

AUGUSTA PLANNING COMMISSION
MEETING MINUTES
JULY 1, 2013

THOSE PRESENT:

Robert Cooks, Chairman	Melvin Ivey
Sonny Pittman	Tanya Barnhill
David Hogg, Sr.	Bill Wright
Brent Weir, Vice-Chairman	Denice Traina
Gary Trammel	Y N Myers, Jr.
Jeanne Corley	

OTHERS PRESENT:

George Patty, Director	Lois Schmidt, Secretary
Bob Austin, Zoning Administrator	Wayne Brown, City Attorney

THOSE ABSENT:

Lillie Williams
Patsy Scott, RCBOE officio member
Alvin Mason, Ex-officio member

Commissioner Cooks: The Augusta, Georgia Planning Commission is a recommending Body. The final decision on all zoning matters coming before it will be made by the Augusta Commission on **TUESDAY, JULY 16, 2013 5:00 P.M.**, in Room 803, of the Municipal Building. The Planning Commission makes the final decision on all variances including subdivision regulations.

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 contributions 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 hearing.

A minimum of ten minutes shall be afforded for the presentation of data, evidence, and opinions on each side of a rezoning petition or a special exception. If more than ten minutes is afforded to a proponent or opponent, then an equal amount of time shall be afforded to the other side. The Commission encourages participation in this hearing and there is no restriction on who may address the Commission within the allotted time, but the Commission asks that public comments be brief, on subject and non-repetitive and directed to the Commission not to any individual or group.

Chairman Cooks stated there was no addendum to today's hearing.

1. RESOLUTION OF APPRECIATION FOR MARGARET ARMSTRONG – A presentation of a Resolution of Appreciation to Margaret Armstrong for her dedicated service to the Planning Commission and City of Augusta.

Chairman Cook and Vice Chairman Weir presented Mrs. Margaret Armstrong a resolution of appreciation signed by the Mayor to commemorate her years of service to the City of Augusta. Mrs. Armstrong was present to accept the resolution and the Commission's thanks.

2. DEVELOPMENT PLAN EXTENSION – DUNNINGTON SECTION II – S-801-REV-II – A petition by Sherwood Belangia, on behalf of Charles Brigham, requesting a 2 year development plan extension for Dunnington Townhomes, Section II-Revised. This townhome development is located off Boy Scout Road adjacent to Dunnington Section 1 and was approved May 2011.

Mr. Woody Belangia was present on behalf of the petition.

There were no concerned citizens present.

Mr. Patty stated the Staff recommended approval of this extension.

A MOTION was made by Commissioner Wright that the Development Plan Extensions be APPROVED; seconded by Commission Barnhill. MOTION carried unanimously.

3. Z-13-29 - A petition by Gethsemane Baptist Church requesting a Special Exception to expand an existing church per Section 26-1 (A) of the Comprehensive Zoning Ordinance for Augusta, Georgia affecting property containing the following tracts:

Tract A contains .30 acres and is known as 1474 and 1478 Brown Street. (Tax Map 045-4-176-00-0 & 045-4-175-00-0)

Tract B contains .18 acres and is known as 1479 Wrightsboro Road. (Tax Map 045-4-192-00-0)

Tract C contains .16 acres and is known as 1487 Wrightsboro Road. (Tax Map 045-4-196-00-0)

Reverend Ronald Strong, Gethsemane Baptist Church, 2633 Castetown Drive, Hephzibah was present on behalf of the petition. Rev. Strong stated that the parking needs for the church have grown and that while the church is undergoing extension renovations they want to include some parking upgrades.

There were no concerned citizens present.

Mr. Patty explained that this petition was postponed from the June hearing to allow Staff to correctly identify the parcels in question. That has been cleared up. He stated the Staff recommends approval.

A MOTION was made by Commissioner Wright that the Z-13-29 be APPROVED; seconded by Commissioner Myers. MOTION carried unanimously.

