

**CITY OF RICHMOND HILL PLANNING COMMISSION
MAY 9, 2016 7 P.M.
MEETING MINUTES**

MEMBERS PRESENT: Billy Albritton, Tara Baraniak, Triple Cooper, Les Fussell

STAFF PRESENT: Chris Lovell, Scott Allison, Randy Dykes, Amanda Styer

CITY COUNCIL PRESENT: None

GUESTS: Rodney Dickey, Mathew McCoy, Monica Hax, Dale Mitcham, Harris Martin, Amanda Inman, Jane Brown, Lance Cover, Kathie Harrington, Linda Singleton, Nancy Cathcart, Lee Almand, Danielle Williams, Tim Marshlick, Shirley Fountain, Jackie White, Kreg Almand, Mike Hax, Bonnie Brett, Doreen Meurer, Ty Benner, Claude Benner, Harold O, Roberta Depenhart, Joseph Depenhart, Mitzi Moore, Denise Sardinias, Tony Sardinias, Marshall Anderson, Rebecca Palmer, Ken Ward, Marie Thomas, Tim Thomas, Keith Wheeler, Becky Sharp

Approval of the minutes of the meeting from April 25, 2016.

Commissioner Cooper made a motion to approve the minutes of the meeting of April 25, 2016; motion seconded by Commissioner Fussell and carried by all.

PUBLIC HEARINGS:

1. A petition has been filed with the City of Richmond Hill by Rodney Dickey requesting a variance from Article IV Section 7 (d) of the Richmond Hill Zoning Ordinance to allow a 10 foot variance on the left side setback, resulting in a 10 foot left side setback instead of the required 20 foot side setback. The property is zoned R-3 Multi-family Residential and is Lot 30 of River Oaks Drive. Map 0601 Parcel 209.

Director Allison explained an R-3 zoning district required a 20ft setback on end units and Mr. Dickey is requesting a variance from that requirement for the reasons listed in the packet. He then welcomed the attorney representing the applicant to come forward and explain the request further.

Mr. McCoy explained R-3 requires a 20ft between buildings and there is also a 20ft lot line setback. He stated the applicant is not seeking a variance on the 20ft between buildings, only a variance of 10ft on the required 20ft lot line setback requirement.

Mr. McCoy explained this property is located in the middle of multi-family condos making it an island within a condominium community. He explained GA law states there is a 7 year period to submit additional buildings to the condominium association. He added that due to economic downturn in 2008 and the years proceeding, development of this lot is happening outside of the 7 year allowance. He explained that what is built on Lot 30 cannot be legally submitted as part of River Oaks Condominiums, but it can be a building which is in harmony with River Oaks.

Mr. McCoy explained the original master plan from 2006 shows 30 lots, but when the market suffered in 2008 some lots were left partially developed and some undeveloped. He stated Lot 24 and Lot 30 were not developed.

Mr. McCoy explained most of the existing buildings do not meet the lot line requirements either and Mr. Dickey is asking for the same allowance. He gave the example of Buildings 28 and 29 also not adhering to the 20ft separation between buildings. He stated the only person who would be asked to comply with the 20ft building to lot line setback would be Mr. Dickey.

Mr. McCoy explained reducing the lot line setback to 10ft still leaves 25ft between buildings which is greater than several other buildings existing there. He stated what Mr. Dickey is asking for is not inconsistent with what is there already.

Mr. McCoy referenced Section 9 of the City of Richmond Hill Zoning Ordinance pertaining to variance standards.

Mr. McCoy explained that Mr. Dickey is a resident of River Oaks Condos which makes him a concerned citizen and a lot owner also. He stated Mr. Dickey plans to build 6 townhomes on Lot 30 which will have less density than what was originally planned for the property.

Harris Martin came forward and explained he is the attorney representing the River Oaks HOA. He stated the HOA is not opposed to the development of this project and it is the goal of the HOA to work with Mr. Dickey for a result that works for everyone.

Mr. Martin explained they do have a few concerns. He stated what is shown on the plan is fundamentally different than condos and explained it will not look like the other buildings.

