



Columbia County Planning Commission
April 15, 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
Paul Scarbary, Development Services Division
Director
Commissioner Don Skinner
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

Commissioner Futch 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) April 1, 2021

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

F. APPROVAL OF THE AGENDA

Vice-Chairman Henderson made a motion to approve the April 15, 2021 Agenda. Commissioner Futch 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 May 4, 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

(H1a) Major Revision

(H1a1) RZ21-03-06, Major PUD (Planned Unit Development) Revision, Tax Map 071G Parcel 015, 0.4+/- acres, located at 4502 Guildford Court, and currently zoned PUD (Planned Unit Development).

Staff member Nayna Mistry stated the following:

- This is a request for a Major PUD Revision for property located at 4502 Guildford Court on 0.4 +/- acres postponed from March 18, 2021.
- The applicant is requesting a reduction in building setbacks for new and existing structures and specifically for adding a new accessory structure.
- The plat of the property shows a 10 foot strip of HOA property that is along Aylesbury Drive.
- Another 10 foot strip is running along the opposite side of Aylesbury Drive.
- From the aerial view, it looks like the existing wood fence may be on the HOA property.
- This item was postponed from the March 18th meeting pending an as-built plat of the existing property and structures to better determine the buildable space on the property which was received this Tuesday.
- The as-built confirmed the fence is on the HOA property, and the HOA Board is requiring something from the applicant not holding them liable for anything that happens on the property.
- Staff recommends to postpone to May 6, 2021.

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

Gary Carter, 4502 Guildford Court:

- Requested a copy of the email from the HOA.

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

Commissioner Futch made a motion to postpone to May 6, 2021 RZ21-03-06, Major PUD (Planned Unit Development) Revision, Tax Map 071G Parcel 015, 0.4+/- acres, located at 4502 Guildford Court, and currently zoned PUD (Planned Unit Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2) New Business

(H2a) Minor Waiver

(H2a1) MW21-04-01, Minor Waiver, Tax Map 059A Parcel 122, 0.466+/- acres, located at 901 Rainne Court, and currently zoned PUD (Planned Unit Development). **Presented as Information Only.**

Staff member Danielle Montgomery stated the following:

- This was a request for a minor waiver at 901 Rainne Court on 0.466+/- acres and currently zoned PUD (Planned Unit Development).
- The request is for a reduction to the front setback along Rainne Court to 36 feet from the right of way.
- Approved by staff on April 1st, 2021.

(H2b) Provisional Home Occupation

(H2b1) Provisional Home Occupation for K & K Ceramics, Tax Map 029 Parcel 111, 2.14+/- acres, located at 1574 Joy Road, and currently zoned R-A (Residential Agricultural).

Staff member Danielle Montgomery stated the following:

- This is a request for a Provisional Home Occupation for property located at 1574 Joy Road on 2.14 +/- acres, and currently zoned R-A (Residential Agricultural).
- The property is located at the end of Joy Road, on the north side of Wrightsboro Road, and is

- currently zoned R-A, as are all surrounding properties.
- The applicant is proposing to utilize an existing carport for making and storing ceramic greenware and bisque.
- The carport is an open structure, but is located 96 feet from the rear property line and 56 feet from the side property line.
- Since the carport is an open structure, there is a possibility that the business operations could be visible from the adjacent property.
- Currently there are existing trees and shrubs along the fence line separating the two properties, as well as an existing wooded area on the neighboring parcel opposite the carport.
- Staff would recommend maintaining the trees and shrubs and adding any additional landscaping required along this fence to reduce visibility from the adjacent property
- The existing carport is in the back left corner of the property, over 250 feet from the cul-de-sac at the end of Joy Road, and therefore should not be visible from the public right of way.
- The applicant has indicated that there is no additional traffic to the property from the business, as all sales are conducted at trade shows or online and shipped to the customer.
- Staff recommends approval.

