COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina/Dennis Dutton
Meeting Date:	Thursday, June 11, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC, Owners, and Billy Brundage of Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road.

Background/History/Details:

History: The following properties comprise the existing Dixie Land Fun Park:

On May 12, 1983, Rezoning Petition No. 453-83 for approximately 24 acres on SR 85 North from A-R to C-H and M-1 was approved. The front 12 acres was zoned C-H along SR 85 North and the remaining 12 acres was zoned M-1.

On February 23, 1995, Rezoning Petition No. 876-95 for approximately 70 acres on SR 85 North, Curved Road and Morning Creek Drive from A-R and L-B (Limited-Business) to M-1 was approved, subject to the four (4) conditions which are be listed in the Staff Analysis.

Staff recommends DENIAL of this request for rezoning.
The Planning Commission unanimously recommends DENIAL of this request for rezoning.

What action are you seeking from the Board of Commissioners?

Request needs a vote by the Board of Commissioners.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

BOARD MEMBERS

Douglas L. Powell, Chairman
Tim Thoms, Vice-Chairman
Al Gilbert
Bill Beckwith
Jim Graw

STAFF

Peter A. Frisina, Director of Community Development
Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P. C. Secretary/Zoning Coordinator

AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION
PUBLIC MEETING
PUBLIC MEETING ROOM
APRIL 2, 2009
7:00 P.M.

WELCOME AND CALL TO ORDER

1. Consideration of the Minutes of the meeting held on January 8, 2009. *PC approved the Minutes 5-0.*

2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on February 19, 2009. *PC approved the Workshop/Public Meeting Minutes 4-0-1.*

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON APRIL 2, 2009, AND THE BOARD OF COMMISSIONERS ON APRIL 23, 2009.

3. Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC, Owners, and Billy Brundage of Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a new maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road. *Staff recommended Denial. PC recommended to table the petition as requested until May 7, 2009.*

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1213-09

APPLICANT: Johnie Williams and JEW Properties, LLC
1675 Hwy. 85 North
Fayetteville, GA 30214

STAFF RECOMMENDATION: **DENY**

PLANNING COMMISSION HEARING: May 7, 2009

PLANNING COMMISSION RECOMMENDATION: **DENY 5-0**

BOARD OF COMMISSIONERS HEARING: May 28, 2009

COMMISSION DECISION: _____

REQUEST: Request to rezone 37.08 acres from A-R to M-1 to develop a Maintenance Building for Dixieland Fun Park.

PARCEL SIZE: 37.08 acres

EXISTING USE: Vacant

PROPOSED USE: Maintenance Building for Dixieland Fun Park

LOCATION: Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road

ZONING OF SURROUNDING PROPERTY: M-1, C-H, A-R, and R-20

COMPREHENSIVE PLAN: in the vicinity of Commercial and Low Density Residential (1 unit-1 to 2 acres)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Tim Thoms made a motion to deny the petition. Jim Graw seconded the motion. The motion for denial unanimously passed 5-0.

REASON(S) FOR RECOMMENDATION:

Not in compliance with the Fayette County Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION

DATE: May 7, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1213-09, the application of Johnie Williams and JEW Properties, LLC to rezone 37.08 acres from A-R to M-1, be:

_____ Approved _____ Withdrawn X Disapproved 5-0

_____Tabled until _____

This is forwarded to you for final action.

DOUGLAS L. POWELL, CHAIRMAN

TIM THOMS, VICE-CHAIRMAN

AL GILBERT

BILL BECKWITH

JIM GRAW

Remarks:

_____

_____

_____

Fayette County
GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: May 19, 2009

Subject: Board of Commissioners Public Hearing, May 28, 2009

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning applications and the revised final plat application scheduled for public hearing on May 28, 2009.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1213-09	Corinth Road and Curved Road/ Maintenance Building for Dixieland Fun Park	**DENY**	**DENY 5-0**
2-1	RP-044-09	Sandy Creek Road/ Revise Final Plat of Fieldway S/D to add 3.99 acres to Lot 1 and then subdivide Lot 1 into two (2) lots	**CONFORMS TO THE PROPOSED DENSITY FOR THIS AREA AS INDICATED IN THE FAYETTE COUNTY COMPREHENSIVE PLAN**	**APPROVE WITH TWO (2) CONDITIONS 5-0**
3-1	1214-09	SR 54 West and Huiet Drive/Office Institutional Subdivision consisting of 10 lots	**APPROVE O-I WITH REDUCED AREA PER SECTION 11-8 OF THE ZONING ORDINANCE AS RECOMMENDED BY STAFF**	**DENY 4-1**

