

CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD, BERKELEY LAKE, 30096
PLANNING & ZONING COMMISSION MEETING
DRAFT MINUTES
MARCH 13, 2012
7:30 PM

Those in attendance at the meeting were as follows:

Commission Members: Rodney Hammond, Chair
 Jeff Cooper
 Dan Huntington
 Sally Rich-Kolb

Deputy City Administrator: Leigh Threadgill

Citizens Present: 7

I. CALL TO ORDER:

Hammond called the meeting to order at 7:30 P.M. at 4040 South Berkeley Lake Road noting that a quorum was present with all commission members present, considering the absence of Tom Merkel due to his recent resignation.

II. MINUTES

a) Minutes of November 15, 2011

Cooper made a motion to approve the minutes as submitted. Huntington seconded the motion. Kolb abstained due to being absent at the November 15, 2011 meeting. All but Kolb voted in favor and the motion passed.

III. NEW BUSINESS

a) Amendment to Chapter 78, Zoning Ordinance, to allow Farmers' Markets in R-100

Threadgill recognized Cary Thornton to give a brief introduction to the project that has resulted in the need for the amendment. In Thornton's absence, Carol Seitz, 34 Lakeshore Drive, agreed to provide some information about the farmers' market plans.

Carol Seitz, 34 Lakeshore Drive. What we want to do is similar to what is being done in other smaller cities. Cary is hoping to get at least 10 vendors to come here on a Thursday night, every Thursday night, I think it's from 4 to 8, during the summer months. We just think that this would be a great way of promoting the community especially with spirits down because of the lake but also to be able to generate a stronger community with just the people that come by to stop at the market. Other markets have been very successful. She's trying to get it totally organic, local, homegrown, that kind of farmers' market.

Cary Thornton arrived.

Cary Thornton, 487 Lakeshore Drive. *We're soliciting about, for beginners, ten vendors, we're calling them vendors, it's mostly farmers who would either produce produce or meats, you know, just edibles, and also artisan compliments to that, which would be maybe things like cheeses, mostly it would be things that come from other farms, milk products, cheeses. We would also like to offer things that people make of their own, primary producers, I would call them, and I think they've been called that in other markets.*

Cooper stated that the Georgia Department of Agriculture prohibits the selling of meats, dairy and eggs at a farmers' market.

Thornton responded... *Actually, with the right, you have to have licensing from the USDA. Other markets, if they are offering, it's a common offering for items like that, they just require that you submit whatever permits that are required for them to be offering. Most the people who do this are also offering it to restaurants, other markets, and possibly stores too, but we're trying to get the little guys, that's really what we're all about is trying to get the local producers of foods to have an avenue to sell it.*

Kolb asked if vendors would set up tents or booths or would they sell out of the back of their trucks.

Thornton responded... *It depends, some, especially the meat producers, will usually have a truck because they have a refrigerator if they're making a round to a restaurant. They have to have a day's worth of cooling. Most of them have tents and they pop them up, they're used to this, they put up a nice tent and a pretty display. Making the visuals appealing is part of what they do because they want to sell the product.*

There was discussion about the types of vendors that would be allowed and whether they'd be local.

Thornton responded... *I would suggest it would be only limited to local, but local is generally referred to as what's within 200 miles. That's kind of like the radius that is considered local. It might be, I guess that could be, a little bit into Alabama. I go to Georgia's organic conferences, the most recent one was in Columbus and they had a lot of people from Alabama and people from Chattanooga. The whole point, I guess you would say, is to try to keep the travel time of foods limited, and even more focus would be to try to keep the economy in Georgia and even better than that right here in Berkeley Lake.*

Huntington asked if what was being proposed was to change all of R-100. Threadgill responded that that was correct. Farmers' markets are being proposed as permitted uses in R-100, subject to a list of stipulations.

There was a discussion about whether this could be done as a special use permit. Threadgill stated that what is being done is very similar to a special use permit, but that the city's ordinances don't have special use permit language.

Cooper stated that he is concerned that the chapel may not be the only location where this could be permitted.