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

Commissioner Wilder made a motion to approve Provisional Home Occupation for K & K Ceramics, Tax Map 029 Parcel 111, 2.14+/- acres, located at 1574 Joy Road, and currently zoned R-A (Residential Agricultural). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2c) Conceptual Plan

(H2d) Preliminary Plat

(H2d1) Preliminary Plat for Anderson Farms Section II, Tax Map 039 Parcel 317, 24 lots, 73.09 +/- acres, located Off Louisville Road, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a preliminary plat for 24 residential lots on 73.09 acres located off Louisville Road.
- The property is zoned R-1 (Single Family Residential) under RZ19-01-02.
- This plat is the second and final phase of Anderson Farms, and includes 24 single family lots with a minimum lot size of 1.22 acres.
- Front setbacks are a minimum of 65 feet from the centerline of the roads; setbacks are 10 feet from the side property lines and 25 feet from the rear property lines in accordance with the R-1 zoning district.
- The rear setback will be 10 feet from the edge of the buffer where buffers are present on the lots; 30 foot buffers are provided adjacent to the S-1 zoned quarry property to the north, and 25-foot buffers are provided against adjacent R-A properties.
- This section does include three lots that exceed the maximum lot depth allowed per County code; per Section 90-131, lots may not be more than 5 times deep as they are wide.
- Lots 49, 50, and 63 marginally exceed this requirement on at least one side.
- These lots therefore require specific approval from Planning Commission in order to exceed the maximum lot depth.
- This is a larger lot subdivision and the lots involved are all over 2 acres (over 4 acres in the case of lot 63) so there is little concern with approving these lots as shown.
- The applicants were requested to provide a stub out to the adjacent parcel to the east of the subject property during conceptual plan review; Planning Commission modified this requirement at the time of conceptual plan approval to require only the right of way to extend to the property line.
- The preliminary plat therefore includes a constructed road to the cul-de-sac, and then dedication of the right of way between the cul-de-sac and the property line.

- Staff recommends approval of the preliminary plat.

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

Commissioner Futch made a motion to approve Preliminary Plat for Anderson Farms Section II, Tax Map 039 Parcel 317, 24 lots, 73.09 +/- acres, located Off Louisville Road, and currently zoned R-1 (Single Family Residential). Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

(H2d2) Preliminary Plat for River Oaks Phase 2, Tax Map 071 Parcel 244, 44 lots, 21.43 +/- acres, located Off Hardy McManus Road, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a preliminary plat for 44 residential lots on 21.43 acres located off Hardy McManus Road.
- The property is zoned R-2 (Single Family Residential) under files RZ93-09-01 and RZ17-02-07.
- This section includes 44 residential lots with a minimum lot size of 10,000 square feet in accordance with the R-2 zoning district.
- Setbacks will be a minimum of 55 feet from the street centerlines and 10 feet from the side and rear property lines.
- There is a 25-foot undisturbed buffer around the edge of the site.
- Sidewalks and street trees are to be provided on both sides of the roads, and an approximately 1 acre common area is provided in the center of the section.
- Staff recommends approval of the preliminary plat.

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

Commissioner Wilder made a motion to approve Preliminary Plat for River Oaks Phase 2, Tax Map 071 Parcel 244, 44 lots, 21.43 +/- acres, located Off Hardy McManus Road, and currently zoned R-2 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2e) Final Plat

(H2f) Plan Revision

(H2g) Public Hearing

(H2g1) RZ21-04-05, Rezone from R-2 (Single Family Residential) to PRD (Planned Residential Development), Tax Map 079 Parcels 110 and 110A, 15.44 +/- acres, located at 4204 Washington Road, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a rezoning from R-2 (Single Family Residential) to PRD (Planned Residential Development) for properties located at 4204 Washington Road on 15.44 +/- acres.
- The subject properties are located on the southwest side of Washington Road and are currently zoned R-2 (Single Family Residential).
- There is an existing house on one of the parcels, while the other is vacant.
- Surrounding properties are zoned A-R (Apartment Residential) to the north for the existing Saddle Creek apartment community, and S-1 (Special) to the south for the Washington Commons senior living facility.
- Properties to the west are generally zoned R-2 (Single Family Residential), with the exception of the existing American Legion post, which is zoned S-1 (Special).
- The applicants have shown that a significant portion of the property is floodway or floodplain, and have concentrated development outside of these sensitive areas.
- In order to avoid impacting the floodway, the principal access to the new units would be through the existing apartment complex, with a secondary, gated fire access from Legion Drive.
- Primary access is therefore from Washington Road, an arterial road under the jurisdiction of

GDOT.