DSD/rsw

cc: Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

REQUESTED ACTION: A-R (Agricultural-Residential) to M-1 (Light Manufacturing)

PROPOSED USE: Maintenance Building for Dixieland Fun Park

EXISTING USE: Vacant

LOCATION: Corinth Road and Curved Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 216

OWNER: Johnie Williams and JEW Properties, LLC

APPLICANT: Billy Brundage of Brundage Engineering, Inc.

PLANNING COMMISSION PUBLIC HEARING: April 2, 2009

BOARD OF COMMISSIONERS PUBLIC HEARING: April 23, 2009

APPLICANT'S INTENT

Applicant proposes to develop a Maintenance Building for Dixieland Fun Park on 37.08 acres.

STAFF RECOMMENDATION

DENY

INVESTIGATION

A. PROPERTY SITE

The subject property is a 37.08 acre tract fronting on Corinth Road and Curved Road in Land Lot(s) 216 of the 5th District. Corinth Road is classified as a Minor Arterial road and Curved Road is classified as a County Local road on the Fayette County Thoroughfare Plan. The portion of Curved Road which once connected to SR 85 is now closed. The subject property is undeveloped and currently zoned A-R.

History:

The following properties comprise the existing Dixieland Fun Park:

On May 12, 1983, the BOC approved rezoning Petition No. 453-83 for approximately 24 acres on SR 85 North from A-R to C-H and M-1. The front 12 acres were zoned C-H along SR 85 North and the remaining 12 acres were zoned M-1.

On February 23, 1995, the BOC approved rezoning Petition No. 876-95 for approximately 70 acres on SR 85 North, Curved Road and Morning Creek Drive from A-R and L-B (Limited-Business) to M-1, subject to the following conditions.

1. That the subject property be used for recreational purposes only.

2. That the subject property not have direct access to Curved Road or Morning Creek Drive.

3. That a 20-foot planted buffer be required along Morning Creek Drive.

4. That all improvements, including parking, meet the 55 foot front yard setback along Morning Creek Drive.

B. SURROUNDING ZONING AND USES

The general situation is a 37.08 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned M-1, C-H, A-R, and R-20. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	15	A-R	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
South	63	M-1	Portion of Dixieland Fun Park	In the vicinity of Commercial, Conservation Areas, and Low Density Residential (1 unit/1 to 2 acres)
	1	R-20	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
	1	R-20	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
East	20	A-R	Vacant	Low Density Residential (1 unit/1 to 2 acres)
(across Corinth Road)	1	A-R	Vacant	Low Density Residential (1 unit/1 to 2 acres)
	1	A-R	Vacant	Low Density Residential (1 unit/1 to 2 acres)
West	12	M-1	Portion of Dixieland Fun Park	In the vicinity of Commercial, Conservation Areas, and Low Density Residential (1 unit/1 to 2 acres)
	21	C-H	Vacant	Commercial

C. COMPREHENSIVE PLAN

The majority of the subject property lies within an area designated as Low Density Residential (1 Unit/ 1 to 2 acres). A small portion of the subject property lies within an area designated as Commercial and an area designated as Conservation Area. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to M-1 for the purpose of developing a Maintenance Building for Dixieland Fun Park.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
M-1 (proposed zoning district)	F - 100' Arterial F - 80' Collector F - 65' Local S - 25' R - 25'	1 Acre* 0.5 Acres **	N/A	125'	75' buffer required adjacent to residential or A-R zoning districts
A-R (existing zoning district)	F - 100' Arterial F - 100' Collector F - 75' Minor S - 50' Side R - 75' Rear	5 Acres	1,200 sq ft	250'	N/A

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

Right-of-Way Requirements

Corinth Road is classified as a Major Arterial road (major thoroughfare) and Curved Road is classified as a County Local (minor thoroughfare) on the Fayette County Thoroughfare Plan. As a condition of zoning approval, the developer shall dedicate, at no expense to Fayette County, additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan for the adjoining street.

