MINUTES

NOVEMBER 6, 2023

CITY OF SENOIA

MEETING OF MAYOR AND COUNCIL

505 HOWARD ROAD

7:00 PM COUNCIL MEETING

**WORK SHOP**

1. City Manager, Harold Simmons, addressed council suggesting a moratorium on residential subdivision development for 6 months. Per City Attorney, City is not required to accept annexation requests.
2. City Engineer, Dana Johnson, addressed council regarding several text amendments.
3. **Ordinance No. 23-06 Zoning Procedure Laws; HB1405 Effective July 2023**

Addresses State Law Compliance; Applies to Mayor and Council, officers, boards, or agencies; Adds STANDARDS to consider for appeals; PUBLIC NOTICE REQUIREMENTS and DEFINES appeal process: Variances, Special Use Permits, Administrative, and Appeals; Allowing multifamily use in single family zoning; Blanket deviations from zoning ordinance; Abolishing single family zoning; Rezoning all single family.

1. **Ordinance No. 23-05 Portable On Demand Storage Units (PODS)**

Specifies placement, size, number, and max time allowed (90 days), specifies cannot be used as dwelling, establish permits, inspection and penalty.

1. **Ordinance No. 23-07 Commercial Cooridor Overlay**

Potentially using Safebuilt as arborist. Additional definitions for foundation planting, landscape area, mass grading, specimen tree and recompense; Allow mass grading where specimen tree save and replanting requirements are met; site furnishings such as benches, tables, pedestrian lighting, trash receptacles and bicycle racks; Establish tree species list; Change to canopy tree calculations: 1 canopy tree per 500 square feet landscaped area = 30’ to 40’ spacing; 6 shrubs to every tree; Allows Tree Fund Contribution.

**D) Ordinance No. 23-09 Fence Standards**

**FENCES AND WALLS:**

PERMIT FEE AND PLANS REQUIRED

ESTABLISHES INSPECTIONS AND DEFINITIONS

* + Code Enforcement for fences
	+ Engineer of Record for Retaining walls (Engineer Certification)

MAINTENANCE/REPAIR - within 90 days for act of God.

ALLOWABLE PLACEMENT - utility easements with gates

**RESIDENTIAL DISTRICT (NON-HISTORIC):**

ALLOWED MATERIALS - wood, stone, brick, decorative wrought iron, decorative aluminum, or a combination thereof.

ARCHITECTURAL STANDARDS – walls reviewed by planning commission

PROHIBITED MATERIAL - Chain link and wire fences in front yards.

HEIGHT

* + 4 feet in front yards including corner lots,
	+ 6 feet in side and rear yards,
	+ 8 feet for special purpose fences (tennis courts)

**HISTORIC DISTRICT:**

ALLOWED MATERIALS

* + compatible in form, scale, size, placement and finish with the surrounding properties
	+ may be subject to the review and approval of the Historic Preservation Committee.
	+ Shall be constructed of wood, decorative wrought iron, stone, brick, or a combination thereof.

PROHIBITED MATERIALS - Chain link and wire fences

REPAIR/REPLACMENT - same materials (excluding prohibited materials) shall not require review by HPC

* + Replacement shall preserve architectural features
	+ Including gates, granite pillars, hardware, decorative pickets, and rails

HEIGHT

* + 4 feet maximum in front yards including corner lots
	+ 6 feet maximum in side and rear yards

**NON-RESIDENTIAL FENCE STANDARDS:**

* No fence or boundary wall shall exceed eight (8’) feet in height, unless specifically approved in accordance with the city's site plan review process; however, in no instance shall any fence or boundary wall exceed ten (10’) feet in height.
* No fence or boundary wall comprised of metal parts, which is visible from a public road or from an internal drive or parking area of a commercial development, may be constructed unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

**Recessed Work Session at 6:32pm**

**COUNCIL MEETING**

**COUNCIL PRESENT: MAYOR PEARMAN, COUNCILPERSONS GROVER, BRADY AND REEDER**

1. **WELCOME VISITORS/CALL TO ORDER**
* Mayor Pearman declared this to be an open meeting duly convened under the Open Meetings Law after receiving confirmation from the City Clerk that all legal requirements were met.
* Mayor Pearman proclaimed November to be American Indian Heritage Month.
1. **APPROVAL OF NOVEMBER 6, 2023 COUNCIL AGENDA**

Agenda Items 6C-G are removed. Motion to approve agenda made by Mayor Pearman and 2nd by Councilperson Brady. Motion carried with four votes.