- The applicants have recently purchased the Saddle Creek apartment complex, and are in the process of phasing out the tax credit restrictions and updating the existing units to market rate rentals.
- The existing entrance has a right turn deceleration lane and a center left turn lane; any additional improvements required would involve GDOT as well as the County.
- The secondary fire access from Legion Drive has proven to be the more complicated of the two access points.
- Although Legion Drive was originally identified on Maps Online as a County road, research by staff during the evaluation of the rezoning request determined that there is no recorded deed dedicating right of way to the County.
- The road is therefore being considered a private road, and the applicants will have to obtain permission from the owners of the road in order to provide the secondary entrance on Legion Drive; developing the property without this second access point is not an option due to the current requirements of Appendix D in the state fire code, which requires two remote points of access for an multifamily residential development of this size.
- A copy of such an agreement would be required prior to any construction plan approvals.
- The Fire Marshal has confirmed that the private road will meet the code requirements, so the proposed project can meet the fire codes provided permission to access Legion Drive is obtained.
- During the discussion regarding Legion Drive, the applicants did provide a survey showing the portion of Legion Drive believed to be public; based on this survey, they have proposed the secondary access point being through the existing apartment complex.
- In order for the original A-R parcel to have access to Legion Drive, a change of conditions request will need to be made and approved by the Board of Commissioners, as the approval of the A-R zoning for that property (RZ00-04-03) was approved with the condition that no access to Legion Drive would be allowed.
- The applicants have provided renderings and general floorplans for the proposed buildings.
- If the rezoning is approved, the property will be subject to the requirements of the Evans Town Center Overlay District in regards to the building materials and design.
- Overall, the submitted design should be compatible with surrounding developments and the Evans Town Center requirements, although final review and approval will occur with the building permit submittals.
- The submitted development plan shows a total of 216 units in seven 3-story buildings; a clubhouse with fitness center and resort-style pool; and four garage buildings with a total of 24 garage parking spaces.
- The subject property is located within the Neighborhoods Character Area on the Vision 2035 Future Land Use Map.
- The intent of a Neighborhood Character Area is to preserve established neighborhoods and create quality new single family residential developments at moderate densities.
- The proposed rezoning request therefore does not meet the intent of the Character Area in which the parcel is included.
- The existing apartment complex to the north is within this Activity Center.
- While not part of the currently adopted Vision 2035 plan, the plan update includes language allowing the rezoning of parcels at the periphery of designated Character Areas when such a request follows the intent of the overall plan, and when the Character Area itself is already largely developed.
- There is another apartment development to the south of this property; the subject parcels are therefore between two existing higher density developments.
- Due to the floodway on the property, the least environmentally impactful entrance to the site is through the existing apartment complex.
- Legion Drive is a private road and is only 20 feet wide and is therefore not suited to be a primary access point for development of the subject parcel.
- With the best access to the site being through the apartment complex to the north, the site is unlikely to develop as single family residential or commercial, as this access point would not benefit either type of development.

- The proposed use of the property for an expansion of the apartment community is therefore supported by the existing conditions of the parcel, and the overall intent of the future land use plan to concentrate higher density residential developments within Evans, Martinez, and Gateway.
- Staff recommends approval with conditions:

Conditions

Planning:

1. A combination plat is required to be completed and a copy submitted to the Planning Department within 60 days of approval by the Board of Commissioners.
2. Unless Legion Drive can be proven to be a public road with dedicated public right of way, a copy of the legal agreement approving access to Legion Drive from the affected property owners shall be submitted to the Planning Department prior to site plan approval.
3. Access to Legion Drive shall be for emergency purposes only, and shall be gated as shown on the site plan.
4. A change of conditions request must be submitted and approved by the Board of Commissioners prior to site plan approval if the emergency access on Legion Drive is to be through Tax Map 079 Parcel 111.
5. The maximum front setback requirements of Evans Town Center shall not apply to this property.
6. The site plan shall require approval from Planning Commission prior to approval of the construction plans. The applicants may make minor modifications to the approved PRD development plan to accommodate additional state waters or additional site or engineering constraints, provided that the proposed amenity package remains part of the plans and the setbacks and buffers against single family residential properties are not reduced.

Stormwater Management:

Detention ponds cannot be located within the 100-year floodplain.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff about the possibility of the owners of the apartment complex and Legion Drive being the same.

Staff member Danielle Montgomery stated it appears the owners of Legion Drive are along Legion Drive and therefore, would not be the same owners as the complex. The access to the existing house on the subject property is off Washington Road.

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

David Hogg, 4 Eagleton Court, Augusta, GA:

- The owners of the property wanted me to make the commission aware that Audubon has been extremely helpful with this project and have met all of our expectations.

