



Columbia County Planning Commission
August 5, 2021 at 6:00 PM
Evans Government Center Auditorium
Evans, Georgia

Present at the meeting included:

Chairman Jim Cox
Vice-Chairman Al Dempsey
Commissioner Russell Wilder
Commissioner Gene Futch
Commissioner Michael W. Carraway

Scott Sterling, Division Director
Will Butler, Planning Manager
Nayna Mistry, Community Planner
Danielle Montgomery, Planner II
Jennifer Neal, Planning Technician
Cara Harden, Administrative Specialist
Paul Scarbary, Development Services Division
Director
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

Scout Troop 643 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) July 15, 2021

Commissioner Futch made a motion to approve the July 15, 2021 meeting minutes. Commissioner Wilder seconded the motion. The motion carried unanimously.

F. APPROVAL OF THE AGENDA

Commissioner Wilder made a motion to amend the August 5, 2021 Agenda by adding item (H2b1) Temporary Use Authorization, Tax Map 039 Parcel 033A, 3.53+/- acres, located at 6123 Gray Road, and currently zoned R-A (Residential Agricultural). Commissioner Futch made a motion to approve the amended Agenda. Commissioner Carraway seconded the motion. The motion carried unanimously.

G. PRESENTATION

H. DEBATE AGENDA

(H1) Unfinished Business

(H1a) Rezoning

(H1a1) RZ21-07-04, Rezone from R-1 (Single Family Residential) to S-1 (Special), Tax Map 061 Parcel 039A, 13.78 +/- acres, located at 229 Lewiston Road, and currently zoned R-1 (Single Family Residential). **Postponed from the July 15, 2021 meeting.**

Staff member Will Butler stated the following:

- This is a request for a rezoning from R-1 (Single Family Residential) to S-1 (Special) for a proposed plant nursery for property located at 229 Lewiston Road on 13.78 +/- acres and currently zoned R-1 (Single Family Residential).
- The subject property is located on the west side of Lewiston Road on the north side of the intersection of Mill Creek Lane and Lewiston. Property to the north is zoned S-1 for New Life church, property to the west, south across Mill Creek Lane, and east across Lewiston Road is zoned R-1 (Single Family Residential).
- The provided plans show an approximately 6,000 square foot building located on the northern side of the proposed property.
- Additional buildings are shown on the proposed development plan to the south, but per the applicant these are intended to be future development and are not included in this proposal.
- The plants and trees for sale are shown arranged around the building to the north, west, and south and are intended to provide a natural buffer between the operation of the business and surrounding properties per the narrative.
- Staff questions how this proposed use can be classified under current code since a nursery is not a specific listed use.
- The first part to examine is whether or not anything is sold from the property.
- In this situation plants and trees are sold from the property as well as irrigation supplies, mulch, and other material so it clearly has a commercial component and could potentially be classified as a commercial use.
- However, the question of how those items for sale are stored on the property could potentially move this into an industrial use.
- Per Columbia County code, plants can be sold outside as part of an outdoor display which is permitted in commercially zoned properties.
- This is typically applied as sales areas that are outdoors as part of a home improvement store and are not the primary function of a property since they are defined as an accessory use.
- Further, this request includes both shrubs and trees over a large area as well which staff asserts would be outside of the boundaries of a typical outdoor display and would be more similar to general outdoor storage.
- Also under consideration is the requested storage of mulch, pea gravel, and other materials outdoors.
- This type of outdoor storage (defined as general outdoor storage in Columbia County Code) is only permitted on parcels zoned as C-3, M-1 or M-2 which are the (primarily) industrial zoning classifications.
- With the use classified, the request will be reviewed against the Future Development Map. Columbia County recently adopted an update to the Vision 2035 Comprehensive Plan with a revised Future Development Map.
- The subject property is located within a Neighborhoods Character Area which is intended to preserve established neighborhoods and create quality new residential development at suburban densities.
- There is the ability added with this update to Vision 2035 to allow for a Character Area to essentially "grow" over time.
- The Gateway Mixed Use Activity Center is the closest Character Area that would allow for commercial development, but it is nearly 1,900 feet to the south of the southern property line of the subject property.
- While this policy was added to allow for logical growth over time, it clearly states that development is intended to work from the center out from a Character Area, not from the periphery.
- Staff recommends disapproval. However, the applicant has requested to withdraw without prejudice.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant not present.

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

Richard Epps, 5214 Mill Creek Lane:

- Expressed concern about anything else that may go on this property and gave his approval of the request.

Planning Commission questions/comments/concerns:

Chairman Cox expressed concerns about the traffic flow in relation to the DOT widening project. There will be a median down the middle of the road and it is unclear at this time where the curb cuts will be to assist with the traffic flow.

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 withdraw without prejudice RZ21-07-04, Rezone from R-1 (Single Family Residential) to S-1 (Special), Tax Map 061 Parcel 039A, 13.78+/- acres, located at 229 Lewiston Road, and currently zoned R-1 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

The following two items were presented together and voted on separately.

(H1a2) RZ21-06-01 Part 1, Rezone from R-2 (Single-Family Residential) and M-1 (Light Industrial) to S-1 (Special), Tax Map 051 Parcel 008J, 10.23 +/- acres, located at 561 Baker Place Road, and currently split zoned R-2 (Single Family Residential) and M-1 (Light Industrial). **Postponed from the June 3, 2021 and July 1, 2021 meetings.**

Staff member Nayna Mistry stated the following:

