



Columbia County Planning Commission
April 1, 2021 at 6:00 PM
Evans Government Center Auditorium
Evans, Georgia

Present at the meeting included:

Chairman Jim Cox
Vice-Chairman Rich Henderson, Sr.
Commissioner Russell Wilder
Commissioner Gene Futch
Commissioner Al Dempsey

Scott Sterling, Division Director
Will Butler, Planning Manager
Nayna Mistry, Community Planner
Danielle Montgomery, Planner II
Cara Harden, Administrative Specialist
Members of the Public

A. CALL TO ORDER

Chairman Cox called the meeting to order at 6:00p.m.

B. INVOCATION

Commissioner Wilder gave the invocation.

C. PLEDGE OF ALLEGIANCE

Vice-Chairman Henderson led the pledge to the American Flag.

D. ROLL CALL / QUORUM

Chairman Cox declared a quorum with 5 Commissioners present (100%Quorum).

E. APPROVAL OF THE MINUTES OF PREVIOUS MEETING

(E1) March 18, 2021

Commissioner Futch made a motion to approve the March 18, 2021 meeting minutes. Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

F. APPROVAL OF THE AGENDA

Commissioner Futch made a motion to approve the April 1, 2021 Agenda. Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

G. PRESENTATION

Chairman Cox gave a brief description of the Planning Commission's role in the rezoning and variance process for the public's edification. Chairman Cox stated: "Before we begin, I'd like to take a moment to clarify that the Planning Commission is a recommending body to the Columbia County Board of Commissioners. The decisions made on rezoning & variance requests tonight will be forwarded to the Commissioners for final action on April 20, 2021. If you wish to address the Board of Commissioners at their meeting, please see Ms. Cara Harden to obtain a Request to Speak form."

H. DEBATE AGENDA

(H1) Unfinished Business

(H2) New Business

(H2a) Massage Operator's License

(H2a1) Massage Operator's License for Heather Gault, located at 106 Davis Road Suite D, for on premise and mobile massage services.

Staff member Will Butler stated the following:

- This is a request for a Massage Operator's License for Heather Gault at 106 Davis Road Suite D for on premise and mobile massage services.
- Therapist Heather Gault meets all the MOL requirements.
- Staff recommends approval.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Wilder made a motion to approve Massage Operator's License for Heather Gault, located at 106 Davis Road Suite D, for on premise and mobile massage services. Commissioner Futch seconded the motion. The motion carried unanimously.

(H2a2) Massage Operator's License for Lisa Anne Kessler dba Evans Therapeutic Massage, located at 548 Blackburn Drive, for on premise massage services.

Staff member Will Butler stated the following:

- This is a request for a Massage Operator's License for Lisa Anne Kessler dba Evans Therapeutic Massage at 548 Blackburn Drive for on premise massage services.
- Therapist Lisa Anne Kessler meets all the MOL requirements.
- Staff recommends approval.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Dempsey made a motion to approve Massage Operator's License for Lisa Anne Kessler dba Evans Therapeutic Massage, located at 548 Blackburn Drive, for on premise massage services. Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

(H2b) Provisional Home Occupation

(H2b1) Provisional Home Occupation for MPi Manufacturing, Co., Tax Map 068 Parcel 087, 2.50+/- acres, located at 826 Lake Royal Drive, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a Provisional Home Occupation located at 826 Lake Royal Drive on 2.5 +/- acres and currently zoned R-1 (Single Family Residential), in order to utilize an existing workshop for a CNC machining business.
- The property is located on the west side of Lake Royal Drive and the north side of Queens Court and is currently zoned R-1 (Single Family Residential) as part of the Lake Royal subdivision.
- All surrounding properties are also zoned R-1.
- The applicant is proposing to utilize an existing workshop for a machining business, primarily making precision parts for the aerospace and medical industries.
- The garage was constructed in 2019, and designed to be compatible with the existing house.
- The existing house on the property is approximately 2600 square feet according to County records; the applicants have indicated that the business would take place in approximately 1,080 square feet of the existing detached garage, which is less than 50% of the area of the house and therefore complies with the Provisional Home Occupation requirements.
- The primary concerns with home occupations are impacts to the neighbors from noise, light, traffic, or other aspects of the business.
- In this case, the applicants have indicated that the work would be performed on a contract basis with no walk-in traffic expected; there should therefore be no additional traffic created by the business operations.

