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Clayton County
Community Development Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



KIMBERLY SMITH
PLANNING & ZONING
ADMINISTRATION

Board of Zoning Appeals
Special Call Meeting Minutes of April 12, 2017

The regular meeting of the Clayton County Board of Zoning Appeals was held this date of April 12, 2017 in the Commissioner' Board Room, Administration Building, 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Don McMillian, Jr., Board Member DeMont Davis, Board Member Raymond Baggarly and Board Member Jon Derek Young. Present from Community Development Department were Kimberly Smith, Lenise Lyons, and Linda Willis.

Members absent was: Vice Chairman William Hill and Board Member Frances Solomon. No representation from Legal was present.

The Pledge of Allegiance was said in unison.

The motion to approve the agenda was made by Board Member DeMont Davis and seconded by Board Member Raymond Baggarly. The vote was unanimous.

The motion to approve the minutes of January 19, 2017 was made by Board Member DeMont Davis and seconded by Board Member Raymond Baggarly. The vote was unanimous.

Chairman Don McMillian, Jr. stated that there were no persons having business with the Board of Zoning Appeals; no report of Officers and Committees and no old business with the Board of Zoning Appeals.

The Procedures for the Clayton County Board of Zoning Appeals' Public Hearings was given by Ms. Linda Willis.

Chairman Don McMillian, Jr. called for New Business.

1. Case Number: BZA-16/11-95 (Tabled at the January 19, 2017 meeting)

The Applicant, *Dewberry Engineers*, on behalf of FedEx Ground Facilities and Materials Handling, is requesting a variance from Article 6, Section 6.30 Fence and Wall Standards, and Article 4, Section 4.34 – Non-residential Land Uses, to increase the height of a fence to ten (10) feet in all yards, with chain link and barbed wire to be visible from a public street. The subject property is located at Grant Road, Ellenwood, Georgia and otherwise known as parcel number 12-214C-A002. The subject property is approximately 9.82+/- acres of land

and has a Heavy Industrial (HI) zoning classification and is within the Highway 42 Overlay District.

Commissioner District #1– Sonna Singleton Gregory.

The Staff Report for case BZA-16/11-95 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends **Denial** of the variance to allow barbed wire. Planning and Zoning Staff recommends **Approval** with conditions to allow an increase in fence height in all yards to 11 (eleven) feet in height. Staff recommends providing screening with landscaping, small trees and/or bushes along chain link fencing to provide screening from the public street.

I wanted to note that Staff has had conversation with the Applicant since our last meeting, and they stated that the barbed wire is on all of their facilities across the United States. But if for some reason it is not approved they would like to increase it by a foot, and that is where the additional foot comes from.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Max Vickers, located 2835 Brandywine Road, Atlanta, GA., on behalf of FedEx Ground Facilities and Materials Handling.

Max Vickers: As we said at the last meeting, I went back to FedEx and they really want to keep the barbed wire if any way possible because it is at all of their facilities. It's more as a deterrent from anything happen in the yards and protecting their employees as well.

Chairman Don McMillian, Jr.: It appears you have had subsequent conversation about what would happen if we didn't, right? **Max Vickers:** We haven't about what would happen if you didn't, we recommended to increase the fence height to 11 (eleven) feet. It matches up with what's already out there. The existing building across the street and adjacent parcel has barbed wire.

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns.

Board Member Jon Derek Young: In addition to the fence being 11 (eleven) foot, can you in place of the barbed wire change the design where the neck of fence actually goes out, so it would make it more difficult for someone to climb it? **Max Vickers:** I'm not sure of that design, or if it will be something we can look at, but I am not aware of anything that has that overlay like you said. We would do landscaping in the front to hide as much of that as possible.

Board Member DeMont Davis asked for the record, what is the code for the maximum height and barbed wire. **Kimberly Smith/Lenise Lyons:** The maximum height is 4 (four) feet in the front and 8 (eight) feet on the sides; barbed and razor wire is prohibited.

The motion to **approve** case number BZA-16/11-95 **height request of 11 (eleven) feet without barbed wire and maintain the landscape** was made by Board Member DeMont Davis and seconded by Board Member Jon Derek Young. The vote was unanimous.

2. Case Number: BZA-17/02-97

The Applicant, *Blake Keller*, on behalf of Southern Regional Medical Center, is requesting a variance from Article 8, Section 8.7 – Temporary Signs Requiring Permitting, to exceed number and maximum size of a temporary banner. The subject property is located at 11

Upper Riverdale Road, Riverdale, Georgia and otherwise known as parcel number 13-140B-C042. The subject property is approximately 57.48+/- acres of land and has a Medical Mixed Use (MMX) zoning classification.
Commissioner District #2– Gail Hambrick

The Staff Report for case BZA-17/02-97 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends **Approval with Conditions** of the variances to exceed the number and maximum size of a temporary banner with the following conditions.

