

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, JULY 11, 2019**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph “Sonny” Vickers, Ben Norton, Sandra Tooley, Eric Howard, Andy Gibbs, and Vivian Miller-Cody. Councilman Tim Carroll was absent. The invocation was given by Pastor Martin Collins, Image of God Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE JULY, 2019 EMPLOYEE OF THE MONTH AWARD**

Lawrence Goddard began his employment with the City of Valdosta Fire Department in June of 2018 and presently holds the position of Firefighter. Firefighters are responsible for responding to emergency incidents and providing fire, rescue, medical, hazmat, and special rescue services to the citizens and community while upholding the City and Fire Department's mission, vision, and core values. On the morning of April 30, 2019, the Valdosta Fire Department responded to a structure fire at 410 Seymour Street. Firefighter Goddard performed his fire suppression duties well and was a key player in what was a good structural save. The occupant, an elderly lady who had taken refuge at a neighbor's house during the fire, asked to come survey the damage and, possibly, gather a few essentials/valuables. She had difficulty walking to her home as she was without shoes because of her unplanned, hasty exodus. The occupant was grief stricken when she observed the extent of the fire damage. She took a moment to gather her thoughts and then made a few requests for essential items. Among other requests, such as her medication and purse, the occupant told the Firefighters where her shoes were stored and asked them to retrieve a pair for her. Upon finding the charred remains of the occupant's shoes, Firefighter Goddard immediately decided to remedy the situation. He requested permission to call his wife, Mrs. Patty Goddard, and ask her to buy a new pair of shoes for the occupant. Mrs. Goddard was happy to be of service also and delivered the new shoes to the occupant just minutes after fire units cleared the scene. This was not an instance of profound sacrifice; however, it is noteworthy in the fact that Firefighter Goddard displayed the pure spirit of public service in his desire to alleviate suffering, coupled with the equally important authenticity to see the good deed accomplished in an expedient manner. It is for these reasons and many others that the Employee Relations Committee nominated Firefighter Lawrence Goddard as Employee of the Month.

**SPECIAL RECOGNITION OF HYPE (HELPING YOUNG PEOPLE EXCEL)**

Mayor Gayle stated that HYPE is a grassroots non-profit organization that was established in 2011, in Valdosta. Their mission is to promote the well-being of young lives. Their objective is to enlighten youth and enrich their character which is accomplished through instruction in the arts, sports, mentoring, education, and entrepreneurial leadership. There are currently five programs that HYPE has implemented to manage the activities and events. Those programs are as follows: (1) HYPE Arts, (2) HYPE Sports, (3) HYPE Young Creators (HYC), (4) Saturday Night HYPE (SNH), and (5) Kids Night Out. HYPE Sports is a developmental and competitive sports program serving South Georgia. The primary objective is to support the development of athletes between the ages of 5 and 18 years old, promoting physical fitness, personal development, athletic improvement, and academic excellence. HYPE Sports is managed by volunteer staff of administrators and coaches. The countless hours that their Staff volunteers is evidence of their sincere desire and willingness to do what is necessary for the success of this program. They have committed themselves 100% to fostering the growth and development of the youth in our community and they aspire to be an example for other organizations to benchmark. The HYPE Sports track and field program made history in 2014, by becoming the first track & field program from Valdosta to qualify for and attend the National AAU Junior Olympics. They are now proud to say that they have done it again. HYPE Blazers track & field team has five athletes that have worked hard to qualify for the 2019 National AAU Junior Olympics which will be held in Greensboro, North Carolina on July 27, 2019 through August 4, 2019. Athletes that qualified for the Junior Olympics are Erin Howard (1500 meter run), Kendall Johnson (400 meter and 800 meter run), Essence Menefee (100 meter Hurdles), Nicholas Booker (100 meter and 200 meter run and the Long Jump), and

Xavier Stokes (400 meter and 800 meter run). Mayor Gayle congratulated the athletes and wished them well as they participate in the National AAU Jr. Olympics. Mayor Gayle presented each athlete with a gold Mayor's coin in recognition of their accomplishments.

**APPROVAL OF MINUTES**

The minutes of June 20, 2019 were approved by unanimous consent (6-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2019-10, AN ORDINANCE TO REZONE THREE PARCELS TOTALING 1.43 ACRES FROM CONDITIONAL MULTI-FAMILY RESIDENTIAL (R-M)(C) TO CONDITIONAL MULTI-FAMILY RESIDENTIAL(C) WITH DIFFERENT CONDITIONS**

