

City of Hampton  
Public Hearing/Workshop/Council Meeting  
Tuesday, December 13, 2016 @ 6:00 p.m.  
Hampton City Hall

**Public Hearing:**

The Mayor and Council to receive both written and/or oral comments on a request for variance from development regulations to allow the use of a gravel-surfaced lot for customer parking. Per Sec 67-214(1) commercial establishments are required to provide a "paved, dust-free" parking area. The property is located at 25 Tom Eason Drive, in Land Lot 249 of the 6<sup>th</sup> District. The property consists of 0.212 +/- acres.

**Workshop Meeting:**

City Manager, Daryl Dotschay to discuss items with Mayor, Council and Residents.

Committee Updates

**Adjourn:**

**Regular Meeting:**

**Invocation**

**Pledge to Flag**

**Approval of Minutes:**

Public Hearing//Council Meeting – November 8, 2016  
Special Called Council Meeting – November 14, 2016S

**Invited Guest:**

**Public Comment**

**Old Business:**

**New Business:**

To approve/disapprove the qualifying fees for the 2017 election: 3% of the annual salary for Mayor \$324.00 and 3% of the annual salary for Councilmembers \$252.00.

To approve/disapprove the Scheduled Council Meetings dates presented for 2017.

To approve/disapprove authorizing the Mayor to sign a Commercial Lease with the Southern Crescent Sexual Assault Center, Inc.

Resolution 16-26, a resolution authorizing the General Assembly of the State of Georgia to approve amendments to the City's Charter; to direct the City Manager to provide certain notice of same; to provide an effective date; and for other purposes.

City of Hampton  
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First reading of Ordinance No. 429; an Ordinance to amend Chapter 6 of Code of Ordinances of the City of Hampton, Georgia, which provides for alcoholic beverages; to amend Article I entitled "In General"; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

**Beer and Wine & Liquor Store Request for 2017**

Zarina Gas Inc.  
Jalaluddiu Noorani  
37 East Main Street, North  
Hampton, Ga. 30228

Circle K  
Cedric Norwood  
32 East Main Street, South  
Hampton, Ga. 30228

Prapti Inc. DBA S & S Food Mart  
Hari Patel  
1000 Bear Creek Blvd.  
Hampton, Ga. 30228

Maha Meladi LLC  
Sangitaben Patel  
78 Oak Street  
Hampton, Ga 30228

Fem & Dee, Inc. DBA Hampton Grocery  
Bimal Patel  
7 East Main Street  
Hampton, Ga. 30228

Yadavs Inc DBA Cheers  
Mohindar Yadav  
106 Woolsey Road  
Hampton, Ga. 30228

LaMichoacana Mexican Restaurant  
Mayte Castillo Arreola (or Representative)  
1074 Bear Creek Blvd., Suite A  
Hampton, Ga. 30228

Sticks  
Michael Landrum  
106 A Woolsey Rd.  
Hampton, Ga. 30228

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Hampton City Hall

Tierra Mia Mexican Cuisine, Inc.  
Jessica America Vozquez  
14-16 East Main St.  
Hampton, Ga. 30228

**Executive Session**

For the purpose of discussing personnel, possible litigation and real estate.

**Adjourn meeting**

# City of Hampton

## EXECUTIVE SUMMARY

### CITY COUNCIL MEETING

Meeting Date:

December 13, 2016

Department Requesting Agenda Item:

Planning & Zoning

Action Type:

Action requested by City Council

For informational purposes only

Attachments/Exhibits for Agenda Item:

1. Executive Summary
2. Legal Ad
3. Sign Photo
4. Draft of the Nov. 17, 2016, ZAB Minutes
5. Letter of Intent
6. Survey/Site Plan
7. Staff Report
8. Site Photos

Presenter:

Edward Morrow, Planner I

Applicant:

Spencer Moseley

Case Number: VR-16-12-H

Agenda Item:

Spencer Moseley of Meansville, GA requests a variance from development regulations on the property located at 25 Tom Eason Drive, in Land Lot 249 of the 6<sup>th</sup> District. The property consists of 0.212 +/- acres, and the request is to allow gravel parking.

Background:

The Applicant requests a variance from development regulations to allow the use of a gravel-surfaced lot for customer parking. Per *Sec. 67-214(1)*, commercial establishments are required to provide a "paved, dust-free" parking area. The applicant provides no justification or extenuating circumstance to support the requested variance.

