

MINUTES
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL – MAY 2, 2011
7:00 PM

The regular City of McDonough Council Meeting was held on Monday, May 2, 2011, at 7:00 PM with the following members present:

Mayor:	Billy Copeland
Mayor Pro Tem:	Sandra Vincent
Councilmembers:	Rufus Amis
	Monta Brown
	Gail Notti
	Wayne Smith
	Rufus Stewart

Also present for this meeting were: City Administrator, Billy Beckett; City Clerk, Janis Price; Fire Chief, Steve Morgan; Police Chief, Preston Dorsey; Community Development Director, Kathy Fields; Planning and Zoning Director, Rodney Heard and Executive Administrator, Leslie Balog.

Mayor Copeland called the meeting to order at 7:00 PM.

Councilmember Brown led the Pledge to the Flag and Councilmember Smith gave the invocation.

Mayor Copeland asked for a motion to approve the agenda. Councilmember Smith motioned and Councilmember Amis seconded. The vote was six in favor.

Mayor Copeland asked for a motion to approve the Consent Agenda. Councilmember Smith motioned and Mayor Pro Tem Vincent seconded. The vote was six in favor.

Mayor Copeland asked for a motion to approve the April 4, 2011 and April 25, 2011 Council Meeting minutes. Mayor Pro Tem Vincent motioned and Councilmember Smith seconded. The vote was six in favor.

Mayor Copeland asked for a motion to make the five following Proclamations a part of tonight's minutes:

- A. Loyalty Day
- B. Nursing Home Week
- C. Beattillion Day
- D. Kids to Parks Day
- E. American Red Cross Month

Councilmember Stewart motioned and Councilmember Notti seconded. The vote was six in favor.

Community Development Items:

Case #11-03-01 > Special Use Permit (SUP)

A. Nnodim Njoku for RCCG Eternal Spring of Life Chapel (144 Willow Lane)

District Monta Brown

Zoned C-3 (Highway Commercial) with conditions per ORD 04-09-13006(A)(Z)

Land Lot(s) 162 of the 7th District

3.81 +/- total acres (2,400 square foot tenant space)

City Council Meeting (Workshop 04/28/11 and **Public Hearing 05/02/11**)

Staff Recommendation: Denial of the Special Use Permit or Alternate: If the PC elects to approve the SUP, then it is recommended for three (3) years; expiration on 05-02-2014 (Refer to Final Staff Report. Planning Commission Recommendation (04-26-11 Mtg.): Alan Shackelford – Motion for approval of the SUP for a period of three (3) years, Swaine Thompson – Second. Motion Passed (5-0).

Ms. Field reviewed the SUP request. Mr. Nnodim Njoku spoke to Mayor and Council. Mayor Copeland opened the Public Hearing. No one spoke in favor. No one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Brown motioned to approve the SUP request for Case #11-03-01 for Nnodim Njoku for RCCG Eternal Spring of Life Chapel located at 144 Willow Lane for a period of three years and Councilmember Notti seconded. The vote was six in favor.

Case #11-03-02 > Rezoning

B. Daniel Marks for Family Dollar (700 Hwy. 42 South)

District Monta Brown

Rezoning from M-2 (Heavy Industrial) to C-3 (Highway Commercial)

Land Lot(s) 166 of the 7th District

1.29 +/- total acres

City Council Meeting (Workshop 04/28/11 and **Public Hearing 05/02/11**)

Staff Recommendation: Approval of the rezoning from M-2 (Heavy Industrial) to C-3 (Highway Commercial) with stipulations (Refer to Final Staff Report).

Planning Commission Recommendation (04-26-11 Mtg.): Swaine Thompson – Motion for approval of the rezoning to C-3 with staff recommendations, specifically the allowance of specialty retail establishments as defined by Section 17.68.010 (#15) and to include all agreed upon conditions presented per mediation documents, Bill Fort – Second. Motion Passed (5-0).

