

Minutes
Board of Commissioners and Planning Commission
Joint Training Session
Thursday, September 4, 2025, at 6:00 p.m.
Assembly Hall – 901 Main Street
Conyers, Georgia 30012
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1. Call to Order (each entity will call their meeting to order): Chair Van Ness called this meeting to order for the Board of Commissioners at 6:00 p.m. for the purpose of the items on the agenda. The agenda is attached hereto and is hereby made a part of these minutes. Commissioner Smith joined the meeting virtually. Chairman Peterson called this meeting to order for the Planning Commission at 6:00 p.m. for the purpose of the items on the agenda. The full Planning Commission was present.

2. Introduction and Overview: Jennifer Rutledge, Director of Government Affairs/County Clerk

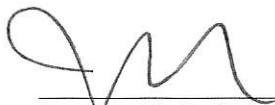
3. Training Session: Ted Meeker, Attorney, Sumner Meeker LLC

4. Board/Commission Comment: Commissioner Williams thanked Attorney Meeker for the training. Planning Commission Chairman Peterson thanked Attorney Meeker and said that the staff at Planning and Development is very helpful and he appreciates them. Ms. Yancey from the Planning Commission said that the training had very good information for everyone. Ms. Stovall-Goolsby from the Planning Commission said it was good that they all heard the same information, as they need to all be on the same page. Chair Van Ness thanked the staff and citizens for joining the meeting tonight.

5. Adjournment: There being no further business, Chair Van Ness adjourned this meeting at 7:42 for the Board of Commissioners. Chairman Peterson adjourned this meeting at 7:42 for the Planning Commission.

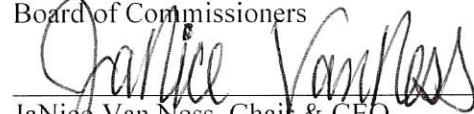
Approved this 9th Day of September 2025.

ATTEST:



Jennifer O. Rutledge, County Clerk/
Director of Government Affairs

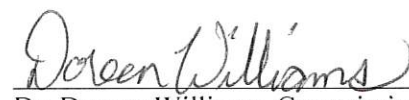
Rockdale County, Georgia
Board of Commissioners



JaNiece Van Ness, Chair & CEO



Tuwanya C. Smith, Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Agenda
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4. Board/Commission Comment
5. Adjournment

ROCKDALE COUNTY

TRAINING FOR ZONING RELATED MATTERS

Most Important Point

- Zoning Hearing
- Quasi Judicial Hearing
- Know the difference!

COMPREHENSIVE PLAN – THE BLUEPRINT!

- Future Land Use Map
- Character Areas
- Follow the Comp Plan
- If you do not like it, change it!
- Challenging to defend actions if lawsuit filed and action is not consistent with Comp Plan

Zoning Hearings

- BOC
- Planning Commission

ZONING ACTIONS

- ADOPT OR AMEND ZONING CLASSIFICATION OF PROPERTY
- TEXT AMENDMENTS TO UDO/ZONING ORDINANCE
- SPECIAL USE PERMITS

Zoning Hearing

- Considered a legislative action
- No personal inquiry as to motive
- Superior Court – de novo – “anew”

Duties of BOC

- (1) *Recommendations*. Receiving from the department and from the planning commission recommendations concerning the comprehensive plan, amendments to the comprehensive plan, amendments of provisions of the UDO, special use permits or any other matters relating to planning and zoning within the county.
- (2) *Public meetings*. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the comprehensive plan, text of the UDO, official zoning map, special use permit, and other actions pursuant to the UDO. The board of commissioners may conduct public hearings and may solicit additional advice, information or comments prior to rendering its decision.

DUTIES OF PLANNING COMMISSION

- (1) To review and make recommendations regarding proposed amendments to the comprehensive plan, UDO, official zoning map, and applications for special use permits according to the standards of subsection 238-6(c) of this chapter.
- (2) To review preliminary and final plats according to the standards of the UDO.
- (3) To advise the board of commissioners regarding environmental policy, comprehensive planning, community development, housing, transportation, land use issues, and capital improvements.
- (4) To work with the department, other county departments, boards, and authorities, when appropriate for the planning commission, the board of commissioners in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future Rockdale County residents, businesses, and property owners.

THE PROCESS

- Planning staff – review information in application, comp plan surrounding zoning, provide analysis. Recommendation?
- Planning Commission for Recommendation
- BOC for approval/denial

PUBLIC HEARINGS

- Staff to go first.
- Applicant and those speaking in favor
- Those persons opposed.
- Equal time.
- Ordinance sets limits, but you can always vote to extend time. Just do so equally.

Planning Commission standards of review –

- 1. The existing uses and zoning of the nearby property;
- 2. The extent to which property values are diminished by the particular zoning restrictions;
- 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
- 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- 5. The suitability of the subject property for the zoned purposes;
- 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- 7. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan; and
- 8. Whether existing or changing conditions affecting the use and development of the property are present that support approval or denial of the zoning proposal.