1. Specify the duration of time the signs will be on the premises.
2. The combined face area of both temporary signs to not exceed 1,280 square feet.
3. Re-apply for temporary sign permits upon expiration of the prescribed period of duration.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Todd Griffin, located 11 Upper Riverdale Road, Riverdale, GA., on behalf of Southern Regional Medical Center.

Todd Griffin: When Prime purchased us in February 2016 they elected to keep the same name Southern Regional. To put the banners up is an attempt to let people know we are a new company and that we are not the same old Southern Regional. We're trying to diminish the reputation that Southern Regional had in the past and let people know we are different now and under new ownership. The banners will be flushed mounted on the face of our building. He then showed the Board Members an image of what the banner would look like and the material. Many years ago we had a pink ribbon mounted, which brought awareness to breast cancer, and that is where this idea came about to let the public know we are a new day. As far as the time frame I would say a minimum of about 6 (six) months.

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns.

Board Member DeMont Davis asked what is the purpose of these signs. **Todd Griffin** stated to rebrand. There are a lot of our patients that don't even know we were brought out.

Board Member DeMont Davis asked what other information will be on these signs, and will there be any community information? **Todd Griffin** stated there will be no community information, just that it is a new day at Southern Regional and letting them that Prime is one of the top 100 hospitals.

The motion to **approve** case number BZA-17/02-97 **with the recommended conditions of Staff** was made by Board Member DeMont Davis and seconded by Board Member Jon Derek Young. The vote was unanimous.

Approved with the following conditions:

1. Specify the duration of time the signs will be on the premises.
2. The combined face area of both temporary signs to not exceed 1,280 square feet.
3. Re-apply for temporary sign permits upon expiration of the prescribed period of duration.

3. **Case Number: BZA-17/02-98**

The Applicant, *Nan Wilcox, Harkleroad and Associates*, on behalf of ARC CAFEHLD001, LLC, VEREIT, Inc. is requesting a variance from Article 4, Section 4.77 Sign Standards, to maintain the height of an existing non-conforming ground sign at 21.625 feet, and exceed the maximum face area of 36 square feet to 122 square feet. The subject property is located at 3847 Highway 138, Stockbridge, Georgia and otherwise known as parcel number 12-072B-A001. The subject property is approximately 1.00+/- acres of land and has a General 'Business (GB) zoning classification and is within the Highway 138 Overlay District.

Commissioner District #1– Sonna Singleton Gregory

The Staff Report for case BZA-17/02-98 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends **Approval with Conditions** of the variance to maintain the height of an existing non-conforming ground sign at 21.625 feet, and exceed the maximum face area of 36 square feet to 122 square feet with the following conditions.

1. The base of the existing pole sign structure must be encased in a brick and decorative base that will complement the exterior façade of newly renovated building.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Nan Wilcox, located 1608 Tree Lane, Snellville, GA., on behalf of ARC Cafehld001, LLC (Wendy's Restaurant).

Nan Wilcox: We have invested in old buildings that need renovation. The building at this location has been renovated with an addition. (She then passed out to the Board Members a handout that showed the renovation and the existing freestanding sign). She stated that they are asking to maintain the existing sign and agree with Staff's recommendation. She stated they have met all the other O the Board to give them the opportunity to be seen

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns. There were none.

The motion to **approve** case number BZA-17/02-98 **with the recommended condition by Staff** was made by Board Member Raymond Baggary and seconded by Board Member Jon Derek Young. The vote was unanimous.

Approved with the following condition:

1. The base of the existing pole sign structure must be encased in a brick and decorative base that will complement the exterior façade of newly renovated building.

4. **Case Number: BZA-17/02-99**

The Applicant, *Mike Gray – Ridgeline Property Group*, on behalf of Casey Investment Group, LLLP, is requesting a variance from Article 4, Section 4.17 – Architectural Standards, to allow chain link fencing to be visible from any public street; Article 6, Section 6.30 – Fence and Wall Standards, to increase the height of a fence in the front yard from 6 feet to 8 feet, with barbed-wire. The subject property is located on Tara Boulevard, Jonesboro, Georgia and otherwise known as parcel number 06-001-032-020. The subject

property is approximately 21.37+/- acres of land and has a Heavy Industrial (HI) zoning classification and is within the Tara Boulevard Overlay District.

