



Columbia County Planning Commission
August 19, 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
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 Carraway 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) August 5, 2021

Commissioner Futch made a motion to approve the August 5, 2021 meeting minutes. Commissioner Carraway seconded the motion. The motion carried unanimously.

F. APPROVAL OF THE AGENDA

Commissioner Futch made a motion to approve the August 19, 2021 Agenda. Commissioner Carraway seconded the motion. The motion carried unanimously.

G. PRESENTATION

H. DEBATE AGENDA

(H1) Unfinished Business

(H2) New Business

(H2a) Massage Operator's License

(H2b) Temporary Use Authorization

(H2b1) Temporary Use Authorization, Tax Map 063C Parcel 011, 2.2+/- acres, located at 5193 Oak Springs Drive, and currently zoned R-A (Residential Agricultural).

Staff member Jennifer Neal stated the following:

- This is a request for a temporary use authorization at 5193 Oak Springs Drive on 2.2 +/- acres and currently zoned R-A (Residential Agricultural).
- The applicant is requesting to place a 38-foot travel trailer on the property to use as a residence during either the construction of a permanent home or pending delivery of a manufactured home.
- The applicant has indicated he is currently working with a manufacturing home provider, however, they are having some difficulty with inventory at this time.
- Therefore, the applicant will be seeking alternative plans to construct a home on the property in the event a manufactured home is not available.
- The applicant has not applied for permits at this time, but has indicated that construction or delivery of a manufactured home is expected to be complete within the one year that the Temporary Use Authorization would cover.
- Staff recommends approval.

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

Commissioner Futch made a motion to approve Temporary Use Authorization, Tax Map 063C Parcel 011, 2.2+/- acres, located at 5193 Oak Springs Drive, and currently zoned R-A (Residential Agricultural). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2c) Provisional Home Occupation

(H2c1) Provisional Home Occupation, Tax Map 074 Parcel 010, 2.24+/- acres, located at 281 Mount Folly Road, and currently zoned R-2 (Single Family Residential).

Staff member Jennifer Neal stated the following:

- This is a request for a Provisional Home Occupation located at 281 Mount Folly Road on 2.24 +/- acres and currently zoned R-2 (Single Family Residential), in order to utilize an existing workshop for wood crafting furniture.
- The property is located on the west side of Mount Folly Road in the Oakley Plantation subdivision off Oakley Pirkle Road.
- The subject parcel and all surrounding properties are zoned R-2 (Single Family Residential) with the exception of the Columbia County Fire Rescue property to the north which is zoned S-1 (Special).
- The applicant is proposing to utilize an existing workshop for wood crafting, primarily for making outdoor furniture to be sold at craft fairs or online.
- The applicant does not expect any customer traffic to the residence except to pick up furniture or if someone wants to see the products he makes.
- All storage of materials and products will be kept within the existing 1,080 square foot workshop and under the overhang on the west side of the workshop (away from the adjacent residences).
- The applicant has indicated the interior walls of the workshop are lined with 7/16 OSB that creates a minimum 4-inch air gap between the inner and exterior walls to mitigate noise from the business operation.
- The applicant additionally indicated during a staff site visit that he is intending to add insulation to the building, which should provide additional sound reduction.
- The applicant has been utilizing this workshop for personal use and hobby woodworking since 2018 and has no complaints from his neighbors.
- The applicant has not indicated any hours of operation since he has another full-time job and this business will be operated more like a hobby or part-time job.
- However, he will be responsible for complying with the nuisance ordinance.
- Dust is mitigated using a small dust cyclone attached to a shop vac that is portable for the applicant to be able to move from tool to tool as he works.
- He has indicated that he will be purchasing a bigger dust cyclone in the future, which will be placed under the overhang on the left side of the shop which is not visible from his neighbors' residences.
- The applicant also has an air filtration system in the workshop which he has indicated he intends to

- upgrade to a more efficient system in the future.
- Scrap materials, wood chips, and wood dust will be used for future projects, mulch for the property, for the fire pit, and grilling.
- The applicant spoke with the two neighbors most affected by the workshop, and they have provided letters of support.
- The applicant has indicated the property has a natural barrier surrounding the workshop made up of tall trees and shrubs which makes it difficult to see from the road and neighboring properties.
- Per GIS, the existing home on the property is approximately 5,135 square feet.
- Per the applicant, the existing workshop is 1,080 square feet, which does not exceed 50 percent of the area of the house and therefore meets the Provision Home Occupation requirements.
- Staff recommends to approve with conditions:

Conditions

Planning:

1. The dust cyclone and air filtration system equipment must be enclosed to mitigate the noise.
2. Power tools shall only be operated while inside the building.