Per the Public Works Director, dedication of right-of-way for Corinth Road is needed to provide 50' of right-of-way as measured from the road centerline. This is shown correctly on the Concept Plan dated 2/25/09. Dedication of right-of-way along Curved Road is needed to provide 30' of right-of-way as measured from the road centerline.

Access

The Concept Plan submitted indicates one (1) access onto Corinth Road.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

Per the Public Works Director, the rezoning of 37.08 acres from A-R to M-1 could have significant impacts to traffic patterns and loads on to Corinth and/or Curved Roads. Applicant should be advised of the potential need for deceleration lane at entrance and/or traffic study to determine need for additional mitigation efforts along these roads.

The application indicates that the proposed use of the subject property is a maintenance building for the Dixieland Fun Park. However, staff has generated trip generation estimates based on possible M-1 uses on the full 37.08 acres. The volume of trips generated by the proposed development can be estimated by use of the manual Trip Generation by the Institute of Traffic Engineers, currently in its 7th Edition.

The trip generation rates per acre for a Multipurpose Recreational Facility is 90.38 for weekdays, 97.60 for Saturdays and 81.49 on Sundays. As applied to the subject property, 37.08 acres could generate 3,351 trip ends on weekdays, 3,619 on Saturdays and 3,022 on Sundays, as shown on the accompanying table.

Trip Generation Table for Proposed Johnnie Williams Property Rezoning From A-R to M-1

Proposed Use: Rezone 37.08 acres from A-R to M-1.
ITE Trip Generation Tables for Multipurpose Recreational Facility (435)

Land Use Category – Multipurpose Recreational Facility (435)	Weekday	Sat	Sun
Trip Gen, Rate per acre	90.38	97.60	81.49
# of Acres	37.08	37.08	37.08
24 hr Trip Ends	**3,351**	**3,619**	**3,022**

The trip generation rates per acre for General Light Industrial is 51.80 for weekdays, 8.73 for Saturdays and 4.42 on Sundays. As applied to the subject property, 37.08 acres could generate 1,921 trip ends on weekdays, 323 on Saturdays and 164 on Sundays, as shown on the accompanying table.

Trip Generation Table for Proposed
Johnnie Williams Property
Rezoning From A-R to M-1

Proposed Use: Rezone 37.08 acres from
A-R to M-1
ITE Trip Generation Tables for
General Light Industrial (110)

Land Use Category – Light Industrial	Weekday	Sat	Sun
Trip Gen,			
Rate per acre	51.80	8.73	4.42
# of Acres	37.08	37.08	37.08
24 hr Trip Ends	**1,921**	**323**	**164**

As an alternative to General Light Industrial the ITE land use category of Warehousing was also considered. The trip generation rates per acre for that use are 57.23 for weekdays, 13.16 for Saturdays and 8.54 on Sundays. As applied to the proposed subdivision, the land use of Warehousing for 37.08 acres could generate 2,122 trip ends on weekdays, 488 on Saturdays and 317 on Sundays, as shown on the accompanying table.

Trip Generation Table for Proposed
Johnnie Williams Property
Rezoning From A-R to M-1

Proposed Use: Rezone 37.08 acres from
A-R to M-1
ITE Trip Generation Tables for Warehousing (150)

Land Use Category – Warehousing	Weekday	Sat	Sun
Trip Gen,			
Rate per acre	57.23	13.16	8.54
# of Acres	37.08	37.08	37.08
24 hr Trip Ends	**2,122**	**488**	**317**

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of a Preliminary Plat, Final Plat, and/or Site Plan as applicable.

G. DEPARTMENTAL COMMENTS

Water System

The site has been master metered. Water is available.

Stormwater

Floodplain:

The property does not contain floodplain per FEMA FIRM panel 13113C0106E.

