

Planning & Zoning Commission  
Regular Public Hearing  
Tuesday, October 27, 2009

The Planning & Zoning Commission met in a regular public hearing on Tuesday, October 27, 2009 at 7:00 p.m. In attendance were Commission Chairman Kurt Kraft; Commissioner Mike Gill; Commissioner Robert Francis; Commissioner Bakari Turner; Commissioner Polly Oliver; City Manager Larry Wood; Community Development Director Taurus Freeman and Zoning Technician Rita Peele. There were ten (10) members of the public in attendance.

Commissioner Kraft called the meeting to order at 7:00 p.m., then Peele read the agenda. Commissioner Kraft asked Freeman if the applicant for RA-02-09 had withdrawn the application. Freeman said yes, and Commissioner Kraft announced that the vote will be for an amended agenda. Commissioner Gill motioned to approve the amended agenda minus RA-02-09, Commissioner Francis seconded, and the motion carried 5/0.

**Old Business:** Commissioner Oliver motioned to approve the minutes from the September 29, 2009 meeting, Commissioner Turner seconded, and the motion carried 5/0.

**New Business:** ORD-03-09-UDC, An ordinance for the purpose of amending *Article 3, Table 3-1, Land Use Matrix*, of the Unified Development Codes, of the City of Villa Rica Code of Ordinances; to provide an effective date; and for other purposes.

Commissioner Francis asked Freeman why the change is needed. Freeman said it wasn't appropriate to have convenience stores with fuel pump stations in OI (Office-Institutional) zoning. Freeman explained that OI (Office-Institutional) is not a true commercial zoning classification. It's a lighter zoning classification and could transition into heavier commercial uses. Commissioner Gill asked about a previous rezoning case that was requesting a rezoning from residential to OI (Office-Institutional). Freeman said the City Council denied the request.

Commissioner Gill motioned to recommend approval of the request, Commissioner Francis seconded and the motion carried 5/0.

**RA-05-09**, Linda Walker of Villa Rica, GA, request a rezoning from R-20 (Single-Family Residential) to OI (Office-Institutional) for property located at 500 Dallas Road, parcel number V04-005-0015, in Land Lot 192,+ of the 6<sup>th</sup> District, in Carroll County. The property consists of 0.4 +/-acres and is in Ward 3. Staff has reviewed the request and recommends approval due to this being an emerging commercial corridor, the property north of the request is already zoned OI (Office-Institutional), and there are multi-family and commercial zonings in the area.

Agent for the request, Ray Hollis of 4558 Carrollton Villa Rica Highway, said he believes an OI (Office-Institutional) zoning for the property is the highest and best use. Commissioner Gill reminded Hollis that the zoning code requires the project to go forth within one year or the rezoning could be reverted. Commissioner Francis asked who the responsible party would be for meeting buffer requirements. Freeman said if there is any development of the property, the property owner is responsible. If the owners sell the property, the new owner is responsible for meeting buffer requirements. If the property were to remain vacant, a site plan depicting parking, buffers and driveways will be needed. A five (5) foot or ten (10) foot buffer with a variation of landscaping without fencing will be required; however, the Commission can make a recommendation that fencing will be required.

Commissioner Oliver asked if the property could be used for residential purposes. Freeman said it cannot be occupied as residential if the rezoning is approved. There were no other comments and Commissioner Francis motioned to recommend approval, with Commissioner Oliver seconding. The motion carried 5/0.

**RA-06-09**, John Bentley of Villa Rica, GA, request a rezoning from R-20 (Single-Family Residential) to OI (Office-Institutional) for property located at 504 Dallas Road, parcel number V04-005-0016, in Land Lot: 192 of the 6<sup>th</sup> District in Carroll County. The property consists of 0.34 +/-acres and is in Ward 3.

Ray Hollis is representing all three (3) rezoning requests. He explained that the properties were all owned and lived in by parents of the applicants and the parents have since deceased. There was no opposition to the request and Commissioner Francis recommend approval, with Commissioner Gill seconding. The motion carried 5/0.

**RA-07-09**, Robert Hollis of Villa Rica, GA request a rezoning from R-20 (Single-Family Residential) to OI (Office-Institutional) for property located at 510 Dallas Road, parcel number V04-005-0017, in Land Lot: 192 of the 6<sup>th</sup> District in Carroll County. The property consists of 0.42 +/-acres and is in Ward 3.

Hollis said this request is the same situation in which this was his parent's house, and he and his brother had rented the property out for some time. As the area is growing, the property is more suited to be a doctor's office, florist or something similar.

Commissioner Oliver motioned to recommend approval, with Commissioner Turner seconding. The motion carried 5/0.

**Staff Comments:** Freeman said there are no pending cases at this time for next month's Planning Commission meeting. The rezoning request from last month's meeting, RA-04-09, was denied by City Council. It was denied because City Council agreed it was not a true transition, because it is surrounded by single-family and multi-family residential zonings and has no access along the main thoroughfare.

Freeman updated the commission on the status of RA-02-09. The request had been postponed twice previously and the applicant didn't want to go before Planning Commission and City Council without being completely prepared for the case to be heard. If the case was heard and denied, the applicant would have to wait for a period of twelve (12) months for the case to be heard again. The applicant chose to withdraw the case, and can bring it back for a hearing at any time.

**Public Comments:** There being no comments, Commissioner Oliver motioned to adjourn at 7:20 p.m., and Commissioner Kraft seconded. The motion carried 5/0.

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Planning and Zoning Chairperson

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Date

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Community Development Director

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Date