

MINUTES

Planning Commission Business Meeting

Thursday, January 26, 2012

Municipal Council Chambers

In attendance: Planning & Development, Tim Prater; Planning Commission Chairperson, Ed Warren; Planning Commissioners: Bruce Granoff, Sonny Medlin, Barbara Forrester, Steven Landers, and R.C. Shanks. Arno Angulo arrived late. Mayor Ray Nunley and Council Member Michelle Lynch were present. Administrative Assistant, Nina Ramsey recorded the minutes.

- ▶ Ed Warren called the meeting to order at 7:30 p.m.
- ▶ Invocation given by Sonny Medlin
- ▶ Pledge to the Flag
- ▶ A motion was made by R.C. Shanks and seconded by Barbara Forrester to approve the January 26, 2012 minutes. Motion carried 5 – 0.

Oath of Office

Steven Landers, Bruce Granoff and R.C. Shanks were reappointed to the Planning Commission to serve another 4 year term. Their term will expire in January of 2016. Mayor Ray Nunley administered the Oath of Office to each Commissioner.

Tim Prater presented the following case:

Case #V11-006

Cordoba Property Group II, LLC filed an application requesting a variance to approve a 25 foot buffer reduction on property located at 4095 Atlanta Highway, Map/Parcel #5160-002, Gwinnett County, Georgia. The property owner is William F. and Mary Chancey. The applicant is seeking relief from the City of Loganville Zoning Ordinance *Section 199 – 432 Minimum buffer requirements*. The property to the west of the subject property was zoned CH by the City; however, the property has maintained a continuous single-family use and tax base.

The property owners William & Mary Chancey were not present. The applicant Andy R. Polan was present and stated that he is a representative for the franchisee, Popeye's Louisiana Chicken. Mr. Polan stated that due to the shape of the property, Popeye's could not construct the building, parking and drive-through necessary for a fast food restaurant if a buffer reduction were not granted.

Barbara Forrester asked if they had considered another location and Mr. Polan said another location had been considered; however, this was their first choice. He stated that Popeye's has been working on this project for over a year and were pleased that Home Depot agreed to give access to their property which would allow the use of their driveway with access to a traffic light.

R. C. Shanks asked in regard to market research, was it feasible to consider another chicken restaurant in this area? Mr. Polan said they offer a superior quality product and are never afraid of competition. The restaurant would bring approximately 40 jobs to the area and increase the City tax base.

Ed Warren asked if the applicant had considered putting a fence up between the Morris property as a screen buffer. Mr. Polan said they would do whatever the current zoning code required them to do.

Gloria Morris, property owner affected by the buffer reduction, spoke in opposition. She said her family has lived in their home for over 40 years, raised their children there, have many memories and certainly do not want to leave their home. Her kitchen and den would be next to the restaurant and these are the rooms they spend the majority of their time in. She would have no privacy if this variance was approved and it would break her heart.

Mr. Morris also spoke in opposition. He stated that they were not trying to discourage the sale of the property but thought the required 30 foot buffer should remain in place.

Mr. Warren asked Mr. and Mrs. Morris if they were to install a privacy fence would it make a difference. Mr. Morris said no, he really didn't want them closer than 30 feet to the property. Mrs. Morris said there is a big difference in 30 feet and 5 feet.

Mayor Ray Nunley said Mr. and Mrs. Morris have lived in this house for 40 years and reducing the buffer to 5 feet would be like pushing them out the back door and he could not do that with good conscience.

Planning Commissioner Steven Landers wanted to know if the property was zoned commercial but considered residential because people were living there. Mr. Prater said that was correct. The property was zoned commercial but has a continuous use or non conforming use that will remain in effect until it is no longer a residence.

Councilwoman Michelle Lynch asked if this project would affect the flow of traffic in the area. Mr. Prater said the restaurant would have an entrance and exit off Atlanta Highway and also a back exit that ties into the Home Depot parking lot which has access to a traffic light. He said it should not cause a negative impact on traffic flow.

Sally Feagan, who owns the property behind the proposed development wanted to know more about the detention pond discussed and how it would affect her property. Mr. Prater said a detention pond is required by code to catch the runoff from impervious surfaces. The detention pond for this project should not affect Mrs. Feagan's property according to the proposed plan that was submitted.

Chairman Ed Warren asked for a recommendation to send to the council. Steven Landers made a motion seconded by Barbara Forrester to deny the variance. Motion carried 5 – 0 therefore the recommendation is to deny the 25 foot buffer reduction.

Election of Chairperson – Mr. Warren ask for a motion to elect a chairperson. R.C. Shanks made a motion seconded by Barbara Forrester to elect Ed Warren to serve as Commission Chairperson for another 2 year period. Motion carried 6 – 0 therefore Ed Warren is to serve as chairperson for a period of 2 years. His term shall expire January 2014.

Adjourn

A motion was made by R.C. Shanks and seconded by Barbara Forrester to adjourn. Motion carried 6 – 0 therefore meeting adjourned at 7:43 p.m.

Tim Prater
Planning & Development

Ed Warren
Commission Chairman