Wetlands:

The property does not contain any wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection:

Per the FEMA FIRM panel 131130106E, there is floodplain subject to the County watershed protection buffers and setbacks. These buffers and setbacks will encroach on the subject property.

Groundwater Recharge Area:

The property is not within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

The Environmental Health Department has no comments regarding the rezoning request.

Fire and EMS

Fire Suppression and Fire Prevention:

This property is located within the current territorial boundaries of County Fire Station #1, located on Highway 279, which would provide the initial first responding apparatus to any requests for assistance. Response time for suppression capability from Station #1 would be in the five (5) to eight (8) minute range. Water and hydrants exist along Corinth Road. The concept plan does not show a water line extension or hydrants which will be required.

Emergency Medical Services:

This property is located with the service delivery are of Medic #41 or #42 located on Johnson Avenue. Response time for ambulance transport services is within the eight (8) minute accepted historical response criteria. The addition of this development or proposed changes will not materially impact EMS service delivery capability or current capacity.

Emergency Management Agency:

This property is not within the 100 year flood way. As with any other development, there is always the potential for man made or natural disasters that would impact emergency management.

Public Works/Engineering

A rezoning of 37.08 acres from A-R to M-1 could have significant impacts to traffic patterns and loads on to Corinth and/or Curved Roads. Applicant should be advised of potential need for deceleration lane at entrance and/or traffic study to determine need for additional mitigation efforts along these roads.

Dedication of right-of-way along Corinth Road is needed to provide 50' of right-of-way from road centerline and shall be indicated on any applicable Preliminary Plat, Final Plat, or Site Plan. This is shown correctly on the Concept Plan dated 2/25/09.

Dedication of right-of-way along Curved Road is needed to provide 30' of right-of-way from road centerline.

Mr. Billy Brundage's letter dated 2/27/09 indicates the purpose of the proposed maintenance building is to support Dixieland Fun Park. An approved site plan and/or traffic study will be required by the County prior to construction of a curb cut and driveway that connects Corinth Road with the Dixieland Fun Park. Improvements, as noted above, would likely be required.

Board of Education

If this application is approved, school system data shows it will not impact the school system with additional students.

Clayton County Planning & Zoning Department

There are no comments.

Clayton County Traffic & Engineering

There are no comments.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to M-1 for the purpose of developing Maintenance Building for Dixieland Fun Park. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from A-R to M-1 is not in keeping with the Fayette County Comprehensive Plan. The Future Land Use Plan designates the area along SR 85 North for nonresidential use and the area along Corinth Road for residential uses. The majority of the subject property lies within an area designated for Low Density Residential (1 Unit/ 1 to 2 Acres) on the Future Land Use Plan. Objective L-2, Policy b. states: "Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas." The approval of M-1 zoning in this area would constitute an encroachment of non-residential uses in a designated residential land use area.

2. The proposed rezoning could adversely affect the existing use or usability of adjacent or nearby residential property in terms of light, noise and increased traffic activity on Corinth Road and/or Curved Road generally associated with non-residential development. Approval of this rezoning request could set a precedent providing legal leverage for non-residential rezoning of other residential properties in this area on Corinth Road and Curved Road.

3. The proposed rezoning will not result in a burdensome use of utilities or schools. The rezoning of 37.08 acres for General Light Industrial, Warehousing, or a Multipurpose Recreational Facility has the potential to generate approximately 1,921 to 3,351 vehicular trips per weekday (see Traffic and Trip Generation) as opposed to a one acre single-family subdivision consisting of 33 lots (37.08 acres minus 3.71 acres (10%) for infrastructure leaves 33.37 acres or 33 lots times 9.57 trips per lot) that could generate approximately 316 vehicular trips per weekday.