Consideration of an Ordinance to rezone three parcels totaling 1.43 acres from conditional Multi-Family Residential (R-M)(c) to conditional Multi-Family Residential(c) with different conditions as requested by Joe Nijem (File No. VA-2019-02). The parcels are located at 403 Pine Tree Road, 1504 Azalea Drive, and 406 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval (5-4 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Joe Nijem is requesting to rezone three parcels totaling 1.43 acres from conditional Multi-Family Residential (R-M)(c) to conditional Multi-Family Residential (R-M)(c) but with different conditions. The properties comprise three of the original eight contiguous parcels of land which were rezoned in 2014 as part of one larger multi-family complex. The properties for this current request are located at 403 Pine Tree Road, 1504 Azalea Drive, and 406 Baytree Road. This is directly across the street from the Valdosta State University (VSU) P.E. Complex and also located at the southwest corner of Azalea Drive and Pine Tree Road. The properties currently contain a fraternity house facing Baytree Road and two single-family residences on the other parcels facing Pine Tree and Azalea. The applicant is proposing to demolish all existing structures and redevelop these properties as two separate apartment complexes which total 26 dwelling units. In addition to this Rezoning, the applicant is also seeking Planned Development approval for the southern portion of this property in order to allow a higher development density for one of the proposed complexes (see next Agenda Item, File No. VA-2019-03). The subject properties are located within both a Neighborhood Activity Center (NAC) Character Area and an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. Both of these Character Areas allow the possibility of R-M Zoning. The portion of the property facing Baytree Road is also located within the "University Zone" of the Baytree-University Corridor Overlay District (BUCOD), which has supplemental standards for site design and architectural standards. In 2014, the eight subject properties at that time (including these three with this request) were all rezoned to R-M(c) with the following four conditions (File No. VA-2014-07): (1) For multi-family development, combine all parcels of land into one lot. (2) From Pine Tree Road, minimum setbacks shall be at least 30' for buildings greater than one story, and 100' for buildings greater than 2-story. (3) Buffer Yard land-scaping shall include a minimum of 3 canopy trees, 4 understory trees, and 30 shrubs per 100 linear feet. Buffer yards shall maintain a minimum width of 20'. There shall be an unbroken 6' tall opaque solid fence or wall along the entire western boundary as well as the entire frontage area of Pine Tree Road. There shall be no vehicular or pedestrian access to Pine Tree Road. (4) Structures abutting the Pine Tree side (4 existing parcels area, about 1.34 acres) shall be no more than 2 stories tall. This was a very contentious set of public hearings with approximately 150 citizens in attendance. The primary applicant/developer for the 2014 request was Jim Sineath, who had all eight properties under contract for purchase pending the outcome of the Rezoning Request. After the 2014 Rezoning Request was approved with these stipulated conditions, the developer opted not to pursue the development and the properties did not sell; however, in 2015, realtor Tom Shapard requested the parcel at 400 Baytree Road to be rezoned to R-P in order to match the R-P Zoning of the Little Jo Court Apartments across the street and this was approved. Joe Nijem purchased this property a few months later, and the property was developed as the Baytree Pointe Apartments (13 units, 2-bedroom units). Then in 2017, Jon Nijem requested the two parcels at 410 and 412 Baytree Road to be rezoned to regular R-M (no conditions) which was approved. These parcels were then developed as the Baytree Villa Apartments (24 units, all 1-bedroom units with separate Planned Development approval). Staff reluctantly supported each of these later requests with the understanding that the remaining five parcels would still have sufficient frontage along Baytree Road, and all five could still be developed as one complex under the original

intent and conditions of approval from 2014. These five remaining parcels are all still zoned R-M(c) with the original conditions from 2014. The applicant this time around has three of these five parcels under contract for purchase and is simply proposing to eliminate Condition No. 1 from the original approval so that the property can be developed as two separate apartment complexes (one to be developed by Jon Nijem and the other to be developed by Joe Nijem). Staff is very concerned and is opposed to the elimination of this condition for two main reasons: (1) The intent of this one-bedroom condition was to prevent piecemeal development of separate apartment complexes on each of these properties, particularly for the four properties facing Pine Tree Road and that any apartments on these four properties would be part of a larger complex that was oriented southward toward Baytree Road (i.e., this would be a complex that was considered “part of the Baytree corridor”, with the portion along Pine Tree functioning as the “back yard” of the development and that it would be very heavily screened and buffered.) (2) If this Rezoning Request is approved, it would leave the last two remaining R-M(c) parcels to the west (405 and 407 Pine Tree Road) left hanging with zoning conditions on redevelopment that prohibit multi-family access to Pine Tree Road and with no physical path of connection to an adjacent multi-family development. This creates a very awkward condition with a meaningless zoning classification on these two properties. If they are not to be redeveloped as multi-family, these parcels should be returned to their original R-10 Zoning. Overall, the subject properties are part of a corridor of existing development along Baytree Road that consists of residential and office/institutional uses. Based on existing zoning and land use patterns along this portion of Baytree Road, Staff still believes that high density residential development is indeed an acceptable land use for the properties that have frontage and direct access to Baytree Road, particularly for those properties within the NAC Character Area. All of these subject properties are already zoned R-M(c) and the question of whether or not multi-family development should be allowed here has already been decided. It is now simply a question of whether or not the four conditions of approval from the 2014 decision still apply or perhaps some other conditions of approval should remain with just these three lots. All of the conditions of approval from 2014 were primarily written with the Pine Tree Road properties in mind, and these were intended to protect the adjacent Alden Park neighborhood to the north and help mitigate negative impacts of possible encroachment into that neighborhood. It is Staff’s belief that all four of these original conditions of approval are still valid and appropriate. As for the overall proposed site plan that has been submitted with this Rezoning Request, the site has not yet been engineered by the applicant and it is still very conceptual in nature; however, the overall layout design has some significant engineering concerns regarding access and site circulation and it does not meet several of the Land Development Regulations (LDR) supplemental standards for multi-family development and also the BUCOD. At least for the southern proposed parcel facing Baytree Road, the applicant is proposing to obtain relief from these as part of their Planned Development request. The rest of the properties would either need a redesign or perhaps Variance approval from the Zoning Board of Appeals (ZBOA). Staff found the request inconsistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended denial. The Planning Commission reviewed this at their June 24, 2019 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval of conditional Multi-Family Residential (R-M)(c) Zoning, subject to the following three conditions (5-4 vote): (1) From Pine Tree Road, minimum setbacks shall be at least 30’ for buildings greater than one story and 100’ for buildings greater than two-story. (2) Buffer Yard landscaping shall include a minimum of 3 canopy trees, 4 understory trees, and 30 shrubs per 100 linear feet. Buffer yards shall maintain a minimum width of 20’. There shall be an unbroken 6’ tall opaque solid fence or wall along the entire western boundary (abutting 405 Pine Tree Road) as well as the entire frontage area of Pine Tree Road. There shall be no vehicular or pedestrian access to Pine Tree Road. (3) Structures abutting the Pine Tree side (current parcel area, about 0.76 acres) shall be no more than two stories tall.