Staff Recommendation:

➤ Staff recommends *Approval* of the **Rezoning from M-2 (Heavy Industrial) to C-3 (Highway Commercial)** with stipulations outlined herein in order to provide compatibility with existing/proposed developed properties that are a part of the SR 42S/SR 155S intersection:

- Permitted use shall be limited to that of a retail business (Section 17.68.010, Item #15) only that will allow for the operations of the Family Dollar business. All other uses listed in Section 17.68.010 would require review/approval by the City Council and be subject to the Standards of Review (§ 17.104.048 of Zoning Code).

Natural:

1. Provide a twenty (20') foot landscape strip adjacent to the SR 42 S and SR 155 S rights-of-way which shall be comprised of canopy trees (deciduous and evergreen), understory trees, shrubs, and ornamental grass. The planting design and selection of species shall match with the landscape strips/buffers present on the Checkers (NE quadrant) and BP Fuel Center (SE quadrant). Preference given to the street trees species being (Japanese Zelkova variety) given their overall height at maturity and the overhead utility lines present on-site. A landscape berm (min. two (2') feet in height) shall also be constructed within the landscape strip.

2. A five (5') foot landscape strip, trees & shrubs, shall be provided along internal property lines;
3. Vehicular parking/loading and unloading areas shall be screened from the public rights-of-way and adjacent properties with supplemental vegetation;
4. Foundation plantings shall be provided adjacent to the facades of built structures where facing public rights-of-way. Plantings may be grouped in clusters due to the need for limiting obstructions along pedestrian pathways;

Human:

5. A hard surface pedestrian pathway, matching with the existing pathway for the BP Fuel Station, shall be provided on the site to interlink the vehicular corridors/service areas with pedestrian uses and the SR 42S/SR 155S rights-of-ways.
6. Sidewalks shall be provided within the SR 42S and SR 155S rights-of-way having the same width as the pedestrian pathways in the southeast quadrant.
7. Ingress/egress points to SR 42S and SR 155S so as to allow additional mobility for vehicular circulation. Any architectural design standards on entryway features, other than decorative fencing/columns, shall also match with the design standards for the newer development in the southeast intersection quadrant.

Built:

8. The exterior facade of the proposed retail structure shall be as follows:
 - Brick on all four (4) elevations, at grade/brick ledge to ceiling, with stone accents encompassing the main entry. Brick and stone materials selection shall be the same, or closely match, with the brick/stone used for the BP Fuel Station and Carrington Green Apartments within the southeast intersection quadrant.
 - The roof shall be of a pitched design matching with the roof design constructed with the BP Fuel Station, including decorative air vents, within the southeast intersection quadrant.
 - Exterior paint colors shall be derived from the beige color palette existing on adjacent, developed properties (i.e. BP Fuel Station and Carrington Green Apartments).

Stipulation #8 (above) was modified for stipulation #8A (below) which refers to the exterior façade.

- 8A. The exterior façade of the proposed structure shall be as follows:
 - As shown on the elevation plan dated April 29, 2011: on the front (south side), and the east and west sides, there shall be textured CMU block along the waterline and some vertical elements; there shall be stucco material between the waterline and the parapet; the front doors shall be framed by brick veneer; and, the fourth side (north) shall be metal.
 - The roofline shall consist of a raised parapet of equal height around three sides (south, east and west) of the building. The HVAC units will be located on the ground.