4. Z-13-34 – A petition by Demetre Riles, on behalf of Patricia and Tyrone Hodges, requesting a Special Exception to establish a Family Personal Care Home per Section 26-1(H) of the Comprehensive Zoning Ordinance for Augusta, Georgia affecting property containing .38 acres and is known as 4112 Foreman Way. Tax Map 194-0-167-00-0

Ms. Patricia Scott, 2612 Farmers Bridge Road, Hephzibah was present on behalf of the petition. Ms. Scott stated that she wants to establish a family personal care home for 3 to 6 persons. Her preference will be to serve primarily veterans.

There were six concerned citizens present. Mr. James Harris, 4229 Foreman Way stated that he lives across the street from the subject property which is in the middle of the subdivision. He stated the subject property is not on the main thoroughfare for the subdivision and not near any entrance. He had no issue with someone wanting to help others and to make an honest living but this is a residential area with children and he does not want to see an increase in traffic or any loitering by the clients if they don't have enough supervision. The property has been a rental and not well kept up and he does not want to see that continuing.

Ms. Scott said she has no knowledge of former tenants but does not feel she should be held accountable for them and that she has already cleaned up and improved the property.

Mr. Steve Lewis, 4153 Foreman Way said he was worried about the neighborhood children riding their bikes and playing outside if there is an increase in traffic. The property is already a problem and he does not see any improvement with this request. He felt it should stay a single family home.

Mr. Gerald Glenn, 4138 Foreman Way asked if this would be an assisted living for the elderly or a group home for wayward persons.

Mr. Patty asked for more information from the petitioner.

Ms. Scott stated that she will house 3 to 6 clients who will be referred by the Veterans Administration. They will be disabled veterans, still able to care for themselves with supervision, and transportation will be provided by staff and/or a VA van only. She will provide a good quality of living in a safe and clean environment.

Mr. Glenn stated that he is concerned with an uptick in crime in the area and agreed that maybe 24/7 occupancy would help but wants to know that the home will be adequately supervised.

Ms. Scott confirmed there will be 24/7 staffing.

Commissioner Barnhill asked if the petitioner will be renting or buying the property.

Ms. Scott stated she will be leasing.

Ms. Lydia Harris, 4119 Foreman Way stated that her husband is a retired veteran and she has no issue with veterans but feels property values will suffer. The property is on the main entryway and upkeep and use of the property will reflect on the whole neighborhood.

Chairman Cooks asked for the Staff recommendation.

Mr. Patty stated that he has watched Ms. Scott run other businesses without issues and have no negative impact in those areas but he recognizes the neighbors concerns. His only recommendation is that the Commission vote their convictions based on the information presented.

A MOTION was made by Commissioner Wright that Z-13-34 be APPROVED; seconded by Commissioner Weir. MOTION carried unanimously.

5. Z-13-35 – A petition by Demetre Riles, on behalf of Patricia Scott, requesting a Special Exception to establish a Family Personal Care Home per Section 26-1(H) of the Comprehensive Zoning Ordinance for Augusta, Georgia affecting property containing .39 acres and is known as 2422 Patrick Avenue. Tax Map 166-0-283-00-0

Ms. Patricia Scott, 2612 Farmers Bridge Road, Hephzibah was present on behalf of the petition. Ms. Scott stated that she wants to establish a family personal care home for 3 to 6 persons. Her preference will be to serve primarily veterans and she will provide a clean and safe environment for them.

There were no concerned citizens present.

Chairman Cooks asked for the Staff recommendation.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Weir that Z-13-35 be APPROVED; seconded by Commissioner Barnhill. MOTION carried unanimously.

6. Z-13-36 – A petition by Nicole Bentley and Arthur Bentley requesting a Special Exception to establish a Family Personal Care Home per Section 26-1(H) of the Comprehensive Zoning Ordinance for Augusta, Georgia affecting property containing .50 acres and known as 2382 Wheelless Road. Tax Map 085-1-204-00-0

Ms. Nicole Bentley and Mr. Arthur Bentley, 1615 Wrightsboro Road, Augusta were present on behalf of the petition. Ms. Bentley said they hope to operate a family personal care home for up to six senior citizens.