Mr. Martin stated the applicant does not have an undue hardship that is created by the setback line other than he will have to build less than 6 townhomes if the variance is not approved. He stated that would not make the property useless or invaluable, the plan would just simply need to be adjusted.

Mr. Martin explained he did not feel there were unique physical circumstances that make the property unable to meet the 20ft setback.

Carol Singleton came forward and stated she resides at 1302 River Oaks Drive. She requested that the Planning Commission look at the property in person in order to better understand.

Dale Mitcham came forward and stated he resides at 2905 River Oaks Drive. He stated he agreed some buildings are closer than 25ft and he supports this development, but he was concerned about getting equipment between the buildings as right now the end of Building 29 is the only area where you can easily access the rear of the river units.

Rodney Dickey came forward and stated he has a vested interest as a homeowner and developer. He explained he found out the property was a foreclosure and was approached by several HOA members at that time about possibly purchasing the property and he asked why the HOA wanted the property and he was told to make it a greenspace. He was told the HOA could purchase the property for up to \$110,000 and Mr. Dickey agreed not to buy it if it went below \$110,000 so the HOA could, but if it went for higher than that he would purchase it to develop on.

Mr. Dickey explained he started meeting with the HOA in June of 2015 to discuss options for developing the property. He stated they had seven meetings where he showed 4 renderings of what he would like to do on the property. Mr. Dickey explained he took everything into consideration to make something that would look similar and blend well. He stated the townhomes would be 3-story buildings that would not be exactly the same as the condos but would be close in aesthetics. Mr. Dickey ended by explaining he is looking after the interest of the HOA and his property.

Carol Singleton returned to the podium and asked if the buildings will be 3-stories above the garage or if the garage will be the bottom floor with only 2-stories above and Mr. Dickey replied the garage and mudroom would be on the floor level and there will be 2 levels above. He stated the buildings will look identical from the river view. Mrs. Singleton explained the view of the fountain will be blocked by the townhomes.

Garret Hartley came forward and stated he resides at 402 River Oaks Drive. He stated that Mr. Dickey is requesting the same variance as the condos, but his building will look different.

Tim Marshlick came forward and stated he has a safety concern and asked if you can get fire trucks in once this building is built and Chairman Albritton replied that is why there is a requirement for 20ft between buildings.

Mr. McCoy explained Lot 30 has unique physical characteristics such as a lagoon that limit what you can do on the property and abide by the setbacks. He reiterated there will actually be 25ft between buildings which is still substantially more than the other units have.

Mr. McCoy explained the property is zone R-3 which means other developments which would be worse than townhomes could potentially be built on the property.

Mike Hatts explained he resides at 104 River Oaks and he is concerned about the sidewalks and landscaping that would have to be removed in order for Lot 30 to be built on. He added that the pool and exercise room are located behind the townhomes. He added they will all need maintenance from time to time and he was concerned about maintenance trucks being able to get back there.

Keith Willard who resides at 1304 River Oaks Drive came forward stating he does not appreciate the threat from Mr. McCoy that the applicant could build something worse than townhomes on this lot. He explained Mr. Dickey knew about the setback requirements prior to purchasing the property.

Mr. Dickey explained that he had original intentions to build the same building as Lot 27 on this lot and even purchase the plans from the city in order to do so.

Public Hearing closed at 7:42 p.m.

PUBLIC HEARING RECOMMENDATIONS:

1. Approval/Disapproval of a petition filed by Rodney Dickey requesting a variance from Article IV Section 7 (d) of the Richmond Hill Zoning Ordinance to allow a 10 foot variance on the left side setback, resulting in a 10 foot left side setback instead of the required 20 foot side setback. The property is zoned R-3 Multi-family Residential and is Lot 30 of River Oaks Drive. Map 0601 Parcel 209.

Commissioner Fussell stated he appreciated everyone that took time to attend the meeting. He explained that he himself lives in a neighborhood with a split HOA because

that is just the way it was developed at the time and that both areas of the neighborhood respect each other and work together. He explained he also did not appreciate the threatening undertone that something worse could be built on this lot, but the truth is this R-3 zoning does allow for something worse to be located on the property. Commissioner Fussell explained he has been on the Planning Commission for many years and safety is always his first thought when reviewing a project and assured everyone that emergency vehicles will still have room to access all buildings. He explained he does not feel this request is unreasonable and feels it would add to the development. He reassured that any landscaping that would require removal in order to complete the project would be restored upon completion. He added the developer may not be able to find the same exact brick used on the other River Oaks buildings due to time passing and the building could look slightly different but will blend well.