Myles Cunningham, Atlanta, GA:

- Shared an overview of the Audubon Company; their history of purchasing properties to phase out tax credit restrictions and rebranding the existing units to market rate rentals; the hiring process for their employees and security; and the requirements to rent on their properties to create higher level communities via PowerPoint (included in the agenda packet for this meeting).

Josh Boling, Atlanta, GA:

- Shared the site plan proposal for the subject property via PowerPoint (included in the agenda packet for this meeting).

Planning Commission questions/comments/concerns:

Chairman Cox questioned the applicant's on whether they have discussed this further with the Sheriff in reference to the crime rate for this complex.

Josh Boling explained the background check process and on-site security in more detail.

Commissioner Dempsey stated the Sheriff is on-board with this company's proposal and it seems this company has done the necessary amount of research to make this project successful.

Myles Cunningham explained the research they have done in more detail and how there is a demand in the market for this type of project.

Commissioner Futch questioned the applicant why they sold their property in Gainesville.

Myles Cunningham answered that their properties are meant to be long-term projects. However, they bought the Gainesville property with a sister company who decided they wanted to sell.

Vice-Chairman Henderson questioned the applicant about the 15 and 30 year tax credit.

Myles Cunningham explained the tax credit in more detail. Once the tax credit time frame expires, the current renters cannot be evicted. However, once someone moves out, that unit then becomes market rate for the next renter.

Chairman Cox questioned staff whether the other two applicants that previously applied for DCA could have requested the rezoning for this property.

Director Scott Sterling answered that would have been a possibility, but probably not from a financial standpoint.

Commissioner Futch questioned the applicant about their process of maintaining a high quality community with the background check process and possible evictions of residents that do not comply.

Myles Cunningham explained the different ways in which the company would maintain a high quality community by enforcing the rules in which the residents are to comply with to live there. He explained how, under good management, this could have been achieved all along.

Chairman Cox mentioned how the Sheriff was excited about the amount at which the crime rates have decreased since this company took over the complex.

Commissioner Wilder questioned the applicant about the rules residents are to comply with and whether that was mentioned in the rental agreements.

Myles Cunningham answered that once the existing tenants contracts expire, they would then go over the new rules with the tenants in their new lease agreement.

Commissioner Wilder questioned the applicant about the on-site courtesy officer.

Myles Cunningham answered that they are currently able to afford one courtesy officer since they provide them a unit to live in. However, with more apartments, they could afford two to three courtesy officers. We do attempt to get ahead of the crime rates by a more proactive approach to help eliminate the need for more courtesy officers or more security.

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

Jacob Gray, 4200 Washington Road:

- Questioned whether there was something in writing that would eliminate the possibility of these apartments reverting back to low-income housing in the future.

Commissioner Dempsey answered with the amount of money they are investing in this property, it is in their best interest to refrain from that possibility.

Chairman Cox read the letter the Sheriff received from Audubon (included in the agenda packet for this meeting).

Myles Cunningham answered that our livelihood is based on successful investments.

Planning Commission questions/comments/concerns:

Vice-Chairman Henderson questioned the applicant whether the original plan when they purchased the apartments was to expand to the subject parcel and what the plan is to help with traffic and parking.

Myles Cunningham answered not necessarily. We did look at the site and figured if it was ever to be developed, it would more than likely be from us. We did not have to have the subject property, but the

increase in units will help the overall quality and investment of the entire complex.

Josh Boling answered that we would have a traffic impact study done.

Chairman Cox questioned the applicant whether an access on Legion Drive would be beneficial to assist with traffic and whether they would be willing to do the necessary improvements.

Myles Cunningham answered that they would like to be respectful to their neighbors so ingress and egress on Washington Road is preferred, but if we are required to use Legion Drive we would consider that option.

Commissioner Futch questioned the applicant about their rate of return.

Myles Cunningham answered the typical rate of return is 20%.

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 Dempsey made a motion to approve with conditions RZ21-04-05, Rezone from R-2 (Single Family Residential) to PRD (Planned Residential Development), Tax Map 079 Parcels 110 and 110A, 15.44+/- acres, located at 4204 Washington Road, and currently zoned R-2 (Single Family Residential). Chairman Cox seconded the motion for discussion.