Additional Comments / Recommendation:

The Zoning Advisory Board heard the request on November 17, 2016, and made a recommendation of denial.

**PUBLIC HEARINGS**

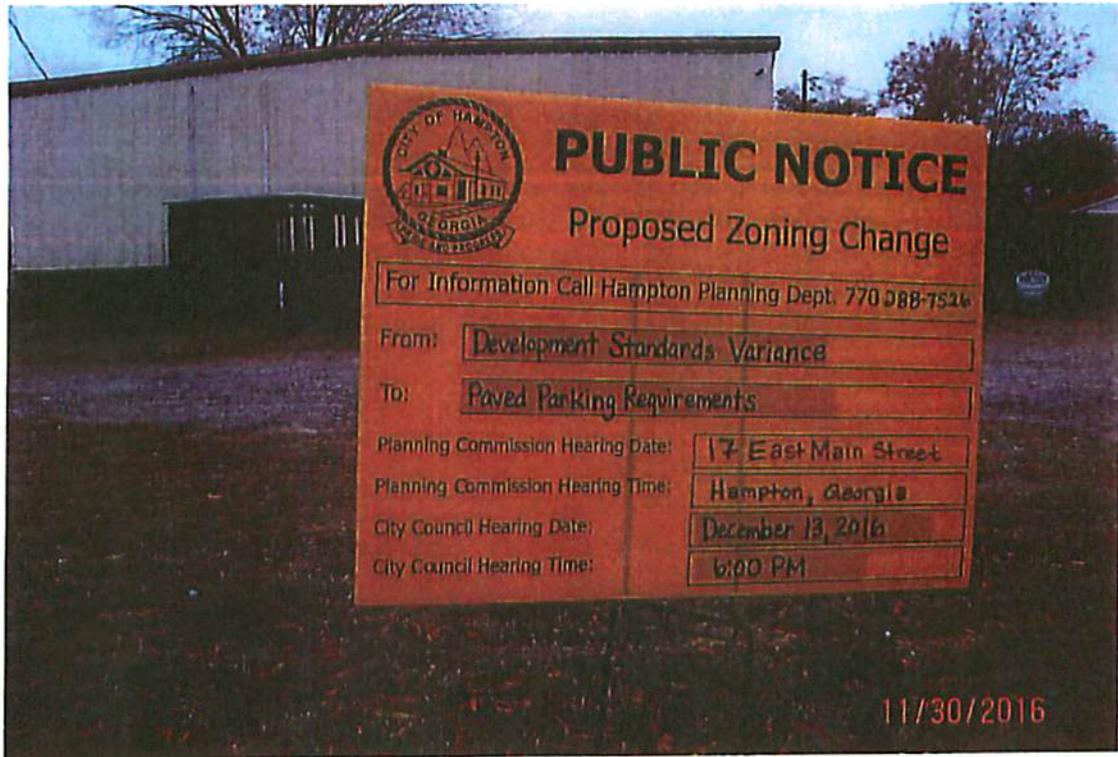
**PUBLIC HEARING NOTICE**  
Hampton City Council

Date: December 13, 2016  
Location: Hampton City Hall  
17 East Main Street,  
Hampton VA 23022  
Public Hearing: 6:30 P.M.

**VARIANCE**

WR-16-12-H

Spencer Moseley of Meansville, GA requests a variance from development regulations on the property located at 26 Tom Eason Drive, in Lot 141 240 of the 5th District. The property consists of 0.212 +/- acres, and the request is to allow gravel parking. District 2  
529-453337, 11/23



The original sign photo was not saved to the network.

The City Council sign advertising this public hearing was posted on November 18, 2016.

Vice-Chairman Nelson called the applicant forward.

Vice-Chairman Nelson called for questions from the Board for the applicant. There were none.

Vice-Chairman Nelson asked staff to call the case.

Ms. Consiglio made a motion to approve only the addition of 3 wall signs and to eliminate the setback requirements along Jodeco Road and Patrick Henry Parkway. Mr. Risher seconded. Motion carries (6-0).

