

**CITY OF ACWORTH  
PLANNING & ZONING MEETING  
TUESDAY, January 26, 2010 – 7:30 P. M.**

**Present:** Chairman Ben Flanagan, Commissioners Jim Aiken, Van Jacobs, Jeff Steorts, Toby Carmichael, Scott McPherson, Fletcher Whitworth, Brett North and Vince DiCecco.

**Absent:** None.

**1. CALL TO ORDER**

Chairman Flanagan opened the meeting at 7:33 pm.

**2. PLEDGE of ALLEGIANCE**

The Pledge of Allegiance was recited.

**3. APPROVAL of the October 27, 2009 MINUTES**

Chairman Flanagan asked if everyone had had the opportunity to review the October 27, 2009 minutes and if any changes needed to be made. There were no corrections requested. Commissioner Carmichael motioned to approve the October 27, 2009 minutes as presented, and it was seconded by Commissioner Aiken. The vote was unanimous.

**4. MATTERS FOR CONSIDERATION/PUBLIC HEARING**

Chairman Flanagan provided an overview of the rules and procedures of the public hearings.

**A. Public Hearing: 2010-01VAR for Robert Broadway on behalf of Mink Creek Investments to remove a zoning restriction prohibiting a commercial curb cut onto a residential street. The property is located at 5215 North Main Street. THE APPLICANT HAS REQUESTED TO TABLE THIS ITEM.**

Chairman Flanagan opened the public hearing and advised that while the applicant has requested to table this item, the public notice has run so a public hearing will still be held. Chairman Flanagan noted that the applicant was not present to speak.

Chairman Flanagan asked for comments from staff. Christine Dobbs, Community Development Director, stated that the applicant wants to put a retail store with a commercial curb cut on Cemetery Street. She advised that the applicant has not yet redesigned the site plan to address the comments from staff, and that staff is still waiting to receive the justification letter for the request.

Chairman Flanagan closed the public hearing and asked for questions and comments from the board. There were no questions or comments from the Board.

Chairman Flanagan asked for a motion to table. Commissioner North motioned to table application 2010-01VAR. It was seconded by Commissioner Carmichael and the vote was unanimous.

**B. Public Hearing: 2010-02VAR for Billy Harris to remove a zoning restriction requirement that storage of vehicles utilized in a vehicle rental facility must be located at the rear of the shopping center. The property is located at 4573 South Main Street and is zoned C-2 (Community Retail Commercial).**

Chairman Flanagan opened the public hearing and asked who was present to speak in favor of the application. Billy Harris (4573 S Main St, Acworth) wants to add U-Haul rentals to his business. There is a fenced, gated area on his end of the building where he would like to park the trucks to make it more convenient to service them.

Chairman Flanagan asked if anyone else was present to speak in favor of or against the application. Billye Pitner (4403 Seminole) asked where the property is located. Chairman Flanagan advised it is in the Save-A-Lot shopping center. There were no further comments in favor of or against the application.

Chairman Flanagan asked for comments from staff. Ms. Dobbs said this location is part of the South Acworth Shopping Center. The C-2 (Community Retail Commercial) section of the City of Acworth Zoning Ordinance requires that vehicle rental facilities must store the vehicles “to the rear of the shopping center.” The applicant is seeking to have this requirement removed as his business is located at the front of the shopping center near Main Street and there is a fenced, gated, area by him where he wants to store his trucks. Ms. Dobbs advised there is a fourteen (14) foot grade difference between the parking lot and South Main Street above it. The gated area is not currently being used for parking so this would not cause an impact on available parking spaces. Staff recommends approval of the request with the stipulations found in the staff report.

Chairman Flanagan closed the public hearing and asked for questions and comments from the board. Commissioner DiCecco asked if the truck rental is associated with another business. Mr. Harris said he had U-Haul rentals in his previous location in the Big Lots shopping center and he had room to park them behind the building there, but he does not in this location. Commissioner DiCecco asked how many vehicles the applicant has and the types of maintenance being done. Mr. Harris said he has no more than six (6) at any one time, including trucks, tow trailers, etc, and he sweeps and cleans them. He further stated that there is no actual maintenance being done. Chairman Flanagan recommended changing the wording in the staff report from “remove” Section [#47(a)] to “waive requirements.” Commissioner Carmichael asked if opaque fencing is needed. Ms. Dobbs said because the parking lot is below grade this isn’t a concern. There was discussion regarding situations where opaque screening would be applied. There were no further questions or comments from the board.

Chairman Flanagan then asked for a motion. Commissioner McPherson motioned to approve the variance request with the stipulations listed in the staff report and the wording change recommended by Chairman Flanagan. The motion was seconded by Commissioner Steorts and the vote was 8-0 as Commissioner Carmichael was not present for the vote.

**5. ANNOUNCEMENTS**

Chairman Flanagan asked if there were any announcements. Ms. Dobbs reminded everyone that the next ABA meeting would be the State of the City presentation. She also advised that the reappointments of Commissioners Whitworth and Jacobs were approved by the Council last week.

**6. COMMISSION MEMBER'S COMMENTS**

Chairman Flanagan asked for the Commissioner's comments. There were no comments from the Commissioners.

**7. ADJOURN**

Chairman Flanagan asked for a motion to adjourn. Commissioner Aiken motioned to adjourn at 8:02 pm and it was seconded by Commissioner Carmichael. The vote was unanimously.

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Ben Flanagan  
Chairman, Planning & Zoning Commission

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Christine Dobbs  
Community Development Director