- This is a request for a rezoning from M-1 (Light Industrial) and R-2 (Single Family Residential District) to S-1 (Special) on 10.23 +/- acres for property located at 561 Baker Place Road for a place of worship and associated uses.
- A second part to this request is a revision to S-1 (Special) on 10.23 +/- acres located at 571 Baker Place Road for a place of worship and associated uses.
- The subject property is currently zoned M-1 (Light Industrial) and R-2 (Single Family Residential District) and the majority is within the strip of M-1 that is approximately 800 feet wide either side of I-20.
- The property for the revision is zoned S-1 (Special) as per RZ18-06-06 for a place of worship and associated uses that was filed by the same applicant.
- There are some residential areas close by, with Hidden Creek subdivision to the east and The Retreat at Baker Place and Kellarie to the north.
- The applicant is requesting a rezoning to S-1 (Special) to allow a church to be built on the property.
- As a background to this request, the applicant requested an S-1 rezoning to the adjacent parcel (10.23 +/- acres) in 2018 which was approved.
- The church has purchased this parcel and is planning to combine the two parcels for a total of 20.46 +/- acres and develop that for a place of worship and associated uses as per the submitted plan.
- This proposal includes new buildings, parking and recreation fields.
- The building is shown set back from Baker Place Road to allow for a combined paved and grassed landscaped entrance to the north-east corner of the property leading to the parking area.
- Since the application was submitted, several discussions have taken place regarding the road layout and access drives.
- The County's intention is to improve traffic safety by relocating the Baker Place Lane and Baker Place Road intersection further away from the I-20 overpass.
- The Engineering Services Division is prepared to enter into negotiations with the applicant to realign Baker Place Lane for the purpose of improving the operation and safety of the intersection with Baker Place Road.
- The overall church development proposal remains the same but just shifts to the south to make way for the new County road.
- The County and applicant will coordinate both projects with regards to timelines.

- This property is in the Neighborhoods character area on the future land use map.
- The Neighborhoods character area is intended primarily for the development of single family residential subdivisions at densities of 1 to 4 units per acre, with associated green space and civic uses, including churches.
- The proposed use of the property meets the intent of the future land use map.
- Staff recommends approval with conditions:

Conditions for Part 1 and 2

Planning:

The architectural elevations require Planning Commission approval prior to permitting.

Landscape:

Engineer to meet with Columbia County Landscape Architect on site to review the required tree survey before 50% site plan design. The goal of this meeting will be to map out certain trees on site that will be saved within the required landscape strip, parking lot, and buffers.

Water and Sewer:

No water service taps are allowed from the 16" water main. Any connections must be 6" in diameter or larger.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

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

Commissioner Wilder made a motion to approve with conditions RZ21-06-01 Part 1, Rezone from R-2 (Single-Family Residential) and M-1 (Light Industrial) to S-1 (Special), Tax Map 051 Parcel 008J, 10.23 +/- acres, located at 561 Baker Place Road, and currently split zoned R-2 (Single Family Residential) and M-1 (Light Industrial). Commissioner Futch seconded the motion. The motion carried unanimously.

(H1b) Plan Revision

(H1b1) RZ21-06-01 Part 2, Major S-1 (Special) Revision, Tax Map 051 Parcels 008I, 10.23 +/- acres combined, located at 571 Baker Place Road, and currently zoned S-1 (Special). **Postponed from the June 3, 2021 and July 1, 2021 meetings.**

Commissioner Wilder made a motion to approve with conditions RZ21-06-01 Part 2, Major S-1 (Special) Revision, Tax Map 051 Parcels 008I, 10.23 +/- acres combined, located at 571 Baker Place Road, and currently zoned S-1 (Special). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H1c) Variance

(H1c1) VA21-07-01, Variance to Section 90-53 *List of Lot and Structure Requirements*, Tax Map 082 Parcel 354, 0.27 +/- acres, located at 5829 Carriage Hills Drive, and currently zoned R-2 (Single Family Residential). **Postponed from the July 15, 2021 meeting.**

Staff member Danielle Montgomery stated the following:

- The request is for a variance to Section 90-53 *List of Lot and Structure Requirements* for property located at 5829 Carriage Hills Drive on 0.27 +/- acres and currently zoned R-2 (Single Family Residential).
- The subject property is located on the northwest side of Carriage Hills Drive in the Carriage Hills subdivision and is currently zoned R-2 (Single Family Residential).

- Properties to the west and north are zoned PUD (Planned Unit Development) as part of River Island, and include Stallings Island Middle School to the west of the subject property.
- The applicants have constructed a carport structure attached to the northeast side of their house.
- This structure was constructed without the required building permits, and per the submitted site photos is currently approximately 1 ½ feet from the property line.
- An additional issue was also raised to staff July 7 regarding the height of the fence that has been installed on the property. Code Enforcement subsequently investigated the fence, and determined that it does exceed six feet in height and will need to be included in the variance request.
- The fence is a maximum of 9 feet tall as constructed; the fence meets the front setback requirements, therefore only the portion within the 10-foot side setback would require a variance.
- Staff sees no justification for a 9-foot fence in this location, and is not in support of granting a variance for this fence.
- Other fencing and improvements have been made on the Board of Education property along the rear of the subject property.
- This application was postponed from the July 15 Planning Commission meeting due to outstanding requirements for an easement encroachment agreement and for coordination with the HOA regarding the requested structures.
- The Easement Encroachment request has been received and is proceeding to committee.
- Staff received initial review comments from the HOA on July 30, indicating the structure was currently not approved due to not meeting County codes.
- The variance could address the zoning portion of these concerns, however the building codes would require modification of the structure as explained further below.
- The HOA has not issued a decision regarding the fence as it appears they have not received plans for it at this time.
- Since the carport structure does not meet building codes as currently constructed, it will have to be removed.
- A replacement structure could be placed farther back on the lot and in compliance with the setback requirements, or the applicants could choose to utilize a commercial boat storage location.
- If a replacement structure is desired, the new structure would need to be permitted, approved by the HOA, and built and inspected to the code requirements.
- There is no hardship or loss of use of the property if the variance is disapproved, and since the structure will have to be rebuilt to meet building codes, there is no justification for reducing the side setback to accommodate the existing structure's location.
- Staff recommends disapproval with conditions:

Conditions

Board of Education:

The fence at the rear of the property must be located on the subject parcel. Encroachment onto the school district property is not permissible. A survey is required to confirm that the fence is not on the Board of Education property. If the fence is found to encroach on the adjacent property, the fence must be relocated to the owner's property line within 90 days of disapproval of the variance by the Board of Commissioners.

Planning:

1. The carport structure must be removed within 60 days of disapproval by the Board of Commissioners. Any replacement structure must receive building permits, and be built in accordance with the required building setbacks and building codes.
2. The portion of the fence within the side setback must be reduced to 6 feet or less in height within 60 days of disapproval by the Board of Commissioners.

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

Phuong Thao Tran, 5829 Carriage Hills Drive:

- The side fence will be reduced to 6 feet.
- The back fence will be removed and replaced to be within the property.

Planning Commission questions/comments/concerns:

Chairman Cox advised the applicant to make sure he gets approval from the HOA and applies for permits with Development Services.