There were no concerned citizens present.

Chairman Cooks asked for the Staff recommendation.

Mr. Patty stated the property is in disrepair and asked if the petitioners were going to buy the property and fix it up.

Ms. Bentley said they have just recently purchased the property from the bank and they intend to fix it up.

A MOTION was made by Commissioner Wright that Z-13-36 be APPROVED; seconded by Commissioner Barnhill. MOTION carried unanimously.

7. Z-13-37 - A petition by Sarah Ellison, on behalf of Faraj Zahra, requesting a change of zoning from Zone R-1C (One-family Residential) to Zone R-3B (Multiple-family Residential) affecting property containing .19 acres and known as 1136 Beman Street. (Tax Map 045-2-024-00-0)

Mr. Mike Samadi and Ms. Sarah Ellison, 1864 Central Avenue, Augusta were present on behalf of the petition. Mr. Samadi stated that he wants to provide a group home for functioning cognitive senior citizens who need a place to live and someone to provide their meals and to look after their well being. Ms. Ellison has been in this business for 11 years. Her family lives in another property and will take on this property and staff it with family members and other capable staff. Mr. Samadi stated that he will fix up the property and will not cause any disruption in the neighborhood. He wants to provide a peaceful homelike setting. He presented a petition of support.

There were 6 concerned citizens present. Mr. David Huey, 951 Beman Street, spoke on behalf of the objectors. He also presented a petition of objectors to this request and questioned the signatures on Mr. Samadi's permit in relation to where the signees live. Mr. Huey stated they oppose the rezoning on the grounds that it will adversely affect the neighborhood. They have seen an increase in crime and while that is not Mr. Samadi's fault allowing this zoning change will affect future uses in a bad way. No permits have been pulled for this property since 2009 and yet work has been done on the house without proper inspections or permits. He worries about the follow through and correctness of the work. He stated that even the fire suppression system was done without permits. At the time of the foreclosure of the property it was stripped and he worries that things will not be repaired up to code. He and others also object to the increased traffic this use will cause. He said they are all fighting to preserve and improve the neighborhood and do feel this is a correct use.

Mrs. Frances Huey, 951 Beman Street, stated that when Mr. Samadi first obtained the property he told neighbors he wants to rent apartments when he could not do that he wanted to do a personal care home. He was issued a stop work order and that is when the rezoning sign came up. There are 43 homes in the area and only 13 are owner occupied. The owners are struggling to keep and/or establish pride in ownership and the neighborhood. More traffic will be driving through while Laney High is being remodeled and that will continue to add to their struggles. Renters are transient and often state subsidized.

Ms. Mary Alice Smith, 1132 Beman Street, stated she lives next door to the subject property and has lived there her entire life, over 60 years. She loves Augusta and her home and wants to improve the neighborhood. The former tenants of the subject were a nightmare and she is not sure if this request will be better or not but she objects to the rezoning.

Mr. Frank Mills, 3312 Forest Estates Drive, Augusta is the owner of 953 Beman Street which is next to the Huey's home and he opposes the multi-family zoning. The house and yard is a mess. He stated he bought his property so his mother could remain in the neighborhood she knew and now he rents it. The neighborhood sits at the intersection of the Paine College campus and should be an anchor for the residential area. Being told that it will be a home for senior citizens doesn't guarantee that it will stay that. The area needs owner occupied homes.

Mr. Samadi stated that he tried to speak to all the area residents and he did speak to many and get their signatures of support. People talking about past history are not speaking about him. He wants to see to the future. He denied the claim that he had unlicensed/permitted work done. He assured the Commission it will be a home for senior citizens and not anything else. He owns several properties and keeps them all up and maintained. He said this neighborhood has many properties with issues and he presented pictures supporting his claim.

Chairman Cooks asked for the Staff recommendation.

