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# Planning and Zoning Commission

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## July 22, 2024 Planning and Zoning Commission Minutes

**Voting Board Members Present:** Steve Coleman, James Freeman, Keisha Rawls, Martin Presley, Kathy Rowland, and Michael Brewster.

**Voting Board Members Not Present:** Hal Clarke.

**Staff Present:** Dean Nelson and Will Campbell.

- I. **Call to Order:** Steve Coleman called the meeting to order at 5:00 p.m.
- II. **Approval of Agenda:** Martin Pressley moved for the agenda to be approved. James Freeman seconded this motion. The agenda was approved unanimously. (6-0)
- III. **Approval of Minutes:** Kathy Rowland moved to approve the minutes from the previous meeting. James Freeman seconded the motion. Minutes were unanimously approved. (6-0)

### IV. Planning and Zoning:

- a. Steve Coleman introduced Primepoint Ventures, represented by Georgia Emami. Dean Nelson stated that Primepoint Ventures is applying to rezone 644 Montpelier Road, Parcel 054 022A from Residential Low Density (R-1) to Traditional Neighborhood Development District (TND). Mr. Nelson provided the definitions of a Residential Low Density district and a Traditional Neighborhood Development. Specifically, the zoning ordinance states, TND is an approach to land-use planning, urban design, and development that promotes the building of neighborhoods with a mix of uses and housing types, architectural variety, one or more central public gathering places, interconnected streets (and sometimes alleys), and edges defined by greenbelts or boulevards. The basic goal is the integration of residences with work, shopping, recreation, and transit all within walking distance. Developments within this district consists mostly of residential neighborhoods in a rectangular or square block, lot, and street pattern in the originally settled neighborhoods of Forsyth.

Mr. Nelson noted that the property in question already received a variance which provided for R-2 lot sizes and then proceeded to give his staff review. Mr. Nelson's review stated that once rezoned, Castlevue Development, the owner intends to develop a 55 + HOA governed community as part of the Fox Run Development. Per the submitted preliminary plan, the project will consist of 63 cottage-style single-family detached homes constructed at the rear of the property to reflect prior concerns about the rear of the homes being visible from the Montpelier Road. Mr. Nelson gave his recommendation to deny the rezoning application and provided his explanation, which was: the conceptual plan submitted does not utilize alleyways as a means of accessing rear garages or parking in the rear of the lots per the TND code, connectivity is limited because the streets are not arranged in a grid-like pattern and several end in cul-de-sacs, and the plans as presented do not meet the basic goal of a TND of providing connectivity to and integration of nearby work, shopping and recreation.

George Emami argued that TND best matches the goals for his plan. Steve Rowland, project engineer, came forward to further argue for the TND rezoning. Kathy Rowland asked about the locations of the driveways in the plans that were submitted. Mr. Rowland explained the location of the driveways and alleyways. Mr. Coleman stated that he believed the lots are too small and noted the .167 acre requirement for TND. Mr. Coleman further questioned about the 55+ age requirement in the presented plans. Mr. Emami commented that he would happily make it a requirement. Mr. Coleman noted the original intent of the TND zoning classification, and that R-3 might be a better option. Mr. Rowland noted that narrow lots have become more common in building. Mr. Emami referenced the Providence subdivision in Macon as a model for his plan. James Freeman stated that he wanted to see the alleyways in the plans. The engineer noted that they may lose lots to build alleys. Mr. Freeman inquired about guest parking at each unit. The engineer responded by saying that guest parking is the responsibility of each house. Mr. Coleman asked about unit square footage. Mr. Emami stated that each unit is 1200-1400 square feet and that his model home is 1650 sq ft. Mr. Coleman asked if the units are modified tiny homes. Mr. Emami says the units will be a street front development. Mr. Coleman mentioned the Windmark Neighborhood in Florida as another example. The Project Engineer notes that the TND ordinance states that 1200 sq ft is the minimum. Mr. Emami mentioned that inflation is a big issue in building and developing these days and density makes it more affordable. Mr. Coleman asked about a community clubhouse. Mr. Emami responded by saying they are planning to build one and noted that it would not be visible from the main road. Mr. Emami further explained the economic benefits of the proposed development. Mr. Coleman