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

Commissioner Wilder made a motion to approve with conditions Provisional Home Occupation, Tax Map 074 Parcel 010, 2.24+/- acres, located at 281 Mount Folly Road, and currently zoned R-2 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2d) Preliminary Plat

(H2e) Final Plat

(H2f) Plan Revision

(H2g) Public Hearing

(H2g1) RZ21-08-07, Rezone from R-3 (Single Family Residential) to P-1 (Professional), Tax Map 077F Parcel 034, 0.93 +/- acres, located at 4031 River Watch Parkway, and currently zoned R-3 (Single Family Residential).

Staff member Nayna Mistry stated the following:

- This is a request for a rezoning from R-3 (Single Family Residential) to P-1 (Professional) for the property located at 4031 River Watch Parkway on 0.93 +/- acres.
- The request for the rezoning is in order to operate an adult day care center for less than 7 adults.
- All surrounding properties are zoned R-3 and properties across River Watch Parkway are zoned R-3. There is a large mixed use PUD (Planned Unit Development) called Petersburg Station beyond the R-3 properties on the north side of River Watch which includes residential, multi-family and some commercial uses on Furys Ferry Road.
- The applicant intends to keep the existing building and is aware the property will need to be upgraded, specifically for landscaping and parking.
- The applicant is a registered nurse with over 25 years of experience.
- Through her work experience, she has seen the need for adult day care centers increase.
- She states that many households have both adults working and this type of center will help those with aging parents, so they don't have to give up employment.
- The Water Utility Department has confirmed that water and sewer services are available.
- The subject property is located within the River Watch Parkway Professional Corridor which runs from the Evans Town Center Activity Center to the Martinez Activity Center on the Vision 2035 Future Development Map.
- Section 90-50 *Allowed Uses* allows for an adult daycare to operate for up to 6 people in a residential setting, provided the business owner lives on the property.

- Therefore, this business effectively could operate in a residential area, and so be consistent with the surrounding properties.
- However, in this case, the business owner will not be living at this location, therefore a rezoning is necessary.
- Staff recommends approval.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant was 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. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Dempsey made a motion to disapprove RZ21-08-07, Rezoning from R-3 (Single Family Residential) to P-1 (Professional), Tax Map 077F Parcel 034, 0.93 +/- acres, located at 4031 River Watch Parkway, and currently zoned R-3 (Single Family Residential). Commissioner Carraway seconded the motion. The motion carried 3-2. Commissioner Wilder and Commissioner Futch opposed.

(H2g2) RZ21-08-08, Rezone from PUD (Planned Unit Development) to M-1 (Light Industrial), Tax Map 072 Parcels 231G & 200D (portion of), 11.7 +/- total acres combined, located at 3001 McCrary Court and a portion of property off Industrial Park Drive, and currently zoned PUD (Planned Unit Development).

Staff member Will Butler stated the following:

- This is a request for a rezoning from PUD (Planned Unit Development) to M-1 (Light Industrial) for property located at 3001 McCrary Court and off Industrial Park Drive on 11.5 +/- acres and currently zoned PUD (Planned Unit Development), for proposed light industrial uses.
- Property to the north is zoned M-1, property to the west is zoned R-2 for the One Marshall Place subdivision, property to the south across McCrary Court is zoned PUD, and property to the east across Industrial Park Drive is a mixture of M-1 and C-3 (Heavy Commercial) classifications.
- Per the provided concept plan, the applicant intends to construct approximately 81,000 square feet of office warehouses similar in design to the applicant's other development on Pierce Court.
- The concept plan shows the primary access off of McCrary Court and does not show any development on the separate parcel at 3001 McCrary Court.
- In regards to the Vision 2035 Future Development Map, the subject properties are located within the Evans Town Center Activity Center.
- The proposed rezoning is light industrial, is already in the Evans Town Center Overlay, and also at the periphery of the character area, so it meets the intent of the Vision 2035 Future Development Map.
- Staff recommends to approve with conditions:

