The Planning & Zoning Commission of the City of Harlem, Georgia met for their Regular meeting on Tuesday, November 6, 2018 at 6:00 p.m. at the Public Safety Building with Chairman Robert Holland presiding.

Present: COMMISSION: Chairman Robert Holland, Vice Chairman Tim Farr, Commissioner Bob Newkirk and Commissioner James Thomas, Jr.; STAFF: Community Development Director David Jenkins, City Clerk Debra E. Moore, and City Attorney Adam Nelson; ABSENT: Commissioner Lance Ellis.

The meeting was opened by Chairman Holland at 6:00 p.m.

The Invocation was given by City Attorney Nelson.

The Pledge of Allegiance was led by Chairman Holland.

Determination of a Quorum: A quorum was present.

Approval of Previous Regular Meeting Minutes: Vice Chairman Farr made the motion to approve the minutes as written; 2nd by Commissioner Thomas. The motion carried unanimously.

Approval of the Agenda: Commissioner Thomas made the motion to approve the Agenda as written; 2nd by Commissioner Newkirk. The motion carried unanimously.

Public Hearings: N/A

OLD BUSINESS:

Signage Compliance Program – Discussion Only: Mr. Jenkins provided a status report on current commercial signage. His review of the home occupations did not show any non-conforming signage. The next area for review is the Milledgeville Road and Louisville Street business corridors. A review of the area contains non-conforming signage, dilapidated signage, and placement of signage in right-of-ways. Mr. Jenkins provided information on the appeals process; appeals go to the Planning & Zoning Commission. Commissioner Newkirk questioned the time for correction when an order of removal is issued; it would be per Ordinance, but flexibility will be offered. City Attorney Nelson commented it is a thirty day time frame. Chairman Holland questioned if any letters had been sent out at this time; Mr. Jenkins responded that there had not been, but there will be some this month. Commissioner Newkirk commented on being consistent in what is being done. Chairman Holland commented that cooperation is what we are looking.

Front Yard Parking Text Amendment – Discussion Only: Mr. Jenkins reported that he has received complaints in regards to vehicle parking in front and side yards. Currently there are no guidelines in place. Mr. Jenkins provided some options and is looking for guidance. Chairman Holland asked for a recommendation from City Attorney Nelson. City Attorney Nelson responded that the City may be stepping into situations that are normally handled by HOA’s. The burden to regulate this issue is very high. He suggested researching other areas that may be doing it. Commissioner Newkirk suggested that
OLD BUSINESS (cont’d):

Front Yard Parking Text Amendment – Discussion Only (cont’d): when new plats are being reviewed, make sure the developers are aware of the situation. City Attorney Nelson commented that the City does have regulations on non-operable vehicles, but if they are operable that is different. Vice Chairman Farr has no issue with items being in the yard; property rights issue.

Large Vehicle Parking on Residential Streets Text Amendment – Discussion Only: This is related to the prior item. Chairman Holland questioned if we were within out rights to regulate due to it being a safety issue. City Attorney Nelson responded that we can regulate our streets and can consider enforcement. We would need to put in the Ordinance; we do regulate our right of ways. Commissioners Newkirk, Holland and Farr were in favor of pursuing the suggested text amendment (a) but to change the period of time to forty-eight (48) hours. The text amendment would read as follows:

“No person shall park or stand any bus, truck, boat, recreational vehicle or freight or passenger-carrying vehicle in excess of twelve thousand (12,000) gross vehicle weight upon any street within a residential are within the corporate limits of the city for a period longer than forty-eight (48) hours, except while actually engaged in loading or unloading.”

The Commission was in favor, so Mr. Jenkins will bring back a text amendment for an official recommendation by the Commission to City Council.

Commissioner Inspection of Applicant Properties Forms – Discussion Only: Mr. Jenkins recommended taking a conservative approach on this item. He provided some background information pertaining to doing site visits legally and information from Carroll County, Georgia; they allow site visits. Two actions to be addressed for site visits are the ability to access private property and acknowledgement of this access. When provided, access can be scheduled per public notice laws. He is proposing the following amendment to Code Section 152.217 Procedure for Rezoning Application:

The addition of Code Section 152.217(D) which would read: “The Planning Commission, its members, and City of Harlem staff, in the performance of its functions, may enter upon any land, make examinations and surveys; provided, however, that the planning commission shall be liable for any injury or damage to property, resulting therefrom. Furthermore, all such examinations and surveys shall fully comply with Georgia Zoning Procedures laws and regulations.”

Mr. Jenkins is also proposing a change to the Rezoning Request Application to include the line:

“Proposed Date and Time for Commissioner Site Inspection: ______________________________.”