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 disapprove with conditions VA21-07-01, Variance to Section 90-53 *List of Lot and Structure Requirements*, Tax Map 082 Parcel 354, 0.27 +/- acres, located at 5829 Carriage Hills Drive, and currently zoned R-2 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2) New Business

(H2a) Minor Waiver

(H2a1) MW21-08-01, Minor Waiver, Tax Map 078 Parcel 073F, 1.26 +/- acres, located at 1011 Walgreens Drive, and currently zoned C-1 (Neighborhood Commercial). **Presented as Information Only.**

Staff member Nayna Mistry stated the following:

- This was a request for a minor waiver at 1011 Walgreens Drive on 1.26 +/- acres and currently zoned C-1 (Neighborhood Commercial).
- The request is for a revision to the maximum front setback from 55 feet to 60.5 feet.
- There are several utility easements on this property that impact the buildable area.
- Approved by staff on July 26th, 2021.

(H2b) Temporary Use Authorization

(H2b1) Temporary Use Authorization, Tax Map 039 Parcel 033A, 3.53 +/- acres, located at 6123 Gray Road, and currently zoned R-A (Residential Agricultural).

Staff member Will Butler stated the following:

- This is a request for a temporary use authorization (TUA) for a maximum of three travel trailers at 6123 Gray Road on 3.53 +/- acres and currently zoned R-A (Residential Agricultural).
- The applicant originally applied for three travel trailers which was heard by the Planning Commission and was denied at the July 1, 2021 meeting.
- Since that time, the applicant has cleaned up the property to the satisfaction of Code Enforcement who visited the site on July 28, 2021 and have provided photos attesting to the state of the property on that date.
- Overall, the property has been cleaned of all of the debris and structures that were shown to the Planning Commission on July 1, 2021.
- The applicant has used the previously provided site plan for placement of the RV(s) on the site, but has noted verbally to staff that they may move it on the site when they clarify where their property lines are.
- The applicant has indicated that they would like to place a porta-potty on the site to lower the usage of the camper storage tanks.
- In discussions with the Health Department, they were unaware with the previous application that the requested temporary RVs were going to be used on a full time basis.
- If they're going to be occupied full time a porta-potty is not allowed and the RV must be connected to the existing septic system or, if connection is not possible to the existing system, then the owner must contact the Health Department to obtain a permit to install a

new septic system to serve the RV.

- Staff recommends disapproval of three travel trailers and the proposed porta-potty; and recommends approval of one travel trailer in accordance with the Temporary Use Authorization Ordinance.

Chairman Cox asked if the applicant was present. Tina Camp, 310 Grandys Mill Road, Williston, SC.

Planning Commission questions/comments/concerns:

Vice-Chairman Dempsey questioned the applicant whether she would be moving all three campers to the property if they only approve one and whether or not the septic system works properly.

Tina Camp answered they would still be moving them to the property because they do not have anywhere else to take them, but will only use the one that is approved. The Health Department has not been out to the property and she is not sure whether the septic system works at this time.

Commissioner Wilder questioned the location the camper will sit in comparison to the septic system for proper disposal.

Tina Camp answered they are in the process of grading the land and determining the location for the camper for proper placement.

Vice-Chairman Dempsey stated he is the Chairman of the Board of Health and the Health Department will need to come out to inspect the system.

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

Vice-Chairman Dempsey made a motion to approve with condition the Temporary Use Authorization, Tax Map 039 Parcel 033A, 3.53 +/- acres, located at 6123 Gray Road, and currently zoned R-A (Residential Agricultural). Commissioner Futch seconded the motion. The motion carried unanimously.

Condition

Planning Commission (Added at the August 5, 2021 Planning Commission meeting):

The applicant is permitted to occupy one RV on the property. If any other RV's are brought onto the property and found to be occupied, the Temporary Use Authorization will be rescinded.

(H2c) Massage Operator's License

(H2c1) Massage Operator's License for Retreat Spa and Salon, LLC, Jennifer Kiplinger, located at 4246 Washington Road, 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 Retreat Spa and Salon, LLC at 4246 Washington Road for on premise and mobile massage services.
- Therapist Jennifer Kiplinger 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 the Massage Operator's License for Retreat Spa and Salon, LLC, Jennifer Kiplinger, located at 4246 Washington Road, for on premise and mobile massage services. Commissioner Futch seconded the motion. The motion carried unanimously.

(H2d) Preliminary Plat

(H2e) Final Plat

(H2e1) Final Plat for Greenpoint Phase 1B, Tax Map 030 Parcel 083P, 50 lots, 15.19 +/- acres, located Off Appling Harlem Road, and currently zoned PRD (Planned Residential Development).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a final plat for 50 residential lots on 15.19 acres located off Appling Harlem Road.
- The property is zoned PRD (Planned Residential Development).
- This section of Greenpoint includes 50 lots with a minimum lot size of 6,817 square feet.
- This section contains two lot types defined in the PRD as PR-2 and PR-3, with average lot sizes of 9,484 square feet and 7,499 square feet respectively.
- Setbacks are a minimum of 25 feet from the right of way for the PR-2 lots, and 20 feet from the right of way for the PR-3 lots.
- Side setbacks are a minimum of 7.5 feet, and rear setbacks are a minimum of 10 feet, which meets the requirements of the PRD.
- Sidewalks are provided on both sides of the roads, and 2.75 acres of open space is provided in this section.
- Staff recommends approval of the final plat.

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

Commissioner Futch made a motion to approve the Final Plat for Greenpoint Phase 1B, Tax Map 030 Parcel 083P, 50 lots, 15.19 +/- acres, located Off Appling Harlem Road, and currently zoned PRD (Planned Residential Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2e2) Final Plat for Johns Landing, Tax Map 082F Parcel 123, 22 lots, 6.97 +/- acres, located Off Lynnwood Drive, and currently zoned R-3 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a final plat for 22 residential lots on 6.97 acres located on Lynnwood Drive.
- The property is zoned R-3 (Single Family Residential).
- This development includes 22 lots with a minimum lot size of 7,629 square feet and an average lot size of 9,662 square feet.
- Setbacks are a minimum of 50 feet from the centerline of the roads and 10 feet from the side and rear property lines per the requirements of the R-3 zoning district.
- Minor waiver requests have been submitted for lots 1 – 5.
- Processing of these requests is pending approval of the final plat and assignment of individual parcel IDs.
- Once approved, the front setback for these lots will be 45 feet from the centerline of the road.
- Sidewalks are provided on both sides of the roads, and 0.075 acres of open space is provided in this section, which includes space for entrance signage to the project and space for the required cluster mailbox unit.
- Staff recommends approval of the final plat, subject to all interdepartmental comments.