1. **APPROVAL OF OCTOBER 16, CITY COUNCIL MEETING MINUTES**

Motion to approve minutes made by Councilperson Grover and 2nd by Councilperson Reeder. Motion carried with 4 votes in favor.

1. **CLAIMS AGAINST THE CITY-**One claim against the City.
2. **PUBLIC HEARINGS**
3. 60 Quick Drive, Variance

Consider approval of variance to reduce road frontage from 50 feet to 20 feet conditioned upon clear title. No comment from council. Mr. Leon Chunn, Executor of the Estate asked for clarification of the requested variance and was in agreement with the request and proposal after clarification given by City Engineer. Motion to approve variance request made by Councilperson Grover and 2nd by Councilperson Reeder. Motion carried with 4 votes in favor.

1. Newberry Estate, Variance and Development Agreement

No comment from council. Applicant’s attorney, Steve Jones states if development approved, the lawsuit will be dismissed. Applicant, Richard Ferry of Beer Store LLC, gave a brief presentation regarding the 255 lots. Councilperson Grover asked about curb and gutter. Ms. Ferry states there will be no curb and gutter. Councilperson Brady asked the distance between trees. Mr. Ferry said it is his goal to have a tree in front of every home. Councilperson Grover asked if there would be on street parking at the park. Mr. Ferry said there would be on street parking as well as golf cart parking. Comments from public:

Mary Provost-115 Teal Court

Against the variances for development. Parking narrows the roads. Not enough parking. Does not like the reduced buffers. Will the subdivision be allowed to cut down trees? Alleyways will be left for HOAs to handle/take care of. Provost feels it should be the responsibility of the city.

Nicole Thompson-Ivy Ridge HOA President

25 ft. undisturbed buffer. Mayor Pearman states the throughway will be constructed by developer.

David Norman-Ivy Ridge HOA Vice President

Concerned about drainage.

Jack Wizowski-15 Ivy Court

Thanks council and would like Council to continue to act in residents best interest.

Scott O’Brien-315 Ivy Lane

Does not want stormwater to drain into Ivy Ridge detention pond. Mayor Pearman states that the new development will be held to state standards and welcome resident to bring videos to Mayor.

Scott Vanaker-35 Autumn Creek

Complaint about run off and states its against the law. Attorney Ted Meeker pointed out that you can’t increase the rate of water flow.

Public comment closed. Mayor Pearman made motion to approve variance and development agreement and 2nd by Councilperson Grover. Motion carried with 4 votes in favor.

Chapter 30 – Tree Preservation Ordinance

Land Development Plan Approval Phase

* Current Density (80 units/acre) - Proposed Method- 40% Canopy Coverage
* Specimen Tree Saved or Replaced
* Street Trees spaced every 40 to 50 feet within 5 foot strip on R/W
* At least 1 canopy tree per lot – planted on rear – each lot must meet the 40%

Chapter 40 – Land Development Regulations

Reduce minimum road frontage, reduce right of way width, reduce req’d lane width, not require curb and gutter, allow private streets/alleys residential zone, reduce multiuse trail greenbelt width, reduce block lengths, not require cul-de-sacs, and allow reverse frontage lots.

Chapter 74 – (R40-C) Conservation Subdivision District

Reduction in setbacks and minimum square footage, maximum tract coverage to be 40% canopy coverage and allowing mass grading.