City Attorney Nelson is in favor of the addition of the information to the application. The visits would be conducted prior to Planning Commission hearing; public notice would be provided so that all interested parties can attend. There would be a public record with staff.
OLD BUSINESS (cont’d):

Commissioner Inspection of Applicant Properties Forms – Discussion Only (cont’d): Commissioner Newkirk had previously expressed his concerns with the Commissioners being provided with property identification (ID cards, badges, etc.). He feels language should be included about direct communication by the applicant and the Commissioner.

The Commission was in favor, so Mr. Jenkins will proceed with the proposed amendment and bring a text amendment back for an official recommendation by the Commission to City Council.

Adult Entertainment Ordinance Text Amendments – Discussion Only: Mr. Jenkins is requesting permission to start the text amendment process to Chapter 115 Adult Entertainment Establishments to address the issue of “sex robots”. In reviewing the City’s Ordinance he found areas that needed to be addressed including technology related definitions, specifically prohibition of the use of anthropomorphic devices, defining the methodology of when physical medical devices can be utilized and the defining of the types of businesses where anthropomorphic devices cannot be utilized.

The Commission was in favor, so Mr. Jenkins will move forward with this item and bring back a proposed text amendment for an official recommendation by the Commission to City Council.

Tiny Homes Planned Unit Development Text Amendment – Discussion Only: Mr. Jenkins is requesting permission to start the text amendment process to add Code Section 152.040 Tiny Home Residential Zone (TNY-R Zone) to Chapter 152 Planning & Zoning Code, Use Requirements by Districts.

Mr. Jenkins reported that with the amendment to state minimum building standards by the Georgia Department of Community Affairs, he feels that we need to take a pro-active position in order to promote growth options that best meet the Comprehensive Plan of the City of Harlem. There are three types of Tiny Homes – Recreational Vehicles (structures on a metal frame and on wheels), Mobile Homes (those meeting U.S. Department of Housing and Urban Development construction standards), and stick built homes (those constructed using International Residential Code standards). The vision is to urge Tiny Home development that would resemble Georgia State Parks through preservation of natural resources, provision of access to amenities, provision to access to preserved natural environs, and providing for home occupations based upon crafts. It is recognized that Tiny Home lots should retain back yard storage in a responsible manner.

The Commission was in favor. Mr. Jenkins will move forward and bring back a proposed text amendment for an official recommendation by the Commission to City Council.

Senior Community Planned Unit Development Text Amendment – Discussion Only: Mr. Jenkins is requesting permission to start the text amendment process to add Code Section 152.041 Senior Community Mixed Use District (SC-MUD) to Chapter 152 Planning & Zoning Code, Use Requirements by Districts.
OLD BUSINESS (cont’d):

Senior Community Planned Unit Development Text Amendment – Discussion Only (cont’d): An example of this type of development would be Brandon Wilde in Evans; they would consist of single family homes only. This zoning category is specifically designed to provide affordable housing options for the market, using financing resources that includes the Low-Income Housing Tax Credit, to develop detached homes or townhomes per existing Harlem ordinances.

Chairman Holland is in favor of putting this category in place. Commissioner Newkirk commented that it will be a necessity at some point and is in favor of pursuing this. Chairman Holland questioned the effect on the tax base. Mr. Jenkins responded that taxes would be due. He also commented that the Ordinance has nothing to do with financing.

The Commission was in favor, so Mr. Jenkins will move forward and bring back a proposed text amendment for an official recommendation by the Commission to City Council.

NEW BUSINESS:

Final Plat for Cornerstone III (Final Action by Planning Commission): At this time, the recommendation from staff is to approve the plat with the restriction that no building permit shall be issued until a sewer lift station for the development has been approved by the City Engineer and that a statement to this effect shall be entered onto the plat immediately under the signature of the Chairman.

Staffs position is that the plat is fine. The construction process at this time is:

- Street lights in accordance with City of Harlem design standards are being installed.
- A Pre-final construction inspection has been completed.
- The sewerage lift station for the development is yet to be installed.

The City Engineer has noted that, due to the lack of a sewer lift station being present that the Supplemental Information for the Final Plat cannot be provided at this time. Specifically, item (B) cannot be provided:

“(B) As-built construction plans in both a paper and electronic format, showing all infrastructure installation details, and certified by the engineer of record.”

There have been extensive discussions between the City of Harlem and the developer on the specifications of the lift station with these being only recently completed and ordering of components begun. The final plat as proposed does not the lift station to be “under construction.”

It is staffs understanding that the pumps have been delivered and construction should begin soon.

