



Planning & Zoning Commission Meeting
Wednesday, August 7, 2024
7:00 pm

PRESENT:

Commissioner Chair - Marilyn McCain
Commissioner Vice Chair – Tarika Peeks
Commissioner – Derrick Holloway
Commissioner – Trevor Cason

Assistant City Attorney - Patrick Stough
Com. Dev. Director – Tony Alston
Com. Dev. Assist. Director – Janna Keller
Sr. Planner- Jeremy McNeil
City Planner – Ryan Saddler

Absent:

Commissioner Robert Potts

I. CALLED TO ORDER:

The meeting was called to order at 7:00 p.m.

II. Approval of Minutes:

Commissioner McCain motioned to approve the meeting minutes from April 29, 2024. Commissioner Cason provided the second. **The motion was carried.**

III. Old Business:

None

IV. New Business:

- A. Case 2024V-001-05 (Public Hearing): A request from Tri Bui for a variance from the Union City Zoning Ordinance Article 10 Off-Street Parking and Service Section 10-7 to reduce the number of parking spaces from 367 spaces to 165spaces for a proposed restaurant.**

Associate Planner Ryan Saddler presented an overview of the proposed variance. Commissioner Chair McCain asked about the lower right area in the site plan, to which Ryan Saddler responded that it is designated for the bar. She noted that the staff recommends denying the variance based on Union City's Zoning Ordinance; however, if approved, it should adhere to specific conditions, including repaving and restriping the parking lot, reinstalling and replanting parking lot islands, replacing the surrounding fence, and enclosing the dumpster with an opaque fence. Commissioner McCain sought additional details regarding the staff's denial rationale. Assistant Director Janna Keller pointed out Section 10-7 of the ordinance prohibits any reduction in parking. Assistant City Attorney Patrick Stough specifies that the restaurant's proposed seating capacity is approximately 764. Commissioner Chair McCain corrected the agenda to address the misspelling of Tri Bui, with Director Tony Alston confirming the correct spelling. Commissioner Holloway asks about the building's history, to

which Ryan Saddler stated that it previously functioned as a hookah lounge and bowling alley. Commissioner Cason further inquired if the parking variance was discussed during the operation of either establishment, to which Associate Planner Ryan Saddler responds in the negative.

Commissioner McCain opened the floor for public hearing.

Tri Bui reiterated his variance proposal, prompting Commissioner McCain to inquire whether the building is functioning as both a bowling alley and a lounge. Tri Bui confirms that both operations are indeed running concurrently and elaborated on his plans for the space, indicating that arcade machines and seating will occupy the area. Attorney Patrick Stough clarifies that Tri Bui is proposing a 764-seat restaurant featuring two bars and an arcade, to which Tri Bui responds that he seeks to maximize seating in accordance with available parking, as the building's size exceeds his restaurant's requirements. Commissioner McCain suggested revising the proposal since it does not align with the application submitted. She further questioned the number of parking spaces necessary to accommodate 764 seats, with staff explaining that parking requirements are determined by square footage. Director Tony Alston informed the commissioners of a prior issue regarding permitted use and the removal of bowling lanes, which has led to the building being deemed too large for the required 165 parking spaces. Assistant Director Janna Keller stated the building's square footage is 27,589 and confirms the parking requirement of one space per 100 square feet. However, Patrick Stough noted that the correct formula for restaurant parking is one space per 75 square feet, indicating that Tri Bui would need over 368 parking spaces. Commissioner Tarika Peeks then inquires of Attorney Patrick Stough about the appropriateness of adding another condition to reduce the number of tables and chairs should they choose to approve the proposal. Revena Garcia, the proprietor of La Hacienda restaurant, represented Tri Bui by clarifying that restaurants typically do not operate at full capacity. In response, Commissioner Chair McCain mentioned that the situation would become unmanageable due to the available space, irrespective of the so-called "normal capacity." City Attorney Patrick Stough suggested that the public hearing segment should be concluded prior to proceeding with the approvals and conditions.

Commissioner McCain closed the floor for public hearing.

Commissioner Chair McCain inquired about the commissioners' alternative options beyond the staff recommendations. Commissioner Cason expressed his inclination towards approval, emphasizing the community's need for such amenities, while voicing concerns regarding the late-night parking situation and the potential overflow into neighboring businesses' parking lots. City Attorney Patrick Stough highlighted that La Hacienda lacks authorization for additional parking in emergencies. Commissioner Chair McCain raised concerns about the lack of control over capacity, noting that Tri Bui has full access to his space regardless of typical limits. The commissioners acknowledged the desire to support the restaurant but recognized the need to determine the most effective approach. Commissioner Holloway sought clarification on the proposed hours of operation, to which Associate Planner Ryan Saddler responded that they are Sunday-Thursday from 11 am to 2 am and Friday/Saturday from 10 am to 2 am. Director Tony Alston questioned the impact of fire plan reviews on the proposed occupancy, while City Attorney Stough confirmed the fire department's primary concerns are capacity-related and that the letter of intent does not limit activities permitted under general commercial zoning. Commissioner McCain asked about the rationale for the 2 am closing time, and Revena Garcia explained that Union City requires more late-night dining options, noting that only fast-food establishments currently operate late.

