use in R-20 (Single-Family Residential) or other residential zoning classification, and is permitted in RD (Rural Development) zoning classifications.

Commissioner Vogel asked if any Conditional Use applications have been approved previously. Freeman said this is the first request, of this nature, to be heard by the Planning Commission and/or City Council.

Commissioner Kraft asked if the conditions change, can the Conditional Use be revoked. Freeman said yes.

Commissioner Vogel asked about Carroll County's agricultural requirements. Freeman said a request can be made to the county extension department, to do an inspection.

Commissioner Turner made a motion to deny the request, with Commissioner Francis seconding. The motion carried four (4) with one (1) abstention.

**CU-04-10**, presented by Freeman, Abundance of Life Fellowship of Villa Rica, GA requests a Conditional Use for property located at 885 W. Highway 78, Suite D, parcel number V0-2-007-0173, in Land Lot 164 of the 6<sup>th</sup> District, in Carroll County, for the purpose of a church. The property consists of 2.07+/-acres and is located in Ward 2. Staff had reviewed the request and recommends approval.

Pastor Keith Dodson spoke for the application, and explained that the church had to move from their previous location due to financial reasons, and the congregation had no other place to go.

Commissioner Gill asked about the parking. Dodson said parking is on the side and rear of the building, if needed.

Commissioner Vogel asked about the church service schedule. Dodson said the services would be on Wednesday afternoon and in the morning and evening on Sunday.

Commissioner Turner asked if this location is temporary. Dodson verified the church is continuing to look for a more permanent location.

Commissioner Francis asked Dodson how many members are in the congregation. Dodson said there are thirty (30) to thirty-five (35) members.

Commissioner Gill motioned to recommend approval and Commissioner Vogel seconded. The motion carried 5/0.

**ALT-02-10**

The City of Villa Rica, of Villa Rica, GA, request an amendment to the Mirror Lake Planned Development for the property located at 1881 Stockmar Road, Parcel No. 0206-025-0010, in Land Lot 206 of the 2<sup>nd</sup> District, in Douglas County, for the purpose of an animal exhibit or petting zoo. The property consists of 29.35+/-acres and is located within Ward 4.

Freeman reminded the Commission that this is the same alteration heard two months ago by the Commission. The City Council approved it; however; the Mayor vetoed the request. At the last City Council meeting, the Council did not vote to override the Mayor's veto; thus the case is reverted back to the Planning Commission. Some Council members expressed a desire to limit the amount of animals to thirty (30) and to limit the exhibit area. Freeman said if the Planning Commission recommends approval of the request, Staff would like to have two conditions placed on the request:

1. Limit area of exhibit to 3.69 acres.
2. Total number of animals not to exceed thirty (30).

There was some discussion about why an alteration to rezoning was done instead of a rezoning and some additional discussion about some of the other measures the City has taken to make sure the animals are receiving proper veterinarian care and inspections by the Douglas County Health Department.

City Manager Larry Wood spoke in favor of the request, and asked the Commission to consider recommending approval.

Commissioner Turner stated that he is opposed to animals within the city limits, for uses other than pets.

Commissioner Gill said that having cattle on property zoned RD (Rural Development), is a legal use and it's the zoning that determines whether the use is legal or not.

Joan Butler, of 309 Elm Drive, spoke in favor of the proposal, and said it's one of the better things the City has ever done.

Commissioner Vogel motioned to recommend approval with three (3) conditions, Commissioner Gill seconded. The recommendation carried 4/1 with Commissioner Turner against. The conditions are as follows:

1. Animal exhibit only.
2. No more than seventeen (17) animals.
3. No more than 3.69 acres for the animal exhibit.

**Staff Comments:** were made by Freeman and at that time he updated the Commission on last month's cases. There are no pending cases, but there will be some ordinance revisions, zoning code changes and adoption of the zoning map.

**Public Comments:** Cathy Vacanti of 305 Elm Drive said she was concerned because at last month's meeting, CU-03-10 was postponed in order to consult with the city attorney to get the legal interpretation of one of the conditions. She questioned whether some deceit had occurred from the last meeting until this meeting.

Commissioner Kraft said the Planning Commission gathered all the information from the meeting and the City Attorney, in order to make their recommendation; and City Council will be making the final decision.

Melissa Batrouny, 1311 Flat Rock Road said her father's chickens are his pets and she does not understand why the Commission is in favor of ALT-02-10.

Frank Vacanti, of 305 Elm Drive, spoke again to express his concern as to why CU-03-10 was denied; and yet, the Commission recommended approval for the animal exhibit, which is less than a mile and a half away from Butler's property.

There being no other public comments, a motion to adjourn was made by Commissioner Vogel and seconded by Commissioner Francis. The motion carried 5/0 and the meeting adjourned at 6:47 p.m.

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Commission Chairperson

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Date

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Community Development Director

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Date