Chairman Albritton asked the applicant if he must go down to 10ft lot line setback and Mr. Dickey replied yes. Chairman Albritton asked what the estimated difference would be between Buildings 29 and 30 and Mr. Dickey replied 25ft at the smallest.

Commissioner Cooper agreed with Commissioner Fussell and reassured due diligence has been done to verify that emergency vehicles will be able to maneuver around the property as needed to access each building if needed. He reminded everyone that the original plan was to allow a building on Lot 30. Commissioner Cooper felt that Mr. Dickey will do his best to work with the River Oaks HOA. He ended by stating he always looks at a new project and considers if it would fit well with the surrounding area and he feels this will.

Commissioner Baraniak asked about the time frame to begin this project and Mr. Dickey replied he is working with the HOA and would not be in a hurry. He stated that since pool season just started he would wait to break ground until pool season ends which is typically in September.

Commissioner Baraniak asked Mr. Dickey if he would be putting the property on the market and Mr. Dickey replied even though he has had many offers, he would not be.

Commissioner Baraniak explained that she does not understand the hardship created for the HOA if this variance is approved and the building is built. She explained the worry about emergency vehicles having access have been addressed and she does not see any other concern.

Mr. Martin explained his understanding of the ordinance is that there is no undue hardship on the applicant and if there was a hardship for the applicant, the burden falls on him to prove that.

Mr. Martin explained he and his clients are concerned about what the finished product will look like as there is no formal agreement between Mr. Dickey and the River Oaks HOA on the look of the building. He added there is a fear of the unknown.

Mr. Martin ended by stating the HOA opposes the variance because it is the first step in the process of this project being approved.

Chairman Albritton explained the property is already zoned R-3 which means a multi-family building can be built on the property and the only reason for this public hearing is due to the setback variance being needed.

Director Allison assured everyone this is just the first step in the process and Mr. Dickey will have to come before the board for preliminary and final plat review as well as building elevations. He stated the Planning Commission and City Council will want to see continuity between this project and River Oaks. He assured that Mr. Dickey understands that.

Commissioner Fussell asked who maintains the streets in River Oaks and Director Allison replied the HOA since it is a private gated neighborhood.

Commissioner Cooper made a motion to recommend approval of a petition filed by Rodney Dickey requesting a variance from Article IV Section 7 (d) of the Richmond Hill Zoning Ordinance to allow a 10 foot variance on the left side setback, resulting in a 10 foot left side setback instead of the required 20 foot side setback. The property is zoned R-3 Multi-family Residential and is Lot 30 of River Oaks Drive. The motion was seconded by Commissioner Fussell and carried by all.

City Manager Chris Lovell explained if City Council approves the variance it will be approved with conditions that address the concerns mentioned.

BUILDING ELEVATIONS REVIEW:

1. Approval/Disapproval of building elevations for McDonald's located at 4454 US Hwy 17 and zoned C-4 Interchange Commercial. Map 0473 Parcel 006.

Becky Sharp came to the podium and explained this location did an ADA update about 5 years ago and now they are updating to a new design they are doing at several locations.

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She explained the design being used which includes brown accent coil wood, and the bottom of that being painted to match. She stated the top will be painted to match the stucco that exists on the tower and there will be black tile which will make the yellow arch installed on it to pop.

Ms. Sharp stated signage will be coming at a later time for review and Director Allison replied the signage will actually be reviewed internally in the Planning & Zoning Department since the quantity and size of the previously approved signs will not be increasing.

Commissioner Fussell made a motion to recommend approval of the building elevations for McDonald's located at 4454 Hwy 17; motion seconded by Commissioner Baraniak and carried by all.

Meeting closed at 8:26 p.m.

Respectively submitted by,
Amanda Styer, Planning & Zoning Technician