



MINUTES

6:00 PM, MONDAY, OCTOBER 3, 2016

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Ownbey, Chairman
Mr. Johnson
Mr. Richards
Mr. Honea
Mr. Kisker

Staff Present: Josh Stephens, Deputy Director – Community Development
Gregory Gordos, Planner – Community Development
David Root, County Attorney

Media Present: none.

1. Call to Order

Mr. Ownbey called the meeting to order at 6:01 PM.

2. Approval of Minutes

Mr. Honea motioned to approve the minutes from September 19, 2016. Mr. Richards seconded the motion. The motion passed 6 – 0.

3. Public Comment for Agenda and Non-Agenda Items (3 minutes)

Mr. Tom Markovich stated his position on non-conforming uses and what he considered a governmental act as it relates to the subdivision of land.

4. Ordinance 2016-26 Burns Mill Rd. (Sub. 2016-01) Rezoning Request

Mr. Gordos invited the zoning official Mr. Stephens to present Ordinance 2016-26 as proposed. Mr. Stephens presented a PowerPoint presentation on the initial request. In the presentation Mr. Stephens noted the location of the property at the crossroads of three districts on the Future Land Use Map. Details regarding public notice, public input, and background on the request by the applicant were also presented. Mr. Stephens emphasized to the Commission to consider the Future Land Use Map and Comprehensive

Plan as part of their decision making process. Mr. Stephens stated that the applicant's plans would accommodate future growth in this area of the county.

Mr. Richards requested that the applicant speak to the Commission on their intended plans for the property. Mr. Stephens asked the Commission to keep their consideration on the Future Land Use Map and Comprehensive Plan rather than on the intended use.

Mr. Stephens requested a motion from the Commission prior to discussion.

Mr. Honea made a motion, seconded by Mr. Ownbey, to recommend County Council take 2nd Reading of Ordinance 2016-26 as petitioned.

Discussion followed regarding the merits of the proposal. Mr. Richards stated his disagreement with Mr. Stephens. Mr. Stephens repeated his statement on the considerations of the Future Land Use Map and Comprehensive Plan as the basis of decision. Mr. Honea stated that the Commission is zoning a district, not what the applicant is intending to do.

Clarification was provided on the amount of land to be rezoned: Mr. Stephens stated that the land would total 7.9 acres, rather than the 9.9 acres stated previously.

Mr. Kisker asked what used would be allowed in the district if approved, and if tattoo parlors or the like are permitted. Mr. Stephens stated that those uses would still require the special exemption process. Mr Stephens then read the column of the Zoning Use Matrix for a Community Commercial District, stating whether each land use was permitted, not permitted, or required special exception.

Mr. Richards asked if the applicant's intended use was prohibited prior to rezoning the property. Mr. Stephens confirmed that it was currently prohibited.

The motion passed unanimously.

5. Discussion regarding Communication Towers Ordinance

Mr. Root opened the discussion by introducing the changes provided by a consultant to the County's communication towers ordinance along with the staff comments provided within the document. Mr. Root highlighted each change through a presentation on the television screen. Mr. Johnson requested that items considered to be intent changes, such as administrative review on towers less than 75 feet, be highlighted in the presentation.

Discussion followed regarding the differences between cellular towers and internet/wifi towers. Mr. Root stated that they are treated equally under the current language, but that coverage and height may differ. Discussion followed on tower footprint and height.

Mr. Kisker stated his concerns with the communication tower height chart as proposed. Mr. Root noted that the proposed changes serve as an effective stop-gap until a Unified Development Ordinance is created, and that a final version of the proposed changes will be presented at a future Commission meeting, taking the items discussed that night into consideration.

6. Discussion of Non-Conforming Use / Grandfathering

Mr. Root explained the intent of policy makers to address current planning issues relating to setbacks and small lot sizes. Mr. Markovich from the audience spoke up on his

position regarding vested rights of subdivided property, vested rights, and building codes as they apply to setbacks.

Mr. Root presented the proposed (draft) amendments to the Control Free District in Sec. 38-10.2. of the Code of Ordinances. Mr. Honea stated that many of the properties affected by non-conforming setback distances were found in his district.

Discussion following regarding County versus homeowner's association setback standards and building codes in regards to safety.

Mr. Root agreed to speak with Mr. Gordos about the most frequent development issues planners face in regards to setback requirements and return to the Commission with additional information.

7. Old Business

None.

8. New Business

None.

9. Adjourn

Mr. Ownbey motioned to adjourn. The motion passed unanimously and the meeting adjourned at 7:30 PM.