



# Planning & Zoning Commission

Community Development Department

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Regular Public Hearing

Tuesday, September 27, 2011

The Planning & Zoning Commission met in a regular public hearing on Tuesday, September 27, 2011 at 6:00 p.m. In attendance were Commission Chairman Kurt Kraft, Commissioner Bakari Turner, Commissioner John Hannabach, Community Development Director Taurus Freeman and Assistant Zoning Administrator Rita Peele. Commissioners Mike Gill and Robert Francis were absent with notification. There were seven (7) members of the public in attendance.

Commissioner Kraft called the meeting to order at 6:00 p.m., and motioned for approval of the agenda. The motion carried 3/0.

**Old Business:** Commissioner Kraft recommended postponing approval of the minutes until next month's meeting since Commissioners Gill and Francis are absent and a quorum is needed for a vote. Commissioner Turner seconded, and the motion carried 3/0.

**New Business:** **ORD-03-11 UDC** was presented by Freeman. An ordinance for the purpose of amending *Article 5, Supplementary Conditions*, by including **Section 5.31. Transfer Stations, Solid Waste Disposal/Processing Facility**, to the Unified Development Code, of the City of Villa Rica Code of Ordinances; to provide an effective date; and for other purposes. This case was heard at the last Planning Commission meeting and approval was recommended. After it was presented at the City Council meeting, the City Attorney made several amendment recommendations; therefore, the City Council requested the Ordinance revert back to the Planning Commission.

Commissioner Hannabach asked Freeman if there were any transfer stations being planned. Freeman replied no, and added there were no regulations regarding those types of facilities in the Unified Development Code. Also, the only reference is located within the Land Use Matrix, which allows for the use in GI (General Industrial) zoning.

Commissioner Hannabach asked if there is better definition of what constitutes solid waste because it looks as though it could include hazardous materials. Freeman said it was a possibility, but anyone that wanted this type of use would go before Planning Commission and City Council for approval.

Commissioner Kraft clarified with Freeman that it was only allowed in GI (General Industrial) zoning. He was in agreement with the section if any clean up were needed it would be the company's responsibility. There being no other comments, Commissioner Kraft asked for a motion. Commissioner Hannabach recommended approval with Commissioner Turner seconding and the motion carried 3/0.

**CU-04-11** was presented by Freeman. Alicia M. Felton of Villa Rica, GA requests a Conditional Use for the property located at 2003 Reflective Waters, Parcel No. 0173-025-0119, in Land Lot 173 of the 2<sup>nd</sup> District, in Douglas County, for the purpose of a personal care home. The property consists of 0.21+/- acres and is located within Ward 1.

Freeman explained that Ms. Felton submitted the application for the Conditional Use several weeks ago and since then a "*Cease and Desist Letter*" had been issued by the Ashley Estates Homeowner's Association. Freeman added Felton is allowed due process according to the City of Villa Rica, and the Homeowner's Association objection is a civil matter.

Felton explained that she was not in violation of the protective covenants. She presented a petition of over forty (40) signatures of neighbors in support of her request. Felton stated there is a need for this type of facility in the city. She added the intention is to provide care for up to three (3) individuals in a residential setting. The care would be provided for immobile elderly or handicapped patients forty-five (45) years old and older; therefore, the proposed facility would not be detrimental to the neighborhood with additional traffic or any other indicators of the facility.

Commissioner Turner asked where inside the home care would be provided. Felton said everything would be on the first floor and addressed safety features for the site.

She added a thirty (30) day trial period would be put in place for any new patients to ensure compatibility between the patient and the home. There was some discussion of how patients would be billed. Felton said it is private care.

Commissioner Hannabach asked how patients will be selected. Felton said her first contact would be the Veterans Administration for patient referral and then she will schedule appointments to conduct patient interviews for potential patients. Felton provided additional information about staff certifications and how many personnel will be needed.

Craig Owen, resident at 2003 Reflective Waters, spoke in favor of the proposal. He said Felton is a good friend that takes good care of her mother, and cares about other people.

Johnny Bentley spoke next. He doesn't know Ms. Felton but is supportive of how she helps people.

Speaking in opposition of the proposal was Sheila Gullege, Secretary of the Homeowners Association. Gullege commended Felton for her good intentions; however, felt Felton still needs to abide by the by-laws of the community. The Homeowner's Association wants to maintain the integrity of the neighborhood and the proposed use would be in violation of the covenants.

Commissioner Kraft asked if the neighborhood is a Planned Development protected by covenants, and Freeman responded yes.

Next, Shandron Pemberton, managing agent for the Ashley Place Community, explained that the Ashley Place Community is a deed restricted community that is bound by covenants. Commissioner Hannabach asked if the by-laws or covenants could be changed or modified. Pemberton said in order for that to happen it would have to go before the general membership and the majority of the membership would vote on a change or amendment.

Freeman reminded the Commission that they are a recommending body. Commissioner Hannabach asked what happens if the Planning Commission recommends approval. Freeman said it would become a civil matter.

Commissioner Kraft asked Freeman if there were any other Conditional Uses in Planned Development or if there were any Conditional Uses in any other subdivisions with a Homeowner's Association. Freeman said to the best of his knowledge, there were not.

There being no other questions or comments, Commissioner Kraft motioned to recommend denial, Commissioner Hannabach seconded and the motion carried 3/0.

**Staff Comments:** Freeman said there are no scheduled cases for next month, but Staff will present a new zoning map, amendments to the Comprehensive Plan and Historic Districts.

**Public Comments,** There being no public comments, Commissioner Kraft motioned to adjourn at 6:40 p.m. and Commission Turner seconded. The motion carried 3/0.

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Commission Chairperson

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Date

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Community Development Director

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Date