Commissioner District #4– Michael Edmondson

The Staff Report for case BZA-17/02-99 was given by Kimberly Smith of Planning and Zoning.

Kimberly Smith: Based on the analysis provided, Planning & Zoning Staff recommends **Denial** of the variance to allow barbed wire and chain link fencing to be visible from any public right-of-way. Based on the analysis provided, Planning & Zoning Staff recommends **Approval with Conditions** of the variance to increase the height of a fence in the front yard(s) (*Old Poston Road, South Main Street and Tara Blvd*) to eight (8) feet with the following conditions.

1. Along Tara Boulevard, Old Poston Road and South Main Street: Fence is to be metal black ornamental as provided by applicant and shown in attached photo. The applicant must submit a detailed screening and landscaping plan to the Office of Planning & Zoning for review and approval along with their fence permit application.
2. Rear Property Line: Fence is to be constructed with black coated chain link along the rear property line.

Chairman Don McMillian, Jr. called for the petitioner to present their case.

The Applicant was represented by Mike Gray of Ridgeline Property Group, located 110 Poplar Drive, Atlanta, GA, on behalf of Casey Investment Group, LLLP.

Mike Gray: We are requesting some relief regarding the fencing for the Overlay. The 8 (eight) feet ornamental fence will go along all visible areas along Tara Blvd., Old Poston Road, and a good portion of South Main Street. We are looking for relief when the fence is not visible from the thoroughfare. The reason for the fencing is to control the property making sure it is safe because there is a lot of equipment, raw and recycle materials, and safety for the employees as well. This area has had some crime issues, we want to ensure they secure their investments. Again the relief we are asking for the chain link and barbed wire to be visible and put some site line elevation to improve that area.

Chairman Don McMillian, Jr. asked Mike Gray to indicate where the proposed barbed wire begins, then back to decorative. Mike Gray referred them to the diagram, which was colored coded that indicated the location of different fencing. They also discussed the site line and landscaping upon the property.

Chairman Don McMillian, Jr. stated he had spoken with Commissioner Edmondson, and the intent of the Overlay for Tara Blvd. did not fully encompass an industrial area this far down. He also stated that Commissioner Edmondson was not totally opposed to barbed wire.

Chairman Don McMillian, Jr. called for any public concerns/comments. There were none.

Chairman Don McMillian, Jr. asked the Board Members if they had any questions/concerns.

Board Member Jon Derek Young asked if they had onsite security, and Mike Gray stated that during working hours they had off duty police officer from 6:00a.m. to 6:00p.m. **Board Member Jon Derek Young** asked whether security will have access and monitor the fence line, or if they are relying solely on the fence. Mr. Gray stated that they were heavily relying on the fence.

Chairman Don McMillian, Jr.: Can you tell us about the investment into Clayton County as far as dollars for your project and employee numbers. **Ben Casey:** Currently we have 158 employees, we see this project expanding our business to adding about 30 employees in the next 12 to 18 months and this project will be a 12 million dollars investment.

Board Member DeMont Davis asked Ben Casey if he owned the buildings to the north and whether or not there will be any fence line to separate the buildings. **Ben Casey** stated yes. **Mike Gray** stated that were some natural barriers also.

Board Member Raymond Baggarly asked what type of criminal activity was going on at his other location. **Ben Casey** stated a truck, and recycling bins were stolen. Also there was a stabbing less than one mile from their location.

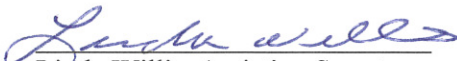
The motion to **approve** the amended fence request with barbed wire for case number BZA-17/02-99 **with conditions** was made by Board Member Raymond Baggarly and seconded by Board Member DeMont Davis. The vote was unanimous.

Approved with the following conditions:

1. The fence shall be 8' chain link with barbed wire back side of building running along South Main Street and extending up running along the existing facility buildings, shown as blue dashed lines on the "Proposed Fencing Plan".
2. The fence shall be 8' metal black ornamental without barbed wire along Tara Boulevard, Old Poston Road and South Main Street, shown as a pink dashed line on "Proposed Fencing Plan".
3. Applicant to shall submit a detailed screening and landscaping plan to the Office of Planning & Zoning for review and approval along with their fence permit application.

There being no further business the motion to adjourn was made by Chairman Don McMillian, Jr. and seconded by Board Member Raymond Baggarly. The vote was unanimously.

The meeting was adjourned at 2:15p.m.


Linda Willis, Assisting Secretary
Zoning Board of Appeals
Clayton County, Georgia


Don McMillian, Jr., Chairman
Zoning Board of Appeals
Clayton County, Georgia