**VR-16-12-H** *Spencer Moseley of Meansville, GA requests a variance from development regulations on the property located at 25 Tom Eason Drive, in Land Lot 249 of the 6<sup>th</sup> District. The property consists of 0.212 +/- acres, and the request is to allow gravel parking. District 2*

Stacey Jordan-Rudeseal called the case. Edward Morrow presented the case.

Mr. Morrow presented a variance for gravel parking and reduced parking spaces. Mr. Morrow displayed pictures of the site, including the building and parking lot. Mr. Morrow explained that different building uses would have different parking requirements. Staff recommends denial of the requests.

Mr. Jordan-Rudeseal interjected that there has been a business license application submitted for a retail/thrift store which would require 15 parking spaces.

Chairman Consiglio called the applicant forward.

Mark Whitley, representing Spencer Moseley stated that the layout of the property allows space for only four parking spaces. Mr. Whitley also stated if rented as a retail location, the city provided on street parking that could be used by potential customers. Mr. Whitley stated that the applicant would pay the area if required.

Mr. Bailey interjected that the number of spaces are limited due to the location of the parcel.

Mr. Nelson asked if the applicant would be willing to pave the parking a lot.

Mr. Whitley stated that the applicant would pave the area if required.

Mr. Nelson asked if it met the requirement for handicap accessibility.

Mr. Morrow responded that the applicant would have to meet all requirements of the code.

Chairman Consiglio asked for any additional questions for the applicant.

Chairman Consiglio called for those wishing to speak in favor of the case. There were none.

Chairman Consiglio called for those wishing to speak in opposition of the case. There were none.

**Chairman Consiglio** called the applicant forward.

**Chairman Consiglio** called for questions from the Board for the applicant. There were none.

**Chairman Consiglio** asked staff to call the case.

**Mr. Bailey** made a motion to deny VR-16-12-H. **Mr. Risher** seconded. Motion carried (6-0).

### **VARIANCE**

**VR-16-15** *Clark's Pest Control of McDonough, GA requests a variance from development regulations on the property located at 3548 Jodeco Road, in Land Lot 65 of the 7<sup>th</sup> District. The property consists of 0.71 +/- acres. The request is for a variance from landscaping and buffer requirements to adjacent properties. District 3*

**Juli Yoder** called the case. **Stacey Jordan-Rudeseal** presented the case.

**Mr. Jordan-Rudeseal** presented the request for a variance from 1. To eliminate buffer requirements along the south property line and 2. To eliminate landscaping requirements. **Mr. Jordan-Rudeseal** referenced pictures that showed landscaping buffer along both the west and south property line. Staff recommended approval of the request.

**Mr. Risher** asked if this location being used right now.

**Mr. Jordan-Rudeseal** replied that the property is being retrofitted, but they have not move into the building as of yet.

**Mr. Risher** referenced a previous land exchange with Henry County, in which this property was a part of.

**Mr. Jordan-Rudeseal** conceded that the property was rezoned by the Board of Commissioners. The location was to be included in a project to extend Campground Road.

**Chairman Consiglio** called the applicant forward.

**Gary Clarke**, 3631 Jodeco Rd, McDonough, stated that Henry County offered to buy his property. Unfortunately, the offer was not sufficient. After negotiations, he was approached to do a land swap for 3548 Jodeco Rd. He stated that the property needed a lot of rehab work, which Henry County paid for. As a part of his agreement, he wanted the new location to be outfitted similarly to the current location. **Mr. Clarke** said that this has been a four or five year process and in his opinion, it has not been handled efficiently or communicated well.

**Mr. Nelson** asked if he was working out of the new space.

**Mr. Clarke** replied, no that he is still working out of the old location (3631 Jodeco Rd).

**Mr. Nelson** asked if there was a problem in providing landscaping for the property.

**Mr. Jordan-Rudeseal** explained that the landscaping requirement and buffer requirement would be very unlikely because of the amount of pavement installed.

October 4, 2016

Spencer Moseley  
1928 Kings Road  
Meansville, Georgia 30256

Henry County Planning and Zoning Office  
140 Henry Parkway  
McDonough, GA 302531201

Re: Letter of Intent/Letter of Ownership  
*Parcel H06-03-003-000*  
*25 Tom Eason Drive*

Please accept this letter as a Letter of Intent and Letter of Ownership involving the above mentioned property. I am currently requesting a Variance for parking requirements to include the total number of parking spaces required as well as the surface of the parking lot (request gravel). I also would like to request a variance for any other issues that may relate to the occupant that will be requesting a business license at this location. I am the owner of said property.