- The garage additionally uses the existing driveway to the house, and therefore does not create any additional curb cuts or change in the character of the lot.
- Since the business is involved in cutting and shaping metal, noise would be an additional concern.
- The applicants have indicated that all work will take place during normal 8 – 5 business hours, and that the machine used for the work is fully enclosed and the building well insulated to minimize any noise.
- According to the applicant, with these measures in place, no sound can be heard outside the building from the machines operating within.
- Staff recommends approval.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Futch made a motion to approve Provisional Home Occupation for MPi Manufacturing, Co., Tax Map 068 Parcel 087, 2.50+/- acres, located at 826 Lake Royal Drive, and currently zoned R-1 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2c) Conceptual Plan

(H2c1) Conceptual Plan for Hamilton Grove, Tax Map 052 Parcel 037, 139 lots, 96 +/- acres, located Off Hamilton Road, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for conceptual plan approval for 139 residential lots on 96 +/- acres located off Wrightsboro Road and Hamilton Road.
- The property is currently zoned R-2 (Single Family Residential); the property was rezoned in 2020 (RZ20-01-01).
- The property is currently undeveloped and consists of wooded land.
- The property is crossed by two tributary streams with associated floodplains.
- There are additionally wetlands present along the eastern property line, and near the streams.
- County staff have indicated there is another potential wetland area in the northwest corner of the site near the existing Georgia Power substation; if confirmed, this could modify the lot count and/or site layout.
- The topography of the site generally falls north to south above the creeks, falling 46 feet from Wrightsboro Road down to the northern stream.
- The slope is steeper closer to the streams.
- The land between the two streams falls west to east, accounting for the easterly direction of the stream flow, while the property south of the streams falls south to north from Hamilton Road down to the stream.
- The conceptual plan includes 139 single family lots to be developed under the County's R-2 zoning criteria.
- There are 8 larger lots mostly fronting on Hamilton Road that will be approximately one acre each; these lots will have direct driveway access from Hamilton Road.
- The remainder of the lots are accessed from the internal subdivision roads.
- The rezoning approval conditioned a 50-foot buffer along both road frontages, which is required by County code as well.
- The applicant is proposing instead of providing a 50-foot buffer on the Hamilton Road frontage to utilize larger lots along the road frontage, and provide 150 feet of buffer width behind these larger lots before the graded portion of the development would begin, on the north side of the creek.
- While staff is in support of this concept, due to the larger lots providing a transition to the existing R-A development on Hamilton Road, the applicants will need to submit a change of conditions application to remove the condition for a 50-foot buffer on Hamilton Road prior to the submittal of the preliminary plat.
- A variance to Section 90-139 should be requested at the same time, to allow the alternate buffer

plan.

- The road layout is partially gridded but includes three cul-de-sacs north of the creeks, and an additional cross street ending in two cul-de-sacs south of the creek.
- With the exception of Deere Drive, the cul-de-sacs appear to be less than 700 feet in length, although this will need to be verified during site plan review.
- The development is proposed to have two entrances, one on Wrightsboro Road across from the Baker Place Road intersection, and one on Hamilton Road.
- The entrance on Wrightsboro Road will be under the jurisdiction of GDOT, but will require both left and right turn lanes.
- A traffic impact study has been requested to determine if additional improvements will be warranted.
- An impact study will additionally be performed for Hamilton Road to determine if any improvements will be needed at this second entrance.
- Since the site is expected to be mass graded due to the topography, a 50-foot buffer is required around the site, which is shown on the conceptual plan.
- Sidewalks and street trees will be required throughout the project.
- The R-2 zoning district requires the provision of public water and sewer to the lots; the applicants have access to County water from Wrightsboro Road, and will be extending a sewer main from Alexandria Drive in Willow Oak Village along Hamilton Road to serve the project.
- The applicants have shown multiple stormwater ponds on the plans to manage any runoff from the site; the number and capacity is likely adequate for this purpose, although the final design and locations may change.
- Staff recommends approval.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff whether there would be any issues with the Stormwater Detention area being that close to state waters.

