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Clayton County
Community Development Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



PATRICK EJIKE
DIRECTOR

Clayton County Zoning Advisory Group
Minutes of December 7, 2015

The regular meeting of the Zoning Advisory Group was held this date of December 7, 2015 in the Commissioners Board Room, Administration Building 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Herman Turner, Vice Chairman Addie Whittaker, Board Member Kevin Lewis, Board Member Frenda Norwood, Board Member Rae James and Board Member Larry Bussey. Patrick Ejike, Kimberly Smith, Lenise Lyons, and Linda Willis were present from Community Development.

Members absent were: Board Member KC Watts. Legal counsel was not represented.

The meeting was called to order at 7:00pm by Chairman Herman Turner. The pledge of allegiance was said in unison.

The motion to approve the agenda was made Board Member Kevin Lewis and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

The motion to approve the minutes of October 5, 2015 and table the minutes of November 2, 2015 was made by Board Member Frenda Norwood and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

Chairman Herman Turner asked for recognition of anyone having business with the Zoning Advisory Group. There were none.

Chairman Herman Turner asked if there were any Reports of Committees or Old Business. There were none.

The Procedures for the Clayton County Zoning Advisory Groups' Public Hearings was given by Ms. Linda Willis.

The Chairman called for New Business.

a. TXT-2015/11-01

Clayton County Community Development Department, Planning & Zoning Division is requesting amendments to the Clayton County Official Zoning Map, adopted in 2008, to rectify errors found for the properties located at 2549 Old Rex Morrow Road, further described as parcel number 12-172C-B001, and 2495 Old Rex Morrow Road, further described as parcel number 12-172C-B002.

The staff report for TXT-2015/11-01 map amendment was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: This case is initiated by Planning and Zoning Staff to rectify an error made in the Official Zoning Map, adopted in 2008. This particular case is associated with Item C of the Agenda CUP-15/10-20. In

order for the Applicant to seek a conditional use permit, the errors found for the above properties would require the Zoning Map to be rezoned back to its original zoning to allow for a used automobile dealership.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Kevin Lewis: This is just to correct an error? **Kimberly Smith:** Yes, that's correct.

The motion to **approve** TXT-2015/11-01 map amendment, was made by Board Member Kevin Lewis and seconded by Vice Chairman Addie Whittaker. The vote unanimous.

b. Sign-2015/11-02

Clayton County Community Development Department, Planning & Zoning Division is requesting the adoption of text amendments to the Zoning Ordinance pertaining to signage regulations: Article 1, Article 8, and Article 9.6.

Kimberly Smith: This amendment came before you this summer. The County Legal Department had some concerns about some of the cases that had come down to the Supreme Court, and they have reviewed them and is now back before you. The Community Development Director, Patrick Ejike was give you a summation.

Patrick Ejike: Good Evening. My name is Patrick Ejike and I am the Director of Clayton County Community Development. This is the Sign Ordinance that was brought to you during the summer. It got re-held during the process as a result of that the Law Department received an opinion that the Supreme Court brought them. I wanted to make sure that we dont violate any of that, from happening, because it came out in the case study. So they have reviewed that part and found that our Ordinance to be consistence with what the Supreme Court saying. The second part to this as you the Board Members all know, we made the Sign Ordinance where it is easy to implement. If you would look at the handout of the Sign Ordinance where it talks about Article 8 Sign Ordinance Standards as you can see it makes it easy for your understanding and interputation. Article 9.6 - Non-Conforming Sign Standards was mixed up in the rest of the Zoning Ordinance, we deleted Article 9.6 in its entirety and created a new section in the Sign Ordinance 8.2 that will address non-conforming signage and all businesses that currently have signs will have to come and show proof of permitting. Once this Sign Ordinance is past by the Board of Commissioners we will have three (3) types signs: Legal signs, Non-Conforming signs, and illegal signs. This will allow us to clean up signage in Clayton County. We will send letters to everyone who we do have in our database to show proof of obtaining a permit. How the clean up of signs will take place is added in the new Sign Ordinance, which will enforce the clean up of existing signs in Clayton County.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Kevin Lewis: So, currently those three (3) types of signs are not permitted, do not have permits for those signs or do they currently have a permit, but we do not have a standard written for them? **Patrick Ejike:** Signs can fall into three (3) categories: Legal signs, or you have an existing sign prior to the 2008 Ordinance that makes the sign a legal non-conforming sign. What is happening at this time is that the implementation of signs give us some backp or key to enforce our signs. The Sign Ordinance will explain what we are going to do through the Ordinance.

