



**Forest Acres Planning Commission  
Minutes  
August 21, 2018 6:00 P.M.  
Forest Acres Council Chambers  
5205 N. Trenholm Rd.**

**I. Call to order**

- 1. Determination of a Quorum**
- 2. Statement of Notification**

Mr. Gentry called the meeting to order at 6:03PM and noted that there was a quorum. Mr. Joe Gentry, Mr. Ralph Bailey, Mr. Jack Cantey, Ms. Beronica Whisnant, Mr. Ellis Creel and Mr. Stephen Powell were present. Mr. Will Dillard was absent. He further reminded everyone that the Planning Commission meetings are recorded.

**II. Approval of Minutes**

- 1. July 17, 2018**

Ms. Whisnant made a motion to approve the July meeting minutes. The motion was seconded by Mr. Cantey. Without further discussion, the minutes were approved as written, unanimously.

**III. New Business**

- 1. Rezoning request**

*A request by the owner to rezone property at 3278 Bagnal Drive (TMS 14001-08-19) from Residential District (R-1) to a General Commercial District (C-3).*

- A. Opening Statement** – Mr. Gentry announced this rezoning request and invited Mr. Greenwood to speak. Mr. Greenwood showed the Commission where the parcel is on the City’s zoning map and noted what surrounding zoning is. He noted that the applicant wishes to operate a real estate business at the property which is not allowed in R-1, which would require commercial designation. Mr. Cantey asked and Mr. Greenwood confirmed that the request is specifically for C-3 (as this is zoning that is currently contiguous to the property) but that our ordinance would allow “down-zoning” next to this C-3 (i.e., C-1 or C-2 would be possible for this parcel, even though it’s next to a C-3 lot). Mr. Gentry allowed the applicant to speak. She noted that she’s been in the real estate business for many years and wishes to use the property for her business.
- B. Public Comment** – Mr. Gentry invited comment from the public, first those in opposition.
  - Ms. Buckner on Bagnal Dr. (4 houses up from the property in question) noted that the street is quiet and well-established as residential – a great place for first-time, professional homeowners. She’s worried about continuing commercial encroachment into Druid Hills. She thinks it’s inconsistent with the 2009 comprehensive plan and the one currently up

for consideration (as well as the corridor study) and she's worried about property values.

- Ms. Carson on Bagnal Dr. (diagonal, up the street from the property in question). She can see the property from her house and worries about the "domino effect". She would rather see the real estate office use as a variance rather than a rezoning.
- Mr. Hottel, Bagnal Dr., noted that he wasn't necessarily in opposition but just wanted to understand more about what a commercial variance would entail. He notes that house next to it is a poorly maintained rental home.
- The applicant noted that there are other rental residential properties around this one that are in disrepair and don't add value to the neighborhood and that this use would help improve that area of Bagnal. She noted that this property has been used as an office before.
- Mr. Gentry noted that a zoning change would be in perpetuity and not limited to the current owner and that R-1 to C-3 is a significant "jump" in zoning.
- Mr. Gentry asked for further comment and received none.

### **C. Motion**

- Mr. Creel asked how many employees the proposed office currently has. The applicant answered – 3 (the applicant and two employees).
- Mr. Bailey asked whether the real estate business would include commercial. The applicant said that yes – commercial real estate and property management.
- Mr. Powell asked how many non-employees would come to the office on a daily basis. The applicant replied – none (that clients are met at the site of the property up for sale). She further stated that financial transactions are handled by mail or online.
- Mr. Gentry reiterated his concern about the severity of the jump from R-1 to C-3. Ms. Whisnant concurred and noted that the Commission has to concern itself with more than just the current owner's proposed use (i.e., with what future owners might use).
- The applicant asked what other zoning might allow such an office and Mr. Gentry replied C-1, but that C-3 is what is currently before them.
- Mr. Greenwood noted that it is possible to amend the application (rather than withdrawal, which would require a year waiting period) and issue new notice and come back with a revised request (i.e., C-1 rather than C-3) at a future meeting.

After some discussion, Mr. Greenwood noted that the Commission could table the issue until the next month's meeting. The Chair noted that he would entertain such a motion.

