

AUGUSTA PLANNING COMMISSION  
MEETING MINUTES  
MAY 2, 2011

THOSE PRESENT:

Bill Wright, Chairman	Y N Myers, Jr., Vice-Chairman
Gene Hunt	Tanya Barnhill
Margaret Armstrong	Robert Cooks
Rick Keuroglian	Jay Simons
Jeanne Corley	Brent Weir

OTHERS PRESENT:

George A. Patty, Executive Director	Lois Schmidt, Secretary
Jimmy Lester, Attorney	Bob Austin, Zoning Administrator
Helen Minchew, RCBOE ex-officio member	

THOSE ABSENT:

Hank Griffin	Matt Aitken, Ex-officio member
Wayne Brown, City Attorney	Lillie Williams

Commissioner Wright: The Augusta-Richmond County Planning Commission is a recommending body. The final decision on all matters coming before it will be made by the Augusta-Richmond County Commission on Tuesday, May 17, 2011 at 5:00 p.m., in Room 803 of the Municipal Building.

A handout describing the Zoning procedures from which these cases are decided is available upon request. These procedures also require that any opponent to an application for a rezoning action who has made a contribution aggregating \$250.00 or more to a local government official within two years of the rezoning application is required to file a disclosure report with the governing authority within five (5) calendar days prior to today's meeting.

1.Z-11-18 - A petition by April Paulk, on behalf of Solomon G. Varnado, requesting a Special Exception to establish a Family Personal Care Home per Section 26-1 (H) of the Comprehensive Zoning Ordinance for Augusta-Richmond County affecting property containing approximately .22 acres and is known as 2517 Drayton Drive. (Tax Map 094-0-115-00-0)

Ms. April Paulk, 2515 Drayton Drive, was present on behalf of the petition. Ms. Paulk stated that she has 7 years experience in health care and wants to establish a family personal care home in this home that is next door to where she lives. The home will be staff operated 24/7.

There were no concerned citizens present.

Mr. Patty stated the Staff recommended approval.

A MOTION was made by Commissioner Cooks that Z-11-18 be APPROVED; seconded by Commissioner Armstrong. MOTION carried unanimously.

2. Z-11-19 – A petition by Ellen Taylor requesting a Special Exception to establish a Family Personal Care Home per Section 26-1 (H) of the Comprehensive Zoning Ordinance for Augusta-Richmond County affecting property containing .29 acres and is known as 2055 Bassford Drive. (Tax Map 177-0-027-00-0)

Ms. Ellen Taylor, 2055 Bassford Drive, was present on behalf of the petition. Ms. Taylor stated that she has a home health care agency and currently works through Hospice. She is petitioning to open this family personal care home as a respite away from the clinical nursing home setting for hospice patients.

There were no concerned citizens present.

A MOTION was made by Commissioner Armstrong that Z-11-19 be APPROVED; seconded by Commissioner Cooks. MOTION carried unanimously.

3. Z-11-20 – A petition by Morrisal Hernandez requesting a change of zoning from Zone R-1A (One-family Residential) to Zone P-1 (Professional) affecting property containing .30 acres and is known as 2819 Jordan Street. Tax Map 109-2-010-00-0)

Ms. Morrisal Hernandez, 3403 Thames Place, was present on behalf of the petition. Ms. Hernandez stated that she purchased the property to open a beauty salon not knowing that it was not zoned properly. She has 12 years experience and wants to have her own business.

There were no concerned citizens present.

A MOTION was made by Commissioner Armstrong that Z-11-20 be APPROVED; seconded by Commissioner Barnhill. MOTION carried unanimously.

4. Z-11-21 – A petition by Equity One Realty, on behalf of IRT Property Co., requesting a modification of the conditions placed on the 1991 B-1 (Neighborhood Business) zoning affecting property containing 5.42 acres and is known as 3629 Walton Way Extension. (Tax Map 023-0-261-00-0)

Mr. Travers Payne, 560 Ninth Street, was present representing Equity One Realty. Equity One has owned the property for about 10 years and only recently found out that there was a hours of operation condition dating back to the 1989 rezoning of the property. This limitation puts the current tenants in violation and makes obtaining new tenants difficult. The current tenants have operated without complaint and the property owner is asking to have that condition removed or modified. Mr. Payne met with the Conifer Place Homeowners Association and they reached an agreement that both sides are amenable to which include the following 5 points:

1. The existing condition regarding the hours of operation is modified that the operating hours for the shopping center shall not be limited except by municipal business codes then in force;

2. All provisions of the existing conditions as set out in the previous zoning restriction agreement shall continue to be maintained with the exception of hours of operation limitations; and the following additional conditions shall also apply;
3. The property owner shall not allow construction of any outside decks or structures which open in the direction of Conifer Place Subdivision;
4. The property owner shall include in its tenant lease agreements, and shall enforce if necessary, reasonable noise limitations (as set out by municipal codes) upon any tenants;
5. The property owner shall immediately re-erect and thereafter continuously maintain the wooden privacy fence along the rear parking lot separating the shopping center parking area from the buffer zone.

