

MINUTES

A meeting of the Planning Advisory Commission was held Wednesday, July 17, 2021 in the Council Chambers of the Citizen Service Center.

Commissioners Present:

Chairperson: Ralph King

Vice Chairperson:

Commissioners: James Dudley, Brad Baker, Gloria Thomas, Shelia Brown, Patricia Weekley & Xavier McCaskey

Virtually:

Absent: Raul Esteras-Palos & Larry Derby

Staff Members: Will Johnson, Planner Manager

Others Present:

CALL TO ORDER: Chairperson called the meeting to order at 9:00 a.m. All in attendance stood for the pledge of allegiance to the American Flag. He explained the rezoning process to the audience.

APPROVAL OF MINUTES: Chairperson asked for a motion on the minutes. Chairperson made a motion to submit the minutes as accepted. No changes or additions by other commissioners. Motion carries, minutes accepted.

- 1. REZN-06-21-1222:** A request to rezone 1.75 acres of land located at 4006 / 4018 / 4026 Buena Vista Road & 3913 / 3923 / 3925 North Linden Drive. Current zoning is NC (Neighborhood Commercial). Proposed zoning is GC (General Commercial). The proposed use is Convenience Store, with Gas Sales. DSBV Property, LLC is the applicant. This property is located in Council District 1 (Barnes).

Will Johnson reads the staff report:

General Land Use:	Consistent Planning Area E
Current Land Use Designation:	General Commercial
Future Land Use Designation:	General Commercial
Compatible with Existing Land-Uses:	Yes

Environmental Impacts:	The property does not lie within the floodway and floodplain area. The developer will need an approved drainage plan prior to issuance of a Site Development permit, if a permit is required.	
City Services:	Property is served by all city services.	
Traffic Impact:	Average Annual Daily Trips (AADT) will decrease by 66 trips if used for Commercial use. The Level of Service (LOS) will remain at level E.	
Traffic Engineering:	This site shall meet the Codes and regulations of the Columbus Consolidated Government for commercial usage.	
School Impact:	N/A	
Buffer Requirement:	N/A	
Fort Benning's Recommendation:	N/A	
DRI Recommendation:	N/A	
Surrounding Zoning:	North	NC (Neighborhood Commercial)
	South	SFR2 (Single Family Residential 2)
	East	NC (Neighborhood Commercial)
	West	NC (Neighborhood Commercial)
Attitude of Property Owners:	Sixty (60) property owners within 300 feet of the subject properties were notified of the rezoning request. The Planning Department received no calls and/or emails regarding the rezoning.	
	Approval	0 Responses
	Opposition	0 Responses

Additional Information: N/A

Chairperson asked if the Commissioners have any questions.

Commissioner Dudley, on the traffic report page it looks like traffic would reduce for this use even though it is going to GC. Will Johnson, what they had there in the past would generate more traffic than just one use. Commissioner Dudley, changing the zoning would increase the allowed traffic to the site? Will Johnson, no.

Chairperson, any questions of the applicant at this time?
 Jenny Hastley, 7233 Stillwater Drive Columbus, Georgia. We are seeking are rezoning of 6 parcels for a convenience store with gas. A buffer wall will be created along the back with

shrubs and greenery.

Commissioner Dudley, does staff generally share the opposition letters prior to the meetings. Will Johnson, we do but the email I received was late last night, so it was not sent out prior to the meeting.

Chairperson, can you give us a quick overview of what the email said. Will Johnson, the summary is the citizen is concerned about trash and debris generated from GC uses. Construction damages during construction. A gas station already exists within 1 mile of proposed location.

Chairperson requested anyone in the audience to speak for against this case please come forward.

Mr. Deswani, 2421 Cape Code Drive, enhance the whole area since all 6 parcels will be reduced to 1 property with 1 owner. It should enhance the entire area after the GDOT widening of the road.

Commissioner Weekley made a motion to approve the rezoning. Commissioner Baker seconded. Cases passes unanimously (6-0).

- 2. **REZN-06-21-1200:** A request for a text amendment to amend the text of the Unified Development Ordinance (UDO) in regards to Amending Table 3.1.1 and Chapter 13 pertaining to Solid Waste Transfer Station and Minimum Fines for Offenses.