Bill Nijem, Attorney, 1007 North Patterson Street, stated that he represented the applicants, Joe Nijem and Jon Nijem. The property is currently zoned Multi-Family and they are here to address the one condition from the original eight lots that were rezoned in 2014 and that is that all parcels from the original eight lot rezoning be combined and developed into one lot. The applicant is requesting that three of the original eight lots be developed as two separate parcels rather than one. The applicant is requesting this because Jon Nijem owns the property Baytree Villas on the west that fronts Baytree Road and Joe Nijem owns Baytree Pointe on the east that is located on the corner of Azalea Drive and Baytree Road. These properties are separately owned and managed and Joe and Jon Nijem wanted to continue to keep their businesses separate. The thought is that the front parcel would be managed and run consistent with Jon Nijem’s parcel to the west and then the back parcel would be developed and managed consistent with Joe Nijem’s parcel on the east. Condition No. 1 which requires all eight lots to be combined and developed as one parcel has already been disregarded in the past. They have three parcels that have already been sold off from the eight parcels that have been developed separately. There is Baytree Pointe that is on

the east and Baytree Villas on the west. The development by the applicant will be consistent esthetically with the existing apartments that are already there. There has been some discussion about running the white picket fence down from Baytree Villas along Baytree Road to make it look even more uniform. The applicant is agreeable to do that. If Council should not approve this request, then you will run the risk of some other developer coming in and trying to wedge something in the middle that will look entirely inconsistent with what is currently on both sides right now. The applicant is also willing to further buffer the north side and the back which is the northwest side of the property that abuts Pine Tree Road with Leyland Cypress trees or something similar. The two parcels that are not part of this request will probably never be developed as Multi-Family after this because of the requirement that there is no access on Pine Tree Road. The City may want to come back at a later date and clean that up. This new development is smaller than what was originally proposed in 2014. They wanted to have three story buildings with four bedroom units which would have been 180 beds. If you add up all the beds for the existing development on both sides and this new development then you are looking at approximately 90 beds. Mr. Nijem asked Council's consideration in following the Planning Commission's recommendation and approve the request with the removal of Condition No. 1 and allow the development to proceed as two separate parcels.

Jon Nijem, 8428 Coffee Road, Hahira, spoke in favor of the request. Mr. Nijem stated that right now someone could come in and build on all five parcels and you do not know what they would put there. They are trying to make Baytree Road uniform and looking good instead of these older houses. There will be more income from property taxes with what they are doing here. He owns the one-bedroom apartments and his brother Joe owns the two bedroom apartments. They are trying to make that area look good. He owns houses on Pine Tree Road and he does not want apartments back there. He does not want anyone to be able to drive out onto Pine Tree Road. This is as far as they will go. They want to make it one unit where it looks good for the college and the City and make it where the revenue with what they are doing will help Valdosta. They are willing to work with the City to make things happen that are good for the City and good for them.

Walter Hobbs, 800 Cherokee Avenue, spoke in opposition to the request. Mr. Hobbs stated that he is a retired educator, a professional artist, and owner of Artists on Ashley. He has lived in that neighborhood for 43 years. Their only problem is that the people who live in the neighborhood saw fit to invest in the property. Since that time, they have had five different groups try to come into their neighborhood and build apartments and duplexes. They have been lied to by people, have had people turn in false documents, and put signs in other people's yards to rezone without their permission. They are tired of it. Valdosta is losing their neighborhoods. This neighborhood looks like Valdosta. They have old and young in the neighborhood. You will find white, black, brown, young, old, and some families just getting started. This is a viable neighborhood. The Lowndes-Valdosta 2030 Plan has deemed that this is a neighborhood to be saved. This neighborhood was built by a doctor in town in the 1930's and 1940's when he found out that the Officers at Moody Air Force Base did not have anywhere to live. He built these houses to be the First Officers homes. There is a plan right now for two neighborhoods, his neighborhood and the neighborhood north of his, where they are to be named as historic neighborhoods. The houses in his neighborhood were built in the 1930's and 1940's and the houses in the other neighborhood were built in the 1950's and 1960's. There are no more houses like them. We have probably already lost the most historic home in Valdosta when they demolished the Nichols house for an apartment complex. We do not want to lose our neighborhood because they all know each other and help each other out. It is a great neighborhood to live in and the last thing they want to do is to have someone come in with an apartment complex. When you build an apartment complex in a neighborhood it depreciates the value of the property around it. The one thing that Mr. Nijem did not say here that he said over there was that he wanted to build beautiful apartments that would be beautiful from Baytree Road and from Azalea Drive, but he never said they would be beautiful from Pine Tree Road or his neighborhood. Mr. Hobbs asked Council to picture themselves living in the house right next to the apartment complex on Pine Tree Road. They would be looking at a two-story building with a gable roof. That family will never be able to see the sun until 12:00 p.m. every day. One of the problems that they had with the fraternity house that moved out was that they would have a fraternity party and have friends over to swim and they would have young people looking out the windows at the neighbors. How would you like to have your children or wife out in the back yard and then have someone you do not know looking down at you from this apartment complex? It is a terrible invasion of their privacy. The applicant really does not want to do the berm and put big trees up. These things were stipulated for one project with Jim Sineath and he chose not to accept it and he did not do the project. This property on Pine Tree Road was rezoned to accommodate a complex and building with a man who did not build it. Then the City let it stay. That is the only reason it is rezoned Multi-Family. One man could have come back and said to revisit it and have it go back to R-10 Zoning. They have put them in a terrible