There was discussion that one of the proposed requirements is that council must approve the use, wherever it is proposed to be located.

There was discussion about the public's opportunity to comment and what may happen if there are any concerns.

Thornton stated... *There has been an informal survey done around in the local residents to the chapel area included and everybody I've talked to is all for it.*

Threadgill asked if Thornton had reached out to the subdivisions.

Thornton responded...*No, not specifically. Although, I think there has been some feedback from a few in those areas.*

Cooper stated that he is concerned about what this opens up for the city, and supports reaching out to subdivisions. He noted that this change is to the entire R-100 district in the city, and he thinks that Berkeley Walk may have a site that meets all the requirements.

Huntington stated that the commission's job is to consider all the ramifications.

Bob Spruell, 4015 N. Berkeley Lake Rd. *I think we're on a slippery slope here. I was not aware that it was going to be a total change such that every R-100 lot in our city would be re-characterized as a farmers' market, and that's, correct me if I'm wrong, but that's what I'm hearing right now. There's no time limit on this once this board approves it and once the council approves it, it's there, it's set in stone, that anybody can use their property for a farmers' market.*

Threadgill responded that only a lot that met all of the requirements, such as lot size requirements, location on a major collector, parking requirements, etc., could be the location of a farmers' market.

Spruell... *so not everyone, but at least everybody on a major street, which would be anybody on South Berkeley Lake Road, North Berkeley Lake Road, Bush Road, any of those people could use their property if it were an acre. Most of the lots are an acre except for the fishing lots.*

Threadgill stated that she did not think most of the lots were an acre.

Spruell...*So we've narrowed it down to there are a number of lots. Here again, I'm a little confused. The analysis by the City of Berkeley Lake here, your staff analysis, says that farmers' markets exist in other cities in the area. They're often sponsored by the city and are held on city property, usually at a park. In order to permit the proposed farmers' market, a zoning ordinance amendment is required. I don't understand why we're going to this major step of getting closer to every R-100 lot on a major street being considered a commercial entity just because we want a farmers' market at the chapel. What's wrong with a farmers' market on city property right here in the parking lot, from 4 to 7 on Thursday night during the summer time without going to the major change of making the chapel a different entity, plus every other R-100 lot in our city right now? That's why I say we're on a slippery slope. Why do we want to get closer to being a commercial entity for all of these lots and would that not be the first step. You are setting a precedent that you do not consider the sanctity of residential lots in our city...Wouldn't it be a less impacting action for the city to volunteer to hold the farmers' market on their property, which is the community's property, rather than changing our ordinances, our zoning ordinance, for every R-100 on a major street. I am not against a farmers' market, but I'm totally against getting one step closer to a commercial entity for all these lots.*

There was discussion about the list of requirements that is being proposed to allow a farmers' market in R-100.

Huntington asked if we could add another stipulation that there's a farmers' market license to be allotted for one year at a time and that it would have to be reapplied for every year. The guideline being that the

city would only allow one a year. That would alleviate the fear that there will be a proliferation of farmers' market.

Threadgill responded that she believed we could require an annual permission to be granted for the market.

Huntington asked if we could rezone the lot to something that would fit what it's used for and would allow a farmers' market.

Threadgill responded that this presents a similar slippery slope or domino effect because once one property is zoned commercially, as other properties adjacent or near to it become available there may be a desire to zone those to a commercial designation as well.

There was discussion about having the farmers' market at city hall. There were concerns about parking and restroom facilities.

Carol Seitz, 34 Lakeshore Drive, asked about just changing the zoning for the chapel property.

There was further discussion about rezoning the chapel property.

There was further discussion about parking and restroom facilities if the farmers' market were to be held at city hall.

Threadgill stated that the decision about whether city hall could be used for the farmers' market rested with city council.

Huntington stated that he loves the idea of a farmers' market at the chapel property and believes that the fear of farmers' markets proliferating in the city can be addressed by stipulations in the code. If the city council has discretion to approve a permit to allow a farmers' market, with all the stipulations in the code, that should be enough to control the number of farmers' markets.