Board Member Kevin Lewis: That section that was deleted, do anyone have a copy? **Patrick Ejike:** Yes. It is deleted from the Zoning code and moved into the Sign Ordiance.

The motion to **approve** Sign-2015/11-02 was made by Board Member Kevin Lewis and seconded by Vice Chairman Addie Whittaker. The vote unanimous.

c. CUP-15/10-20

The Applicant, **Robert Adamson**, on behalf of Maria Adamson is requesting a Conditional Use Permit from Article 3, Section 3.21 General Business (GB) District, to allow for used automobile dealership sales. The subject property is located at **2549 Old Rex Morrow Road, Ellenwood, GA** and otherwise known as 12-172C-B001. The subject property is approximately 3.6 +/- acres of land.
Commissioner District 1 – Sonna Singleton Gregory

The staff report for case CUP-15/10-20 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Staff have recommended **denial** of this application based on the surrounding properties and the Future Land Use Map which is geared toward commercial/industrial mixed use. However, that area has not begun that transition at this time.

Chairman Herman Turner called for the petitioner to present their case.

The petitioner was represented by Robert Adamson, located at Country Roads Drive, Stockbridge, GA

Robert Adamson: We have operated as an automotive repair business for 35 years. We run a good and thriving business. We are not trying to be build a car lot, we just want the ability to buy and sell a few cars. We have our hands full with what we do now. We just want to offer an additional service and I think we will be good at it.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Larry Bussey: Will the cars you sell be the cars you have repaired? **Robert Adamson:** No. We will access and buy cars at auctions. We would not sell cars to our customers and friends that does not work.

Board Member Larry Bussey: Do you currently have dealer license? **Robert Adamson:** No, this is what this CUP (Conditional Use Permit) will allow us to do.

Board Member Frenda Norwood: When you say you want to have a few cars, what is your definition of a few?

Robert Adamson: I perceived less than ten (10), however, realistically less than five (5), but I would also like to have room for growth so I would not have to go through this process again.

Board Member Kevin Lewis: You have been there for over 37 years during auto repair, and that area has grown mostly residential, is that correct? **Robert Adamson:** Yes. We have the two parcels that you guys are looking at tonight. All the properties that abuts me are single family homes, everything across the street from me is Heavy Industrial.

Board Member Kevin Lewis: You have been there for over 37 years during auto repair, and that area has grown mostly residential, is that correct? **Robert Adamson:** Yes. We have the two parcels that you guys are looking at tonight. All the properties that abuts me are single family residential, everything across the street from us is Heavy Industrial I believe. We are on 3 ½ acres, and we are not planning on any kind of construction are additions

Board Member Kevin Lewis: Since the growth has taken place around you for the last 37 years, why now, why the expansion? **Robert Adamson:** I don't consider it as an expansion. I tried before, it's a long process and always get caught up in the zoning of the property and from the State.

Board Member Rae James: The residential area that is around you, how many neighbors are around you, are they communities or single family homes? **Robert Adamson:** There are subdivisions around me and a cell tower on the property that we went through zoning about six year ago. We had a petition with over 700 signatures in support of the cell tower. So, there are a lot of neighbors.

Chairman Herman Turner: How close is the shop to the residential property? **Robert Adamson:** The homes behind us is as close as they are to their neighbors.

Board Member Larry Bussey: Is there a HOA within the Subdivision? **Robert Adamson:** No.