Will Johnson reads the staff report:

Various requests to the UDO from staff.

- A. Request to amend the text of the Unified Development Ordinance (UDO) in regards to Table 3.1.1. – Solid Waste Transfer Station; Section 3.2.76 – Solid Waste Transfer Station; and Chapter 13 Definitions to read as follows:

UNIFIED DEVELOPMENT ORDINANCE REVISIONS
(Explanation of Revisions)

- 1. **Explanation of Revisions:** Amend Table 3.1.1. by permitting Solid Waste Transfer Station in the following districts:

Use Category	HI	RE1	RE5	RE1	RE1	SF R1	SF R2	SF R3	SF R4	RM F1	RM F2	MHP	UPT	CRD	NC	RO	CO	GC	SAC	SLM	HLI	TECH	NO
Solid Waste																				P	P		*

- B. Request to amend the text of the UDO in regards to Section 12.3.5 – Violation of Soil Erosion and Sedimentation Provisions; and Section 12.5.4 – Violation of Other Provisions.

4. Explanation of Revisions: Create minimum fines for offenses.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>CHAPTER 12</p> <p>Section 12.5.3. Violation of Soil Erosion or Sedimentation Provisions.</p> <p>Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, shall be subject to the penalties or fines listed below.</p> <p>A. <i>Civil Monetary Penalties.</i> Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by the City.</p> <p>1. <i>Maximum Penalty.</i></p> <p>(A) Any person who violates any provisions of this UDO adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, or permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply</p>	<p>CHAPTER 12</p> <p>Section 12.5.3. Violation of Soil Erosion or Sedimentation Provisions.</p> <p>Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, shall be subject to the penalties or fines listed below.</p> <p>A. <i>Civil Monetary Penalties.</i> Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by the City.</p> <p>1. <i>Maximum Penalty.</i></p> <p>(A) Any person who violates any provisions of this UDO adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, or permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply</p>

with any final or emergency order of the Engineering Director issued as provided in this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.

- (B) For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. N/A

2. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

Section 12.5.4. Violation of Other Provisions.

A. *Maximum Civil Penalty.*

1. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who

with any final or emergency order of the Engineering Director issued as provided in this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.

- (B) For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.

Any person violating any provision of this Article shall be fined \$500.00 for the first offense and shall be fined \$1,000.000 for a second and subsequent offense at the same property location.

2. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning, the Director of Inspections and Codes, the Director of Engineering, or the City Arborist issued as provided in these this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.

2. For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.
N/A

B. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

Section 12.5.4. Violation of Other Provisions.

A. Maximum Civil Penalty.

1. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning, the Director of Inspections and Codes, the Director of Engineering, or the City Arborist issued as provided in these this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.

2. For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.

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	<p>shall be fined \$500.00 for the first offense and shall be fined \$1,000.00 for a second and subsequent offense at the same property location.</p> <p>B. <i>Separate Offense.</i> Each day the violation continues shall constitute a separate offense.</p>
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C. Request to amend the text of the UDO in regards to Section 1.2.7 – Zoning District Boundaries by adding new subsection J.

5. Explanation of Revisions: Amend Section 1.2.7. – Zoning District Boundaries by adding subsection J.:

<p>CHAPTER 1</p> <p>Section 1.2.7. Zoning District Boundaries.</p> <p>Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the rules stated below shall apply.</p> <p>A. <i>Rivers, Streams, and Canals.</i> Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.</p> <p>B. <i>Centerlines.</i> Boundaries indicated as approximately following the centerlines of streets, railroads, highways, or alleys shall be construed to follow such centerlines.</p> <p>C. <i>County Limits.</i> Boundaries indicated as approximately following County</p>	<p>CHAPTER 1</p> <p>Section 1.2.7. Zoning District Boundaries.</p> <p>Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the rules stated below shall apply.</p> <p>A. <i>Rivers, Streams, and Canals.</i> Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.</p> <p>B. <i>Centerlines.</i> Boundaries indicated as approximately following the centerlines of streets, railroads, highways, or alleys shall be construed to follow such centerlines.</p> <p>C. <i>County Limits.</i> Boundaries indicated as approximately following County</p>
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limits shall be construed as following such County limits.