Staff member Danielle Montgomery answered the current expressed concern is that they are on the other side of the state waters from the lots so getting the water across the creek to the stormwater pond will be challenging. The final design of the site may change due to this.

Commissioner Wilder questioned staff whether it was uphill.

Staff member Danielle Montgomery answered it is downhill but it will drain into the waterway first.

Vice-Chairman Henderson questioned staff why Planning Commission is voting on a Conceptual Plan when the Conceptual Plan may change.

Staff member Danielle Montgomery answered the final engineering will shift the stormwater ponds but the basic road layout and access points will stay the same.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Wilder made a motion to approve Conceptual Plan for Hamilton Grove, Tax Map 052 Parcel 037, 139 lots, 96 +/- acres, located Off Hamilton Road, and currently zoned R-2 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2d) Preliminary Plat

(H2d1) Preliminary Plat for River Island Section 2 Phase 3, Tax Map 081 Parcels 001A & 001W, 61 lots, 42.1 +/- acres, located Off Blackstone Camp Road, and currently zoned PUD (Planned Unit Development).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a preliminary plat for 61 residential lots on 42.1 acres located off Blackstone Camp Road.
- The property is zoned PUD (Planned Unit Development); the zoning was approved in 2007

(RZ07-01-04). The conceptual plan was approved with the rezoning request.

- This section of the PUD includes 61 single family lots.
- The minimum lot size is 10,162 square feet, which meets the required minimum lot size for the PUD.
- The average lot size is 16,729 square feet.
- The PUD requires front setbacks of at least 30 feet from the right of way and at least 10 feet from the side and rear property lines.
- This section includes a second entrance onto Blackstone Camp Road for River Island; a walking trail will be installed along Blackstone Camp Road from this new entrance to the main entrance of River Island.
- This trail will connect to the crosswalk at this location, tying into the sidewalk to be installed on the opposite side of Blackstone Camp Road which is to be built with the construction of Grand Oaks.
- Additionally, the walking trails within River Island will be extended to this parcel, providing connection to the amenity area that was part of a previous phase.
- Staff is recommending approval.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Futch made a motion to approve Preliminary Plat for River Island Section 2 Phase 3, Tax Map 081 Parcels 001A & 001W, 61 lots, 42.1 +/- acres, located Off Blackstone Camp Road, and currently zoned PUD (Planned Unit Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2e) Final Plat

(H2f) Plan Revision

(H2g) Public Hearing

(H2g1) RZ21-04-01, Conditional Use for Massage, Tax Map 082A Parcel 059E, 0.41+/- acres, located at 1106 Furys Lane, and currently split zoned P-1 (Professional) and C-2 (General Commercial).

Staff member Nayna Mistry stated the following:

- This is a request for a Conditional Use for Massage on 0.41 +/- acres currently split zoned P-1 (Professional) and C-2 (General Commercial) and located at 1106 Furys Lane.
- This property is located on the northwest side of Furys Lane, west of Furys Ferry Road, and is currently split zoned P-1 (Professional) and C-2 (General Commercial).
- The applicant is requesting a conditional use to offer massage services on the site.
- Magnolia Chiropractic currently operates out of Suite A with expectations to expand in the future to utilize both Suites A and B on this property.
- Therefore, the request is for the conditional use to apply to the entire property.
- The subject property and surrounding properties are in professional use and should not be impacted by the conditional use request.
- Due to the current professional use of the property as a medical practice and the minimal impact on the surrounding properties, staff is in support of the conditional use request.
- This parcel is within the Baston Activity Center on the Future Land Use map, which is intended for neighborhood services, shops, restaurants, and civic uses.
- Staff recommends approval.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Conditional Use. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Henderson made a motion to approve RZ21-04-01, Conditional Use for Massage, Tax Map 082A Parcel 059E, 0.41+/- acres, located at 1106 Furys Lane, and currently split zoned P-1 (Professional) and C-2 (General Commercial). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g2) RZ21-04-02, Rezone from S-1 (Special) to M-1 (Light Industrial), Tax Map 078D Parcels 122, 021B, and 123B, 1.29+/-, 0.19+/-, and 4.20+/- acres respectively, located at 3866 Rose Lane, 3862 Rose Court, and off Rose Street, and currently zoned S-1 (Special).