Planning Commission discussed concerns related to traffic, the ingress/egress, parking, floodplain and wetlands, crime rates, the best use for the property, fire code requirements, and Legion Drive ownership. Commissioner Dempsey restated the motion to approve with conditions and with a revised condition to require full access to Legion Drive, provided permission from the owner of the road can be obtained, RZ21-04-05, Rezone from R-2 (Single Family Residential) to PRD (Planned Residential Development), Tax Map 079 Parcels 110 and 110A, 15.44+/- acres, located at 4204 Washington Road, and currently zoned R-2 (Single Family Residential). Chairman Cox seconded the motion. The motion failed 3-2. Vice-Chairman Henderson and Commissioners Wilder and Futch opposed.

(H2g2) RZ21-04-06, Rezone from R-A (Residential Agricultural) and S-1 (Special) to R-A (Residential Agricultural), Tax Map 006 Parcel 071, 32.139+/- acres, located at 7161 Moontown Road, and currently split zoned R-A (Residential Agricultural) and S-1 (Special).

Staff member Will Butler stated the following:

- This is a request for a rezoning from R-A (Residential Agricultural) and S-1 (Special) to R-A (Residential Agricultural) on 32.139 +/- acres located at 7161 Moontown Road and currently split zoned R-A (Residential Agricultural) and S-1 (Special) for residential agricultural and a limited-use fire station.
- The subject property is located on the east side of Moontown Road and is currently split zoned R-A (Residential Agricultural) and S-1 (Special) for single family residential and a limited-use fire station.
- The subject property was rezoned from R-A (Residential Agricultural) to R-A (Residential Agricultural) and S-1 (Special) in 2006 (RZ02-10-06) at the request of the Winfield Volunteer Fire Department for a 0.53+/- portion of the subject property to be used for a relief fire station and storage.
- However, the fire station was never built and Columbia County Fire Rescue has indicated they have no intentions of utilizing this property for a fire station.
- The current property owner and applicant is requesting that this entire property be rezoned back to R-A for residential agricultural purposes.
- All of the surrounding properties are zoned R-A (Residential Agricultural).
- This property is located in the Rural Character Area on the Vision 2035 plan; this area is intended for low-density single-family residential uses and agricultural/forestry activities.
- The intended use of this property as residential agricultural is in keeping with the intended use of this area.
- 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 Rezoning. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Henderson made a motion to approve RZ21-04-06, Rezone from R-A (Residential Agricultural) and S-1 (Special) to R-A (Residential Agricultural), Tax Map 006 Parcel 071, 32.139+/- acres, located at 7161 Moontown Road, and currently split zoned R-A (Residential Agricultural) and S-1 (Special). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g3) RZ21-04-07, Conditional Use for a Car Wash, Tax Map 078 Parcel 155B, 1.71+/- acres, located at 489 Columbia Industrial Boulevard, and currently zoned M-1 (Light Industrial).

Staff member Danielle Montgomery stated the following:

- This is a request for a Conditional Use for a Car Wash on 1.71 +/- acres currently zoned M-1 (Light Industrial) and located at 489 Columbia Industrial Boulevard, Suite 102.
- This property is located on the east side of Columbia Industrial Boulevard and is currently zoned M-1 (Light Industrial).
- Surrounding parcels are zoned M-1 to the east and south and S-1 (Special) for a church to the north and a cell tower to the south.
- Other parcels in the area are a mix of M-1, M-2 (General Industrial), C-3 (Heavy Commercial), S-1, and PUD (Planned Unit Development).
- The applicant is requesting a conditional use to operate a car wash from the property.
- Per the submitted narrative, the business offers detailing and paint correction as well as titanium and graphene coatings, headlight restoration, and interior reconditioning.
- Per County code, a car wash includes any facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.
- The applicant's business therefore meets the definition for a car wash with the detailing portion of the business.
- The business will be required to meet the Use Provisions for this use, including requirements for screening of any overnight storage and the prohibition against dismantling vehicles for salvage or storing impounded vehicles as found in Section 90-147.
- These include a minimum distance of 50 feet from any ground floor residential uses, a 10-foot buffer along all lot lines abutting such uses, and hours of operation when abutting a ground floor residential use.
- Since this property is in an existing industrial area and not adjacent to any residential uses, none of these Use Provisions directly apply to this property.
- The property does have limited parking for storage of vehicles; the applicant has submitted a letter from the adjacent church, granting them permission to use the church parking lot during the week for parking of any vehicles awaiting service or pick up.
- This is an efficient use of existing parking, and is acceptable to staff, provided vehicles are not stored in this parking lot overnight, as overnight storage would have to meet the requirements of Section 90-147 with appropriate screening from the road.
- This parcel is within the Evans Town Center Activity Center on the Future Land Use map, which is a Mixed Use Activity Center intended for shops, restaurants, office, higher density residential, civic uses, and open space.
- The subject parcel is within an existing industrial area, and the proposed car wash and vehicle repair use is in keeping with this development pattern.
- Staff recommends approval with condition:

Condition

Planning:

Vehicles shall not be parked on the property at 4232 Evans to Locks Road overnight.