- Exterior paint colors shall be derived from the beige color palette existing on adjacent, developed properties (i.e. BP Fuel Station, Carrington Green Apartments and adjacent developed properties).
9. Decorative fencing, matching with existing segment on the BP Fuel property, shall be constructed along SR 42S and SR 155S and supported by stacked stone columns intermixed among the landscaping buffer. The stone materials selection shall be the same, or closely match, with the stone used for the BP Fuel Station and Carrington Green Apartments within the southeast intersection quadrant. Fencing with columns may be divided into sections so as to add interest to the aesthetic value of the streetscape for the development.
 10. Outdoor storage shall be contained within a six (6) foot decorative fence with masonry columns (brick and/or stone) per review and approval of the Community Development Director or designee.
 11. Ground mounted signage, limited to one (1) sign per street frontage with an approved curb cut, shall be monument style not to exceed ten (10) feet in overall height, including reader board, with a masonry base consisting of brick and/or stone. The property address shall be identified with a minimum of eight (8) inch copy numbers.
 12. Off-premise ground mounted signage shall be prohibited.
 13. Roof mounted signs or signs that protrude above the fascia shall be prohibited.
 14. Temporary signs including but not limited to banners, portable signs, and pennants shall be prohibited. Flags shall be limited to not more than (1) United States flag and/or State of Georgia. Balloons and other inflatable advertising devices shall be prohibited. At no time shall vehicles be utilized as a means of site advertising.
 15. Exterior lighting shall be downcast so as not to trespass onto adjacent properties and the architectural design/style shall be approved by the Façade Committee/Planning Commission.
 16. Outdoor loudspeakers shall be prohibited.
 17. Dumpster/trash receptacles shall be fully screened by a masonry structure (brick or stone) of type used on primary structure with operable gates with screening mechanisms.
 18. Georgia DOT, City of McDonough and Henry County DOT shall retain final approval of the ingress/egress of the development based on the final calculations of parking submitted with the site development plan review;

Ms. Field reviewed the rezoning request and the staff stipulations. Discussion ensued. Mayor Copeland opened the Public Hearing. No one spoke in favor and no one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Brown motioned to approve the rezoning request for Case # 11-03-02 for Daniel Marks for Family Dollar located at 700 Hwy 42 South with the modified stipulations outlined by the Community Development Director and Mr. Marks accepts the conditions as amended and Councilmember Smith seconded. The vote was

two (2) in favor (Councilmembers Brown and Smith); and four (4) in opposition (Mayor Pro Tem Vincent and Councilmembers Amis, Notti, Stewart). The motion did not pass.

Case #11-03-07 > Rezoning

**C. Juan Colmenero for Ole Mexico (77 Hampton St.)
District Rufus Stewart**

Rezoning from RM-75 (Multi-Family Residential) to C-1 (Neighborhood Commercial)

Land Lot(s) 133 of the 7th District

0.9 +/- total acres

City Council Meeting (Workshop 04/28/11 and **Public Hearing 05/02/11**)

Ms. Field reviewed the staff's recommendation to approve the rezoning from RM-75 (Multi-Family Residential) to C-1 (Neighborhood Commercial) with the following stipulations:

1. Exterior of the existing, re-built, and/or new structures erected on-site shall be residential in appearance (i.e. pitched roofs, window shutters) with neutral paint colors. The alterations and/or improvements to the existing structure shall warrant review in accord with the Ord.#06-07-10B entitled Façade Review;
2. Georgia DOT, City of McDonough and Henry County DOT shall retain final approval of the ingress/egress of the development based on the final calculations of parking submitted with the site development plan review;
3. On-site parking shall be located within the rear and side yard area along the southwest boundary.
4. No temporary signage allowed on-site. All signage shall be wall and/or located on a monument style ground sign. The maximum height of said sign shall be eight (8') feet and constructed w/ materials (i.e. wood with brick and/or stone base) demonstrating design compatibility with the primary building exterior materials.
5. Existing landscaping to be retained within front yard and the side yard along south property line. Supplemental vegetation to be planted on-site, as necessary, in accord with the complete requirements of Chapter 15.32 (Landscaping) upon commencement of development of the site and/or occupation of the structures on-site.

Ms. Field reviewed the rezoning request and read aloud the staff stipulations. Mr. Juan Colmenero spoke to Mayor and Council. Mayor Copeland opened the Public Hearing. No one spoke in favor and no one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Stewart motioned to approve the rezoning request with the stipulations outlined by the Community Development Director for Case # 11-03-07 for Juan Colmenero for Ole Mexico located at 77 Hampton Street; and Councilmember Notti seconded. The vote was six in favor.