Staff member Will Butler stated the following:

- This is a request for a rezoning from S-1 (Special) to M-1 (Light Industrial) for property located at 3862 Rose Court, 3866 Rose Lane, and off Rose Street, 122, & 123B, a combined 5.68 +/- acres.
- The applicant is requesting the rezoning for office warehouses and has provided a brief narrative and concept plan as part of their request.
- The subject properties are located generally on the south side of Rose Street.
- All adjacent property is zoned C-2 (General Commercial).
- The subject properties were rezoned to S-1 in 2020 (RZ20-01-03) for a self-storage facility.
- The applicant is requesting the rezoning to M-1 for the purposes of an office warehouse development.
- Per the provided narrative and concept (not binding to the rezoning request), the owner intends to develop the property into 8 lots for office warehouse use.
- Eight lots are shown along this access road with varying lot sizes, but meeting the minimum lot size of 20,000 square feet required for the M-1 zoning classification.
- This property is located within the Martinez Activity Center which is a Mixed Use Activity Center.
- The intent of an Activity Center is to enhance and create concentrated commercial uses, employment centers, and mixed use development in defined areas.
- The area further east on Rose Street and also to the north on Oak Drive, includes several contractors offices with storage, cabinet shops, and other uses that would not be permitted in C-2 today. In the past C-2 permitted these types of uses and when the use table was revised in 2016, these uses were moved to C-3 and M-1.
- The existing uses may remain in place, but they are now nonconforming uses and if expansion is needed or they are vacant for a year or longer, they must be brought into compliance with current code.
- This property is located within the Martinez Activity Center, which is intended to have a mix of residential, professional, commercial, and civic uses. The proposed light industrial use is not in keeping with the intended future character of this area.
- Staff recommends disapproval of the request to rezone to M-1 (Light Industrial). Conditions have been offered if the Commission desires to approve the request or entertain a different zoning classification.
- The applicant has requested for the property to be rezoned to C-3 (Heavy Commercial) after receiving the staff recommendation to disapprove the request for M-1.

Conditions

Planning:

1. Any building elevation facing a public street, private street, or the property line of Tax Map 078D Parcel 017D shall be faced with brick, stucco, stone, cementitious fiber board, or a combination of those materials.
2. A combination plat shall be filed and recorded within sixty days of approval by the Board of Commissioners and a copy provided to the Planning Department.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff about the existing businesses in the area that are zoned C-2 (General Commercial), but that are operating legal non-conforming businesses due to the County Code changes. Staff member Will Butler answered there are businesses that are allowed to continue to operate until the properties are vacant for more than a year, which they would then have to bring the properties up to current County Code.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Henderson made a motion to disapprove RZ21-04-02, Rezone from S-1 (Special) to M-1 (Light Industrial), Tax Map 078D Parcels 122, 021B, and 123B, 1.29+/-, 0.19+/-, and 4.20+/- acres respectively, located at 3866 Rose Lane, 3862 Rose Court, and off Rose Street, and currently zoned S-1 (Special). Commissioner Futch seconded the motion. The motion carried unanimously.

Chairman Cox asked the applicant to explain the request to rezone to C-3 (Heavy Commercial).

Gary Bennett, 5810 Carriage Hills Drive:

- Originally requested M-1 because we recently did another project similar to this request which was successful.
- However, after discussions with staff, we agree that this is not a good zoning for this area and that C-3 is a better fit for this property.

Planning Commission questions/comments/concerns:

Vice-Chairman Henderson questioned the applicant whether C-3 would help the owner develop his plan. Gary Bennett answered yes, there is a demand for office/warehouse in this area. There are not many other locations in the area that are suitable for this type of development.

Vice-Chairman Henderson questioned staff whether C-3 would limit the heavy truck traffic.

Staff member Will Butler answered with C-3 you are allowed contractors offices with storage, self-storage, etc. Heavier uses may also be approved later through the conditional use process.