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

Commissioner Wilder made a motion to approve the Final Plat for Johns Landing, Tax Map 082F Parcel 123, 22 lots, 6.97 +/- acres, located Off Lynnwood Drive, and currently zoned R-3 (Single Family Residential). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2f) Plan Revision

(H2g) Public Hearing

(H2g1) VA21-07-02, Variance to Sections 90-98 *List of Lot and Structure Requirements* and 90-147(i)(3) *Use Provisions*, Tax Map 072A Parcel 104, 0.9 +/- acres, located at 516 North Belair Road, and currently zoned C-2 (General Commercial). **Postponed from the July 15, 2021 meeting due to revised public advertisement.**

Staff member Nayna Mistry stated the following:

- This is a request for a variance to Section 90-98 *List of Lot and Structure Requirements* to remove the maximum building setback from Peachtree Road and to Section 90-147(i)(3) *Use Provisions* to permit the location of a drive-thru lane along Peachtree Road for property located at 516 North Belair Road on 0.9 +/- acres and currently zoned C-2 (General Commercial).
- The subject property is located within the Evans Town Center Overlay District on the west side of North Belair Road and Peachtree Road wraps around the northern and western frontages.
- Surrounding parcels are zoned C-2 (General Commercial) with a mix of C-1 (Neighborhood Commercial), P-1 (Professional), R-2 (Single Family Residential) and PUD (Planned Unit Development) in the vicinity.
- The first variance is to Section 90-98 *List of Lot and Structure Requirements* is to waive the maximum building setback along Peachtree Road.
- Peachtree Road is a local road and has a required setback of minimum 5 feet from the property line and a maximum 55 feet from the centerline.
- With road frontages on three sides of the property, the building cannot meet the maximum setback requirements on all three frontages.
- The second variance is a request to Section 90-147(i)(3) *Use Provisions* which includes standards for a drive-thru in Evans Town Center which require that all drive thru areas, which includes menu boards, stacking lanes, trash receptacles, ordering boxes, drive up windows, and other objects associated with the drive thru must be located to the side or rear of a building and cannot be placed between a public street and the associated building.
- The applicants are proposing that the main portion of the drive-thru lanes be located on the south side facing another commercial property, which is certainly the preferred location in this situation.
- However, with road frontages on three sides of the property, a portion of the stacking lane is between the building and Peachtree Road on the west side of the site.
- Due to the need for extra stacking lanes to help with traffic flow within the site, the drive-thru lane standard to Peachtree Road on the west side cannot be met.
- The applicant is therefore requesting the drive-thru lane requirement to be waived for Peachtree Road.
- 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 additional 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 VA21-07-02, Variance to Sections 90-98 *List of Lot and Structure Requirements* and 90-147(i)(3) *Use Provisions*, Tax Map 072A Parcel 104, 0.9 +/- acres, located at 516 North Belair Road, and currently zoned C-2 (General Commercial). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2g2) RZ21-08-01, Major PUD (Planned Unit Development) Revision, Tax Map 081 Parcel 610, 0.26 +/- acres, located at 227 Hornsby Lane, and currently zoned PUD (Planned Unit Development).

Staff member Danielle Montgomery stated the following:

- This is a request for a Major PUD Revision for property located at 227 Hornsby Lane on 0.26 +/- acres and currently zoned PUD (Planned Unit Development).
- The applicant is requesting the Major PUD Revision to reduce the side building setback for a proposed retaining wall.
- The subject property is located in Section 3 of the River Island subdivision and is currently zoned PUD (Planned Unit Development) as are all adjacent properties.
- This property is near the southern boundaries of River Island, with parcels to the south zoned R-1 (Single Family Residential).
- The proposed wall extends along the majority of the southeastern property line, and has a maximum height of 10 feet.

- The wall is located three feet from this side property line, and therefore intrudes 2 feet into the required 5-foot side setback for this section of River Island.
- The applicants have submitted as justification for this request the topography of the site, which includes an over 10-foot grade change between the two adjacent lots, as well as the unusual shape of the lot, which is largely triangular.
- The applicants have stated that the slope extending into the lot combined with the triangular lot layout greatly restricts the buildable area on the lot.
- Per the submitted narrative, the slope extends approximately 17 feet into the lot, occupying approximately 0.08 acres of the site.
- The stated intent of the major revision is to ensure a similarly sized home can be built on this lot as to others in this section.
- The subject parcel is unusually shaped, and located on a corner, which does limit buildable area of the lot, even without the additional topographic challenges.
- While it is noted that the slope and shape of the lot referenced as hardships were created by the developers during construction of this phase, they do create a unique situation for this property.
- While the property is not undevelopable as is, allowing the retaining wall to be constructed will, per the applicants, allow a house more comparable to the others in this section of River Island, maintaining the neighborhood character.
- The height of the wall will require a fence to be installed on top of the wall for safety, and a condition has been added clarifying a total combined height of 16 feet for the retaining wall and fence.
- The proposed retaining wall will also be within the 5-foot drainage and utility easement, and therefore this request also requires approval of an easement encroachment agreement.
- The application for this has been received and was reviewed by Committee on July 13, 2021.
- The agreement is pending approval by the Board of Commissioners, and has been postponed to the August 17 meeting in order to be considered in conjunction with this request.
- Staff recommends approval with conditions:

Conditions

Stormwater:

An easement encroachment agreement is required.

Planning:

A fence up to 6 feet tall will be allowed on top of the wall for safety. The combined height of the wall and fence shall not exceed 16 feet.

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

Planning Commission questions/comments/concerns:

Chairman Cox questioned the applicant how water drainage will be addressed.

Charles Dolan, 1002 Katherine Street:

- There will be a swale along the top part of the wall and possibly to the rear.