situation. They have good people living here and these are people who vote and pay taxes. The people coming into the apartments will live there for six months and then leave. They do not pay for anything yet they ask for our help. This is unfair to their neighborhood. This has gone on for almost 20 or 30 years. The City Council that was here promised them they would never let anyone come in and put apartments in their neighborhood because it would create a domino effect. At the last meeting, Joe Nijem said that if they did not get this property then what they could do is go to their other apartments and buy the property behind it and they buy the parcels going down the street. They could then build five apartments down Pine Tree Road and there is no one that could stop them. He said there is nothing you could do about it which is true; however, he just said earlier that they have no plans in going any further down the street. They talked to Mr. Nijem with Matt Martin and he told them that they wanted to build the apartment on the corner. They told him that they did not care what they did on Baytree Road as long as they left Pine Tree Road and their neighborhood alone and they were all right with that. Approximately one year later, the Nijem's came back and built a second apartment and they told him the same thing again. The only reason he is here tonight is because they are coming to Pine Tree Road. Somebody did not keep their word and it is not him. The City Council had promised them that they would never allow what happened on the south side of Baytree Road to happen on the north side of Baytree Road. That use to be a neighborhood with two, three, and four bedroom homes and now they are all gone. When they build this apartment complex, the people who are next door to them will not want to live next door to an apartment complex so they will cut their price and sell it. It will be a domino effect going through and this is the beginning.

Councilman Howard inquired as to what they could do to get Mr. Hobbs' approval on this project. Mr. Hobbs stated that they could promise in front of everyone here that they will not build another building on Pine Tree Road or in their neighborhood in their name or someone else's name. A long time ago, a man came into their neighborhood and tried to build four duplexes in the center of the neighborhood. It was an empty spot but it use to be a holding pond. They finally pulled out but the guy came to him and said he was not trying to destroy the neighborhood and that he was working for the Nijem's. They have really had to fight for their neighborhood.

Councilman Gibbs stated that when they are talking about rezoning, this property is already zoned R-M which happened years ago and there is nothing they can do about that. Second, you have the situation to where a comment was made that you were against the three parcels being developed; however, on the other hand, Mr. Hobbs stated that if they do not stop this then someone else can come in and develop all of the parcels. Initially, whoever wanted to develop the property in 2014 wanted to develop eight parcels. It has already been piece-mealed as it is and now they are trying to go down from 350 feet along Pine Tree down to 153 feet along Pine Tree so they are making everything a lot smaller.

**A MOTION** was made by Councilman Gibbs to rezone three parcels totaling 1.43 acres from conditional Multi-Family Residential (R-M)(c) to conditional Multi-Family Residential (R-M)(c) as requested by Joe Nijem with the following conditions: (1) From Pine Tree Road, minimum setbacks shall be at least 30' for buildings greater than one story, and 100' for buildings greater than 2-story. (2) Buffer Yard landscaping shall include a minimum of 3 canopy trees, 4 understory trees, and 30 shrubs per 100 linear feet. Buffer yards shall maintain a minimum width of 20'. There shall be an unbroken 6' tall opaque solid fence or wall along the entire western boundary (abutting 405 Pine Tree Road) as well as the entire frontage area of Pine Tree Road. There shall be no vehicular or pedestrian access to Pine Tree Road. (3) Structures abutting the Pine Tree side (current parcel area, about 0.76 acres) shall be no more than two stories tall. The motion was seconded by Councilman Howard. The motion was adopted (5-1) with Councilwoman Miller-Cody voting in opposition to enact Ordinance No. 2019-10, the complete text of which will be found in Ordinance Book XIV.

### **ORDINANCE NO. 2019-11, AN ORDINANCE FOR A PLANNED DEVELOPMENT APPROVAL FOR A PROPOSED APARTMENT COMPLEX WITHIN A MULTI-FAMILY RESIDENTIAL (R-M)(C) ZONING DISTRICT**

