



**Carroll County
Department of Community Development**

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PLANNING COMMISSION SYNOPSIS
January 25, 2022

Z-22-01-01: Request to Rezone approximately five acres from Agricultural to Residential for the purpose of splitting property to build an additional residence, located at 130 East Lake Buckhorn, Temple. Parcel #149-0051, Land Lot 104 of the 6th District. Owner/Applicant: Philip Smith. Commission District 3.

Mr. Smith spoke in favor of his request. He stated that he wants to rezone a five acre tract with an existing home in order to divide the property and build a second home.

Chairman Doyal asked about a shared driveway. Mr. Smith stated that the new parcel, if approved, would share a driveway to his personal home, which is on 16 acres behind the subject property. Commissioner Dement inquired to staff about the Future Land Use Map. Staff confirmed that the Future Land Use map designation for this area is residential.

Staff let the board know that an adjacent neighbor had called to inquire about the request, but stated that she had no problem with it, and that Mr. Smith “does good work.”

Commissioner Hagen motioned to recommend approval and Commissioner Dement seconded. The vote to recommend approval was unanimous.

Z-22-01-02: Request to Rezone 2.72 acres from R3 Residential to Commercial for the purpose of a landscaping company and tree service, located at the corner of Stripling Chapel Road and Central High Road, Carrollton. Parcels #110-0208, 110-0019, 110-0200, and 110-0021, Land Lot 229 of the 5th District. Owner/Applicant: Jose and William Rodriguez. Commission District 4.

Mr. William Rodriguez spoke in favor of the request. He stated that he had been doing business with his tree and lawn care business for over 15 years. He stated he lives on Belva Street in the City of Carrollton, but has had his business at the subject location since 2008. He wants to continue his business at this location, but needs the property rezoned in order to do so.

Commissioner Simpson asked about large equipment. Mr. Rodriguez stated that he would have small equipment such as lawn mowers, skid steers, ¼ ton trucks, and dump trucks, but no large equipment. He said he is not into logging. He said he only does tree service and lawn care.

Commissioner Dement asked about neighbor complaints. Mr. Rodriguez stated that someone had complained that his property was messy, but that was about a month ago, and he tries to keep his property nice. Commissioner Dement pointed out that there did not seem to be any opposition as there was no one else in the audience. Mr. Dement then asked about the sign that had been taken down. Mr. Rodriguez stated that the county had asked him to take the sign down until the rezoning was heard. He said he has focused his attention on getting a clean slate with the county.

Commissioner Huddleston made a motion to recommend approval and Commissioner Simpson seconded. The vote to recommend approval was unanimous.

Consideration of a Resolution and Ordinance Amending the Carroll County Zoning Ordinance to define and regulate Horizontal Apartments and similar developments as a permitted use in the Multi-Family Residential zoning district.

County Attorney Avery Jackson presented the proposed ordinance change. He stated that the county is attempting to get ahead of a new trend in housing of “horizontal apartments” which are build-to-rent communities or communities that are predominantly comprised of rental units, typically owned by the same owner. He went over the proposed definitions to be added to the ordinance, and then the addition of the housing type to the Multi-Family Residential housing section of the ordinance. Mr. Jackson stated that staff had researched what some other jurisdictions were doing and used some of the verbiage from their ordinances to craft this proposed ordinance change.

Commissioner Dement praised the county attorney and staff for attempting to be proactive rather than reactive with regard to this trend. Commissioner Hagen questioned the 50% limit stated in definition #3 and said that he felt it could be even lower, at 30%. Staff stated that she was unsure what the justification is for this number, but thought it might be to avoid being in conflict with the Fair Housing Act. Commissioner Simpson pointed out a possible ambiguity with definition #2 and thought this should be revised before ordinance is adopted.

Commissioner Dement motioned to recommend approval with the changes suggested, and Commissioner Hagen seconded. The vote to recommend approval was 4-1 with Commissioner Simpson voting against the recommendation for approval.