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

Vice-Chairman Dempsey made a motion to approve with conditions RZ21-08-01, Major PUD (Planned Unit Development) Revision, Tax Map 081 Parcel 610, 0.26 +/- acres, located at 227 Hornsby Lane, and currently zoned PUD (Planned Unit Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g3) RZ21-08-02, Change of Conditions, Tax Map 079 Parcel 066, 50.62 +/- acres, located at 285 Flowing Wells Road, and currently zoned S-1 (Special).

Staff member Will Butler stated the following:

- This is a request for a Change of Conditions for property located at 285 Flowing Wells Road on 50.62 +/- acres, and currently zoned S-1 (Special).
- The applicant is requesting the Change of Conditions to revise conditions from RZ11-08-01 pertaining to lighting and operation of the athletic facilities on the site.
- The subject property is located on the west side of Flowing Wells Road.
- Property to the north is zoned R-2 (Single Family Residential) for Springlakes and also S-1 for Westside Baptist Church, property to the west and south is zoned R-2 for Springlakes and also the Arrowhead subdivision, and property across Flowing Wells Road is zoned R-3 (Single Family Residential) for other sections of Arrowhead subdivision.
- The most recent major revision approved in 2011 (RZ11-08-01) included the following conditions:
 1. Augusta Prep will limit the total number of days on which the lights can be used to ten (10) days per school year. This does not include time for installation, initial burn-in and other measures necessary for construction and maintenance of the lighting system.
 2. Augusta Prep will not schedule the start of an interscholastic competition using the lights after 7:30PM.
 3. Augusta Prep will comply with all applicable Noise Ordinances.
 4. Augusta Prep will not use lights for any practices.
 5. Augusta Prep will not rent the athletic field for a use that includes using the light system.
 6. Augusta Prep will turn off lights by 10:30PM after the initial burn-in period; provided that unforeseen circumstances may arise on rare occasions during games such as overtime, weather, or injury delays which may require the use of the lights beyond 10:30PM.
 7. Augusta Prep shall plant and maintain a significant landscape buffer in accordance with the terms therefore contained in the Agreement entered into between Augusta Prep and Springlake Community Association, Inc. dated August 4, 2011.
- The applicant has provided both the original agreement between Augusta Prep and Springlakes Community Association and the amendment to the original agreement between the two parties that was approved on May 13th, 2021.
- Staff recommends approval with conditions:

Conditions

Planning:

1. Augusta Prep will limit the total number of days on which the lights can be used to eighteen (18) days per school year. This does not include time for installation, initial burn-in and other measures necessary for construction and maintenance of the lighting system.
2. Augusta Prep will not schedule the start of an interscholastic competition using the lights after 7:30PM.
3. Augusta Prep will comply with all applicable Noise Ordinances.
4. Augusta Prep will not use lights for any practices.
5. Augusta Prep will not rent the athletic field for a use that includes using the light system.
6. Augusta Prep will turn off lights by 10:30PM after the initial burn-in period; provided that unforeseen circumstances may arise on rare occasions during games such as overtime, weather, or injury delays which may require the use of the lights beyond 10:30PM.
7. Augusta Prep shall plant and maintain a significant landscape buffer in accordance with the terms therefore contained in the Agreement entered into between Augusta Prep and Springlake Community Association, Inc. dated August 4, 2011.

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

Thomas Burnside, 1304 Buena Vista Road, Augusta, GA:

- Conditions have been renegotiated with the Springlakes HOA.
- Directional lighting and buffering has been installed.
- Since the buffer has had time to grow, we are now requesting an increase in the amount of days from 10 to 18 to use lights on the athletic field.

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

Dean Thompson, 4212 Quail Springs Circle:

- Request denial and for Planning Commission and the Board of Commissioners to decrease the amount of days to use lights from 10 to 8 days.
- Shared with Planning Commission the amount of days Augusta Prep has exceeded the 10 days over the last several years.
- Expressed concerns about the landscape buffer behind his residence that has not been replaced or properly maintained and noise pollution from the Public Address system.
- Request for the county to strictly enforce the conditions.

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

Vice-Chairman Dempsey made a motion to approve with conditions RZ21-08-02, Change of Conditions, Tax Map 079 Parcel 066, 50.62 +/- acres, located at 285 Flowing Wells Road, and currently zoned S-1 (Special). Commissioner Wilder seconded the motion. The motion carried 4-0. Commissioner Futch abstained from vote.

(H2g4) RZ21-08-03, Major PUD (Planned Unit Development) Revision, Tax Map 078 Parcel 116D, 0.46 +/- acres, located at 2569 Trade Center Drive, and currently zoned PUD (Planned Unit Development).

Staff member Will Butler stated the following:

- This is a request for a Major PUD (Planned Unit Development) Revision for property located at 2569 Trade Center Drive on 0.46 +/- acres and currently zoned PUD (Planned Unit Development) to add a tattoo parlor to the permitted uses for the subject property.
- The subject property is located on the south side of Trade Center Drive, within the Evans Trade Center development.
- Property to the north, east, and west is zoned PUD (Planned Unit Development) for the Trade Center, and property to the south is zoned S-1 (Special) for the Mosaic United Methodist Church.
- Currently, they offer permanent cosmetic services (microblading per their body art license issued in February, 2021) in a local salon, but are looking to purchase the subject property to expand their existing permanent cosmetic service and also add a tattoo parlor to the services offered
- Per the provided narrative, the business has a trained tattoo artist and understands that they will have to meet Chapter 46 Health and Sanitation, Article V Body Art of Columbia County Code to operate the tattoo portion of their business.
- This business would operate Monday through Saturday from 9AM to 6PM with typical appointments taking approximately two hours per.
- All appointments would be booked in advance and they would not depend on walk-ins for clients.
- The applicant has also noted that interior improvements would be required to bring the location up to the standards for this use and they have already had the Columbia County Health Department review these improvements for compliance.
- One potential issue for the site could be the parking.
- The Trade Center adopted its own standards which required one parking space per 500 square feet of building.
- Using that, the site requires six parking spaces with the existing 3,000 square foot building.
- Currently, the site has ten parking spaces which is over the requirement for the development.
- However, if the proposed use is occupied with eight people and there is the intent to lease the remainder of the site for another use, there is the possibility that there may not be enough parking on the site.
- However, the Trade Center has been designed with additional shared parking on the perimeter of the access road, so it likely will not be a concern overall.
- The subject property is located in the Evans Town Center Activity Center on the Vision 2035 Future Development Map.