Consideration of an Ordinance for a Planned Development approval for a proposed apartment complex within a Multi-Family Residential (R-M)(c) Zoning District as requested by Joe Nijem (File No. VA-2019-03). The property is located at 406 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their June Regular Meeting and recommended approval (5-4 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Joe Nijem is requesting Planned Development approval for a proposed apartment complex within a Multi-Family Residential (R-M)(c) Zoning District. The property consists of 0.56 acres as a proposed replatted parcel located at 406 Baytree Road. This is directly across the street from the Valdosta State University (VSU) P.E. Complex. The R-M Zoning allows a maximum development density of 18 dwelling units per acre, and the applicant is proposing 12 dwelling units (all as 1-bedroom units) on 0.56 acres which equates to about 21.4 units per acre. This is very similar to Jon Nijem's Planned Development request which was approved in 2017 for the property immediately to the west at 410 Baytree Road (File No. VA-2017-13). The applicant is also seeking rezoning of the subject property, as well as rezoning of the two parcels to the north, and to modify the existing zoning conditions of approval which were imposed in 2014. This Planned Development request is being processed concurrently with the rezoning (see previous Agenda Item, File No. VA-2019-02). It should be noted that successful rezoning of this property is a requirement in order for this Planned Development request to be eligible for consideration. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the University Zone of the Baytree-University Corridor Overlay District (BUCOD). Planned Development approvals are reviewed and considered in much the same way as a Conditional Use, and in order to be considered, they must be on at least 0.50 acres of land overall (for an all-residential Planned Developments and one acre if it is non-residential). In this case, the applicant's proposed development barely meets the minimum land area threshold. It consists of 12 dwelling units on 0.56 acres, which is not conventionally eligible under R-M Zoning because it is too dense. R-M Zoning allows up to 18 units per acre which would equate to a maximum of 10 dwelling units on this subject property; however, Planned Development requests allow the applicant to propose up to 20% additional units as a possible bonus density, in exchange for superior aesthetics and creative site design with due justification. Staff does not believe the applicant's proposal demonstrates sufficient creativity for this consideration. The applicant's only compelling argument is that all of the proposed dwelling units are one bedroom. This is an identical scenario to the previous Planned Development request on the adjacent property to the west, which was for 24 dwelling units on 1.12 acres. These two requests share the same unit/bedroom density, same Architect, same building design and general site layout; however, this time it is on a parcel of land that is half the overall size. This request also includes several deviations from standard Land Development Regulation (LDR) requirements. Staff reluctantly supported approval of the previous Planned Development request in 2017, but received numerous questions asking how this met the spirit and intent of the Planned Development regulations of the LDR. Upon further reflection of this since that approval in 2017, Staff has now reversed their thinking and believes this kind of request, with its very conventional design, should be considered as insufficient to justify the density bonus. The LDR, Section 212-2(B), clearly states that "Planned Developments shall closely conform to the allowable uses and the development density standards of the zoning district which already applies to the subject property. Applicants may request up to a maximum 20% increase in otherwise allowable development density, in exchange for superior aesthetics and creative site design with due justification." Section 212-2(D) further states that "Planned Development Approvals shall not be used as merely a means to avoid full compliance with standard development regulations for purposes of private gain." The proposal is for a conventional single use kind of development (all multi-family apartments with all one-bedroom units), which is based on a very conventional design layout that is nearly identical to other nearby apartment developments. The 20% bonus density is not an entitlement. With this request, it is Staff's finding that there is no superior aesthetics and creative site design being demonstrated here that justifies this proposed increase in unit density. Staff found the request inconsistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended denial. The Planning Commission reviewed this at their June 24, 2019 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval of the Planned Development proposal with the listed deviations as requested (5-4 vote).

Councilman Norton stated that the conceptual plan includes a three-story building in the middle of the property. Matt Martin stated that it is not part of the Planned Development but it is part of the complex that is being proposed for the north parcel. The Planned Development is only two buildings and the proposal in all of this is to redraw the property line that separates north from south. Councilman Norton inquired as to how much taller that building would be if it is put there than the other buildings around it. Matt Martin stated that the two-story buildings are 28 feet high versus 34 feet high. When the building goes above 35 feet, then the setback differences start increasing. The concern was that with this building, it was 35 feet but not a pitched roof and it would have triggered a variance from the supplemental standards for apartments in residential zones. The choice was a variance for that or a variance to the pitch roof requirement to allow the building to go higher. The Architect found

a way to reduce the height of each floor and gain a few feet that way and put a pitch roof on it just not quite as tall roof-wise as the others but similar in design.

Bill Nijem, Attorney, 1007 North Patterson Street, spoke in favor of the request. Mr. Nijem stated that he wanted to clarify this and that it is the front parcel with two, two-story buildings that would be subject to the Planned Development approval. There are a few differences that they need and the biggest is the density and two additional units. They are trying to move the density away from Pine Tree Road and closer to Baytree Road. The proposed number of units on the back parcel is actually 14 and they are allowed 16. These are also one-bedroom units. Staff made a comment in their report that they are not in favor of this request because they believe it lacks the esthetic creativity; however, these buildings are the same architecture style that were approved for Planned Development in 2017 to the west. These buildings are going to look the same. These apartments are going to look good for Baytree Road and the community. Councilman Gibbs stated that along Pine Tree Road and running south along the back parcel and parallel with Baytree Road there will be Leland Cypress trees planted there every ten feet. Mr. Nijem stated that the applicants are agreeable to that. Councilman Gibbs inquired as to whether that is on the conditions. Mr. Nijem stated it was not one of the conditions. Councilman Gibbs stated that he would like to add that to the conditions because it will provide them with additional privacy and noise reduction. It will also bring back that neighborhood feel. Also, there is a white vinyl fence there now and he would like to see it extended all the way down Baytree Road. Mr. Nijem stated that the applicant is agreeable to that. Councilman Gibbs stated that would need to be another condition. It was also brought to his attention that these would be big, massive apartments that would be located on Pine Tree Road but it is really not.

Jon Nijem, 8428 Coffee Road, Hahira, spoke in favor of the request. Mr. Nijem stated that he checked into the height of the building because he did not want his brother's building higher because it needs to look uniform and smooth. You are looking at approximately three feet difference in height between the three-story and two-story buildings because his brother lowered his building. He is asking for two beds. Councilman Howard inquired as to whether there would be any security cameras put up. Jon Nijem stated that they already have security cameras up. There was also a statement made earlier that was a little misleading because he did not say that they would do it anyway. He was saying that anybody besides them could do that and they do not want apartments back there. This should look good from Pine Tree Road because when they get through putting the trees up it will look like a jungle. It will be well done. Anything that he and his brother do they abide by the rules. They want it to look better than you do. They will put more landscape than they are supposed to do and they will put up a fence if they need to. They manage their own property and they are on site. There are no drugs and they do a walk-through once a month. There is no partying and they are not going to have it. He has been with the Lowndes County Sheriff's Office for 18 years and he is still a Deputy. Their tenants need to be quiet and go by the rules or they find another place.

