

**Planning Commission
Minutes
October 13, 2008**

John Merrill, Acting Chairman	Present & Presiding
Eron Moore	Present
William Childers	Present
Leon Smith	Present

Staff Present:
David Gussio, City Attorney

Mr. Merrill called the meeting to order at 7:02 PM.

Mr. Merrill presented the procedure for the Commission's meetings including sign-in cards (Speaker Cards) for those wishing to speak before the Commission.

Mr. Merrill declared that the commission had a quorum.

APPROVAL OF THE MINUTES

Mr. Merrill then asked for approval of previous minutes.

Mr. Moore made a motion to approve the September 15, 2008 minutes, seconded by Mr. Childers; passed 3-0.

OLD BUSINESS

1. **SU-08-05** Group Home
United Cerebral Palsy of Georgia
291 Forest Lake Road
5-141-120

Mr. Merrill called the item to order. He asked for a representative for the applicant to come forward. Ms. Diane Wilush presented for the applicant. She stated that she had no formal presentation and that her attorney could not be present.

Mr. Smith questioned the applicant on how long they were there, and after the answer why did it take them so long to apply for the SUP. Ms. Wilush's response was that she was unaware that a permit was necessary. They thought federal law superceded city regulations.

Mr. Childers requested that Ms. Wilush explain in detail, exactly how the house operated including the numbers and make up of the people living at the house.

Ms. Wilush, explained that they provided 24 HR care for people with many forms of disabilities, there is 24 HR staff responsible for the care of these individuals. There are currently 5 people being cared for at the house, she further stated that is more than normal. Usually the number is 4.

Mr. Moore questioned how this came to the city's attention. She wasn't exactly sure. But she did get official letter from the city's attorney.

Mr. Childers and Mr. Smith asked several more questions. Including if the police had ever had to be called to the house. She could not give specific incidents.

Mr. Moore then asked if the property had an acre of land, Ms. Wilush did not know. He also asked if the property lay on a minor collector. Again she did not know.

Mr. Merrill then called upon any opposition.

Ms. Beverly Dryden, made a statement, and then requested that the Planning Commission deny the request for the following reasons:

- 1) Lot size too small
- 2) Lot is on a local street
- 3) Police called 10 times
- 4) Garbage and trash handled carelessly
- 5) DCA rules violations

Jan Overton spoke; she lives across the street from the requested group home. She presented the official police reports (written and orally) and a list of problems with the facility. She also presented a letter from the neighbor who lives next door to the "group home". She then presented a petition to the commission.

Mr. Childers then made comments concerning whether this use would be better served in a different location and not in a subdivision.

The commission then commended Ms. Overton for the quality of her presentation.

Mr. Jimmy McMillan also spoke in opposition.

Ms. Susan Yost stated that these individuals need help and we shouldn't remove them out of the subdivision. They have no other place to go.

Mr. David Gussio gave the Planning Department's report. Stating that two of the regulations are not met. Lot size and not on a major collector designated street. The recommendation from the Planning Department is for denial.

Mr. Bill Childers made a motion to deny the request. It was seconded by Eron Moore. The motion carried 3-0.

NEW BUSINESS

- 1. RZ-08-07** HSB to LM
John B Williams
NW corner of Winder Hwy and Hosea Rd
5-178-001

Mr. Merrill asked if anyone was present to represent this request. Jason Mirabella stated notices to the public went out late and requested that this request be tabled so that proper notification can be served.

Mr. Merrill then asked for a motion. **Mr. Moore made a motion to table the request it was seconded by Mr. Smith. Motion carries 3-0.**

- 2. SU-08-08** Special Event Facility
550 Trackside, LLC
550 N Clayton St
5-146C-032A, 033, 034

Mr. Merrill called this item and asked if anyone was present to represent this request. No one came forth.

Mr. Merrill then asked for a motion. **Mr. Childers made a motion to table the request; seconded by Mr. Moore. The motion passed 3 to 0.**

- 3. SU-08-09** Sign – Electronic Message Board
Sunrise Baptist Church
3000 Sugarloaf Pkwy
5-108-034

Mr. Merrill called for the applicant of this request to state his case. Mr. Dan Sapp came forward. He gave a brief history on the old sign and the church's desire to have a new sign that better fits the new building and to remove the old sign that is looking it's age. He then described the looks and operating abilities of the sign.

Mr. Smith asked about the visibility of sign. Mr. Childers made statements concerning the attractiveness of the church facilities.

There was no opposition.

Mr. Gussio stated the recommendation of the Planning Department, which was for approval.

A motion was made by Mr. Smith seconded by Mr. Childers. The motion carried 3-0.

Report by Staff

There was none

Comments by Planning Commissioners

Mr. Childers stated his concern about the “Quality of Life Unit” and the job not getting done. Who is responsible for making sure they are doing their job. Mr. Merrill stated he believed the enforcement belongs with the Police Department. Mr. Gussio also spoke on the discussion of the “Quality of Life”. He agreed with Mr. Merrill that it would be the Police Department that would handle the enforcement. He also stated that some recent regulations towards the ambiguity of the requirements should have been cleared up through recent zoning amendments.

Mr. Merrill would like the Planning Commission to look into future discussion concerning:

- 1) Many zoning amendments now require “Special Use” permits. We should go through the zoning ordinance and see if there are other uses that also should be placed within the “Special Use” category.
- 2) We should look into a tree ordinance and green space requirements.

Mr. Merrill then adjourned the meeting.

John Merrill, Acting Chairman

Brad Leonard, Planning Director