- The proposed revision to add a tattoo parlor is in keeping with the intent of the Vision 2035 Future Development map as a commercial use.
- 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 additional information.

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

Commissioner Wilder made a motion to approve RZ21-08-03, Major PUD (Planned Unit Development) Revision, Tax Map 078 Parcel 116D, 0.46 +/- acres, located at 2569 Trade Center Drive, and currently zoned PUD (Planned Unit Development). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g5) RZ21-08-04, Major S-1 (Special) Revision, Tax Map 082B Parcel 158E, 3 +/- acres, located at 2200 Indigo Hall Drive, and currently zoned S-1 (Special).

Staff member Will Butler stated the following:

- This is a request for a Major S-1 (Special) Plan Revision for property located at 2200 Indigo Hall Drive on 3.0 +/- acres and currently zoned S-1 (Special).
- The applicant is requesting the revision to eliminate lot lines for the proposed senior cottages.
- The subject property is located on the north side of Fury's Ferry Road, just west of the Columbia County line.
- The subject properties were initially rezoned to S-1 (Special) in 2015 (RZ15-11-12) for a senior retirement community with an assisted living facility with memory care (constructed), independent living cottages and multifamily.
- This request eliminates the lot requirements for the individual cottages and would instead have them all on one parcel with individual units for rent per the provided narrative.
- With the adoption of the update to the Vision 2035 Comprehensive Plan, the Future Development Map has been revised for this development.
- This section of Furys Ferry Road is now a Professional Corridor on the Vision 2035 Future Development Map.
- The overall development includes medical office, senior apartments, senior cottages, and the existing assisted living facility.
- This proposal only removes the lot size requirements for the senior cottages, so it does not impact the uses overall.
- Staff recommends approval with conditions:

Conditions

Environmental:

The residential living structures/cottages shall not be converted to assisted living structures unless they meet the provisions of the ordinance. Columbia County Code of Ordinances, Chapter 42-Floods, Section 42-46, Standard for Critical Facilities, critical facilities shall not be located in the 100 year floodplain or the 500 year floodplain.

Engineering Services:

The drainage behind the existing retaining walls and the existing retaining walls located on the western side of tax map 082B parcel 158G shall be repaired in conjunction with the development plan for 2200 Indigo Hall Drive. Columbia County will not issue any closeout, permanent power, Notice of Termination, or Certificate of Occupancy for the new development until this is completed to the satisfaction of Engineering Services. Either a piping system or concrete line swale above the walls according to the approved development plans for Indigo Hall Phase I is required to remedy this issue.

Building Standards:

A stamped letter from a structural professional engineer (PE) will be required once the wall has been accessed and determined it meets or exceeds the structural design.

Planning:

Buffers must be undisturbed and supplemented with additional plantings as required to create an opaque screen. There shall be no grading into the buffer areas.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

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

Commissioner Futch made a motion to approve with conditions RZ21-08-04, Major S-1 (Special) Revision, Tax Map 082B Parcel 158E, 3 +/- acres, located at 2200 Indigo Hall Drive, and currently zoned S-1 (Special). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g6) RZ21-08-05, Major PUD (Planned Unit Development) Revision, Tax Map 081B Parcel 940, 0.35 +/- acres, located at 3654 Camelback Lane and currently zoned PUD (Planned Unit Development).

Staff member Nayna Mistry stated the following:

- This is a request for a major revision to the existing PUD (Planned Unit Development) zoning on 0.35 +/- acres and currently zoned PUD (Planned Unit Development) to reduce building setbacks for a proposed pool and associated site work.
- The property is located in the West Lake subdivision in Section 15 which is zoned PUD (Planned Unit Development).
- This residence has driveway access off Camelback Court which is a cul-de-sac.
- This parcel is a corner lot on the cul-de-sac and therefore has two front setbacks, reducing the buildable area.
- The residence was built in 1993 and there is no useable backyard space, just a paved patio on the south side and two driveways on the right hand side.
- The plat shows a front setback of 30 feet on the lot along Camelback Lane and Camelback Court and does not show any easements on this lot.
- The applicant is proposing to construct a pool in the front yard of the residence.
- Since the plan also shows that the main house has the north corner that is slightly within the 30 feet setback, approximately 3.75 feet, this will also be included in this request to allow the house to remain. By approving this setback reduction for the house, this should prevent any problems with the future sale of the property.
- The applicant has submitted letters of support from the neighbors and an HOA approval dated 6.7.19 for a pool.
- The applicant has stated that the pool is necessary for help with taking care of her adult son who has special needs and the doctor has recommended outdoor activities for therapy.
- The applicant is trained in landscape design and has met with the County Landscape Architect at the residence to discuss a landscaping solution.
- The applicant has submitted a rendering and landscape proposal with the intention to both beautify the neighborhood and also provide a buffer for the pool area.
- The landscape plan submitted shows a good tree buffer proposed along the road frontage of green giant arborvitae species and more trees including tree olives and camellia tree form along the north side to provide more screening and privacy.
- Staff recommends approval with condition:

Condition

Planning:

The landscape plan shall be implemented as per the zoning submittal with any details worked out with the

County Landscape Architect.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

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

Commissioner Wilder made a motion to approve with condition RZ21-08-05, Major PUD (Planned Unit Development) Revision, Tax Map 081B Parcel 940, 0.35 +/- acres, located at 3654 Camelback Lane and currently zoned PUD (Planned Unit Development). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g7) RZ21-08-06, Conditional Use for Massage, Tax Map 072B Parcel 126, 0.45 +/- acres, located at 4571 Cox Road and currently zoned P-1 (Professional).