Pam Rickman, 501 Georgia Avenue, stated that she was not sure she was speaking in opposition to the request but was seeking clarification. Ms. Rickman stated that the original condition required that the three lots were to be put together in Condition No. 1 and now it would be thrown out so that means the parcels would be separated. Matt Martin stated that Condition No. 1 required that all five of the parcels to be combined including these three parcels. The last vote was to rezone these three parcels with conditions that did not include Condition No. 1 so now these three parcels are eligible to be separated as separate developments. Ms. Rickman stated that the two parcels to the west along Pine Tree Road are still available to be developed by whoever wishes to develop them. Matt Martin stated that they would have to comply with the conditions and one of those is no access to Pine Tree Road and they must be combined together and cannot get access to Pine Tree Road. Ms. Rickman inquired as to what would stop a future proposal from requesting that the City Council or the Planning Commission eliminate one of the other conditions including the condition that there is no Pine Tree Road access. Matt Martin stated that it would have to go through the same Public Hearing process as this request. Ms. Rickman stated that would be the nature of her objection in changing the conditions. If these conditions are really so flexible then they are just kicking the can down the road.

Sheri Johnson, 1621 Beauford Place, spoke in opposition to the request. Ms. Johnson stated that she has lived there for 20 years and she has seen this neighborhood go up and down. It is on the uphill now and everyone is buying the houses and they have a lot of families living there. Since the other apartments have been built, they have a tremendous amount of traffic going up Azalea Drive. They are also cutting through the neighborhoods just to avoid the red light. Adding these apartments and going out on Azalea Drive is going to triple this and they know

that the site plan does not allow for enough parking for that facility. They will end up parking on the streets and in the neighborhoods and the school. It is a good neighborhood and they would like to keep it that way. There has already been an effect on their neighborhoods with the increased traffic. They would like to keep their neighborhood the way it is now.

Mrs. Walter Hobbs, 800 Cherokee Avenue, spoke in opposition to the request. They have children who catch buses to go to the Elementary and Middle Schools. They cannot let them tear down their neighborhood and they have to have no entrance onto Pine Tree Road. They need to move the building so that the back of it faces Pine Tree Road and they need to put vegetation and a fence back there. This is a good neighborhood and they all care about each other. She loves her neighborhood and their neighbors. Everyone cannot live in a \$300,000 house because they cannot afford it. They have young professionals who live in this neighborhood who will stay there a little while; however, they fall in love with the neighborhood so they make improvements to their house. Every time their neighborhood tries to make a come-back then here come the apartment crushers. All they see is valuable land. They are about giving people a chance to have a family and a nice home to live in. It may not be the biggest home in Valdosta but it is a home. That is what her house is and she loves her home. She is retired and enjoys living in her house and in her neighborhood.

Walter Hobbs, 800 Cherokee Avenue, spoke in opposition to the request. Mr. Hobbs stated that most of the buses will come up either on Azalea Drive or down Cherokee Avenue and Pine Tree Road. The red light backs everybody up. The only sidewalk crosses their entrance and exit at the school and that could be dangerous. You have people trying to hustle to get to class at VSU and people hustling trying to get to school and work. This is a busy intersection. You have school buses loading and unloading right where people will be pulling into and out of the apartment complex. They are going to put three big shade trees on Pine Tree Road to block the light that shines from the apartment complex and they are going to put a berm on there to keep kids from driving across there. They also wanted medium size trees to block the noise.

Councilman Gibbs stated that they would be putting up Leyland Cypress trees on Pine Tree Road and they will be planted ten feet apart. They will grow from 15 feet in diameter and up to 50 feet in height. This will help block out the noise and views in order to keep a neighborhood feel and look. Right now they are looking at a cinder block home. They have cut themselves off from developing any more on Pine Tree Road. The condition that stands there says there will be no access or entrance onto Pine Tree Road and, therefore, no more development can go down Pine Tree Road. Originally, there were 180 beds and now they have cut it down to 90. VSU is growing and the number one thing he hears is that they need more places closer to VSU. He has football players calling him constantly asking if there are any one-bedroom apartments close to VSU within walking distance. He knows that there are houses out there for rent but that is one thing needed with the growth of VSU. He also agrees that putting an apartment complex in the middle of a neighborhood is completely wrong.

**A MOTION** was made by Councilman Gibbs to approve a Planned Development approval for a proposed apartment complex within a Multi-Family Residential (R-M)(c) Zoning District as requested by Joe Nijem with the following conditions: (1) The applicant will plant Leyland Cypress trees all over the back side, even the existing properties, parallel to Azalea Drive, Pine Tree Road, and Baytree Road. (2) The applicant will run a white vinyl fence all the way down from one property line to the west of Baytree Road all the way down to Azalea Drive on the east of Baytree Road. Councilman Howard seconded the motion. Councilman Norton inquired about where the Leyland Cypress trees would be planted. Councilman Gibbs stated that if you are looking at the map, they will run along Pine Tree Road for 153 feet, then they will come back towards Baytree Road for 159 feet, and then run west parallel to Baytree Road along the road and be planted every ten feet. There will also be a fence back there which is already in the site plan. Councilwoman Miller-Cody stated that she was concerned about the safety and traffic in that area with the school children. She was previously a school bus driver and that is a very congested area. Some of those children walk to school and some are dropped off by their parents. Mayor Gayle stated that these are not young children but they are Juniors and Seniors. Councilwoman Miller-Cody stated that the children who go there are all ages. Councilman Norton stated that the students are bused in there. Councilwoman Miller-Cody stated that they are not all bused. Matt Martin stated that he apologized for leaving the overall site plan on the screen as he thought it would be helpful to show the plan development in relation to the rest of it; however, it has confused everyone. The rezoning of the three properties has already been done. What is before Council for this particular motion is just the Planned Development for the front parcel for 406 Baytree Road. This is for the 12 units, one-bedroom only. Tim Tanner, City Attorney, inquired as to whether Matt Martin was concerned that you cannot