Conditions

Planning:

1. All lighting on the site shall be shielded and directed away from any adjacent residential property. A photometric plan, showing that footcandle readings are 1.0 or less at the property line shall be submitted at site plan review.
2. The 40 foot structural buffer against the residentially zoned property shall remain undisturbed for the 25 feet on the outer edge of the buffer (closest to the residential properties). The remaining 15 feet may be disturbed and revegetated meeting Section 90-139 Buffers & Screening of Columbia County Code.

Environmental:

Should any of the structures and/or businesses located within the project be considered a critical facility by FEMAs definition of critical facility, the project must comply with Chapter 42; Article II; Section 42-46: Standards for Critical Facilities. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year floodplain elevation.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. Generating plants, and other principal points of utility lines.

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. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Dempsey made a motion to approve with conditions RZ21-08-08, Rezoning from PUD (Planned Unit Development) to M-1 (Light Industrial), Tax Map 072 Parcels 231G & 200D (portion of), 11.7 +/- total acres combined, located at 3001 McCrary Court and a portion of property off Industrial Park Drive, and currently zoned PUD (Planned Unit Development). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2g3) VA21-08-05, Variance to Section 90-98 *List of Lot & Structure Requirements*, Tax Map 072 Parcels 231G & 200D (portion of), 11.7 +/- total acres combined, located at 3001 McCrary Court and a portion of property off Industrial Park Drive, and currently zoned PUD (Planned Unit Development).

Staff member Will Butler stated the following:

- This is a request for a variance to Section 90-98 *List of Lot & Structure Requirements* for property located at 3001 McCrary Court and off Industrial Park Drive on 11.5 +/- acres and currently zoned PUD (Planned Unit Development), to remove the maximum building setback in the Evans Town Center Overlay District.
- This request has a companion rezoning (RZ21-08-08) to M-1 (Light Industrial) presented as the previous item.
- The Evans Town Center Overlay has a minimum setback of 5 feet from the front property line and a maximum setback of 90 feet from the centerline of Industrial Park Drive and 55 feet from the centerline of McCrary Court.
- The applicant has noted that the location of the creek and its associated buffer, wetlands, and flood plain which runs basically parallel to Industrial Park Drive does not make it practical to meet the maximum building setback along Industrial Park Drive.
- Staff recommends approval.

Chairman Cox stated this was a public hearing and asked the applicant if he would like to add any additional information. 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.

Vice-Chairman Dempsey made a motion to approve VA21-08-05, Variance to Section 90-98 *List of Lot & Structure Requirements*, Tax Map 072 Parcels 231G & 200D (portion of), 11.7 +/- total acres combined, located at 3001 McCrary Court and a portion of property off Industrial Park Drive, and currently zoned PUD (Planned Unit Development). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g4) RZ21-08-09, Rezone from R-1 (Single Family Residential) & C-1 (Neighborhood Commercial) to R-1 (Single Family Residential), Tax Map 069 Parcel 097A, 16.45 +/- acres, located at 4848 Wrightsboro Road, and currently split zoned R-1 (Single Family Residential) & C-1 (Neighborhood Commercial).

Staff member Will Butler stated the following:

- This is a request for a rezoning from R-1 (Single Family Residential) & C-1 (Neighborhood Commercial) to R-1 (Single Family Residential) for property located at 4848 Wrightsboro Road on 16.45 +/- acres and currently split zoned R-1 & C-1, for single family use.
- The subject property is located on the south side of Wrightsboro Road, across from the intersection of Kettle Creek Drive and Wrightsboro Road.
- All property to the south, west, and north across Wrightsboro are zoned R-1 and property to the east is zoned PUD (Planned Unit Development) for the Wright's Farm subdivision.
- Approximately 2 acres of the subject property was rezoned in 1976 (RZ76-06-01) to C-1 for a business that was intended to sell plant and garden products.
- The current owners are requesting to rezone the entirety of the property to R-1 for single family use.
- The portion of the property that is zoned C-1 has been used as a residence for many years and appears to have never been developed in the manner that was proposed in 1976.
- In regards to the Vision 2035 Future Development Map, this property is located within the Neighborhoods Character Area.
- With the requested rezoning to R-1, the proposal meets the intent of the Future Development Map as a residential use.
- Staff recommends approval.