- D. *Distances.* Distances not specifically indicated on the Official Zoning Map or contained in the legal description contained in the ordinance to amend the Official Zoning Map shall be determined by the scale of the Map.
- E. *Parallel Lines and Extensions.* Boundaries indicated as parallel to or extensions of features indicated in this Section shall be so construed.
- F. *Platted Lot Lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- G. *Rights-of-way Vacations.* If a street or other public right-of-way is vacated, where a district boundary is indicated following the right-of-way line at the edge of the street, such boundaries shall be construed as moving to the centerline of the vacated street.
- H. *Specific Dimensions.* Where specific dimensions indicate district boundaries, such specific dimensions shall control.
- I. *Interpretation.* Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning Map or in other circumstances not covered by this Section, the Board of Zoning Appeals (BZA) shall interpret the district boundaries.

N/A

limits shall be construed as following such County limits.

- D. *Distances.* Distances not specifically indicated on the Official Zoning Map or contained in the legal description contained in the ordinance to amend the Official Zoning Map shall be determined by the scale of the Map.
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- J. If, because of error or omission on the Zoning Atlas; because public property is sold to private individuals; or because of annexation of territory to Columbus, Georgia, any property in Columbus is not shown as being in a zoning district, the zone classification of such property shall be SFR2 (Single

	Family Residential 2) District unless changed by amendment to the Zoning Ordinance.
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Chairperson asked if the Commissioners have any questions.

Commissioner Dudley, if we have only had 1 of these solid waste transfer stations in the county for 35 years what would be the pros and cons of requiring an SEU in these zoning districts? Will Johnson, that is on the table.

Commissioner Brown, who is issuing the tickets and how do they determine when it is needed? Will Johnson, Inspection Officers and it is based off the UDO. This Text Amendment sets minimums. Commissioner Brown, what happens if they don't pay the fine? Will Johnson, they will probably issue a bench warrant. The Courts are who impose the fine.

Commissioner Thomas, can they go to jail if they don't pay. Will Johnson, a judge can let them accumulate or issue a bench warrant. That is up to them.

Commissioner McCaskey, how do they decide the fines. Will Johnson, the Inspectors just write the citations, the Courts generate the fine amounts. Anywhere between \$500 and \$1000.

Commissioner Weekley, if the business doesn't pay the fines can the business be shut down? Will Johnson, the Judge can do whatever they see fit.

Leah Braxton, 125 Almond Drive Fortson, Georgia. What the fines be for just their property, or will it also apply to trash dropped on the sides of roads getting to their property? Will Johnson, this fine is just for sedimentation. It is site specific.

Leah Braxton, please table the solid waste transfer facility request until more information and more research can be done.

Chairperson, Commissioner Dudley brought up a solution to require a SEU to move forward on future cases. Are you suggestion HMI and LMI aren't the right classification? Leah Braxton, I'm not suggesting that but maybe this use has its own zoning classification.

Commissioner Thomas, are you having these problems now? Leah Braxton, I have other problems not related to this but related to an HMI heavy use and litter and debris.

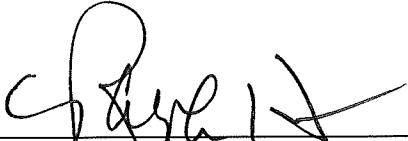
Chairperson requested anyone in the audience to speak for against this case please come forward. No response.

Commissioner Dudley made a motion to approve the rezoning with the condition of requiring a SEU. Commissioner Brown seconded. Cases passes (4-2 - Commissioners Baker & Weekley).

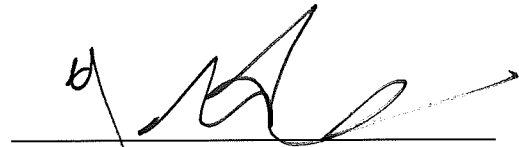
NEW BUSINESS: No cases scheduled for August 4, 2021.

OLD BUSINESS: None

ADJOURNMENT: 9:29 AM



Ralph King, Chairperson



John Renfro, Principal Planner