place conditions on the additional parcel that is not before Council. Matt Martin stated that he had thought about that ahead of time and the handout with conditions affecting the other properties for a rezoning is inappropriate. The Planned Development is not a zoning change and is more like a Conditional Use. There is a little more latitude there. Tim Tanner inquired about the condition regarding the Leyland Cypress trees on the additional parcel that is not before us. Matt Martin stated that would be a condition outside of the property and if it is to be done then it could only be tied to the Planned Development and not the rezoning. Councilwoman Tooley inquired as to whether they were only voting on that part on Baytree Road. Matt Martin stated that was correct. Councilman Vickers inquired as to whether the motion that Councilman Gibbs made was proper for this request. Matt Martin stated that it was for this approval in that he also wanted some upgrades to some of the nearby properties to go with this project. The motion was adopted (4-2) with Councilwoman Tooley and Councilwoman Miller-Cody voting in opposition to enact Ordinance No. 2019-11, an Ordinance for, the complete text of which will be found in Ordinance Book XIV.

## LOCAL FUNDING AND REQUESTS

Consideration of a request to allocate the distribution of the Federal Fiscal Year 2019 Community Development Block Grant (CDBG) funding allocation and proposed activities. This Agenda Item was postponed at the June 6, 2019 Regular City Council Meeting until the July 11, 2019 Regular City Council Meeting.

Vanassa Flucas, Neighborhood Development/Community Protection Manager, stated that each year, as a Community Development Block Grant (CDBG) Entitlement community with the U.S. Department of Housing and Urban Development (HUD), we are required to create an Annual Action Plan. In the Annual Action Plan, we are to complete two tasks: (1) outline proposed activities, and (2) the funding amounts associated with each proposed activity for the upcoming program year. This year, our Annual Action Plan is due to HUD by August 16, 2019, or we forfeit the Grant funding allocations for the upcoming year. In a letter dated April 15, 2019, the U.S. Department of Housing and Urban Development (HUD) advised the City of Valdosta of their FY2019 Grant allocation for the Community Development Block Grant (CDBG) program. The City of Valdosta is scheduled to receive \$668,771 as its FY2019 Grant allocation, which is \$3,841 less than the FY2018 allocation of \$672,612. Following are the proposed activities for the 2019 program year: (1) Program Administration - \$133,754, (2) Single Unit Residential Rehab - \$245,017, (3) Demolition/Clearance - \$200,000, (4) Great Promise Partnership - \$50,000, (5) Small Business Ed & Technical Asst. - \$20,000, (6) Fair Housing Education & Outreach - \$10,000, and (7) Bulk Trash Amnesty Days - \$10,000. The total for FY2019 CDBG funding allocations is \$668,771. The proposed activities were presented to citizens at a Public Hearing held on May 16, 2019, and it is also in a period of public comment for the proposed spending until June 28, 2019. This is the final year of the 2015-2019 Consolidated Plan for Valdosta. The FY19 Annual Action Plan will be completed and submitted to the U.S. Department of Housing and Urban Development (HUD) by July 10, 2019. In the first quarter of the FY19 Program year, Staff will come before Council to seek approval of the Request for Proposals (RFP) to seek a Consultant to complete the 2020-2024 Consolidated Plan, FY20 Annual Action Plan, and the FY20 Analysis of Impediments for Fair Housing which will be due to HUD by May 15, 2020. Vanassa Flucas recommended that Council approve the proposed CDBG allocation.

Mayor Gayle stated that at the first meeting in June this item was tabled so they will need a motion to bring this request off the table.

**A MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (6-0) to bring this request off of the table.

Vanassa Flucas, Neighborhood Development/Community Protection Manager, stated that initially when they presented this in June they had a request from Lowndes Associated Ministries to People (LAMP) to render some assistance to them and help with their programming. LAMP is one of the few homeless organizations in our community and with the City of Valdosta being in charge of our continuum of care, we thought that would be something we were obligated to do. In the meantime, we have done some research and while LAMP is undergoing a reorganization, they will be coming to the City at the end of the month with some areas in which we can assist them with some in-kind services. We will be assisting them with marketing from our Public Information Office, financial management from our Finance Department, and Grant management from Neighborhood Development. Councilwoman Miller-Cody inquired about the current funding allocation. Vanassa Flucas stated that what she has

