

Planning & Zoning Commission  
Regular Public Hearing  
Tuesday, November 24, 2009

The Planning & Zoning Commission met in a regular public hearing on Tuesday, November 24, 2009 at 7:00 p.m. In attendance were Commission Chairman Kurt Kraft, Commissioner Robert Francis, Commissioner Bakari Turner, Commissioner Polly Oliver, Community Development Director Taurus Freeman and Zoning Technician Rita Peele. Commissioner Mike Gill was absent with notification. There were four members of the public in attendance.

Commissioner Kraft called the meeting to order at 7:00 p.m., and Peele read the agenda. Commissioner Turner motioned to approve the agenda, with Commissioner Oliver seconding and the motion carried 4/0.

**Old Business:** Commissioner Francis motioned to approve the minutes from the October 27, 2009 meeting, Commissioner Turner seconded, and the motion carried 4/0.

**New Business:** **RA-08-09**, Parikshit Patel of Douglasville, GA, requests a rezoning for property located at 709 North Ave. and 712 Dallas Road., parcel numbers V04-010-0002 and V04-010-0004 in Land Lot 192 of the 6<sup>th</sup> District, in Carroll County, from RD (Rural Development) to OI (Office-Institutional) for the purpose of a Drug Store/Pharmacy. The property consists of .54+/-acres and is located in Ward 4.

Freeman stated a similar request was made by Patel, RA-04-07, in 2007, and the request was withdrawn due to objections from the adjoining neighbors and buffer constraints. He added that the property complied with the Future Land Use Map and the Comprehensive Plan, and Staff recommended approval of the request.

David McMahan, represented Patel, said the project, located across from Tanner Medical Center, would enhance the character of the area as well as encourages development nearby. McMahan stated that the development would be beneficial to the City and increase the tax base. He added that Patel already serves the community by having a pharmacy within Tanner.

Commissioner Oliver asked Staff would there be any buffer requirements. Freeman said that landscaped buffers are required. The applicant could choose between a 15-foot buffer, which requires two canopy trees, three understory trees and six shrubs for each tree; or a 30-foot buffer, which requires two canopy trees, three understory trees and six shrubs for each tree according the Unified Development Code. Patel has implied his desire to use a 15-foot landscaped buffer for the site, as shown on the conceptual plan. Staff insisted that a condition be added to the request: 1) The developer shall erect a six-foot tall privacy fence along the property line where dissimilar zoning classifications are located prior to the issuance of any development permits.

Patsy Carr, of 707 North Avenue, spoke in opposition of the request. She stated her husband was on a breathing machine and the dust from the development and vehicular traffic would disrupt his breathing habits. Commissioner Oliver asked Freeman if there was dust mitigation for the development. Freeman stated that there were rules and regulations the developer must follow that could be better addressed during development.

Glenda Daniel, located north of the subject property, was not in opposition or favor of the request but had some questions regarding the buffer requirements and if a fence would be erected.

Commissioner Turner motioned to recommend approval, with Commissioner Francis seconding, with one condition: The developer shall erect a six-foot tall privacy fence along the property line where dissimilar zoning classifications are located prior to the issuance of any development permits. The motion carried 4/0.

**Staff Comments:** Freeman said there are no pending cases at this time for next month's Planning Commission meeting. The Commission voted 4/0 not to hold a meeting on December 29<sup>th</sup>; the motion was made by Commissioner Oliver, and seconded by Commissioner Francis. The rezoning requests from last month's meeting were the three properties on Dallas Road, RA-05-09, RA-06-09 and RA-07-09 were approved by City Council.

**Public Comments:** There being no comments, Commissioner Turner motioned to adjourn at 7:24 p.m., and Commissioner Oliver seconded. The motion carried 4/0.

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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