Chairman Cox questioned staff whether their recommendation would change if they had more time to meet with the applicant to discuss this further.

Staff member Will Butler answered this property is located within the Martinez Activity Center which is a mixture of different uses and zonings. We haven't really been given much direction on what Planning Commission and the Board of Commissioners would like to see in this area moving forward. There may already be some light industrial uses in the area, but the question is whether that is what the county would like to see there in the future.

Planning Director Scott Sterling answered introducing incompatible uses is not desirable. The existing businesses have rights to continue operating. However, with considering the redevelopment of the Martinez Activity Center in the future, this may not be the direction the county plans to go. C-3 is a better alternative with the proposed conditions, with some validity, than M-1.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Henderson made a motion to approve with conditions RZ21-04-02, Rezone from S-1 (Special) to C-3 (Heavy Commercial), Tax Map 078D Parcels 122, 021B, and 123B, 1.29+/-, 0.19+/-, and 4.20+/- acres respectively, located at 3866 Rose Lane, 3862 Rose Court, and off Rose Street, and

currently zoned S-1 (Special). Commissioner Futch seconded the motion. The motion carried 4-1. Chairman Cox opposed.

(H2g3) RZ21-04-03, Rezone from R-A (Residential Agricultural) and M-1 (Light Industrial) to R-A (Residential Agricultural), Tax Map 029 Parcel 053, 29.48+/- acres, located at 1635 Old Appling Harlem Highway, and currently split zoned R-A (Residential Agricultural) and M-1 (Light Industrial).

Staff member Will Butler stated the following:

- This is a request for a rezoning from R-A (Residential Agricultural) & M-1 (Light Industrial) to R-A (Residential Agricultural) for property located at 1635 Old Appling Harlem Highway on 29.48 +/- acres and currently split zoned R-A and M-1.
- The subject property is located primarily on the east side of Old Appling Harlem Highway, but does have frontage on Swint Road as well.
- Property to the north and south is zoned R-A, property to the east includes properties split zoned M-1 & R-A and solely R-A, and property to the west is split zoned M-1 & R-A as well.
- The applicant is requesting the rezoning to address the split zoning on the property.
- This is not an uncommon issue along Interstate 20, since this same concern was addressed in February for property to the north as part of RZ21-02-02. As was noted with that rezoning request, the strip of M-1 along the interstate was the result of the county initiated rezoning in 1973.
- The applicant has not provided a concept plan, but a plat showing subdivision of the subject parcel into six separate lots was approved on March 18th, 2021 by the Planning Commission.
- The proposed residential development is much more in keeping with the surrounding area of large lot residential homes.
- The subject property is located within the Appling-Harlem Neighborhoods Character Area on the Vision 2035 Future Land Use Map.
- Primary future land uses are moderate density detached single family uses, greenways and trails, and civic benefits such as community centers, libraries, schools, and places of worship.
- A request for a residential use zoning meets the intent of the Character Area.
- Staff recommends to approve.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning.

Rhonda McKinney, 1615 Old Appling Harlem Road:

- Questioned whether the rezoning would affect her property.

Planning Commission questions/comments/concerns:

Staff member Will Butler answered the zoning would be the same zoning as the surround areas. In 1973 a certain amount of property was zoned M-1 for billboards along I-20. It has become an issue lately due to banks not wanting to give mortgages to a property if it is split zoned.

