

**OCONEE COUNTY PLANNING COMMISSION**

January 22, 2019

Regular Meeting

7:00 P.M. Oconee County Courthouse

**MEMBERS PRESENT:** Bill Yarbrough, Chuck Steen, Maria Caudill, Mike Floyd, Chuck Hunt, Bruce Macpherson, Penny Mills, George Rodrigues, Steven Strickland, Brad Tucker, T.L. Turman

**MEMBERS ABSENT:** Karen Hilyard

**STAFF PRESENT:** Guy Herring – Director, Planning and Code Enforcement, Gabriel Quintas – Assistant Director, Planning and Code Enforcement, Grace Tuschak – Planner, Planning and Code Enforcement, Kyle Stephens – Planner, Planning and Code Enforcement

**OTHERS PRESENT:** Sarah Bell and others

**CALL TO ORDER:** Chairman Yarbrough called the meeting to order at 7:00 p.m.

**APPROVAL OF MINUTES:** December 10, 2018 meeting: Brad Tucker suggested an amendment to the December Planning Commission Meeting minutes to reflect that the term for PC officers was changed in order coincide with incoming/outgoing PC members, from October 1<sup>st</sup>-September 30<sup>th</sup> of each year. Motion by Penny Mills to adopt minutes with changes; Second by Chuck Hunt. The vote was unanimous to adopt the minutes.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**Item #1. Rezone #7579, Scott Boswell, B-2 to B-2 with modifications to Rezone #6894, ±29.905 acres, south side of Georgia Highway 316 and West of Mars Hill Rd. Commercial Subdivision.**

Gabriel Quintas presented the staff report. Staff recommended approval subject to 12 conditions. Staff noted that the owner intends to develop the site into 19 lots with private individual ownership, and a companion variance has been submitted to reduce the buffer along the eastern property line.

Chairman Yarbrough asked if there were comments from the applicant.

Scott Boswell, owner and developer of the property, spoke in favor of the request. He stated that he purchased a large tract of land and has put in the infrastructure, roads, sewer, etc. Mr. Boswell stated that the electrical business is currently in operation and that he is hoping to be able to bring in companion businesses and draw more traffic to the area to grow his business.

Chairman Yarbrough opened the floor for public comment and called for those in favor or against the request to speak.

- Scott Boswell responded that brick is very expensive but is willing to do it if required. Mr. Boswell also noted that many developers up and down 316 have not done brick and would like “equal opportunity.”
- Brad Tucker commented that they would like to avoid the appearance of all buildings along the 316 corridor looking different and disjointed from one another. Mr. Tucker also commented that a tenant like Tractor Supply would probably not fit on 1-acre lot, and asked what would happen if a big box retailer wanted to take several lots and recombine them, necessitating a change to the layout of the infrastructure i.e. interior roads?
  - Scott Boswell responded that he is interested in holding the first three lots together (already graded), and would envision a large retailer purchasing several tracts at a time.
- Chuck Hunt commented that some of the businesses named by Mr. Boswell as potential tenants are very large and the deceleration lane may not be adequate.
  - Scott Boswell responded that they have been waiting to pave because of the wet weather. Mr. Boswell states that they may need to extend deceleration lane and can do that if necessary.
- George Rodrigues inquired about what type of signage is intended and expressed concern that there will be too many signs for the various businesses.
  - Scott Boswell responded that it is all GDOT right of way, but that he will be putting a sign up for Boswell Electrical. He stated that a sign has been designed but right now only a sign will be done for Boswell Electrical. Mr. Boswell stated that any sign will need to be approved by the County and they are just in the bidding phase as far as signage for the future development.
- Chuck Steen asked staff if they would mind eliminating one of the blood/organ banks in disallowed use table as it is listed twice.
  - Gabriel Quintas responded that it could be eliminated.
- Chuck Steen asked Mr. Boswell why he wished to reduce the incompatible use buffer along the eastern property line.
  - Mr. Boswell responded that the property gets narrower all the way down from 316 to the southern end of the property and that the 50-foot buffer hampers the development potential of those lots on the eastern side. One of the neighbors on that side has written a letter in favor of it. Mr. Boswell stated that there is a stream that serves as a natural buffer between the proposed development and neighbors, and that they would not be encroaching. He also stated that since this is the technology corridor commercial development should be encouraged.
- Chuck Steen asked staff whether we have ever made an assessment of the reduction in the buffer size of all developments and their effectiveness.
  - Gabriel Quintas responded that this has not been done to this knowledge.
- Steven Strickland asked staff why family restaurants are disallowed but fast food restaurants are allowed.
  - Gabriel Quintas responded that a family restaurant is a different intensity use and the associated clientele is less compatible with the proposed development.
  - Chairman Yarbrough commented that a fast food restaurant encourages more traffic than a family restaurant and could be seen as a higher intensity use.
- Brad Tucker commented that usually the disallowed uses are more intense uses but in this case it is less intense uses that are disallowed, pushing the site toward more intense uses. Mr. Tucker asked if that was a correct interpretation.
  - Gabriel Quintas responded that staff intends to orient the development toward more intense commercial uses, given the highway business zoning.