The motion to **deny** Case# CUP-15/10-20 based on the recommendation of Staff was made by Board Member Kevin Lewis and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

d. CUP-15/10-21

The Applicant, **Julie Seller, Esq.**, on behalf of Atlanta Recovery Center, LLC is requesting a Conditional Use Permit from Article 3, Section 3.11 Multiple Family Residential (RM) District to allow for a Residential Treatment Facility for Eating Disorder Recovery. The subject property is located at **7264 Southlake Parkway, Morrow, GA** and further described as 12-079A-A009. The subject property is approximately 2.52 +/- acres of land.

Commissioner District 4– Michael Edmondson

The staff report for case CUP-15/-10-21 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Staff have recommended **approval** of this application.

Chairman Herman Turner called for the petitioner to present their case.

The petitioner was represented by Julie Sellers and Elizabeth Story, located at 1230 Peachtree Road, Atlanta, GA on behalf of Atlanta Recovery Center, LLC

Julie Sellers: This is a conditional use permit for a residential treatment facility for eating disorders. (Passed out an aerial and photos of the facility). This is an existing facility. They operate a variety of treatments facilities across the country and this will be their first residential facility in Georgia. The patients will be from 15 to 60+ years of age and will not be able to bring their cars.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Frenda Norwood: Will there be any renovations to the structure? **Julie Sellers:** No, not at this time. There have been some discussion about making changing to the cafeteria sometime in the future.

Board Member Larry Bussey: What will be the operating hours? **Julie Sellers:** It's a residential facility where patients live there. There will be doctors and nurses there and will help the psychiatrist that comes in once a week. There will be a seating area for group therapy. The program can last from 30 to 90 days.

Board Member Larry Bussey: Will there be any type security, looking at the photos I do not see any outdoor lighting? **Julie Sellers:** There are flood lights on the building and the intention is to leave the existing security in place, which is a gate control access.

Vice Chairman Addie Whittaker: You stated that they will not have access to their cars, how will they be transported, and will you have a separate section for the younger group opposed to the older group? **Julie Sellers:** Typically for most facilities patients are usually brought there by family members or friends for their intake. Transportation is not provided by the facility.

Chairman Herman Turner: Did you say how many individuals can be there at any given time? **Julie Sellers:** They don't have an exact number yet because we didn't count bedrooms yet, but they did say each woman that

stays there will have a roommate and a house mother at each house. They will be monitor 24 hours a day. They will have a private bathroom, which two women will share. When we spoke with the representative, they haven't yet inspected the townhomes.

Chairman Herman Turner: How many townhomes? **Julie Sellers:** There are eight (8) different units.

Vice Chairman Addie Whittaker: Do you have males and females? **Julie Sellers:** Females only and the ages are separated into different homes.

Board Member Rae James: What company wants to put this in Clayton County? **Julie Sellers:** The Atlanta Recovery Center, LLC is the entity that is purchasing the property, the parent company is called Acaaia and they are a health treatment provider nationwide. There are facilities here in Georgia, but as out patient.

Board Member Rae James: Are these doctor referrals? **Julie Sellers:** Yes, they are doctor referrals and self-referrals.

Board Member Kevin Lewis: Are there any mental disable patients are is it just patients with eating disorder? **Julie Sellers:** This facility is just for eating disorders.

Vice Chairman Addie Whittaker: After the 90 days if they have not fully recovered, do you continue to keep them or dismiss them? **Julie Sellers:** My understanding is their program is designed to try to get people back into their previous everyday lives, but if you're not better in the 90 days we will not booth you out.

Vice Chairman Addie Whittaker: Does this have to do with insurance, and when a patient comes in, do they have to have a certain type of insurance? **Julie Sellers:** I do not know the answer to that question that is not something we ask. We wanted to get into the general operation, but I will be happy to follow up and get an answer to that question.

Board Member Kevin Lewis: My question goes back to Acaaia. Acaaia is the parent company and the Atlanta Recovery Residents is the current owner? **Julie Sellers:** The current owner is Metro Atlanta Recovery Residents.

Board Member Kevin Lewis: They operated an alcohol and drug center? **Julie Sellers:** That's correct.