4. Existing conditions and the area's existing and future development as a single-family residential district do not support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **M-1 CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall dedicate, at no cost to Fayette County, per the Public Works Director, as follows: Dedication of right-of-way for Corinth Road is required to provide 50 feet of right-of-way as measured from the road centerline. Dedication of right-of-way along Curved Road is required to provide 30 feet of right-of-way as measured from the road centerline. *(This condition is to ensure the provision of adequate right-of-way for future road improvements per an established policy of the Fayette County Comprehensive Plan and the Development Regulations which stipulate how much right-of-way is needed for compliance.)*

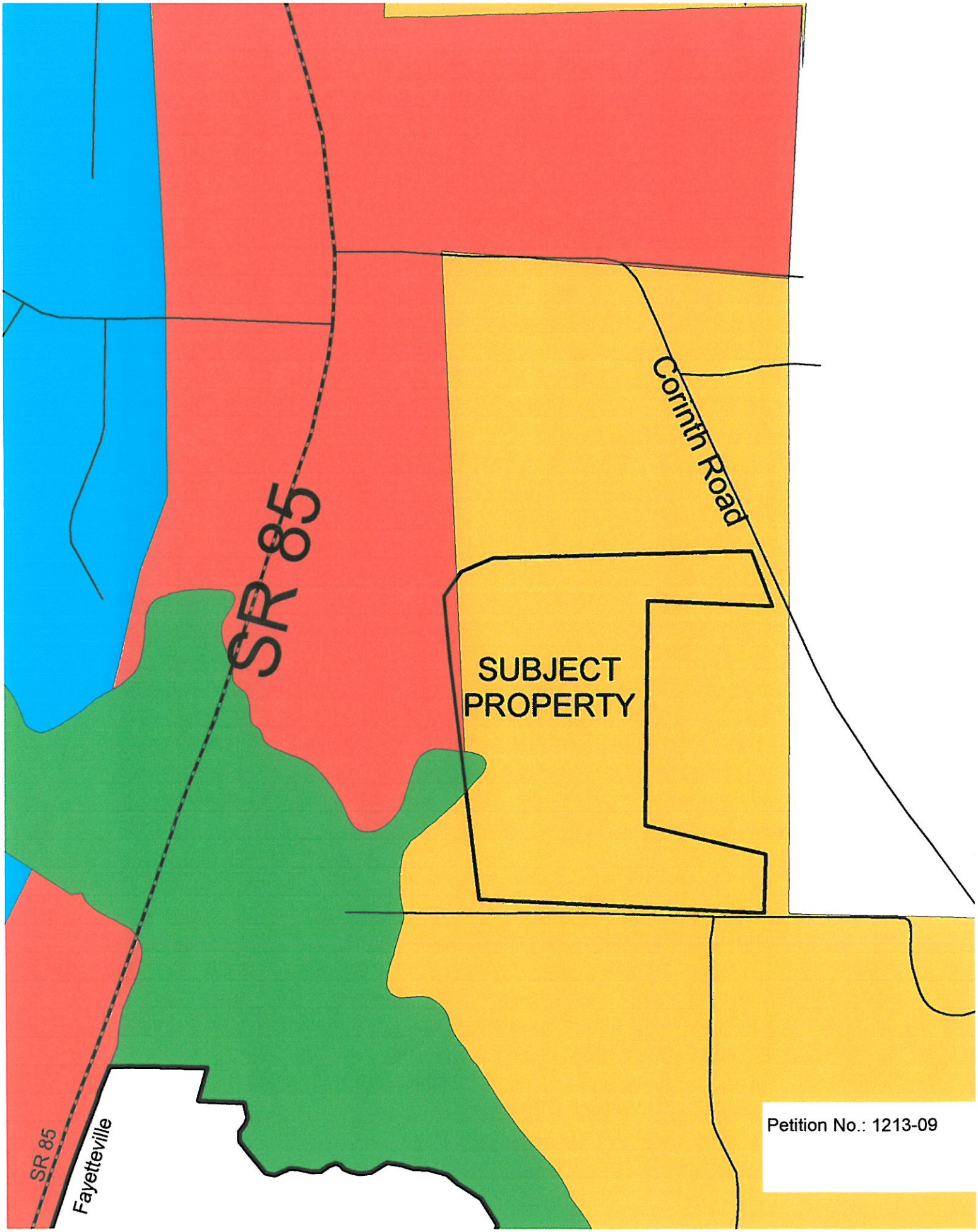
2. The subject property shall not have access to Curved Road. *(This condition is to prevent increased traffic on Curved Road which is not paved.)*