Mr. Patty referred to the map in the agenda packet of this area and explained that the neighborhood is essentially 5 to 6 blocks with some spots zoning on Walton Way but not internally in the area which is one side of the argument. The other side is that this home is very large with 6 bedrooms and 4 bathrooms and he strongly doubts anyone will buy it to restore it to a single family home. In weighing all the information and the facts presented the Staff recommends denial.

A MOTION was made by Commissioner Barnhill that Z-13-37 be DENIED; seconded by Commissioner Pittman. MOTION carried unanimously.

8. VARIANCE – A petition by Gerald Stewart requesting a variance from Section 405 (I) of the Land Subdivision Regulations for Augusta Georgia to create a parcel that will not front on a roadway affecting property containing 2.10 acres and located at 4119 Wallie Drive. (Tax Map 154-0-003-03-0)

MR. Gerald Stewart, 4119 Wallie Drive, Augusta was present on behalf of the petition. Mr. Stewart stated that he wants to divide the property in two to provide for each of his children in his estate and to move his daughter and her family onto the new lot to help with his care.

There were no concerned citizens present.

Chairman Cooks asked for the Staff recommendation.

Mr. Patty stated the plat for the both lots will have to show an access easement for the landlocked parcel. The Staff recommends approval.

A MOTION was made by Commissioner Wright that the Variance be APPROVED; seconded by Commissioner Weir. MOTION carried unanimously.

9. VARIANCE – A petition by Dennis Trotter, on behalf of Dr. Jas Jindal, requesting a variance from Section 4-2(d) of the Comprehensive Zoning Ordinance for Augusta, Georgia to reduce the required number of parking spaces from 58 to 41 for two restaurants located at 2930 Peach Orchard Road. (Tax Map 110-1-092-00-0)

Mr. Dennis Trotter, 2796 Henry Street, Augusta was present on behalf of the petition. Mr. Trotter stated that he represents 2 restaurants that want to redevelop this property into two units. One will be a Dunkin Donuts and they are near to signing a Firehouse Sub. Store as the second tenant. These businesses have disparate peak times and so they can easily share the existing parking. Dunkin Donuts' peak time is before 10 a.m. and the sandwich shop doesn't even open before 11 a.m.

There were no concerned citizens present.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Barnhill that the Variance be APPROVED; seconded by Commissioner Myers. MOTION carried unanimously.

10. Minutes from June 3, 2013

There were no concerned citizens present.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Myers that the Minutes from June 3, 2013 be APPROVED; seconded by Commissioner Barnhill. MOTION carried unanimously.

11 List of Development Plans for June 2013

There were no concerned citizens present.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Wright that the list of development plans for June 2013 be APPROVED; seconded by Commissioner Weir. MOTION carried unanimously.

12. List of Site Plans for June 2013

There were no concerned citizens present.

Mr. Patty stated the Staff recommends approval.

A MOTION was made by Commissioner Barnhill that the list of site plans for June 2013 be APPROVED; seconded by Commissioner Wright MOTION carried unanimously.

George A. Patty
Director

PUBLIC HEARING

A public hearing will be held on Monday, July 1, 2013 at 3:30 P.M. or thereafter at the close of the regular meeting of the Augusta Georgia Planning Commission, in Room 803 of the Augusta Municipal Building, 530 Greene Street, Augusta, Georgia for the following:

A request by Western Alternative Corrections Inc., on behalf of Magnolia LLC, seeking public comment and input regarding the establishment of a residential re-entry center for persons following their release from the justice system or a rehabilitation facility per Section 35-10 of the Comprehensive Zoning Ordinance for Augusta Georgia and O.C.G.A. at 36-66-4(f) of the Georgia State Code on property located at 802 Seventh Street and containing .57 acres. Tax Map 047-3-267-00-0. This public hearing will be followed by a zoning action to be conducted not less than 6 months and not more than 9 months from the date of this public hearing.