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.

Commissioner Futch made a motion to approve with condition RZ21-04-07, Conditional Use for a Car Wash, Tax Map 078 Parcel 155B, 1.71+/- acres, located at 489 Columbia Industrial Boulevard, and currently zoned M-1 (Light Industrial). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g4) RZ21-04-08, Conditional Use for a Gym, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial).

Staff member Nayna Mistry stated the following:

- This is a request for a Conditional Use for a Gym on 2.0 +/- acres currently zoned M-2 (General Industrial District) and located at 705 North Belair Road.
- The applicant is requesting a Conditional Use for a gym in order to open a baseball and softball academy business on the property.
- This property is located on the east side of North Belair Road and is currently zoned M-2 (General Industrial District) and is in the Evans Town Center Overlay District.
- Surrounding properties on the east of North Belair Road are mostly zoned M-2 (General Industrial District) with an adjacent property to the south zoned C-3 (Heavy Commercial District).
- Properties to the west of North Belair Road are zoned PUD (Planned Unit Development) for the Plaza where the new Columbia County Performing Arts Center and associated parking are located and there are some parcels zoned C-2 (General Commercial District) which include a church, some offices and retail stores.
- This property was previously used by FLSmith & Co before, but they have moved to a new location in Martinez.
- The applicant has indicated that the existing building will be used and that there is adequate area on the site for additional parking and required site improvements.
- This parcel is located within the Evans Activity Center, a Mixed Use Center on the future land use map.
- The intent of Activity Centers is to enhance and create concentrated commercial uses, employment centers, and mixed use developments in defined areas.
- The nearby Evans Town Park is very popular and is well used by the local residents for outdoor activities, and for children of all ages.
- This facility will add to the range of activities available for families and the coaching can continue year round, regardless of the weather conditions.
- Staff recommends approval.

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

William Palladino, 1450 Greene Street:

- The sale of the property is contingent on the conditional use approval.
- D-bat baseball and softball academy activities will occur within the building.

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 RZ21-04-08, Conditional Use for a Gym, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g5) VA21-04-04, Variance to Section 90-98 *List of Lot and Structure Requirements*, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial).

Staff member Nayna Mistry stated the following:

- This is a request for a variance for the previously mentioned property located at 705 North Belair Road on 2.0 +/- acres currently zoned M-2 (General Industrial).
- The applicants are requesting a variance to Section 90-98 *List of Lot and Structure Requirements* to allow the existing building to remain in the current location.
- The applicant has indicated that the existing building will be used and that there is adequate area on the site for additional parking and required site improvements.
- Because this property is located within the Evans Town Center Overlay District, new commercial buildings are typically required to meet the minimum 5 foot setback or a maximum based on the road classification.
- In this case, North Belair Road is a Collector road and maximum required setback is 90 feet.
- In the absence of an as-built plat, the Columbia County GIS maps show that the front of the building is approximately 125-130 feet from the centerline of the road.
- As this request will allow the existing building to remain and this does not negatively impact any of the surrounding properties, staff is in support of the request.
- Staff recommends approval with condition:

Condition

Planning:

The variance to required setbacks applies only to the existing building.

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

William Palladino, 1450 Greene Street:

- The building itself is within 10 feet from the aerial measurement.

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 VA21-04-04, Variance to Section 90-98 *List of Lot and Structure Requirements*, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g6) VA21-04-06, Variation to Section 90-96 *Evans Town Center Overlay District*, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial).