Stephen Bryant, architect for the developer, addressed the Commission. Mr. Bryant reported that the electrical panel has been the hold up; the panel was a requirement of the City Engineer. There had been some manufacturing issues which caused the hold up in getting the work done. Commissioner Newkirk
NEW BUSINESS (cont’d):

Final Plat for Cornerstone III (Final Action by the Planning Commission) (cont’d): questioned if this was normal; Mr. Bryant responded that this was the first one he has had to do of this kind; the County does not require it. He understands there were safety issues considered and supports that decision. He requested that they be allowed to sell lots during this time.

City Attorney Nelson commented that the City has provided a solution to the situation and is in support of the solution that Staff has put together. The City will need to keep in mind that they need to treat all the same. Under the Ordinances, we do not have to do.

Mr. Bryant asked again about the sale of the lots. Mr. Jenkins responded that he was open to taking applications for permits, but the permits will not be issued until such time that the sewerage lift station is constructed and in place. Mr. Bryant commented that currently the pumps are not on the site due to concerns of theft, but that both the pumps and panel will be installed at the same time and construction should begin over the next week or so.

Based on the construction information and the need for a final inspection, the permits may be able to be issued starting January 2, 2019.

With no further discussion, Commissioner Newkirk made the motion to approve the Final Plat for Cornerstone III with the condition that the following statement be attached to all copies to be signed by the Chairman, “no building permit shall be issued until construction of the sewer lift station for the development has been completed and approved by the City Engineer.”; Commissioner Farr 2nd the motion. The motion carried unanimously.

Public Comments:
- **Robin Meads – 6628 Ponderosa Lane:** Ms. Meads addressed the Commission in reference to Conditional Use conditions and any conditions that are assigned to any application by the Commission. She would like to see a system in place to make sure conditions are adhered to. Ms. Meads also commented on the changes being made to the Agenda.

Legal Matters: N/A

Staff Report:
- **Conditional Use Update for Gitti’s Used Cars of Harlem LLC:** Mr. Jenkins commented on Conditional Use Permits and Conditional Use Permits w/conditions being contracts between the Commission, Council and the Operator of the business. He presented information on the existing situation. Staff has observed that the conditions set forth in the September 5, 2017 decision and communicated in the September 25, 2017 correspondence are not being met. In addition, other activities at the location may be out of compliance with City of Harlem ordinances and regulations. He is not requesting any official action at this time. He has included information on a proposed schedule to work with the business owner to come into compliance.
Staff Report (cont’d):

- **Conditional Use Update for Gitti’s Used Cars of Harlem LLC (cont’d):** City Attorney Nelson was in agreement that conditions are/should be seen as Codes. Code Enforcement should keep a better eye on Conditional Uses w/conditions. Chairman Holland commented that reports should be given periodically. Commissioner Newkirk commented that any conditions should have restrictive timelines placed on them and then we need to follow-up on timelines given. Chairman Holland concurred and agreed on the follow-up. Mr. Jenkins stated that he would reach out to the businesses that had conditions put on them tomorrow (11/7/18) and would report back at the next meeting.

Commissioner Newkirk recognized Bridgette Gay, the business owner. Ms. Gay resides at 5191 Jones Road, Dearing, GA 30808. Ms. Gay reported on the some of the items from the Conditions set forth:

- Planting of Shrubbery with a mature height of less than two feet and one tree before October 31, 2017: Shrubs had been planted but they had died and that there was already a tree on the property.
- Installation of a black opaque screen on the chain link fencing along the northern property line and south along the west chain link fence to the gate: Fabric has been placed but there are issues with it staying up due to the trains passing by.
- Removal of the oil storage drum located at the rear of the existing building unless documentation for its required presence is provided before September 30, 2017: They change the oil in the cars and the used oil is stored in the drum until such time there is enough for the oil reclamation company to come and remove. It was suggested about using a smaller container and placing in the shed. Ms. Gay had some information pertaining to the storage of the oil; it could not be stored in the shed.

There was some discussion about the parking of vehicles on the sidewalks and the grassy area between the sidewalk and the fence.

Comments were made on supporting the businesses, but they should be in compliance to what was approved. Commissioner Newkirk questioned Ms. Gay if she was willing to come into compliance; Ms. Gay agreed to take care of the conditions.

Commissioner Thomas commented at this time that we did not need to go back and forth on this; leave to code enforcement. City Attorney Nelson commented that this was only a Staff report; there are no actions for code enforcement by the Commission tonight.

Mr. Jenkins questioned when he should give reports on items that have conditions placed on them; Mr. Jenkins should give a report at the minimum of six months.

**Chairman’s Comments:** Chairman Holland expressed his appreciation for the work done and those present.
With there being nothing further before the Commission for discussion, Vice Chairman Farr made the motion to adjourn the meeting; 2nd by Commissioner Thomas. The motion carried unanimously. The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Debra E. Moore
City Clerk