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

David Titus, 4850 Wrightsboro Road:

- Commercial zoning does not fit the character of our farm.

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

Commissioner Futch made a motion to approve RZ21-08-09, Rezone from R-1 (Single Family Residential) & C-1 (Neighborhood Commercial) to R-1 (Single Family Residential), Tax Map 069 Parcel 097A, 16.45 +/- acres, located at 4848 Wrightsboro Road, and currently split zoned R-1 (Single Family Residential) & C-1 (Neighborhood Commercial). Commissioner Wilder seconded the motion. The motion carried unanimously.

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

(H2g5) RZ21-08-10, Rezone from C-2 (General Commercial) to C-3 (Heavy Commercial), Tax Map 078D Parcel 012A, 0.61 +/- acres, located at 255 Bobby Jones Expressway, and currently zoned C-2 (General Commercial).

Staff member Nayna Mistry stated the following:

- This is a request for a rezoning from C-2 (General Commercial) to C-3 (Heavy Commercial) on 0.61 +/- acres located at 255 Bobby Jones Expressway, for a proposed construction office with storage and parking.
- The subject property is located on the east side of Settlement Road, behind 257 Bobby Jones Expressway, which is under the same ownership.
- All surrounding properties are also C-2 and some properties across Settlement Road are zoned R-3 (Single Family Residential).
- There are variance requests associated with this rezoning to reduce the required buffer widths and setbacks, which will be evaluated in the report for VA21-08-06.
- The proposal is to add an addition of approximately 1200 SF which will be similar in construction to the existing building.

- In regards to the Vision 2035 Future Development Map, the subject property is located within the Martinez Activity Center.
- This request is compatible with adjacent properties, so it meets the intent of the Vision 2035 Future Development Map.
- Staff recommends approval.

(H2g6) VA21-08-06, Variance to Sections 90-98 *List of Lot & Structure Requirements*, 90-139 *Buffers & Screening*, and 90-147(h)(1)(c) *Use Provisions*, Tax Map 078D Parcel 012A, 0.61 +/- acres, located at 255 Bobby Jones Expressway, and currently zoned C-2 (General Commercial).

- This is a request for Variances from Sections 90-98 *List of Lot & Structure Requirements*, 90-139 *Buffers and Screening*, and 90-147 (h)(1)(c) *Use Provisions* for property located at 255 Bobby Jones Expressway on 0.61 +/- acres and currently zoned C-2 (General Commercial).
- The associated site development will include the building addition and installation of landscaping, parking, stormwater management, utilities and associated site infrastructure.
- The first variance is to Section 90-98 *List of Lot and Structure Requirements* to reduce side and rear building setbacks.
- The narrative states that the corner of the existing building is 2.8 feet off the side property line and 7 feet off the rear property line.
- In order for the existing building to remain, the variance is necessary.
- The addition is on the gable end of the existing building and the proposed wall is approximately 5 feet off the rear property line.
- The applicant is proposing a 5 feet side (north), a 2.5 feet (south), and a 5 feet rear setback.
- The second request is a variance to Section 90-139 *Buffers and Screening*, where the requirement between C-3 and C-2 zoning is a 20-foot structural buffer.
- The site has no existing trees and is mainly gravel with a grassed portion along the frontage that includes a chain-link fence.
- Under the current zoning, no buffers are required for C-2 adjacent to C-2.
- The applicant is requesting zero buffers to the adjacent C-2 zoning to stay within the current requirements.
- There is a 6 foot fence along the rear and both side property lines.
- There is a 10 foot landscape strip proposed along the frontage of Settlement Road which will be required to meet code requirements.
- The third variance is a request to Section 90-147(h)(1)(c) *Use Provisions* which applies because the applicant has stated on the rezoning application that the proposed use for a construction office will have storage and parking and the buffer requested is zero.
- The related use provisions require that all outdoor storage areas must be fully screened from view from the public right-of-way, public parking areas, and abutting properties using a minimum ten-foot wide structural buffer.
- Staff recommends to approve with condition:

Condition

Planning:

The side property lines and the frontage on Settlement Road will require a solid fence for the outdoor storage provision.