Staff member Nayna Mistry stated the following:

- This is a request for a variation for the previously mentioned property located at 705 North Belair Road on 2.0 +/- acres currently zoned M-2 (General Industrial).
- The applicant is requesting a variation to Section 90-96 *Evans Town Center Overlay District* to allow the existing metal siding to remain.
- This property is within the Evans Town Center Overlay District, which does have architectural and materials requirements for new developments covering building materials, windows, doors, gutters, and other aspects of the buildings within the Overlay.
- The M-1 and M-2 districts are largely exempt from these criteria, with the exception of elevations facing the main access roads, including North Belair Road.
- The subject property contains an existing structure originally built as an industrial manufacturing and storage building, with a long elevation facing North Belair Road, which does not comply with the materials or design requirements of Section 90-96.
- The facade materials of the building are in very good condition, but consist of a low base of

- painted block, and above this a neutral colored, metal panel skin.
- To meet the intent of Section 90-96 to provide high quality, compatible architecture, the building base should be painted a complimentary color (such as a brick tone) to enhance the appearance of the building.
- Additionally, the proposed site improvements such as additional parking will require the landscape strip along North Belair Road to be installed.
- The applicant has agreed to and included in the narrative that collaboration with the County Landscape Architect will be important to improve the view along the corridor.
- Staff recommends approval with conditions:

Conditions

Planning:

1. A landscape strip, designed in collaboration with the Columbia County Landscape Architect, shall be submitted for review to Columbia County Plan Review and installed prior to issuance of a Certificate of Occupancy.
2. The base of the building will be painted a neutral complimentary color (such as a brick tone) and be approved by Planning Department staff.
3. The variation shall not apply to any new buildings constructed on the site.
4. Existing or proposed mechanical units must be screened meeting Section 90-96.

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

William Palladino, 1450 Greene Street:

- Changing the metal paneling would require significant restructuring of the building.

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

Commissioner Wilder made a motion to approve with conditions VA21-04-06, Variation to Section 90-96 *Evans Town Center Overlay District*, Tax Map 072 Parcel 198, 2.0+/- acres, located at 705 North Belair Road, and currently zoned M-2 (General Industrial). Vice-Chairman Henderson seconded the motion. The motion carried unanimously.

(H2g7) VA21-04-03, Variance to Section 90-144 *Placement of Buildings and Structures*, Tax Map 073C Parcel 314, 0.31+/- acres, located at 730 Houston Lake Drive, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a variance to Section 90-144 *Placement of Buildings and Structures* on 0.31 +/- acres currently zoned R-2 (Single Family Residential) and located at 730 Houston Lake Drive, in order to allow a 6-foot fence within the front building setback.
- The subject property is a corner lot in the Shoal Creek neighborhood, with frontage on Houston Lake Drive and Jeannie Bell Court.
- The property and all surrounding parcels are currently zoned R-2 (Single Family Residential).
- The applicants are requesting the variance for an existing fence on the property, specifically for the portion along Jeannie Bell Court.
- The variance request was initiated by a building permit submittal to construct a pool in the back yard; during review of the permit application, staff reviewed the aerial of the site and noted the existing fence was not in compliance.
- Under Section 90-144, fences in the R-2 zoning district are allowed to be 6 feet tall in the side and rear yards.
- When a fence is installed along a road frontage and closer to the street than the front building setback, it must be less than 3 feet if in front of the house, or less than 4 feet if in the side yard of a corner lot.
- The existing six-foot fence is approximately 15 feet from the property line, or 15 feet into the

- setback, and therefore requires a variance to remain in place.
- The fence is 15 feet outside of the right of way, and does not extend in front of the setback line towards Houston Lake Drive; the fence is in fact approximately 72 feet back from the right of way line on Houston Lake Drive, and therefore well away from the actual intersection where visibility is a concern.
- 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.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff about the Code for fences around swimming pools.

Staff Member Danielle Montgomery answered a fence is required around a pool.

Director Paul Scarbary answered they have a minimum of 4 feet.

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

Fred McIntyre, 725 Houston Lake Drive:

- HOA president, have no issues with the variance.

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 VA21-04-03, Variance to Section 90-144 *Placement of Buildings and Structures*, Tax Map 073C Parcel 314, 0.31+/- acres, located at 730 Houston Lake Drive, and currently zoned R-2 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g8) VA21-04-05, Variance to Section 90-53 *List of Lot & Structure Requirements*, Tax Map 084 Parcel 151, 0.31+/- acres, located at 901 Big Oak Circle, and currently zoned R-2/RCO (Single Family Residential with Residential Cluster Overlay).