Mr. Tim Moses, 49 Conifer Circle, stated that the Board of Conifer Place Sub. does not oppose the elimination of limits to the hours of operation and are in favor of economic growth but do want assurance that all reasonable efforts will be made to protect Conifer Place and its residents. They have no issue with the current tenants but do worry that the addition of another bar with an outdoor patio could cause problems. The property owners have promised to monitor that and will have rules placed in all future leases that will list the rules. If a tenant or the property owner does not follow through they hope the City and its Staff will remember this agreement.

Commissioner Hunt asked if the agreement had been signed by all parties.

Mr. Payne said both parties are agreeable to seeing the conditions placed in the zoning ordinance that will result from this petition. Both sides are willing to conform to that agreement.

Commissioner Hunt stated that it would be possible that this matter could come up again and having an agreement signed by both parties in the file would protect all parties.

Mr. Moses stated that the Staff has received a copy of the letter sent from Mr. Payne detailing the conditions stated above as well as the 1989 and 1991 ordinances.

Mr. Patty stated the Staff recommends approval with the following conditions:

1. The existing condition regarding the hours of operation is modified that the operating hours for the shopping center shall not be limited except by municipal business codes then in force;
2. All provisions of the existing conditions as set out in the previous zoning restriction agreement shall continue to be maintained with the exception of hours of operation limitations; and the following additional conditions shall also apply;
3. The property owner shall not allow construction of any outside decks or structures which open in the direction of Conifer Place Subdivision;
4. The property owner shall include in its tenant lease agreements, and shall enforce if necessary, reasonable noise limitations (as set out by municipal codes) upon any tenants;
5. The property owner shall immediately re-erect and thereafter continuously maintain the wooden privacy fence along the rear parking lot separating the shopping center parking area from the buffer zone.

A MOTION was made by Commissioner Cooks that Z-11-21 be APPROVED with the above stated conditions; seconded by Commissioner Armstrong.

Both parties agreed.

Commissioner Simons asked what was “reasonable noise” in the neighborhood’s opinion.

Mr. Moses said they would abide by the noise ordinance as set out in the City codes.

Chairman Wright called the question. MOTION carried unanimously.

5. Z-11-22 – A petition by Michael Hooks, on behalf of Security Federal Bank, requesting a change of zoning from Zone B-1 (Neighborhood Business) and Zone R-1C (One-family Residential) to Zone B-2 (General Business) zoning affecting property containing 1.94 acres and known as 3315 Washington Road. (Tax Map 010-0-002-00-0)

Mr. Ernest Mueller, 1918 Colony Park Drive, was present on behalf of the petition. Mr. Mueller stated that currently a motorcycle/ motor sport vehicle shop is operating on this site and they would like to expand to include a sandwich shop/bar and grill.

There were no concerned citizens present.

Mr. Patty stated the Staff recommended approval.

A MOTION was made by Commissioner Hunt that Z-11-22 be APPROVED; seconded by Commissioner Armstrong. MOTION carried unanimously.

6. VARIANCE - A petition by T Y Lin International, on behalf of McDonalds Corp., requesting a variance from Section 4-2 (d) (9) of the Comprehensive Zoning Ordinance for Augusta Georgia to allow 27 parking spaces where 65 is required at property located at 3357 Deans Bridge Road. (Tax Map 107-0-023-03-0)

Mr. Shawn Gleason, 260 Peachtree St, Atlanta was present on behalf of the petition. Mr. Gleason stated that McDonalds Corp. wants to renovate the old McDonalds restaurant on this property which will upgrade the drive through to 2 lanes. They will lose approximately 6 spaces in this renovation. The site currently has 33 spaces and a joint agreement with the adjoining shopping center to share parking and currently about 63% of this restaurants business is drive through so parking is not an issue.

There were no concerned citizens present.

Commissioner Hunt asked if McDonalds owns the property or leases it.

Mr. Gleason stated the own it.

Commissioner Hunt asked if a copy of the joint parking agreement could be presented to the Commission.

Mr. Gleason said he could get it.

Mr. Patty stated the Staff recommends approval with the condition that the petitioner must provide a properly executed parking agreement signed by both parties before releasing the site plans for the renovation.

Mr. Gleason agreed.

Ms. Becky Sharp, McDonalds USA, stated that the City will see many more renovations of existing McDonalds in the near future so they may be back.

A MOTION was made by Commissioner Armstrong that the variance be APPROVED with the above stated condition; seconded by Commissioner Cooks. MOTION carried unanimously.

7. ZA-R-203 – A petition to amend the Comprehensive Zoning Ordinance for Augusta, Georgia by amending Section 2 (Definitions) by adding definitions for cafes and restaurants.

Mr. Patty stated the Staff recommendations postponing this amendment until the June 2011 meeting.

There were no concerned citizens present.