Please contact me at your convenience should you need additional information concerning the intent of this request or ownership of this property. Thank you for your consideration of this request.

Respectfully,

Spencer Moseley

A handwritten signature in black ink that reads "Spencer Moseley". The signature is written in a cursive style with a long horizontal flourish extending to the right.





**City of Hampton**

**ZAB Member:** Warren Bailey, 770-707-2528

**Staff Report Prepared By:** Edward Morrow, Planner I

**Applicant:** Spencer Mosley  
1928 Kings Road  
Meansville, GA, 30256  
404-925-0915

**Agent:** Mark Whitley  
38 East Main St. N  
Hampton, GA 30228  
678-614-4218

**Location:** 25 Tom Eason Drive, in Land Lot 249 of the 6<sup>th</sup> District

**Parcel ID(s):** H06-03-003-000

**Request:** Variance from development regulations:  
1) Allow gravel surfacing of customer parking area

**Proposed Use/  
Purpose:** Commercial

**Current Land Use:** Commercial

**Posted Sign:** November 1, 2016

**Mailed Notices:** October 31, 2016

**ZAB Meeting:** November 17, 2016

**Size of Tract:** 0.212 +/- acres

**Road Access:** Tom Eason Drive and Elm Street

**Zoning History:**

The subject property is currently zoned C-2 (General Commercial). No record of requests for rezoning or conditions of zoning were found for this parcel.

**Table 1.0 Current Zoning & Land Use of Adjacent Properties**

	Current Zoning	Land Uses
North	C-2 (General Commercial)/ RD (Residential-Duplex)	Commercial/ Residential
East	R-2 (Single-Family Residential)	Residential
South	C-2 (General Commercial)	Commercial
West	C-2 (General Commercial)/	Commercial

**Executive Summary:**

The Applicant requests a variance from development regulations to allow the use of a gravel-surfaced lot for customer parking. Per *Sec. 67-214(1)*, commercial establishments are required to provide a “paved, dust-free” parking area for customer use. The applicant provides no justification or extenuating circumstance to support the requested variance.

**Criteria for Granting a Variance per Section 67-273(1-7):**

***Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.***

There are no extraordinary and exceptional conditions pertaining to the subject property due to its size, shape, or topography that are not also applicable to other lands, or structures in the C-2 (General Commercial) zoning district.

***Criteria 2: A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district.***

A literal interpretation of the provisions of this Chapter would not deprive the applicant of rights commonly enjoyed by other properties within the district.

***Criteria 3: Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant’s property is located.***

Granting the variance would not necessarily confer special privileges that are denied to other properties within the C-2 zoning district. The City Code permits any property owner to make application for the purpose of requesting variances to development regulations.

***Criteria 4: The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general public.***

The requested variance, if approved, will not be in harmony with the purpose and intent of *Section 67-273, Variances*, of the Code of Ordinances, as the Applicant has failed to substantiate any claim of a “practical difficulty” or “unnecessary hardship.”

***Criteria 5: The special circumstances are not the result of the actions of the applicant.***

The special circumstance is the result of the actions of the applicant.

***Criteria 6: The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.***

The subject property needs no variance to allow a legal use.

***Criteria 7: The variance is not a request to permit a use of land, buildings, or structures, which is not permitted by right in the district involved.***

The requested variance is not required to allow a permitted use.

**Recommendation:**

Planning Staff recommends Denial of the requested variance.

**Attachments:**

- Application
- Letter of Intent
- Site Plan/ Survey
- Zoning Map
- Tax Map
- Aerial Map
- Sign Photo
- Site Photos

Site Photos

**Spencer Moseley**

Variance  
For gravel parking

**VR-16-12-H**



## **City of Hampton**

### **Scheduled meeting dates for 2017**

Tuesday, January 3, 2017 @ 6:00 p.m. – Organizational Meeting

Tuesday, January 10, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, February 14, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, March 14, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, April 11, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, May 9, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, June 13, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, July 11, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, August 8, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, September 12, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, October 10, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, November 14, 2017 @ 6:00 p.m. – Workshop/Council Meeting

Tuesday, December 12, 2017 @ 6:00 p.m. – Workshop/Council Meeting

RESOLUTION NO. 16-26

**A RESOLUTION TO AUTHORIZE THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA TO APPROVE AMENDMENTS TO THE CITY'S CHARTER; TO DIRECT THE CITY MANAGER TO PROVIDE CERTAIN NOTICE OF SAME; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WITNESSETH:**

**WHEREAS**, the City of Hampton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City requests the General Assembly to allow certain changes as specified herein to its City Charter;

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. **Incorporation of Preamble.** The preamble is incorporated herein as fully set forth above.