There was discussion about permitting this with a special use permit process. Threadgill stated that she did not believe that there was enough time to develop the special use permitting process in time for the farmers' market to open in May.

Spruell asked...*is there was a way of limiting the R-100s by making a minimum size of 2 acres or whatever acreage it is that would eliminate all these other R-100 lots from even considering to be a farmers' market?*

Threadgill responded that the chapel wasn't 2 acres.

Spruell added...*1.5 acres, whatever.*

Threadgill stated that she would look at the acreage of the chapel to determine if the condition requiring a specific lot size, which is currently one acre, could be amended to eliminate more lots in the city.

There was discussion about whether to table this or deny it.

There was further discussion about locating the market at city hall.

Helen Flowers, 4145 S. Berkeley Lake Rd., *and I just want to speak in favor of this concept. I think it's a great idea, and I think it's a great idea because it fosters community, and I don't think that we're doing a great job of fostering community at Berkeley Lake. This is a way to foster community, and that's part of*

the purpose of doing this. A lot of people can walk to it, you know, this is a healthy thing for people to go buy healthy products, and it's really not about making anybody rich, you know that's not really the purpose here I don't think for three hours a week during five months out of the year to have this community event. I would hate to see the slippery slope stop something in its tracks when it has such awesome potential and it's such a unique little thing. It's not the same things as just unbridled commercialism. It's a very different thing, and by my day job I work for the CDC for environmental health, and a lot of our initiatives are around healthy community design, and I really think that this is one of those ideas that starts us down a good path for health community design.

Hammond noted that the commission is well aware of the pitfalls of using this particular mechanism which could in theory affect other areas of the city, yet there is a dilemma about having to put something to council for further disposition.

Huntington made a motion to approve the amendment to Chapter 78 to allow Farmers' Markets in R-100 as submitted with the exception that item "j" be amended to add that such use shall require city council approval by way of an annual permit. Kolb seconded the motion. All were in favor and the motion passed.

Hammond stated that he thinks the farmers' market is a great concept and good for the city as a whole. It's unfortunate that this mechanism we've had to use is, to put it mildly, awkward. He would like for us to take the next year and investigate the possibility of setting up a special use permit that would allow us to designate this specific area for this use as well as other future special use issues that could come up in the city. He indicated that we need to take the time to do these things in the right way.

There was further discussion about the special use permit process.

b) Election of Chair

Huntington nominated Hammond to serve as Planning & Zoning Commission Chair for 2012. Cooper seconded the motion. All were in favor and the motion passed.

c) Election of Vice Chair

Cooper nominated Kolb to serve as Planning & Zoning Commission Vice Chair for 2012. Huntington seconded the motion.

Kolb declined and stated that she had submitted her letter of resignation effective May 1, 2012.

Cooper nominated Huntington to serve as Planning & Zoning Commission Vice Chair for 2012. Kolb seconded the motion. All were in favor and the motion passed.

d) Appointment of Secretary

Kolb made a motion to appoint Leigh Threadgill as Secretary to the Planning & Zoning Commission for 2012. Huntington seconded the motion. All were in favor and the motion passed.

Threadgill noted that she would be leaving as of May 31, 2012 and that P&Z would be appointing a new secretary soon. She stated that council will be voting on the candidate that has been selected to fill her position on Thursday night and that the candidate is a career planning professional with many years of experience.

e) Annual Report

Hammond asked the commissioners to review the annual report that was included in the packet and asked if there were any suggested changes or additions.

There was consensus among the commissioners that the annual report was an accurate reflection of the commission's activities in 2011 and was ready for submission to City Council for their review

Huntington added that we may also want to begin holding planning meetings, which he learned about in the planning commissioner training he attended.

IV. CITIZEN COMMENTS

Cary Thornton, 487 Lakeshore Dr., thanked the commission.

V. ADJOURNMENT

Cooper moved to adjourn the meeting. Huntington seconded the motion. All were in favor, and the motion passed.

Hammond adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Leigh Threadgill
Deputy City Administrator