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 variance. Hearing none, he closed the public hearing and called for a motion.

Commissioner Wilder made a motion to approve RZ21-08-10, Rezone from C-2 (General Commercial) to C-3 (Heavy Commercial), Tax Map 078D Parcel 012A, 0.61 +/- acres, located at 255 Bobby Jones Expressway, and currently zoned C-2 (General Commercial). Commissioner Futch seconded the motion.

The motion carried unanimously.

Commissioner Wilder made a motion to approve with condition VA21-08-06, Variance to Sections 90-98 *List of Lot & Structure Requirements*, 90-139 *Buffers & Screening*, and 90-147(h)(1)(c) *Use Provisions*, Tax Map 078D Parcel 012A, 0.61 +/- acres, located at 255 Bobby Jones Expressway, and currently zoned C-2 (General Commercial). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g7) RZ21-08-11, Change of Conditions, Tax Map 078 Parcel 048F, 6.03 +/- acres, located at 4045 Evans to Locks Road, and currently zoned PRD (Planned Residential Development).

Staff member Danielle Montgomery stated the following:

- This is a request for a Change of Conditions for property located at 4045 Evans to Locks Road on 6.03 +/- total acres and currently zoned PRD (Planned Residential Development).
- The subject property is located on the north side of Evans to Locks Road and the east side of Jennings Road and is currently zoned PRD (Planned Residential Development) per RZ16-06-01 and RZ16-11-03.
- This was the first PRD approved in the County after the zoning district was added to the code in 2015.
- The rezoning was approved with several conditions, the first of which was as follows:
 1. Buffers along exterior property boundaries (including the Evans to Locks frontage) shall remain undisturbed.
- The subject parcel was effectively a hole, with a large slope from Evans to Locks Road to the previously existing grade, as well as significant slope across the site.
- The construction plans approved by the Planning Commission on November 1, 2018, showed 4 retaining walls around the perimeter of the property.
- The required buffers of 20 feet on Evans to Locks Road and 15 feet around the perimeter of the project were shown on the plans.
- Construction of the infrastructure for the site has proceeded slowly since the approval of the preliminary plat.
- This is a particularly challenging site due to its small size and significant topography, and staff recognizes that the expectation for the buffers to remain undisturbed was somewhat unrealistic.
- With the required buffers being narrow 15-foot buffers along most property lines, retaining vegetation in these spaces while grading the entirety of the site was unlikely to be successful.
- The applicants have provided an alternate buffer plan, including a wider 25-foot structural buffer around a portion of the site.
- The alternate buffer is provided along the eastern and northeastern property lines, and includes a 6-foot shadowbox fence along the rear of the lots, and a replanted 25-foot vegetated buffer between the fence and the exterior boundary of the development.
- The provided plan still notes the buffers along the north and west property lines as 15-foot undisturbed buffers, although as previously noted, they will require supplementation, which is shown on the revised site plan provided.
- The 20-foot buffer along Evans to Locks Road will also require replanting, and the landscaping for this buffer is also addressed on the site plan.
- The alternate buffer plan provided, which includes a structural element as well as new landscaping, will likely provide more privacy to both the new and existing residents than retention of the limited vegetation in the original 15-foot buffers.
- The subject property is located within the Neighborhoods character area on the Vision 2035 Future Development Map.
- The change of conditions does not affect the approved use of the property for single family residential development, which is in keeping with the intent of this character area.
- Staff recommends to approve with conditions:

Conditions

Planning:

1. A 25-foot structural buffer will be provided on the east and northeast property lines as shown on the development plan dated July 22, 2021.
2. All buffer plantings and fencing must be installed prior to approval of the final plat for the project.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff what steps will be taken as the site is developed to manage stormwater. Staff member Danielle Montgomery answered as the site is developed the stormwater management plans approved in 2018 will be implemented to control the run off.