presented are the activities that will be taken through the Federal FY 2019. Councilwoman Miller-Cody inquired about the \$50,000 for the Great Promise Partnership and the number of students who would be participating in that activity. Vanassa Flucas stated that they would have five students participating which is the limit that we can do under the public service cap. Initially, we had 20 students several years ago. Mark Barber, City Manager, stated that they had previously lowered the number at the last Council Meeting but they have raised it up to the maximum amount. Councilwoman Miller-Cody inquired as to whether they would be doing anything with Habitat for Humanity, TEACH, and some of the other programs. Vanassa Flucas stated that none of those organizations were proposed. Councilman Gibbs inquired as to whether they could come back at a later date and ask to earmark \$10,000 to help LAMP. Vanassa Flucas stated that once this report is presented to HUD, then the only way to make a change is to do a substantial Amendment which would be brought before Council for approval. She would then have to go back into the HUD system and resubmit the Application or the Annual Action Plan. It is not something where they can simply say we are going to do one thing instead of another. Councilwoman Tooley inquired as to which Grant would be used to help LAMP. Vanassa Flucas stated that it would not be a Grant but rather the City would be providing in-kind services such as helping them to write the Grant. We would not be giving them any money whatsoever. LAMP will be giving us a list by the end of the month telling us what areas they need assistance in. We will consult with the City Manager and other Departments to determine who and how we can render those services. Councilwoman Miller-Cody stated that she wanted to have an understanding because she does represent the City and the citizens who vote and pay taxes. Vanassa Flucas stated that the only reason that they did consider helping LAMP is because they are a part of the continuum of care which the City of Valdosta is in charge of. There are four or five organizations in the City of Valdosta, such as the Salvation Army, LAMP, Behavioral Services, the South Georgia Partnership to End Homelessness, and the South Health District, who all address a certain segment of the homeless population in our community. That is called the continuum of care. LAMP is the only organization that has been given money to provide an emergency shelter plus care.

A **MOTION** by Councilman Norton, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the request as presented and allocate the distribution of the Federal Fiscal Year 2019 Community Development Block Grant (CDBG) funding allocation and proposed activities.

**CITIZENS TO BE HEARD**

Alma Williams, 2609 Rolling Road, stated that for more than 30 years her family has conducted business at 110 South Fry Street in two facilities. There is a ditch that runs beside the building from Forrest Street to South Fry Street. For as long as they have been there, they have had a problem; however, it seems to be getting worse. The last time they had a hard rain, the ditch filled with water and flooded the building and the parking lot. It is not a ditch but more of a holding pond. There is no opening for the water to flow so it builds up. They have co-existed with it for 30 years and they have called the Engineering Department to come and cut it. Each time she gets the remark that they only have four men on the crew and they can only cut it three times a year. That is not acceptable because they have children who are privy to having snakes come out of there and the mosquito population has increased. They pay taxes and they have to live with something like this in a Metropolitan City. Ms. Williams asked Council's consideration in making this right.

**CITY MANAGER'S REPORT**

Mark Barber, City Manager, stated that the Maker's Market will be held on Saturday, July 13, 2019 from 10:00 a.m. to 2:00 p.m. at the Courthouse Square. We previously had the Farmer's Market for several years and it began to dwindle so they re-energized the program to combine vendors and farm produce.

On Monday, July 15, 2019, Mayor Gayle will announce the winners of the Annual People's Choice Photo Contest at a Reception which will be held at 5:30 p.m. at the Turner Center for the Arts.

On Thursday, July 18, 2019, Food Truck Thursday will be held at 5:30 p.m. at the corner of Central Avenue and Lee Street. At the first Food Truck Thursday, we had over 3,500 people who participated. They are planning to space out the trucks a little different this time. It will be a beach theme and they will have a bounce house for the children, a water slide, volley ball, sand, and a steel drum band. They have grown it from 10 trucks to 15 trucks this time.

The City of Valdosta Police Department and Fire Department will host the Guns and Hoses Blood Drive on Wednesday, July 31, 2019 at Mathis Auditorium from 2:00 p.m. to 8:00 p.m.

The Annual Back to School Community Block Party will be held on August 3, 2019 from 9:00 a.m. to 12:00 p.m. at Drexel Park. We currently have over 600 students involved but that does not mean that you have to be pre-registered. It was a very successful event last year. They also need volunteers to help stuff backpacks.

Councilwoman Miller-Cody was inducted into the Georgia Municipal Association’s Board of Directors at the GMA Convention in June in Savannah. Also, Councilman Howard was recognized at the GMA Convention for having 42 hours of education and training since he has been serving on the City Council. We are very proud of both of their accomplishments.

Franklin Kier, a Public Works employee, is being recognized tonight at the American Public Works Association Georgia Chapter as the Employee of the Year. That is an outstanding honor for one of our employees and we are very proud of him.

Also, Jason Barnes, Superintendent of the Water Treatment Plant, will be recognized at the Georgia Association of Professionals in Savannah on Monday, July 15, 2019 and will be presented with the Elizabeth McIntyre Award. This is another great honor for one of our City employees.

**COUNCIL COMMENTS**

Councilwoman Miller-Cody recognized some of her 2019 Leadership Lowndes classmates who were in attendance at the Council Meeting.

Councilwoman Tooley thanked all the Departments for the wonderful job they do. They are always very helpful and she thanked them for what they do for our citizens each and every day.

Councilman Howard stated that he appreciated all of the citizens who were in attendance at the Council Meeting tonight. Also, they have started a summer basketball program and anyone who is not busy on Monday, Tuesday, and Thursday, is invited to attend.

Councilman Vickers inquired about the Special Called City Council Meeting which is scheduled for Monday, July 15, 2019 at 10:00 a.m. in the Council Chambers. Mark Barber, City Manager, stated that we will be meeting to discuss proposed SPLOST VIII Projects.

**ADJOURNMENT**

Mayor Gayle entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (6-0) to adjourn the July 11, 2019 Meeting of the Valdosta City Council at 7:20 p.m. to meet again in Regular Session on Thursday, July 25, 2019.

---

City Clerk, City of Valdosta

---

Mayor, City of Valdosta