Board Member Kevin Lewis: Is that still up and operating at this point? **Julie Sellers:** It is not currently operating. To be completely candid I think that it was an oversight with the sale of the property, and it was their understanding that the current conditional use permit would transfer and would allow for the eating disorder. Then getting further in the process an issue was raised that a permit would be needed.

Board Member Rae James: If the young ladies check into this program are they allowed to check themselves out? **Julie Sellers:** It's a voluntary treatment facility.

Board Member Rae James: Is this related to Georgia's insurance in any way, and how is this funded? **Julie Sellers:** They do accept insurance and I don't know if there is a particular type of insurance.

Vice Chairman Addie Whittaker: Well they have different type of insurance, whereas they may accept Peach State and not accept Well Care or they may have private insurance or other types of insurance. Some insurance are acceptable and some are not. Will they accept all types of insurance? **Julie Sellers:** I do not know the answer to that.

Board Member Kevin Lewis: What is the number of living spacing/rooms? **Julie Sellers:** There are eight (8) units and if you think about as a townhouse community it is basically how these are constructed.

Board Member Larry Bussey: Are there walk-ins? **Julie Sellers:** I do believe they would accept walk-ins without a referral, but I will verify.

The motion to **approve** Case# CUP-15/10-21 was made by Board Member Kevin Lewis and seconded by Board Member Frenda Norwood. The vote was unanimous.

e. RECZ-15/10-23

The Applicant, **Patrick Jaugstetter**, on behalf of Reese-Taite, LLC is requesting a Rezoning from Article 3, Section 3.15 Office Institutional (OI) District Standards to Article 3, Section 3.27 Regional Mixed Use (RMX) District Standards for a retail strip shopping center. The subject property is located at **7139 Mt. Zion Blvd., Jonesboro, GA** and further described as 12-083D-D012. The subject property is approximately 3.7 +/- acres of land.

Commissioner District 4– Michael Edmondson

The staff report for case RECZ-15/10-23 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Staff have recommended **approval** of this application. This property was originally zoned General Business (GB) District, and when the County adopted a new zoning map in 2008 the zoning of the subject property changed to the OI District zoning classification. All of the strip mall type land uses are ordinary land uses allowed in general business or commercial zoning classification, however are not permitted uses within the OI zoning district. The subject property was originally developed as a retail strip mall and has maintained this land use over the years. When the property was rezoned by the adoption of a new Zoning Map in 2008, the new OI zoning district classification ultimately limited retail/commercial uses.

Chairman Herman Turner called for the petitioner to present their case.

The petitioner was represented by Patrick Jaugstetter, located at P.O. Box 70, McDonough, GA on behalf of Reese-Taite Enterprises, LLC.

Patrick Jaugstetter: I represent the owners of the strip center. It is an existing building and it has been there for years and was designed, built, and permitted as a strip center. I believe when the map was redrawn in 2008, it was redrawn incorrectly, because it's not an Office Institutional type of property, it is a typical retail center. The building itself is about 21,000 square feet and divided into eleven (11) different units. Reach out businesses want to relocate there, but cannot get their business license because it is not property zoned. We have no plans for any new constructions, no plans for expansion, and no plans for any structural changes. It is relatively an attractive building and located to the west of the interstate on Mt. Zion Blvd. It is in the middle of other mixed use businesses and strip centers. I believe this is a correction to the zoning. There is no immediate plans for any specific tenants, the few tenants that had come has gone to other places. The owners will market new with the assurance they will get good tenants in and they can qualify to pay rent. The goal is for them to be able to market the place.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Larry Bussey: Did I hear you say that you are going to have new tenants? **Patrick Jaugstetter:** There are currently three (3) vacancies now, so there will be new tenants in those spots. We do not have any one right now, but would like to be able to market for rent.

Board Member Larry Bussey: I am to understand that you have a certain type of criteria that you have outlined for certain types of tenants? **Patrick Jaugstetter:** They have a credit approval process. I don't know exactly what their standards are as far as credit score. I presume they are looking for someone who has a business plan or model, or resources.

Board Member Larry Bussey: The reason I ask, we have a lot of strip malls with vacant spaces. If we are going to have more strip malls we will need the right tenants to bring something to the community. **Patrick Jaugstetter:** You are absolutely correct, and it is also good for land use.