Staff member Will Butler stated the following:

- This is a request for a variance to Section 90-53 *List of Lot & Structure Requirements* for property located at 901 Big Oak Circle on 0.13 +/- acres and zoned R-2/RCO (Single Family Residential with Residential Cluster Overlay) to reduce building setbacks for a proposed pool and cabana.
- The subject property is located on the south side of the intersection of River Bluff Trail and Big Oak Circle in Rhodes Farm.
- All adjacent property is zoned R-2/RCO.
- The applicant is requesting to reduce building setbacks for a proposed pool and cabana in their back yard adjacent to a private alley.
- As an R-2/RCO, building setbacks are 40 feet from the centerline of River Bluff Trail and Big Oak Circle (15 feet from the property line), 20 feet from the centerline of the private alley (10 feet from the property line), and 5 feet from the southern property line.
- The request is to reduce the building setback along the private alley from 10 feet from the property line to 5 feet from the property line.
- Per the provided site plan, an approximately 480 square foot cabana is proposed to encroach into the setback by 5 feet.
- These areas, as seen with nearby properties, include other pools, garages, and outdoor spaces.
- A pool and cabana in the back yard along this private alley is in keeping with nearby properties.
- However, staff does propose a condition that a fence or wall be provided between the alley and the cabana to maintain the screening that is already in place on the lot.
- The applicant has noted that the fence will be relocated, but staff proposes the condition and

- option of materials since it will lower the potential impact on nearby properties.
- Also provided as a condition is that an easement encroachment agreement from Stormwater is required.
- The applicant is working on submitting this documentation and it is anticipated to be on the same Board of Commissioners agenda as this request.
- Staff recommends to approve with conditions:

Conditions

Planning:

A fence or wall 6 feet in height or less must be provided along the private alley extending from the edge of the garage to the southern property line.

Stormwater Management:

An Easement Encroachment Agreement is required.

Planning Commission questions/comments/concerns:

Commissioner Dempsey questioned staff whether the HOA is involved.

Staff member Will Butler answered the applicant could go into detail further.

Vice-Chairman Henderson expressed concerns about the overhang of the cabana being within the setback based on previous issues with building overhangs being built within the setbacks.

Director Scott Sterling responded that those were issues with the building itself not passing the fire rating which is not the case with the proposed cabana.

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

Nick and Michelle Wimpey, 901 Big Oak Cir:

- Waiting on approval before taking it to HOA.
- We can move the overhang in 6-10 inches if that is a concern.
- Total height of the retaining wall and fence will not exceed 6 feet.

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

Nathan Locke, 2835 Towering Oak Drive:

- President of the HOA.
- Requested for a correction to be made in the staff report and application in regards to the statement that was not made by the president of the HOA. It states that "the HOA president has stated that if the county approved the project and variance that the HOA will approve as well".

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

Helen Morgan, 6504 River Bluff Trail:

- Questioned whether the current fence would remain and the materials for the cabana.

Chairman Cox answered the fence will only be moved for construction of the cabana and then would be put back in the original location. Nick Wimpey answered it would be made of brick to match the house. It will still have to be addressed with the HOA and the covenants for Rhodes Farm.

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

Lee Anna Maynard, 307 Johns Way:

- Questioned whether this would apply to all lots and if it would be setting a precedence for future requests.

Chairman Cox answered this request would apply only to this lot. Any other requests would be handled on a case by case basis depending on the layout of the lot.

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

Commissioner Wilder made a motion to approve with revised conditions VA21-04-05, Variance to Section 90-53 *List of Lot & Structure Requirements*, Tax Map 084 Parcel 151, 0.31+/- acres, located at 901 Big Oak Circle, and currently zoned R-2/RCO (Single Family Residential with Residential Cluster Overlay). Commissioner Futch seconded the motion. The motion carried unanimously.

Revised Conditions

Planning (Updated at Planning Commission 4.15.21):

A fence **and/or** wall 6 feet in height or less must be provided along the private alley extending from the edge of the garage to the southern property line.

Stormwater Management:

An Easement Encroachment Agreement is required.

(H2h) Text Amendments

(H2i) Items Added (which need immediate action)

I. LEGAL MATTERS

J. STAFF AND COMMISSIONER COMMENTS

K. PUBLIC COMMENTS AND PARTICIPATION

There was no further business to discuss; therefore Commissioner Futch made the motion to adjourn the meeting at 7:46 p.m. Commissioner Dempsey seconded the motion. Motion carried unanimously.

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Signature on File

Jim Cox, Chairman

Signature on File

Scott Sterling, Planning Services Director