Mr. Bailey made a motion to table the item until the next Planning Commission meeting. Mr. Creel seconded. After no discussion, the Planning Commission voted in the affirmative, unanimously.

Mr. Greenwood noted that he would be in touch with the applicant about how to move forward.

## **2. Rezoning request**

*A request by the owner to rezone property at 3508 Pinebelt Road (TMS 14106-01-10) from Residential District (R-1) to a General Commercial District (C-3).*

**A. Opening Statement** - Mr. Gentry announced this rezoning request and invited Mr. Greenwood to speak. Mr. Greenwood showed the Commission where the parcel is on an aerial view and on the City's zoning map and noted what surrounding zoning is. Mr. Greenwood noted that this parcel is contiguous to a C-3 parcel despite the fact that the County's GIS mapping incorrectly indicates this adjacent property as residential.

Mr. Greenwood noted that another property adjacent to the property in question will file a request to rezone to C-3 if the current rezoning is granted.

Ms. Whisnant asked and Mr. Greenwood confirmed that this property has operated as a non-conforming use (commercial) in the past. There was further discussion about how the property was annexed into Forest Acres. Mr. Gentry noted that many years ago, this was a bar.

The applicant spoke noting that he hopes to lease the building on the parcel out as a commercial business, noting that other parcels in the area are C-3.

Mr. Gentry asked why the jump from R-1 to C-3, rather than C-1 or C-2. Mr. Greenwood noted that the surrounding parcels are C-3 and that C-3 would be necessary to use the existing structure/warehouse on the property as the owner intends. It could be an office in C-1, but not a warehouse.

Ms. Whisnant asked what this parcel shows on the future land use map on the proposed/draft update to the Comprehensive Plan. This property does appear as commercial on the future land use map.

Mr. Cantey noted his opinion that this is a different request than the earlier request in the evening, because of the surrounding area.

## **B. Public Comment**

There was no public comment.

## **C. Motion**

Mr. Cantey made a motion to recommend this rezoning to City Council. Ms. Whisnant seconded. After no further discussion, the Planning Commission voted unanimously.

#### **IV. Other Business**

- 1. Continuing Education Training—August 23, 2018, 5:30 p.m. to 8:30 p.m. – Mr. Greenwood** just wished to remind Planning Commission members of this annual training, to be held in the Council Chambers. Mr. Greenwood noted that the topics would be 1) signage/sign ordinances and 2) the general crafting of ordinances.
  
- 2. Minor Amendment Application for Freestanding Sign at Cardinal Crossing –** Mr. Greenwood noted that this is for informational purposes only, requiring staff approval and not Planning Commission approval. He showed the Planning Commission detail of the proposed signage at Cardinal Crossing. He noted that the PDD, when adopted, just noted that the applicant would follow the City’s sign ordinance, but that’s ambiguous given that the development functions like a major shopping center but without a major anchor tenant (while the apartment portion of the development acts like an “anchor” for the development). He noted that the Cardinal Crossing’s proposal is reasonable and matches other major shopping centers. He also noted that the Cardinal Crossing development wants to put a temporary wrap around the construction fencing along Forest Drive with renderings of the future development. He noted that they haven’t formally submitted an application yet, but that he will likely approve it as he currently understands it.

Mr. Gentry noted that he concurs with Mr. Greenwood’s assessment that this is a minor amendment and that it’s a reasonable request.

Finally, Mr. Greenwood noted a recent increase in sign variance requests which he thinks is an indication that our current sign ordinance isn’t working. He’ll plan to discuss this with City Council and potentially bring proposals to change the ordinance back to the Planning Commission. He’s also working on Land Development Regulations and Planned Development District (PDD) language.

Mr. Gentry asked about current proposed development in Forest Acres, including the timing of the Tuscan Gardens development and any possible development of Richland Mall. Mr. Greenwood noted that land clearing for Tuscan Gardens wouldn’t be until early in 2019 and that there is currently some interest by a developer in Richland Mall but nothing definite at this point.

**V. Adjournment** – Mr. Cantey made a motion to adjourn; Mr. Bailey seconded. Motion passed.

Respectfully Submitted,

Andy Smith, Asst. City Administrator/Finance Director  
*(Administrative support of Planning Commission)*