A MOTION was made by Commissioner Armstrong that ZA-R-203 be POSTPONED until June 6, 2011; seconded by Commissioner Cooks. MOTION carried unanimously.

8. ZA-R-204 – A petition to amend the Comprehensive Zoning Ordinance for Augusta, Georgia by deleting the current language in Section 21-1 (Neighborhood Business) permitting restaurants and cafes and adding new provisions for their use.

Mr. Patty stated the Staff recommendations postponing this amendment until the June 2011 meeting.

There were no concerned citizens present.

A MOTION was made by Commissioner Armstrong that ZA-R-204 be POSTPONED until June 6, 2011; seconded by Commissioner Cooks. MOTION carried unanimously.

9. ZA-R-205 – A petition to amend the Comprehensive Zoning Ordinance for Augusta, Georgia by adding a new Special Exception in Section 21-2 (Neighborhood Business) for cafes that serve alcoholic beverages.

Mr. Patty stated the Staff recommendations postponing this amendment until the June 2011 meeting.

There were no concerned citizens present.

A MOTION was made by Commissioner Armstrong that ZA-R-205 be POSTPONED until June 6, 2011; seconded by Commissioner Cooks. MOTION carried unanimously.

10. ZA-R-206 – A petition to amend the Comprehensive Zoning Ordinance for Augusta, Georgia by adding language to Section 26 (Special Exception) thereby adding limited day care activities as incidental uses in church buildings as permitted uses under 26-1 (A).

Mr. Patty stated that the Staff recommends amending the Ordinance to allow by right those programs currently exempted by the State (i.e. Mothers Day Out programs) by inserting the following language:

- (a) Church, synagogue, or other place of worship, or their related activities including, but not limited to, the care for fewer than nineteen (19) children under the age of eighteen (18) for not more than four (4) hours per day, ....

There were no concerned citizens present.

A MOTION was made by Commissioner Barnhill that ZA-R-206 be APPROVED; seconded by Commissioner Cooks. MOTION carried unanimously.

11. ZA-R-207 – A petition to amend the Comprehensive Zoning Ordinance for Augusta, Georgia by adding a new Section 25-E (Special District Classifications - Overlay Districts) to provide for the designation of overlay districts for which additional protection and/or guidance through regulations and/or incentives are applied in addition to the base zoning regulations.

Mr. Patty stated the Staff recommends adding this section to the Ordinance.

Commissioner Armstrong asked why persons currently involved with such districts did not come to the neighborhood meetings to explain their plans.

Mr. Patty explained that this amendment is not directed toward any specific group, entity or area but rather an overall amendment for the entire City. There could be an area in the City that would need guidance or protection but not to the extent of the designation of an actual historic district. The Laney Walker and Bethlehem neighborhoods have been suggested as possible areas for this.

Commissioner Armstrong stated that in the 1990s redevelopment of the Laney Walker neighborhood was started and something similar was put in place and a local neighborhood plan was put in place the people of the neighborhood want compliance with that original plan before allowing more plans to be put into place. Huge signs that have been erected are not in keeping with the original neighborhood plan.

Commissioner Cooks said that in the proposed amendment language relates only to the Planning Commission's part in the process will the Augusta Commission still have to approve all such designations?

Mr. Patty said yes but an application for designation can originate with other departments.

Mr. Jesse Wylds, project manager for HCD and the Laney Walker/Bethlehem Redevelopment Initiative, stated that the City is spending a lot of money on this redevelopment and currently has no control over what may or may not be developed next door. Some overlay controls and master planning could protect and promote these initiatives for redevelopment.

A MOTION was made by Commissioner Cooks that ZA-R-207 be APPROVED; seconded by Commissioner Barnhill. MOTION carries.

#### 12. Minutes from April 4, 2011

Mr. Patty recommended the approval of the minutes from April 4, 2011.

A MOTION was made by Commissioner Armstrong that the Minutes from April 4, 2011 be APPROVED; seconded by Commissioner Myers. MOTION carried unanimously.

#### 13. Bills for April 2011

Mr. Patty recommended the approval of the payment of the bills for April, 2011 in the amount of \$35,691.85.

A MOTION was made by Commissioner Armstrong that the payment of the bills for April, 2011 in the amount of \$35,691.85 be APPROVED; seconded by Commissioner Barnhill. MOTION carried unanimously.

#### 14. List of Development Plans for April 2011

Mr. Patty recommended the approval of the list of Development Plans for April 2011.

A MOTION was made by Commissioner Barnhill that the list of Development Plans for April 2011 be entered as information; seconded by Commissioner Armstrong. MOTION carried unanimously.

#### 15. List of Site Plans for April 2011

Mr. Patty recommended the approval of the list of Site Plans for April 2011.

A MOTION was made by Commissioner Barnhill that the list of Site Plans for April 2011 be entered as information; seconded by Commissioner Armstrong. MOTION carried unanimously.

MEETING ADJOURNED