Staff member Jennifer Neal stated the following:

- This is a request for a Conditional Use for Massage on 0.45 +/- acres currently zoned P-1 (Professional) and located at 4571 Cox Road.
- Properties to the north are zoned R-2 (Single Family Residential); properties to the west are zoned P-1 and R-2; properties to the east are zoned P-1, and S-1 (Special) for a tool repair business; and properties to the south across Cox Road are zoned R-1 (Single Family Residential) with the Board of Education utilizing the property for Evans High School and S-1 (Special) for a church.
- The applicant is requesting a conditional use to offer massage services on the site.
- The applicant has indicated that she will be the only massage therapist within Suite A.
- However, the conditional use would apply to the entire property, which would allow the property owner to allow massage therapists to operate in any of the suites on the property in the future.
- The applicant's hours of operation would be by appointments only between the hours of 9AM and 6PM Wednesday thru Friday, 9AM and 2PM on Saturday, and for emergencies only on Tuesday.
- Adjacent properties are in professional use and should not be impacted by these hours of operation.
- This parcel is within the In-Town Neighborhoods Character Area on the Future Development Map, which is intended for moderate to high density residential, and civic uses such as community centers, libraries, parks, places of worship, and schools.
- The proposed use provides a service to the residential area and is compatible with the surrounding professional area, and therefore meets the intent of the future land use map.
- 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 additional 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 RZ21-08-06, Conditional Use for Massage, Tax Map 072B Parcel 126, 0.45 +/- acres, located at 4571 Cox Road and currently zoned P-1 (Professional). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2g8) VA21-08-01, Variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General*, Tax Map 081E Parcel 008, 1.24 +/- acres, located at 423 Watroak Lane, and currently zoned R-1 (Single Family Residential).

Staff member Jennifer Neal stated the following:

- This is a request for a variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General* for the property located at 423 Watroak Lane on 1.24 +/- acres and currently zoned R-1 (Single Family Residential) to permit an existing driveway to remain.

- The subject property is considered a reverse frontage lot located at the end of the cul-de-sac on the west side of Watroak Lane and on the east side of Stevens Creek Rd and is currently zoned R-1 (Single Family Residential).
- All surrounding properties are also zoned R-1 with the exception of the property just north of Stallings Place which is zoned S-1 (Special) for a telecommunication tower.
- The primary access to this property is off Watroak Lane and the applicant is requesting the existing driveway to Stevens Creek Road to also remain.
- During the inspections of the property when the home was built in 2015, Stormwater Compliance stated in one of the inspections that the construction entrance would need to be removed from Stevens Creek Road to Watroak Lane at the end of construction of the residence on the property.
- However, the driveway was not removed and has since been paved from the driveway at Watroak Lane to Stevens Creek Road.
- Although Stevens Creek Road is considered an arterial road, the road has minimal traffic from Evans to Locks Road to the intersection at Old Stevens Creek Road.
- Old Stevens Creek Road is classified as a local road and all properties along the portion of Stevens Creek Road between Evans to Locks Road and Old Stevens Creek Road are zoned R-1 (Single Family Residential).
- Therefore, it operates more like a local road in which a double frontage lot would be allowed per current county code.
- Traffic Engineering reviewed this request and stated there is ample intersection sight distance in each direction of the subject driveway.
- The existing cul-de-sac at the end of Watroak Lane measures approximately 55 feet in diameter which is 25 feet less than the 80-foot county standard.
- A new driveway encroachment ordinance, policy, and permit was presented at the last committee meeting and will go to the Board of Commissioners on August 3rd and August 17th. If this policy is adopted, it could affect this variance request and permits may be required. Modifications to the driveway and the culvert may be required as part of the permitting process.
- Staff recommends approval.

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

Judy Phillips, 423 Watroak Lane:

- Rainwater is causing the driveway to sink on Stevens Creek Road which is the driveway used for trash service.
- It is difficult to get the trash can to the end of Watroak Lane because of the slope in the driveway.
- There is narrow frontage along Watroak Lane causing the driveway to get blocked by other vehicles on a regular basis.

Planning Commission questions/comments/concerns:

Commissioner Wilder expressed concerns about considering approval while there is a text amendment going through the process of getting approved which may change the requirements for the driveway permitting process.

Director Scott Sterling explained the permitting and construction process should the new text amendment get approved.

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 Wilder made a motion to disapprove with condition VA21-08-01, Variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General*, Tax Map 081E Parcel 008, 1.24 +/- acres, located at 423 Watroak Lane, and currently zoned R-1 (Single Family Residential). Chairman Cox seconded the motion. The motion carried unanimously.

Condition

Planning Commission (Added by Planning Commission at the Augusta 5, 2021 meeting):

Any improvements located within the County right of way shall be removed within 60 days of action by the Board of Commissioners on the requested variance.

(H2g9) VA21-08-02, Variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General*, Tax Map 081E Parcel 007, 1.3 +/- acres, located at 425 Watroak Lane, and currently zoned R-1 (Single Family Residential).

Staff member Nayna Mistry stated the following:

- This is a request for a variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General* for the property located at 425 Watroak Lane on 1.3 +/- acres and currently zoned R-1 (Single Family Residential) to permit an existing driveway to remain and be improved. This is the neighbor to the previous variance request with a similar request.
- The subject property is considered a reverse frontage lot located at the end of the cul-de-sac on the south side of Watroak Lane and on the east side of Stevens Creek Rd and is currently zoned R-1 (Single Family Residential).
- All surrounding properties are also zoned R-1 with the exception of the property just north of Stallings Place which is zoned S-1 (Special) for a telecommunication tower.
- They purchased it in 2017 and the aerial shows that the driveway onto Stevens Creek Road was not existing at that time.
- The applicant has mentioned that the cul-de-sac is narrow and gets blocked when construction vehicles or septic tank repair vehicles are using it and impacts the school buses and trash collection services.
- Due to meeting sight distances in each direction of the subject driveway and that the existing cul-de-sac measures approximately 55 feet in diameter which is 25 feet less than the 80-foot county standard, the Traffic Department does not object to a driveway at this location.
- The Health Department has reviewed this request and supplied the septic system layout for this property.
- The owner needs to be aware that there is no parking or driving allowed over any part of the septic system.
- Driving or parking over the system will damage it and will require a replacement system.
- The applicant is aware that there is a 20 foot wide drainage and utility easement across the rear of the property as shown on the plat.
- Staff recommends approval with condition:

Condition

Planning:

The new driveway will meet all applicable required standards and include concrete or asphalt paving from the Stevens Creek Road access to a minimum of 20 feet past the property line to reduce gravel from entering the public road.

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

Rachelle Hitchler, 425 Watroak Lane:

- There is narrow frontage along Watroak Lane causing the driveway to get blocked by other vehicles on a regular basis.
- We are requesting the driveway along Stevens Creek Road for access during the construction of our pool and for future maintenance of our septic tank.
- We plan to close off the driveway and only use it when necessary for construction, maintenance, and whenever our driveway on Watroak Lane is blocked.
- The pool construction will begin in March and the garage will follow.