ACTIONS BY PLANNING COMMISSION

- Recommend approval
- Recommend approval with conditions
- Recommend denial
- Make no recommendation. Note that if 3 motions are made on an issue and no decision is made, it is forwarded to BOC with “no recommendation.”

BOC – Standards of Review (1 of 2)

- *Standards for review of comprehensive plan amendments.* When considering an application to amend the future land use map, the board of commissioners, the planning commission and the department shall consider:
 - a. **Whether a proposed future land use map amendment would result in a future land use classification that is more consistent with the text and policies of the comprehensive plan than the current classification of the property on the future land use map.**
 - b. **Whether the proposed amendment would result in a land use that is more compatible with the current and future land use of adjacent and nearby property. ****
 - c. Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.
 - d. The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.

BOC – Standards of Review (2 of 2)

- Whether the proposed amendment would reduce dependence on the automobile.
- f. The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.
- g. If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future land use that includes review of future land use for the subject parcel and other surrounding property.
- h. The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.
- i. Whether the proposed amendment would result in any negative impacts on the public water supply and wastewater collection and treatment systems or would conflict with adopted long-term water and sewer plans.

ACTION BY BOC

- Approve.
- Approve with conditions;
- Approve an amendment to include a lesser geographic area or a less intense zoning district or land use category.
- Deny.
- Refer the matter back to the planning commission for reconsideration at its next regularly scheduled or called meeting;
- Defer final action until the next regularly scheduled or special called meeting.

Special Use Permits

- Recommendation by Planning Commission
- Decision by BOC

STANDARDS OF REVIEW (1 OF 2)

- THIS APPLIES TO BOTH BOC AND PLANNING COMMISSION
- Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
- Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, including the compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.
- Consistency with the county's wastewater treatment system, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment.

STANDARDS OF REVIEW (1 OF 2)

- Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.
- Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
- Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
- Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.

Action by Planning Commission

- Considerations: does application meet criteria, comp plan and underlying zoning district
- The planning commission may recommend approval of the special use permit application, approval of the application with conditions, approval of the special use permit for a lesser area, extent or intensity, or denial of the application. Failure to achieve a majority vote following at least three motions on such decision shall result in no recommendation to the board of commissioners on the matter.

ACTION BY BOC

- Vote to approve the application.
- Vote to approve the application with conditions.
- Vote to approve the special use permit for a lesser area, extent or intensity.
- Vote to deny the application.
- Vote to defer the application to its next regular meeting or special called meeting.
- Vote to refer the matter back to the planning commission for reconsideration at their next regularly scheduled meeting or special called meeting.

Variances

- Legislative – appeals start anew
- Quasi – judicial – on the record
- Big difference!
- Variances are quasi-judicial
- By their nature, Variances are permitted deviations from the standards in the UDO. Should only be allowed in particular circumstances.

Variances – Board of Adjustments Standards (1 of 2)

- Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
- Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.
- The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
- The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.

Variances – Board of Adjustments Standards (2 of 2)

- The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
- The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
- The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.

When variances are not permitted (1 of 2)

- Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
- Allow an increase in maximum height of building.
- Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- Reduce, waive or modify in any manner the minimum lot area established by the UDO in any zoning district.

When variances are not permitted (2 of 2)

- Reduce, waive or modify in any manner the minimum lot area established by the board of commissioners through a special condition of approval.
- Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, non-conforming use of land and structures in combination or nonconforming use requiring a special use permit.
- Permit the re-establishment of any non-conforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring a special use permit where such use has lapsed.

Variance – Flood Damage Prevention

- Decided by Board of Adjustment.

Flood Damage Variances – Standards (1 of 3)

- Variances shall be issued only upon a determination that the variance is the minimum variance necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- Variances shall be issued only upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

Flood Damage Variances – Standards (2 of 3)

- In addition to the findings in subsection (3), the board of adjustment shall consider the following:
- The danger that materials may be swept onto other lands to the injury of others.
- The danger to life and property resulting from flooding or erosion damage.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the community.
- The necessity of a waterfront location, in the case of a functionally dependent facility.
- The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Flood Damage Variances – Standards (3 of 3)

- The compatibility of the proposed use with existing and anticipated development.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- The safety of access to the property in times of flood for ordinary and emergency purposes.
- The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

Cell Towers

- Federal Legislation 1996
- Cannot consider health or environmental issues
- No coverage in area?
- Topic has calmed down over the years

Considerations

- Staff recommendations
- Information provided by applicant
- Information provided by those speaking in favor of or against
- Comp Plan – How does this property fit?
- Surrounding zoning?
- Issues with developing property under current zoning
- Not highest and best use!
- Schools, traffic, other decoys

Causes of frustration

- Staff analysis
- Planning commission recommendation
- Public comments – representative government
- Voting – procedural rules
- Is the area ready for a change?
- Problem parcels develop last!
- Premium parcels develop first

Tips and Pitfalls

- Permits vs Rezoning – key differences
- Do not commit to voting a certain way – let the decision be made at the hearing
- Motions – Reference criteria – general terms are OK.
- Planning staff/commission – recommendations
- Are they really your friends, or do they just want something?
- How will it sound in court?
- Route questions through staff – staff cannot bind the county!