The motion to **approve** Case# RECZ-15/10-23 was made by Board Member Frenda Norwood and seconded by Board Member Larry Bussey. The vote was unanimous.

f. RECZ-15/10-24

The Applicant, Michele Battle on behalf of The Success Learning Academy, Inc., is requesting a Rezoning from Article 3, Section 3.9 Residential District (RG-75) to Article 3.15 Office Institutional (OI) District to allow for a daycare center located at 699 Pointe South Parkway, Jonesboro, GA. The property is located in Land Lot 247 of the 5th District of Clayton County further described as parcel number 05-247B-A002. The subject property is approximately 0.90+/- acres of land.

Commissioner District 3 – Shana M. Rooks

The staff report for case RECZ-15/10-24 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Staff recommends **approval** of the rezoning request from RG-75 to OI district with a condition to allow for the operation of a childcare center only, pursuant to the codes, regulations, and requirements set forth in the Clayton County Zoning Ordinance.

Chairman Herman Turner called for the petitioner to present their case.

The petitioner was represented by Michele Battle, located at One West Court Square, Decatur, GA on behalf of The Success Learning Academy, Inc.

Michele Battle: The Success Learning Academy is currently operating a facility here in Clayton County and recently acquired the property at 699 Pointe South Parkway in order to relocate from where they were renting. At the time they acquired the property from KinderCare it was their understanding that the property could be utilized for a daycare facility. They had no reason not to believe that since it had operated as a daycare since 1979. Unfortunately they found out when they went to apply for their business license that in fact the County had rezone the property and I am not exactly sure why and I am not exactly sure when. KinderCare had operated on the property up through at least 2003 and I believe potential up through 2005/2008. The property was down zoned in 1975, and that of course made absolutely no sense to us in like of the fact that the property was currently approved when the 4631 square foot daycare was clearly a daycare facility with an accompanying playground. As currently zoned this property has zero use, and no marketability for this 4631 square foot building in order to build more townhomes and single family homes, which appears to me is already covered with residential use. As you can tell from the surrounding properties that this street certainly has the capacity to allow for this non-residential use. There were a couple of modifications we were asked to make to the parking lot area, which the applicant has already undertaken to make which included in removing some of the landscaping into parking spaces. With regard to the perimeter of the property we will be seeking variances for the setbacks. With the property being vacant, neighbors have notice that children are using the playground area as a gathering in the evening because it is a convenient spot. Additionally, the townhomes behind us we found bullet holes in the fence where they were taking target practice because no one is in the building. The applicant has worked very hard to continue to upgrade so they can open in January. I respectfully request a recommendation of approval.

Chairman Herman Turner called for anyone that was in opposition of the petition. There were none.

Chairman Herman Turner asked if there were any questions from the Board Members.

Vice Chairman Addie Whitaker: How many kids are you planning to bring into the facility and at what age range? **Michele Battle:** The kids will be from Pre-K to twelve years of age and there will be about 50 kids.

Vice Chairman Addie Whitaker: How long will this facility be open? **Michele Battle:** From 7:00am to 6:30pm.

Board Member Frenda Norwood: Will you accept children or families whose care is subsidized by the State?
Michele Battle: Yes.

Chairman Herman Turner: Where are you moving from? **Michele Battle:** They are moving from Highway 85.

Board Member Kevin Lewis: Will you maintain that facility and add another? **Michele Battle:** No.

Chairman Herman Turner: They are renting at the place where they are now and buying this one, is that correct? **Michele Battle:** Yes.

The motion to **approve** Case# RECZ-15/10-24 based on Staff recommendation was made by Board Member Kevin Watts and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

There being no further business, the motion to adjourn was made by Board Member Larry Bussey and seconded by Board Member Kevin Watts. The vote was unanimous.

The meeting adjourned at 8:15 p.m.



Linda Willis, Assistant Secretary
Zoning Advisory Group
Clayton County, Georgia



Herman Turner, Chairman
Zoning Advisory Group
Clayton County, Georgia