Planning Commission questions/comments/concerns:

Commissioner Wilder questioned staff about the possibility of allowing the driveway temporarily for

construction purposes.

Director Scott Sterling responded they may want to be careful about allowing it temporarily and consider the timeframe needed for construction. The applicant has estimated approximately 1-5 years for construction.

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.

Chairman Cox made a motion to disapprove with condition VA21-08-02, Variance to Sections 74-82(d) *Lots* and 90-131(5)(c)(2) *In General*, Tax Map 081E Parcel 007, 1.3 +/- acres, located at 425 Watroak Lane, and currently zoned R-1 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

Condition

Planning Commission (Added at the August 5, 2021 meeting):

Any improvements located within the County right of way shall be removed within 60 days of action by the Board of Commissioners on the requested variance.

(H2g10) VA21-08-03, Variation to Section 90-96 *Evans Town Center Overlay District*, Tax Map 072A Parcel 283, 0.63 +/- acres, located at 4240 Washington Road, and currently zoned C-2 (General Commercial).

Staff member Will Butler stated the following:

- This is a request for a variation for the property located at 4240 Washington Road on 0.63 +/- acres and currently zoned C-2 (General Commercial) to permit roll up or overhead doors to face a side property line in the Evans Town Center Overlay District.
- The subject property is located on the western side of Washington Road.
- Surrounding property is primarily C-2 (General Commercial) except for the PUD (Planned Unit Development) to the south and west for University Health.
- The applicant is proposing to demolish the existing building and construct a quick lube facility on the subject parcel.
- Per the provided site plan, the building would have overhead doors on both the southern and northern side of the building with the building perpendicular to Washington Road.
- These doors would be facing the side property lines which is not permitted in Evans Town Center.
- The applicant has cited that the drive through nature of the business and the shape of the lot necessitates the doors to face the side property lines.
- The applicant has provided what their typical prototype looks like with both the doors up and closed.
- Softening both the doors and openings with landscaping has been a typical method used to balance the use of overhead doors with the requirements of the Evans Town Center.
- Staff recommends approval with conditions:

Conditions

Planning:

1. Landscape plan shall be prepared by a landscape architect. Design emphasis for the landscape strip along Washington Road and the internal landscaping facing the property at 4244 Washington Road shall be to lower the impact of the overhead doors along these two frontages. Landscape designer shall coordinate the proposed design with the Columbia County Landscape Architect prior to submittal of the site plan.
2. Overhead doors used for the project shall either be the same or similar to the overhead doors provided with the application on July 9th, 2021.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

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 VA21-08-03, Variation to Section 90-96 *Evans Town Center Overlay District*, Tax Map 072A Parcel 283, 0.63 +/- acres, located at 4240 Washington Road, and currently zoned C-2 (General Commercial). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2g11) VA21-08-04, Variance to Section 90-144 *Placement of Buildings and Structures*, Tax Map 082K Parcel 126A, 0.98 +/- acres, located at 118 Lakestone Pond Way, and currently zoned R-3 (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* for the property located at 118 Lakestone Pond Way on 1.0 +/- acres and currently zoned R-3 (Single Family Residential).
- The applicants are requesting a variance to install an 8-foot privacy fence along the rear property line.
- The subject property is located in the Barrington subdivision off Stevens Creek Road and is currently zoned R-3 (Single Family Residential), as are all surrounding properties.
- The applicants are having a house and pool constructed on the property, and were having a fence installed along the rear property line.
- The R-3 zoning district allows fences up to 6 feet tall within the building setbacks along the side and rear property lines.
- The applicants have submitted a topographic map of the area as well as site photos demonstrating that the neighbor's property is at a higher elevation than the subject property, such that the neighbor's deck is above the allowed 6-foot fence.
- Per the applicants, the neighbors would therefore be able to see over the fence when sitting on their back deck, which would not meet their intent of providing privacy for the back yard and pool area.
- This property is located at the rear of the development, and does slope towards the pond, as do the adjacent properties.
- The applicants have demonstrated through the submitted photographs and topographic maps that there is some difference in the lot elevations, however review of the topographic map shows that the majority of the grade is falling west to east across the properties, and not north to south between the subject property and the parcels to the rear.
- Staff also received photographs from one of the residents behind the subject property, demonstrating that they could not see over their existing 6 foot fence when standing in their yard.
- This does not necessarily address the applicant's concerns regarding neighbors sitting on their decks, which are elevated above the rear yard grade, but does emphasize the limited nature of the grade change between the lots.
- Other recent approvals for 8-foot tall fences on residential lots not related to retaining walls (RZ19-09-05 and RZ20-07-04) were for properties with significant topographic differences between lots, included non-solid sections of the fence such as latticework, were previously existing fences being repaired, had support from the neighboring property owners, or some combination of the preceding.
- In this case, the applicants have submitted a topographic map showing that the adjacent properties fall towards the pond at the same rate as the subject parcel, and there is limited grade change between the subject parcel and the properties to the rear.
- The fence is not currently existing, and is proposed to be solid horizontal board style fencing for the entire height.
- The fence does have approval from the HOA, but staff has received comments from an adjacent property owner who is not in support of the variance request.
- The request therefore does not meet the standards applied to previous, similar variance requests, and staff does not find there to be a loss of use of the property or significant hardship to the property owner from denial of the variance.
- Staff recommends disapproval.

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

Tyjuan Williams, 118 Lakestone Pond Way:

- We are requesting to add fencing where there is not existing fencing at this time for a noise barrier and privacy.
- HOA approved 8 feet.
- The fencing will be aluminum along the sides and near the pond, and wood along the back.

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 Dempsey made a motion to approve with condition VA21-08-04, Variance to Section 90-144 *Placement of Buildings and Structures*, Tax Map 082K Parcel 126A, 0.98 +/- acres, located at 118 Lakestone Pond Way, and currently zoned R-3 (Single Family Residential). Commissioner Carraway seconded the motion. The motion carried 3-2. Chairman Cox and Commissioner Futch opposed.

Condition

Planning:

No portion of the fence may exceed 8 feet in height.

(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 7:42p.m. Commissioner Carraway seconded the motion. Motion carried unanimously.

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Signature on File

Jim Cox, Chairman

Signature on File

Scott Sterling, Planning Services Director