2. **Requests of the Georgia General Assembly.** The Mayor and Council hereby request that the Henry County Delegation representing the City of Hampton and the Georgia General Assembly approve the following amendments to the City's Charter:

A. To amend Section 2.32 of the Hampton Charter by striking the existing language and inserting in lieu thereof the following:

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (5) The mayor shall have the right to vote on all questions before the council when said vote is a tie;
- (6) Establish committees and appoint members, subject to the approval of a majority of the council;
- (7) Act as liaison between the council and the city manager; and

- (8) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

B. To amend Section 2.33 of the Hampton Charter by striking the existing language and inserting in lieu thereof the following:

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such persons absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. The mayor pro tempore or selected councilmember shall have the right to vote on all questions before the council.

3. **Notification.** The Mayor and City Council now direct the City Manager or his designee to file the requisite notice in the legal organ of Henry County.

4. **Authorization For City Clerk and City Manager To Prepare Documents.** The City Clerk and City Manager or his designee are authorized to prepare any and all documents necessary to effectuate this Resolution.

5. **Effective Date.** This Resolution shall take effect immediately.

6. **Repeal of Inconsistent Provisions.** All resolutions are hereby repealed to the extent they are inconsistent herewith.

THIS RESOLUTION adopted this \_\_\_\_\_ day of December, 2016.

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Steve Hutchison, Mayor

**ATTEST:**

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**Pat Watson, City Clerk**

**(Seal)**

ORDINANCE NO. 429

**AN ORDINANCE TO AMEND CHAPTER 6 OF CODE OF ORDINANCES OF THE CITY OF HAMPTON, GEORGIA, WHICH PROVIDES FOR ALCOHOLIC BEVERAGES; TO AMEND ARTICLE I ENTITLED "IN GENERAL"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Hampton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City is authorized, pursuant to Title 3 of the Official Code of Georgia Annotated, to regulate the sale of alcoholic beverages; and

**WHEREAS**, on November 8, 2016, the voters of the City approved by referendum Sunday sales of alcoholic beverages by the drink; and

**WHEREAS**, the City finds it necessary to amend its City Code to comply with and implement the provisions of the referendum and to establish an effective date for Sunday sales.

**THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:**

**SECTION 1.** Code section amended. Article I of Chapter 6 of the Code of Ordinances of the City of Hampton entitled "In General" is hereby amended by deleting Sec. 6-7 entitled "Hours of Sale" in its entirety and substituting in lieu thereof a new Sec. 6-7 to read as follows:

**Sec. 6-7. Hours of sale.**

(a) It shall be unlawful to sell or offer for sale by the package, in or upon any licensed premises, any alcoholic beverage except between the hours of 7:00 a.m. and midnight on Monday through Saturday, and between the hours of 12:30 p.m. through 11:30 p.m. on Sunday of each calendar week.

(b) It shall be unlawful to sell or offer for sale by the drink, in or upon any licensed premises, any alcoholic beverage except between the hours of 7:00 a.m. and midnight on Monday through Saturday, and between the hours of 12:30 p.m. through 11:30 p.m. on Sunday of each calendar week.

(c) All open containers of alcoholic beverages on the premises shall be collected and either properly stored or disposed of not later than thirty minutes after the deadline to stop selling or offering for sale alcoholic beverages by the drink.

**SECTION 2.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 4. Repeal of Conflicting Provisions.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately after its adoption by the Mayor and City Council of the City of Hampton.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF HAMPTON, GEORGIA

\_\_\_\_\_  
Steve Hutchison, Mayor

Attest:

\_\_\_\_\_  
Pat Watson, City Clerk

(Seal)

FIRST READING: \_\_\_\_\_

SECOND READING/ADOPTION: \_\_\_\_\_