



**Carroll County
Department of Community Development**

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**PLANNING COMMISSION SYNOPSIS
August 24, 2021**

Z-21-08-03: Rezoning from R3 Residential to Commercial. The subject property is located at 0 Hwy 16—at the S.E. corner of S.R. 16 and Oak Mountain Rd—in Carrollton, Parcel #134-0336, Land Lot 188 of the 5th District. Owner: Stripling Chapel Corner, L.L.C. Applicant: Stripling Chapel Corner, L.L.C. Commission District 4.

When staff presented the case, it brought to the attention of the board that staff is recommending denial, mainly because of the Future Land Use Map, but also because of potential traffic issues the proposed use would bring.

Attorney Chuck Conerly spoke on behalf of the request. He stated that Mr. Wood had owned the subject property for 42 years. He said the location is an ideal location for a convenience store, at the signalized corner of a state highway. He said Carrollton city limits is directly across the highway. He said it will not cause any added expense to the county and will add tax revenue. He said the use will add more traffic but will not be a material difference. He said that the Future Land Use map does indeed designate the property as residential, but the county has deviated from this 10 times in the past two years. He quoted portions of the Comprehensive Plan from Pages 212, 213, and 219 which describe areas for neighborhood commercial activities, which he believes supports the application for rezoning.

Jeff Bush of 40 Mountain Oaks Drive spoke in opposition. He said his subdivision will be mostly impacted. He asked everyone in the audience to stand who was in opposition and approximately 50 people stood. He said he moved in about a year ago because it is a quiet neighborhood. He stated that there are other subdivisions in proximity, and they all stand together in opposition of this request. He said Mr. Wood is wanting to cash out and leave the community with crime and traffic. He said that are eight subdivisions within 1.5 to 2 miles from this property. He noted that there is a "No Truck" sign at the beginning of Oak Mountain Road. There is no commercial property contiguous with the property. He said this is not a commercial bypass. He said the request does not meet the standards set by the ordinance and there is no need for another convenience store. There is a BP three minutes away, two Dollar Generals, and it is 3.5 miles to Walmart and Kroger. He said the bus stops in front of their subdivision because there is no cul-de-sac and increased traffic would be a danger to children.

David Miceli of 112 Misty Hollow spoke in opposition. He said the Comprehensive Plan does address growth, but it is managed growth. He said there is no need to deviate just three years after adopting. He said there will be excessive traffic. You also must look at land use compatibility and it is essential to project the integrity of the neighborhood. He said only one person will benefit from this and it is the applicant. He said there is no evidence that the current zoning is untenable especially in the current market for residential real estate.

In rebuttal, Mr. Conerly stated that the property is infeasible for residential use due to the state highway corridor and the topography of the property. He said the highest and best use is commercial.

In rebuttal opposition, Mr. Miceli stated that Mr. Conerly focuses on the approach from Highway 16, but residences could have access from Oak Mountain Road. He said that Mr. Wood has had the property for 42 years and it has never been used as commercial. The other commercial uses that are even close all predate zoning.

Commissioner Simpson asked the applicant if he had begun negotiations with a convenience store chain or petroleum company and he stated he had not. She then asked if any market studies and he had done said they had not. She asked if he owned any other convenience stores and he said he does not. She asked if he had had any discussions with GDOT about access to the property and he stated he had not, but that he thought his engineer had done so.

Commissioner Dement asked Mr. Wood if he was aware of the Future Land Use Plan and had he made any attempt to give input before it was adopted, and Mr. Wood stated that he had not, and that he did not know about the Future Land Use map.

Staff told the board that the 10 deviations from the Future Land Use map that Mr. Conerly referred to were majority down-zonings, that is, the zoning was going to a less intensive use.

Commissioner Marshall made a motion to recommend denial and Commissioner Dement seconded. The vote to recommend denial was unanimous.

C-21-08-01: Conditional Use for a winery, tasting room, event space. The subject property is located at 0 Harper Rd, Carrollton, Parcel #074-0036, Land Lot 167 of the 10th District. Owner: Martha Petrie. Applicant: Krystal Lane. Commission District 6.

Krystal Lane spoke on behalf of the request. She stated that it had always been her family's dream to own a vineyard and winery and the plan is to open a small tasting room with local food trucks, a similar operation to Little Vine Vineyards but probably half the size. She said they want to do a few weddings, community outings, UWG events. She said she loves the Carrollton Square and sense of city pride felt there and would like to extend that out to her winery. She said she wants to create a barn for event space and will serve a different clientele than most event venues. She said her background is in custom homes and design. She stated that they will produce wine on site and will use steel barrels instead of oak. She said her husband is a music teacher and he will contribute to live music on the site. She said they have not had soil tests done yet but believes that the property will be fine as there is flood plain near the back of the property.

Staff pointed out that the property has split zoning, with commercial on the road frontage and agricultural in the back. This was pointed out because event venues are only allowed in Agricultural zoning. There was no opposition. Commissioner Simpson motioned to approve with the condition that the approval is for this owner only. Commissioner Wilson seconded. The motion to recommend approval was unanimous.

Z-21-08-01: Rezoning of two tracts totaling 3.09 acres from Agricultural to Residential. The property is located at 532 Moss Ferry Rd, Villa Rica, Parcel #171-0015, Land Lot(s) 4/5 of the 6th District. Owner: Madeline and Neville Brewer. Applicant: Madeline and Neville Brewer. Commission District 3.

Mr. and Mrs. Brewer spoke on behalf of their application. They said they previously had three horses and now are down to one horse. He said it is just too much maintenance and they want to enjoy their home instead of having so much work, so they are asking to split off two residential tracts and keep the remaining 4+ acres as agricultural zoning. They have no plans to sell at the current time but are thinking about the future. One of the proposed residential tracts contains their home, and their hope is that one of their children will take the other proposed residential tract, but they are not certain at this time. Commissioner Marshall motioned to recommend approval with Commissioner Simpson seconding. The vote to recommend approval was 5-1 with Commissioner Dement voting against recommending approval.

Z-21-08-02: Rezoning from Commercial to Industrial. The subject property is located at 2566 E. 166 Hwy, Carrollton, Parcel #131-0369, Land Lot 140 of the 5th District. Owner/Applicant: M.S.I. Enterprises LLC. Commission District 5.

Robert Polczynski spoke on behalf of MSI Enterprises. He stated he just purchased the property. He said his company is currently located in the city limits of Carrollton, on Aycock Street, and they have outgrown that property. He stated that they will be doing some light manufacturing of food grade powders for vitamins and capsules, and that they will have no retail customers and no store front. There was some question from the commissioners as to the need for rezoning and staff pointed out that commercial zoning does not allow for manufacturing, but also pointed out that there are other industrial uses on adjacent and nearby parcels. There was no opposition. Commissioner Dement made the motion to recommend approval with the condition that the approval is just for manufacturing of his products only. Commissioner Hagen seconded and the motion to recommend approval with condition was unanimous.