Chairman Cox stated this was a public hearing and asked if there was anyone else to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to approve RZ21-04-03, Rezone from R-A (Residential Agricultural) and M-1 (Light Industrial) to R-A (Residential Agricultural), Tax Map 029 Parcel 053, 29.48+/- acres, located at 1635 Old Appling Harlem Highway, and currently split zoned R-A (Residential Agricultural) and M-1 (Light Industrial). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g4) RZ21-04-04, Rezone from R-1 (Single Family Residential) to C-C (Community Commercial), Tax Map 077 Parcels 112 and 113, 1.04 +/- acres, located at 715 and 737 Furys Ferry Road, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a rezoning from R-1 (Single Family Residential) to C-C (Community Commercial) for properties located at 715 and 737 Furys Ferry Road on 1.04 +/- total acres.
- The subject properties are located on the east side of Furys Ferry Road and the south side of Blackstone Camp Road and are currently zoned R-1 (Single Family Residential).
- Immediately adjacent property to the south is also zoned R-1, as well as S-1 (Special) for a church.
- Properties to the north are zoned primarily for residential development, with the exception of one currently undeveloped C-2 (General Commercial) property on the opposite side of Blackstone Camp Road.
- Nearby to the south is the intersection of Evans to Locks and Furys Ferry roads; there are PUD and C-1 properties surrounding this intersection, including existing commercial developments as well as undeveloped properties.
- The applicant is requesting the rezoning for the purpose of developing a restaurant on the site.
- The subject property is located within the Evans to Locks Activity Center on the future land use map.
- This is a designated Commercial Center and is intended to provide for neighborhood services, shops, restaurants, and civic uses.
- The proposed restaurant use is in keeping with the intended commercial character of this Activity Center, provided the site and building can be designed in accordance with the NPOD standards.
- This property will be within the Node Protection Overlay District if rezoned, and will be required to meet the site design and architectural standards specified in Section 90-100.
- There is a variance to the setback requirements of the NPOD being processed concurrently with this application, which will be addressed separately.
- Water Utility has additionally indicated that the site is not currently connected to sewer service, and will require a sewer main extension for development.
- The applicant will be responsible for the costs to extend sewer service to this property.
- The Health Department has indicated that the sewer extension will be required for commercial development of this property, and there is a condition proposed to that effect.
- Staff recommends to approve with conditions:

Conditions

Health Department:

This parcel must be connected to county sewer if it is to be utilized commercial. The soils in this area are very poor and typically require alternative systems just for residential structures.

Planning:

1. A combination plat for the properties must be completed and recorded with a copy submitted to the Planning Department within 60 days of approval by the Board of Commissioners.
2. Due to the upcoming widening of Furys Ferry Road, the landscape strip along Furys Ferry Road must be designed and approved with the site plan, but may not be installed at the time of site and building construction. The landscape strip must be installed within 6 months of completion of the road widening project.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff where the sewer access would come from.

Staff member Danielle Montgomery answered it would probably come from the PUD that is off Old Blackstone Camp Road.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant was present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Commissioner Wilder made a motion to approve with conditions RZ21-04-04, Rezone from R-1 (Single Family Residential) to C-C (Community Commercial), Tax Map 077 Parcels 112 and 113, 1.04 +/- acres, located at 715 and 737 Furys Ferry Road, and currently zoned R-1 (Single Family Residential). Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

(H2g5) VA21-04-02, Variance to Section 90-98 *List of Lot and Structure Requirements*, Tax Map 077 Parcels 112 and 113, 1.04 +/- acres, located at 715 and 737 Furys Ferry Road, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a variance to Section 90-98 *List of Lot and Structure Requirements* for properties located at 715 and 737 Furys Ferry Road on 1.04 +/- total acres currently zoned R-1 (Single Family Residential).
- The subject properties are located on the east side of Furys Ferry Road and the south side of Blackstone Camp Road and are currently zoned R-1 (Single Family Residential).
- This property will be within the Node Protection Overlay District if rezoned, and will be required to meet the site design and architectural standards specified in Section 90-100, as well as the NPOD setbacks specified in Section 90-98.
- County code requires a minimum setback of 5 feet from the right of way, and also specifies maximum building setbacks of 125 feet from the centerline of Furys Ferry Road and 90 feet from the centerline of Blackstone Camp Road.
- In order to comply with the County code, the building on the site would therefore have to be constructed no more than 90 feet from the centerline of Blackstone Camp Road, and no more than 125 feet from the centerline of Furys Ferry Road.
- A development plan was submitted March 24, and does show the building meeting both maximum building lines.
- However, Traffic Engineering indicated there are easements that will need to be taken into account with development of the site that do not appear on the development plan.
- Review of these easements shows they are quite extensive, and will require relocation of the building from its current location on the development plan.
- Due to the location and width of the easements, the existing shape of the properties and the existing right of way widths, meeting the maximum front setbacks from both Blackstone Camp Road and Furys Ferry Road will be difficult or impossible, in the case of Furys Ferry Road.
- Staff therefore recommends this variance to remove the maximum front setback requirement along both roads to allow for development of the properties.
- Staff recommends to approve with condition:

Condition

Planning:

The maximum front setback shall not apply along Blackstone Camp Road or Furys Ferry Road. The minimum front setback of 5 feet shall remain in effect.