Planning Commission Chairman Robert Cooks called the public hearing to order:

Mr. Davis Beman, Blanchard and Calhoun Commercial, spoke on behalf of the petition. Mr. Beman explained that he has been assisting Ms. Michele Hultine and Mr. Mark Hultine in located a property that will work for a Residential Re-entry Center/Halfway House that will meet the standards of the Federal Bureau of Prisons.

Ms. Michele Hultine introduced herself and her brother, Mark, and explained that they are based in Hasting, Nebraska . They have been providing this service since 1998 and have a 50 bed facility in Hasting. They became aware that the Federal Bureau of Prisons has identified Augusta as a location for similar facility and began to investigate the area. She reiterated that the Federal Bureau of Prisons had identified Augusta not Western Alternative, they are just responding to the RFP.

Mr. Mark Hultine explained why they found this property suitable. It has a 6,900 square foot building on ½ acre of land with adequate off street parking space and to the east is the State transitional facility. He explained that they had met with representatives of the neighborhood and the director of the existing State facility to discuss this possible redevelopment of the property.

Ms. Stella Nunnally, 1030 Phillips Street, spoke as the president of the Laney Walker Neighborhood Association and said that speaking for herself and the neighborhood they don't want or need another such facility. They are more concerned with cleaning up the neighborhood and making it safer. This proposal will not help either situation.

Mr. Will McCreary, 705 Hall Street, said the neighborhood association met on June 17, 2013 and folks were not happy about the existing situation and don't need anything else mixed in. He stated the Mr. Wilkes from the State facility says his inmates cannot go to Dyess Park, but they

do. He sees them there all the time, even after dark when the park is closed. They bum cigarettes etc from other citizens. You can overhear the inmates talking about “check in time”. This situation is not helping the neighborhood or encouraging our young people to better themselves and their neighborhood.

Wayne Vann, 822 7th Street, asked what his family should do since this will be in their back yard. They already deal with the State facility. His family has been there for 46 years and have nowhere else to go but are worried about the future.

Cassandra Boudrey, 838 Adams Street, said they already deal with the inmates roaming the streets and the park with no supervision, no work detail monitoring and having to put up with their language and loud music at all hours. The current situation is hazardous enough without adding to it. The police are no help and the facility doesn’t help. The elderly need security, and the young people are impressionable and these inmates can turn them to the wrong path.

Mr. Beman said the location was picked by the locale and by the ability to repurpose an empty building that could cause the neighborhood problems with vandals and loitering as it sits now.

Ms. Hultine presented an elevation of the proposed building.

Mr. Cooks asked for information about the facility in Hasting and its operating procedures.

Ms. Hultine stated that the State give their guidelines and Western has added to them. They provide on- site case management for each inmate. They must earn privileges under a merit system. They are randomly drug tested on a weekly basis and searched upon re-entry for any contraband. Western contacts their work 2 times per shift to verify attendance and their work habits are monitored closely. If the inmates respond well and earn the privilege they have home visits and eventually earn their release. The program pushes accountability, but in baby steps.

Mr. Hultine explained that inmates either go through a program such as this or they are simply released back into the community if a program doesn’t exist.

Mr. Pittman asked if there could be more than one applicant under this RFP.

Mr. Patty said possibly for other locations.

Mr. Beman said they spoke to Augusta Commissioner Bill Fennoy and Stanley Hawes of the Laney Walker neighborhood and they had no objections.

Mr. Vann said it might be great inside but what happens when they leave for work details.

Mr. Hultine said they are planning a facility for a total of 58 inmates, 46 male and 12 female. If the plan is successful it may grow.

Ms. Nunnally asked if the feelings of the community will be taken into account and will they have any say so in the final decision.

Ms. Hultine said she understands the concerns but explained that in Hasting their facility is located in the downtown area of a small town and the inmates provide a valuable service to the community in cleaning up, general maintenance, etc and the community depends on them. "We run a tight program but our inmates are welcomed and valued in Hasting as assets."

There were no further comments.