Commissioner Peeks emphasized the need for stricter conditions to ensure that owners are cognizant of the City's concerns and proposing that parking be limited to designated property areas in accordance with the City's parking ordinance. Additionally, Peeks suggested imposing a restriction on the restaurant's seating capacity. Commissioner Chair McCain inquired about the possibility of reducing the building's square footage. The City Attorney sought clarification from the staff on whether any permits would be required for ongoing work once approved, to which Director Tony Alston affirmed that a building permit process would indeed be necessary. City Attorney Patrick Stough questioned whether a condition could be established to limit the square footage

usage and if the permitting process could enforce such conditions. Director Alston requested clarification on whether parking regulations were based on the building's square footage footprint or its actual use, with Attorney Stough clarifying that the ordinance pertains to the footprint. City Planner Jeremy McNeil proposed that a portion of the footprint be allocated for restaurant use while the remainder remain unusable. Stough reiterated the importance of adhering to enforceable conditions through building permits. Director Alston explained that any site plans submitted for permit review must clearly indicate the approved conditions. Commissioner McCain then asked Tri Bui if he would comply with the square footage restrictions for the restaurant, to which Bui agreed and mentioned plans to incorporate arcade machines to decrease seating capacity. Commissioner McCain indicated that approval will only be granted if the entire building remains unoccupied, allowing only a limited percentage to be utilized and provided Tri with another opportunity to resubmit. Patrick Stough clarifies that an arcade is not a viable option as it would still allow for public occupancy, while Tri Bui suggests using the additional space for storage. Stough agrees that this is feasible since it does not create an area for public use. Director Tony inquired whether he could submit a revised plan reflecting the reduced square footage, to which Stough responds that clarity is needed regarding the parameters for a restaurant requiring 164 parking spaces. Commissioner McCain requested that a resubmittal of site plans with a smaller footprint be done. Patrick Stough gave a direct number of 12,375 square feet as the limitations for the new site plan. Stough then states if they were to be approved with conditions now the only resubmittal would be with staff and not the commissioners. Director Alston clarified with Attorney Stough that 4 conditions are being added on. Commissioner Chair McCain states all the previously discussed conditions. 1. re-stripe/ pave parking lot 2. re-planting and installing the islands 3. fencing around perimeter 4. enclosure surrounding dumpsters 5. Utilizing 12,379 square feet for the restaurant use only 6. adhering to ordinance section 10 7. parking to be maintained on property site. Commissioner Peeks motioned to approve with said conditions. Commissioner Cason provided the second. **The motion carried.**

B. Case 2024TA-001-03 (Public Hearing): A city-initiated text amendment to the building city Zoning Ordinance of Union City Article VI Section 6-7 RM Residential Multi-family zoning district.

City Planner Jeremy McNeil provided an overview of the text amendment to amend the RM Residential Multifamily district. Commissioner Chair McCain asks for a definition of cottage homes. Jeremy McNeil explains that cottage homes are to be seen as micro-home communities. Commissioner Cason asked if when developing these homes, is staff using the same layout or hue as the previous developments already built. City Planner Jeremy McNeil explains that staff does research on multiple cities with around the same population density as Union City then pinpoints what form of development best suits the city. Commissioner McCain questions what cities were used for research. McNeil noted that staff researched the City of Decatur, College Park, and Clarkston because these are cities that already have regulations for cottage homes. Commissioner McCain asks how many units are in each building in the new development on Flat Shoals Rd. Janna Keller explained that in that case it would be different because of the zoning TCMU. Patrick Stough confirmed that TCMU zoning doesn't have population restrictions. Commissioners confirms with staff that most newer apartments in Union City use TCMU zoning because it is less restrictions in the ordinance. City Attorney Patrick Stough noticed a couple errors with the numbering of sections and lets it be known this will need to be fixed before finalized.

Commissioner McCain opened the floor for public hearing.

Commissioner McCain closed the floor for public hearing.

Commissioner Cason motioned to approve the text amendment. Commissioner Holloway provided the second. **The motion carried.**

C. Case 2024TA-002-04 (Public Hearing) A city-initiated text amendment to amend the City Zoning Ordinance of Union City Article VI District Regulations to amend and add regulations for childcare learning centers.

Ryan Saddler presents the overview of the text amendment revisions. She explains the intent of the text amendment is to amend the regulations for “childcare learning centers”, as “group day care homes”. Commissioner Cason questioned whether they considered state regulations they’ve added pertaining to daycares. Janna Keller sought further clarification. Cason asks whether Union City does quality rating like the state does. Janna Keller confirms no, Union City does not require quality rating. Patrick Stough explains that quality rating has more to do with regulating childcare centers and staff is more focused on the land use of childcare centers. He states staff is not allowed to regulate childcare centers in that way.

Commissioner McCain opened the floor for public hearing.
Commissioner McCain closed the floor for public hearing.

Commissioner Peeks motioned to approve the text amendment with the stated corrections. Commissioner Holloway provided the second. **The motion carried.**

D. Case 2024TA-003-03 (Public Hearing): A city-initiated text amendment to amend the City Zoning Ordinance of Union City Article III Interpretation and Definitions.

Jeremy McNeil proposed the overview of staff wanting to revise the definitions for dwelling townhouses. This indicated the removal of “one of a series of three (3) or more attached dwelling units which are separated from each other by wall partitions extending at least from the lowest floor level to the roof.” He continues on stating staff wishes to keep “A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof” and which has a yard or public way on at least two (2) sides. Each unit is separated from any other unit by one (1) or more vertical common fire-resistance-rated walls. A townhouse shall have at least two (2) stories and may be either fee-simple or condominium ownership.” He explains in addition to these revisions staff also wishes to add “Cottage home court. Five (5) or more detached single-family dwellings that are organized around a shared courtyard on a single lot. Each individual cottage home court shall be organized as a condominium under the Georgia Condominium Act, with all common elements being the responsibility of a condominium association.”

Commissioner McCain opened the floor for public hearing.
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Commissioner Peeks motioned to approve the text amendment as stated. Commissioner Holloway provided the second. **The motion carried.**

V. Adjournment

Commissioner McCain motioned to adjourn at 8:30pm. Commissioner Cason provided the second. **The motion was carried.**