- Brad Tucker commented that it appears that staff's idea of commercial leans toward industrial development, and Mr. Boswell's idea of commercial leans toward "Epps Bridge" style development.
- Gabriel Quintas responded that the idea is to orient toward goals of the future development map; the intent is to have more intense uses closer to arterial roads like 316 and cluster less intense uses in areas that are more appropriate.
- Brad Tucker commented that it seems like there are a lot of unknowns in this property. If we were to approve this rezone, it would place a burden on planning staff has to shepherd the development along.
  - Gabriel Quintas stated that substantial compliance with the concept plan would be required and no disallowed uses would be allowed to locate on the property.
- Mr. Tucker asked what Mr. Boswell would need to do if Tractor Supply wanted to come in, and at what point he would need to come back through the planning commission.
  - Gabriel Quintas responded that they would need to abide by conditions such as the 80% lot coverage and architectural standards. If they wanted to increase the intensity of use or introduce uses that were not allowed, they would need to come back before the planning commission. As long as they keep the layout as shown on here they would be OK and recombinations would be allowed.
- Maria Caudill commented that staff has made recommendations based on the UDC and the Future Development Map.

There being no further questions or comments from the commission, a motion was in order.

Motion to approve by George Rodrigues, removing condition #10 and removing the following uses from the disallowed use table under condition #12: barber shops, nail salons, tanning salons, exam preparation & tutoring, fitness centers & health clubs, batting cages (indoor), beauty salons, and diet & weight reducing centers. Second by Brad Tucker. Voting in favor of the motion: Maria Caudill, Chuck Steen, Brad Tucker, TL Turman, Steven Strickland, Penny Mills, Bruce Macpherson, and George Rodrigues. Voting against the motion: Chuck Hunt & Mike Floyd. The motion passed with an 8-2 vote.

**Item #2. Special Use #7659, Ellington Farms Development Partners, LLC, ±6.567 acres, Lilly Lane & Wildflower Trail. Wildflower Meadows Subdivision Amenity Lots.**

Gabriel Quintas presented the staff report. Staff recommended approval subject to two conditions. Mr. Quintas stated that both subject tracts are currently undeveloped and contain stormwater detention ponds and that the applicant is proposing to develop both lots as amenity areas for the subdivision.

Chairman Yarbrough asked if there were comments from the applicant.

Abe Abouhamdan of Abe Engineering spoke in favor of the request on behalf of the owner. Mr. Abouhamdan stated that the development of these amenity lots are a condition of the rezone passed in 2006 that required a special use permit for amenity lots. He stated that the first amenity lot is in phase 1 of the subdivision, the second amenity lot is in phase 2 and contains many active recreational features including a junior Olympic-size pool.

Chairman Yarbrough opened the floor for public comment and called for those in favor or against the request to speak.

**Brian Vogal and Mike Blair** spoke against the proposal. They both live adjacent to amenity area 1 and are concerned about the entrance gates directly adjacent to their lots. Brian Vogal was concerned about extra traffic and trash and asked if there will be a privacy fence. Mike Blair was concerned about privacy and noise and asked if there will be any type of natural barrier to reduce noise from the amenity area. He was also concerned about pedestrian traffic cutting through his yard.