Developer acknowledges there are no plans to develop the commercial tracts at this time and agrees that all commercial lots will be subject to the new commercial development standards in effect at the time the lots are developed/permitted.

Developer will dedicate two separate parks to the City = 46.85 AC.

Developer will dedicate easements for raw water line & sewer force main

Developer will pay $5,000 for each lot over 148.

(255 – 148 = 107 lot bonus)

107 x $5,000 = $535,000 at time of permitting on a per lot basis.

$535,000/255 lots = $2,098.37 per lot

Motion to approve variances and density bonus conditioned upon conceptual plat and development agreement made by Mayor Pearman and 2nd by Councilperson Grover. Motion carried with 4 votes in favor.

1. Lot 1, Variances

Applicant’s architect, Jim Finney present and addressed councel. Mayor Pearman asked if it was possible to build an actual tower instead of façade to which Mr. Finney agreed. Finney further agreed to sidewalk connectivity per Councilperson Brady’s request.

Public Comment: Ruth Canter-47 Rockhouse Road

Does not want another gas station. Doesn’t like driveway on left of building. How many years to complete multi-use path?

Consider approval of the variance on foundation plantings as presented in the landscape plan; Recommended approval of the variance on the parking layout/circulation as presented on the Site Plan; Consider sidewalk/muti-use trail along the primary footage and fee in lieu for remainder path along hwy. 16 on sewer easement and sidewalk connectivity to adjacent parcels; Proposed: 43% windows on primary, 3% windows on sides, false windows on rear and elevations as presented on the building elevations.

Mayor Pearman made motion to approve the proposed canopy of 58 trees with three year maintenance bond for all landscaping and mitigation to be determined at the time of the building permit. Motion 2nd by Councilperson Reeder. Motion carried with 4 votes in favor.

Mayor Pearman made motion to approve variance on foundation planting as presented in the landscape plan and 2nd by Councilperson Grover. Motion carried with 4 votes in favor.

Mayor Pearman made motion to approve variance on the parking layout/circulation as presented on the site plan and 2nd my Councilperson Brady. Motion carried with 4 votes in favor.

Mayor Pearman made motion to approve sidewalk/multi-use trail along the primary footage and sidewalk connectivity to adjacent parcels and 2nd by Councilperson Brady. Motion carried with 4 votes in favor.

Mayor Pearman made motion to approve building elevations, tower instead of façade. Motion 2nd by Councilperson Reeder. Motion carried with 4 votes in favor.

1. Rockhouse Beverage, Final overlay approvals for site plan, landscape plan and elevations

Mayor Pearman made motion to approve final overlay for site plan, landscape plan and elevations. Motion 2nd by Councilperson Brady. Motion carried with 4 votes in favor.

1. **NEW BUSINESS**
2. Resolution No. 23-09 to Amend Personnel Policy. No comments from council. No comments from public. Motion to approve made by Mayor Pearman and 2nd by Councilperson Grover. Motion carried with 4 votes in favor.
3. Resolution No. 23-10 1st Read of the 2024 Operating Budget. No comments from council. No comments from public. Motion to approve made by Mayor Pearman and 2nd by Councilperson Grover. Motion carried with 4 votes in favor.
4. **ANNOUNCEMENTS**

November 7, 2023, Election Day

November 11, 2023, Historical Society Auction

November 17, 2023, Alive at 5 to be the third Friday of November

December 2, 2023, Light-up Senoia and Christmas Parade

1. **ADJOURN**

Appearances from the floor:

Richard Crowder-Wastewater standards discussed with EPD. Would like a hearing regarding the Consent Order. Mayor Pearman stated there would be no public hearing as there is no requirement for a public hearing.

Ms. Anderson-Standing Rock Road

States FOIA request was not complied with.

Motion to adjourn made by Mayor Pearman and 2nd by Councilperson Brady. Motion carried with 4 votes.

Attest:

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City Clerk, D. Lynn Carter Mayor, William “Dub” Pearman, III