asked Mr. Emami if he would be ok with a 55+ deed restriction. Kathy Rowland asked how legally enforceable this would be. Mr. Emami stated that someone younger than 55 that inherits the property would have to rent or sell. Mr. Freeman inquired further about that. Mr. Emami provided some examples of that. Mr. Coleman stated that possible buyers would have to know this information up front. Mr. Emami agrees. Mr. Coleman asked someone from Mr. Emami's team about his experience with these types of developments. He stated that he didn't have prior experience. Mr. Coleman expressed concern about mismanagement of this potential development and the need for an HOA. Mr. Emami said if the Board recommended it as a 55+ community, then it must conform to all state and federal guidelines, but he does not currently know the regulations. Keisha Rawls quickly searched for regulations online and introduced the HUD 80/20 rule required for 55+ community, which is the only caveat to the Federal fair housing laws. Mr. Coleman asks about conditional approval. Mrs. Rowland states that she is apprehensive about the number of lots. Mr. Coleman said that this was a reasonable concern. Martin Presley quoted from Mr. Emami's packet of information about the rules for the 55+ community and says the board is not familiar with the rules. Mr. Presley further stated that he thought TND designation was for preexisting neighborhoods, and he has concerns about TND district away from the traditional area adjacent to downtown. Mr. Emami spoke on the difficulty of meeting all requirements for zoning regards to new developments. Mrs. Rowland asked if it was possible to do the project with fewer units. Mr. Emami says that he doesn't know if its economically feasible to do less. Mrs. Rawls asked if the grid pattern is achievable. Mr. Nelson notes that the lack of access to retail shops and the lack of a grid pattern is holding them back. Mrs. Rawls says that her relative lives in a similar development and there are alleys every two lots. Mr. Coleman says they need final plans before deciding. Mr. Emami asked if the board will approve the rezoning if he addresses concerns. Mr. Coleman says he might be better off with a variance rather than a rezone. The engineer jokingly stated that their track record isn't very good. Mrs. Rowland expresses the need for this type of housing but says there are concerns. Mrs. Rowland further points out traffic issues from previous developments. Mr. Emami states that traffic should not be a problem because there should only be one to two cars per house. Mr. Coleman suggests coming back in a month with final plans that address the board's concerns. The revised plans should show greater connectivity, including alleyways and driveways. Mr. Emami should also provide more information on 55+ communities and provide a clearer understanding of how that would be implemented and maintained based on the legal requirements for that type of

age-restricted community. Mr. Emami agreed and offers to send information early.

- b. Mr. Coleman introduced the next agenda item: a variance request by Mr. David Watson for a planned tattoo shop at 16 E. Main Street, located in the Central Business District (CBD). Mr. Nelson provided the background and reasons for hardship. Mr. Nelson stated that Mr. Watson submitted an occupational tax license application; however, he could not verify zoning because the non-residential table of uses did not provide a district zoning for tattoo studios. Mr. Nelson then advised Mr. Watson that he must request a variance. Mr. Nelson stated the hardship in this case is the lack of zoned districts for the occupation. Mr. Nelson gives the staff recommendation of approval with the condition that the exterior remain within the character of the Central Business District keeping with the charm and friendly downtown atmosphere. Mr. Nelson's recommendation was based on the following: it fits the City's Future Land Use/Comprehensive Plan of commercial development within downtown Forsyth and it is within the mission of Main Street to "develop and encourage a prosperous downtown that provides diverse shopping, dining, entertainment and living options, thereby creating a vibrant community for all."

Mr. Coleman asked Mr. Watson to come up and speak. Mr. Watson expressed a desire to fit in with the look of downtown. Mr. Coleman asked about a potential closing time. Mr. Watson mentioned that closing time would be around 8:00 pm, but that appointments could run over. Mr. Watson mentioned how regulated tattoo shops are and that he has a license. Mr. Nelson confirmed the license. Mr. Watson stated they will only be doing tattoos and not piercings. Mr. Coleman asked if there is a separate license requirement for piercing. Mr. Watson confirmed. Mr. Coleman asked where they are coming from. Mr. Watson stated they are local to Forsyth. Mr. Coleman asked about his experience. Mr. Watson mentioned that he previously worked in Macon and Atlanta. Mr. Coleman noted that the board and city have limited experience with tattoo shops other than Ink Wizard. Mr. Watson said that Ink Wizard gives his profession a bad name. Mr. Watson further expressed his desire for maintaining the image of Downtown Forsyth. Mr. Presley asked if they had met their neighbors. Mr. Watson states that he hasn't met them all just yet. Mr. Coleman said he recommends meeting them all. Mrs. Rawls made a motion to approve the variance request and Mrs. Rowland seconded the motion. The vote was unanimously approved.

- V. Design Review:** Mr. Coleman introduced Todd Rivers, Big Peach Oil and Lube. Mr. Coleman asked Mr. Rivers if their previous plans had changed at all. Mr. Rivers confirmed they have not. Mr. Coleman asked about a dog washing station. Mr.

Rivers said that the dog washing station is very popular at his other establishments. Mr. Coleman asked about his other car wash/oil change businesses. Mr. Rivers noted that there are three others he owns, but that this will be his first freestanding oil change business. Mr. Presley noted that he asked about the ongoing construction a couple of months before this meeting. Mr. Rivers stated that there was some confusion about the approval. Mr. Presley says that there can be costs associated with confusion. Mr. Rivers agreed with this point. Mr. Presley asks if this building will look similar to the car wash. Mr. Rivers confirmed that it will. Mr. Coleman asked about parking. Mr. Rivers provided information about the parking lot. Mr. Freeman motioned to approve the design review. Mrs. Rowland seconded the motion. The vote was unanimous.

**VI. Additional Business:** N/A

**VII. Adjournment:** Steve Coleman adjourned the meeting at 6:18 pm.