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

Bo Slaughter, 420 Gemstone Court:

- There are 2 ponds on site to help with run off, extra silt fence, traps, and grass.
- Once approved to move forward, we will install permanent grassing and clean up the pond which will help with the sediment.

Planning Commission questions/comments/concerns:

Chairman Cox questioned the applicant why the development has taken so long and the time frame for completion.

Bo Slaughter answered this has been a slow process with the contractor and weather. Construction to be completed in 45 days and 60-90 days for the final plat and as-built drawing.

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

Trip Nanney, 4113 Heritage Ridge:

- Expressed concerns about the stormwater runoff and the discolored pond in Jones Creek due to sediment since the construction of this development began.

Melvin Tanksley, 697 Jennings Road:

- Expressed concerns about stormwater runoff going underneath his residence and traffic.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff on whether Stormwater would address the runoff issues.

Director Scott Sterling answered Stormwater and Engineering Services have been involved and has even shutdown construction due to these issues. Staff will meet with them to address these concerns.

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

Tony Pounds, 705 Jennings Road:

- Expressed concerns about stormwater runoff, entrances to the development, and traffic.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff on whether the entrance locations Mr. Pounds is concerned about will be part of the buffer.

Staff member Danielle Montgomery answered yes and it will have a constructed retaining wall with a fence.

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

Jim Seagle, 725 Magruder Court:

- Expressed concerns about the damage that is already done to the pond due to the silt.
- Request to be more proactive in the beginning stages of engineering with water runoff instead of

having to go back to clean it up.

Judy Brown, 4166 Tindall Drive:

- Questioned whether pond clean up includes the ponds in Jones Creek (specifically the pond at Hole 2).

Chairman Cox asked the applicant for clarification.

Bo Slaughter answered they are referring to cleaning up the two ponds on the adjacent property to the east (4031 Evans to Locks Road).

Chairman Cox closed the public hearing and called for a motion.

Commissioner Wilder made a motion to disapprove RZ21-08-11, Change of Conditions, Tax Map 078 Parcel 048F, 6.03 +/- acres, located at 4045 Evans to Locks Road, and currently zoned PRD (Planned Residential Development). Commissioner Futch seconded the motion.

Planning Commission questions/comments/concerns:

Chairman Cox mentioned to the Planning Commission that if the motion passes as disapproval the site will stay the same and no upgrades will be made to correct the issues with the site.

Director Scott Sterling responded it will put them at a standstill. This is an attempt to mitigate and stabilize the site.

Commissioner Carraway questioned staff whether we know for a fact this project has been at fault for the issues discussed.

Director Scott Sterling answered in part yes, but it may not be solely responsible.

Commissioner Wilder withdrew his previous motion and made a motion to approve with conditions RZ21-08-11, Change of Conditions, Tax Map 078 Parcel 048F, 6.03 +/- acres, located at 4045 Evans to Locks Road, and currently zoned PRD (Planned Residential Development). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2h) Text Amendments

(H2i) Items Added (which need immediate action)

I. LEGAL MATTERS

J. STAFF AND COMMISSIONER COMMENTS

K. PUBLIC COMMENTS AND PARTICIPATION

Terry Brown, 4166 Tindall Drive:

- Expressed concerns about the significant increase in sediment in Jones Creek pond at Hole 2 in the past two years since this development started construction and requested stronger conditions to be put on the project.

Desire Edmond, 9516 Berwick Court:

- Requested clarification on how the rezoning process works in regard to RZ21-08-07.

Planning Commission questions/comments/concerns:

Chairman Cox explained the rezoning process to the applicant and informed the applicant that this may not be the highest and best use of the property; there was not enough information provided to address the site upgrades; and expressed concerns with traffic issues on River Watch Parkway.

Chairman Cox mentioned the rezoning and site plans would not be necessary if the applicant lived on the property.

Staff member Danielle Montgomery responded a Home Occupation allows them to operate a daycare for up to 6 individuals.

With no further business to discuss Commissioner Futch made the motion to adjourn the meeting at 7:02p.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