Planning Commission questions/comments/concerns:

Vice-Chairman Henderson questioned staff about the purpose of the setback.

Staff member Danielle Montgomery answered the purpose of having a maximum front setback is to encourage the building to be pulled up to the road to be more pedestrian oriented. This encourages them to have parking lots on the side and rear of the building.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant was present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Variance. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to approve with condition VA21-04-02, Variance to Section 90-98 *List of Lot and Structure Requirements*, Tax Map 077 Parcels 112 and 113, 1.04+/- acres, located at 715 and 737 Furys Ferry Road, and currently zoned R-1 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g6) VA21-04-01, Variances to Sections 90-53 *List of Lot and Structure Requirements* and 90-144 *Placement of Buildings and Structures*, Tax Map 073B Parcel 047, 0.42+/- acres, located at 131 South Belair Road, and currently zoned R-2 (Single Family Residential).

Staff member Will Butler stated the following:

- This is a request for variances to Section 90-53 *List of Lot & Structure Requirements* & 90-144 *Placement of Buildings and Structures* for property located at 131 South Belair Road on 0.42 +/- acres and zoned R-2 (Single Family Residential) to reduce building setbacks for existing structures and the height of an existing fence.
- The subject property is located on the west side of South Belair Road at the intersection of Pecan Drive and South Belair.
- Property to the south and west is zoned R-2, property to the north across Pecan Drive is zoned PDD (Planned Development District) and R-2, and property to the east across South Belair is zoned R-2, with PDD and P-1 (Professional) as well.
- This request stems from a complaint to Code Enforcement regarding water runoff from the roof of the existing shop onto the property to the west (which is currently undeveloped).
- During investigation of that complaint, other issues were noted in regards to the existing home, existing fence, and accessory structures on the site (a home based business was located on the site, but is no longer in existence according to the applicant).
- The applicant is requesting the variances to reduce building setbacks for the existing shop, existing accessory structures on the northern and southern property lines, and also address the height of the fence.
- As a corner lot, there are two front setbacks: one along the South Belair frontage and the other along Pecan Drive.
- The setback is 110 feet from the centerline of South Belair (approximately 65' from the property line) and 55 feet from the centerline of Pecan Drive (approximately 30 feet from the property line).
- The existing home is within both of these setbacks. According to the as built provided, the home is located 60 feet 9 inches from the property line along South Belair and 5 feet 3 inches from the property line along Pecan Drive.
- However, the as built does not provide a noted measurement for the awning which is closer than the main structure to the property line at approximately 44 feet 10 inches.
- According to county records, the home has been in place since 1955, but likely has had additions made to it which extended it towards Pecan Drive.
- A variance was approved in 1999 for the residence.
- The next item is the existing shop on the property and small accessory structures on the northern and southern property lines.
- According to the aerial of the site, the shop was built in 2007 or 2006. The shop is noted at 1,837 square feet on the as built and requires a 10 foot setback from the property line.
- The only corner that does not meet this requirement according to the as built is the southwest corner which is shown at 9 feet 10 inches.
- However, there was an awning constructed off of the western end of the shop that extended to the property line and connected to the existing fence and was the cause of the complaint to Code Enforcement.
- The roofing material has been removed, but the framing for that section of the roof remains at the

time of this report.