Case #11-03-10 > Special Use Permit (SUP)

**D. Michael Turner for Turning Point Church (824, 825, & 831 Pavilion Ct.)
District Monta Brown**

Zoned C-2 (Central Commercial)

Land Lot(s) 163 of the 7th District

4.28 +/- total acres (6,720 square feet tenant space)

Refer to Planning Commission Staff report for complete details.

Ms. Field reviewed the application for the SUP request. Mr. Mark Wilkins, member and trustee of the church, spoke to Mayor and Council. Mayor Copeland opened the Public Hearing. No one spoke in favor. No one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Brown motioned to approve the SUP for Case #11-03-10 for Michael Turner for Turning Point Church located at 824,825, & 831 Pavilion Ct. for an extension of one year expiring on May 2, 2012 and Councilmember Notti seconded. The vote was six in favor.

Case #11-03-11 > Special Use Permit (SUP)

**E. Felicia Miller for Southern Community Living (309 Macon St.)
District Rufus Stewart**

Zoned C-2 (Central Commercial)

Land Lot(s) 155 of the 7th District

0.3 +/- total acres

City Council Meeting (Workshop 04/28/11 and **Public Hearing 05/02/11**)

Staff Recommendation: Approval of the Special Use Permit with stipulations

Planning Commission Recommendation (04-26-11 Mtg.): Darryl Payton – Motion for approval of the SUP with staff recommendations, Swaine Thompson – Second. Motion Passed (5-0).

Refer to Final Staff Report for complete details.

Planning Commission approves this SUP with the following stipulations:

1. Time interval will be for three (3) years from final approval by City Council; expiration on 05-02-2014.
2. Exterior of the existing, re-built, and/or new structures erected on-site shall be residential in appearance (i.e. pitched roofs, window shutters) with neutral paint colors.
3. Georgia DOT, City of McDonough and Henry County DOT shall retain final approval of the ingress/egress of the development based on any modifications made to the existing ingress/egress points.
4. On-site parking shall be limited and maintained within the side yard area only along the southern boundary.
5. No temporary signage allowed on-site. All signage shall be wall and/or located on a monument style ground sign. The maximum height of said sign shall be eight (8') feet.
6. Existing landscaping within front, side and rear yards to be retained. Supplemental vegetation to be planted on-site, as necessary.

Ms. Field reviewed the SUP request and read the stipulations listed above. Mr. Calvin Miller spoke to Mayor and Council. Mayor Copeland opened the Public Hearing. No one spoke in favor and no one spoke in opposition. Mayor Copeland closed the Public Hearing. Councilmember Stewart made the motion to approve the SUP request for Case #11-03-11 for Felicia Miller for Southern Community Living located at 309 Macon St. for three (3) years, and to follow the staff stipulations as presented by Community Development Director; and Councilmember Notti seconded. The vote was six in favor.

Specialty Item(s):

F. 2011 ARC Supplemental Study Grant Contract, ARC and City of McDonough

Staff Recommendation: (Refer to Memorandum from Community Development Director)
Requesting approval of Grant and authorization to sign document.

Ms. Field requested approval for the 2011ARC supplemental Study Grant Contract between the Atlanta Regional Commission and the City of McDonough.
Councilmember Smith made the motion to approve this request and Councilmember Stewart seconded. The vote was six in favor.

Unscheduled Public Comments

Mr. Ronald Tucker of 1104 Whispering Drive spoke to Mayor and Council. Mr. Tucker discussed the water problems in his yard.

Mayor Copeland asked for a motion to go into Executive Session to discuss real estate matters.
Councilmember Smith motioned and Councilmember Amis seconded. The vote was six in favor.

Mayor Copeland asked for a motion to return to Regular Session. Councilmember Amis motioned and Councilmember Smith seconded. The vote was six in favor.

There were no action items to report from Executive Session.

Mayor Pro Tem Vincent commented on communicating with Spalding County to help with the tornado damage they received.

Having no further business Mayor Copeland asked for a motion to adjourn. Councilmember Smith motioned and all stood in favor.

Janis Price
City Clerk