Roy Burn also spoke against the proposal. He lives in the neighborhood and asked whether the project was going to be maintained by the HOA. Mr. Burn stated that anyone who wants to play horseshoes or cornhole can do so in their backyard if they want. He was concerned that the amenities would be an expense for the HOA.

Abe Abouhamdan was given an opportunity for rebuttal of the comments and said that on amenity area 1 all the activities are towards the rear of the lot so there should not be a problem with neighboring residents. The fence has been moved closer to the detention pond and the trail will be outside this fence. These lots will be turned over to the HOA eventually and they are intended for the benefit of the whole community as a place to gather and for families to do activities. Mr. Abouhamdan stated that they do not have a problem removing the active recreation elements from amenity area #1 but were trying to make it more active and attractive to the residents.

Chuck Hunt asked if the amenity lots are a requirement of the original subdivision?

Abe Abouhamdan responded that yes, both lots were established by preliminary platting on day 1, and they have not been moved or changed.

Chairman Yarbrough closed the Public Comment period.

The Planning Commission discussed its concerns/comments including but not limited to:

- Chairman Yarbrough asked staff if these lots were originally platted as amenity lots.
  - o Gabriel Quintas responded that the same lots were designated amenity areas in the associated rezone concept plan.
- Chairman Yarbrough asked how many lots are in the subdivision and expressed concern about the size of the pool and whether the parking lot would be large enough.
  - o Gabriel Quintas responded that the concept plan currently does not show all the required spaces, and the applicant intends to submit an administrative variance to reduce the required parking by 4 spaces.
  - o Maria Caudill commented that use of the amenity area is exclusive to the occupants of the subdivision.
- Brad Tucker asked if it is typical in the County for amenity areas to include fenced stormwater detention ponds as primary features.
  - o Gabriel Quintas responded that he did not know offhand because there have not been many amenity lots developed recently.
- Brad Tucker stated that he shares the homeowners' concern about keeping pedestrians off the adjoining property as they access amenity area 1 and that they may need to add fencing to provide security to neighbors.
  - o Gabriel Quintas responded that the planning commission could recommend a condition to add a fence at amenity area 1.
  - o Abe stated that it would look like you are walking through two fences and would not look very nice since it would be only about 15 feet between the proposed new fence

- and the fence that goes around the detention pond. Mr. Abouhamdan proposed a natural vegetative buffer that would look nicer and still protect neighboring properties.
- o Maria Caudill commented that people may be walking their dogs near the neighbors' houses if there is natural landscaping instead of a fence.
  - Mark Jennings, the owner/developer of Wildflower Meadows Subdivision stated that they would like a recommendation to eliminate the amenity lot 1 but that they have to install it because it is a condition of the rezone. Mr. Jennings stated that he did not want to build amenity area 1 and that the homeowners don't want it either.
    - o Brad Tucker asked staff if such a recommendation was within the scope of what the planning condition can do.
      - Gabriel Quintas responded that the recreational elements on both amenity lots need to remain in compliance with condition #2. Both amenity areas have to include some of the active elements as suggested in the rezone condition.
      - Planning commissioners discussed with staff whether it had to include the specific elements that are currently on the concept plan, or whether the condition could be satisfied by a fitness trail.
    - o Chairman Yarbrough asked if Mr. Jennings and the HOA could get together before the BOC meeting and come up with other ideas to send to the Board.
      - Gabriel Quintas responded that that is a possibility.

There being no further questions or comments from the commission, a motion was in order.

Motion to approve by Chuck Steen with the two conditions suggested by staff; second by George Rodrigues. Voting in favor of the motion: Mike Floyd, Maria Caudill, Chuck Steen, Brad Tucker, TL Turman, Bruce MacPherson, Steven Strickland and George Rodrigues. Voting against the motion: Penny Mills and Chuck Hunt. The motion passed with a 8-2 vote.

**Adjourn.** With no further business, on motion by Chairman Yarbrough the Planning Commission adjourned at 8:13 p.m.

  
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 OCONEE COUNTY PLANNING COMMISSION CHAIRMAN

2/18/19  
 DATE

  
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 OCONEE COUNTY PLANNING COMMISSION SECRETARY

02/18/19  
 DATE