- Staff recommends that this framing be removed to ensure that roofing is not added to it in the future which could cause a water runoff issue directly onto the adjacent property.
- The two accessory structures are both less than 100 square feet, but are noted on the as built, so staff will address them as well.
- Both structures consist of posts with a roof on top and are not enclosed.
- The structure along the northern property line has a gable roof and extends above the fence line.
- This has been in place since at least 2009 according to aerials of the site.
- Staff is not aware of any issues it has caused, but will be recommending a condition that it cannot be replaced.
- The structure along the southern property line has a shed roof that angles back towards the southern property line and appears to be at the same height as the fence at its southern most point and appears to have been in existence since 2011 according to aerials.
- Staff does have some concern with this roof configuration since water that lands on the roof will be sent over the fence and onto the adjacent property at 133 South Belair Road.
- Staff recognizes that this is a small amount of surface area, but the whole reason that we are addressing the site at this time stems from a Code Enforcement complaint that had to do with water runoff.
- A complaint has not been filed with Code Enforcement regarding this issue by the property owner to the south, but staff does recommend that this structure be moved or the roof replaced to not send water directly onto the adjacent property.
- Last item to address in this application is the existing fence which runs along the northern, western, and southern property lines.
- The height of the fence is 6 feet, but as noted, it is well within the front building setback along Pecan Drive (the northern property line and a section of the western).
- County aerials go back to 2005 and the fence is visible along the frontage at that time.
- As a corner lot, there is an allowance for a fence to be 4 feet in height along the road frontage, so the issue here is the height of the fence and location.
- The primary concern with a fence located along a road frontage is blocking visibility for drivers leaving adjacent properties.
- The only property to possibly be impacted by the existing fence is to the west at 208 Pecan Drive which is currently undeveloped.
- However, there appears to be sufficient right of way to allow for a vehicle to see beyond this fence if this property is developed in the future.
- In addition, Traffic Engineering has not raised a concern with this existing fence.
- However, staff does recommend a condition that if the fence is replaced it must be replaced to meet current code which would require a 4 foot high fence instead of a 6 foot fence.
- Staff recommends to approve with conditions:

Conditions

Planning:

1. Building setback is reduced to 44 feet from the property line along South Belair Road for the existing home. Setbacks are reduced along Pecan Drive as noted on the as built, dated February 4, 2021, provided with the application for the existing home. Any future expansion or replacement of the existing home must meet building setbacks.
2. Exposed roofing framing on the west side of the existing shop must be removed within sixty days of approval by the Board of Commissioners.
3. The accessory structure on the southern property line must be moved or have the roofing reconfigured to not shed water directly onto the property to the south. If replacement of either of the accessory structures is required, they must meet building setbacks.
4. If the existing fence is replaced, it must meet County code.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff whether there were two curb cuts or two driveways on the property and whether they were permitted.

Staff member Will Butler answered there are two driveways and they do not have to be permitted.

Vice-Chairman Henderson questioned staff about the height of the building and whether there was a letter in reference to delivery trucks.

Staff member Will Butler answered he does not know the height. However, the height limit is 55 feet and they did obtain a building permit so it is within that height requirement. There was an email from a neighbor in reference to delivery trucks.

Chairman Cox questioned staff who would have the final approval to ensure all conditions have been met.

Will Butler answered Code Enforcement due to them having an open case at this time.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

Applicant present but did not provide any further information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Variance. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Henderson made a motion to approve with conditions VA21-04-01, Variances to Sections 90-53 *List of Lot and Structure Requirements* and 90-144 *Placement of Buildings and Structures*, Tax Map 073B Parcel 047, 0.42+/- acres, located at 131 South Belair Road, and currently zoned R-2 (Single Family Residential). Commissioner Dempsey seconded the motion. The motion carried unanimously.

(H2h) Text Amendments

(H2i) Items Added (which need immediate action)

I. LEGAL MATTERS

J. STAFF AND COMMISSIONER COMMENTS

Director Scott Sterling stated the Vision 2035 plan was approved by the Board of Commissioners. The transmittal will now go to the DCA and regional commission for approval. The Plan will go before the Board of Commissioners for final approval in May or no later than June.

K. PUBLIC COMMENTS AND PARTICIPATION

There was no further business to discuss; therefore Commissioner Futch made the motion to adjourn the meeting at 6:45p.m. Commissioner Wilder seconded the motion. Motion carried unanimously.

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Signature on File

Jim Cox, Chairman

Signature on File

Scott Sterling, Planning Services Director