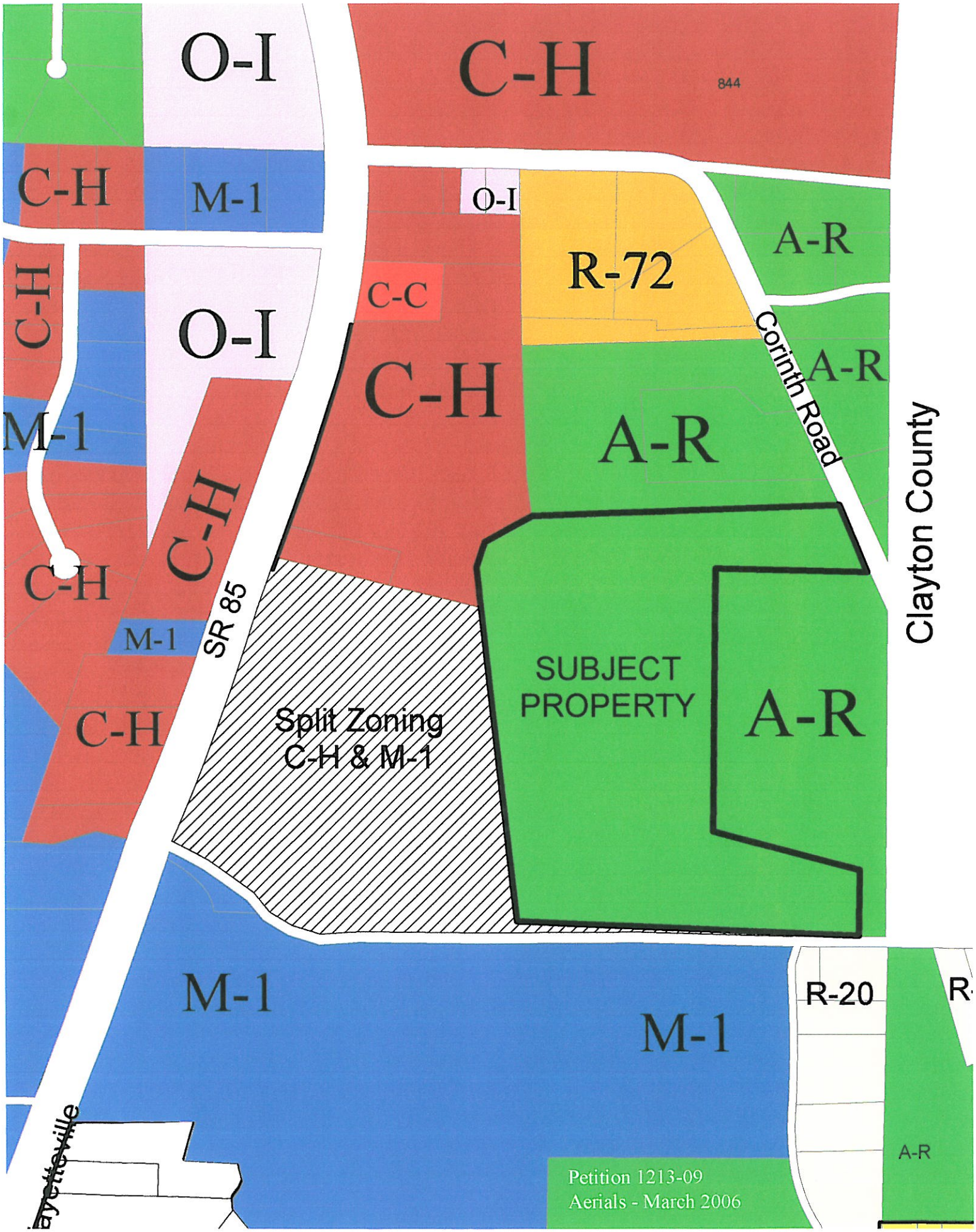
3. An approved site plan and/or traffic study will be required by the County prior to construction of a curb cut and driveway that connects Corinth Road with the Dixieland Fun Park. *(This condition is to lessen the impact of increased traffic on Corinth Road.)*

Staff recommended DENIAL. The PC recommended DENIAL 5-0.

LAND USE

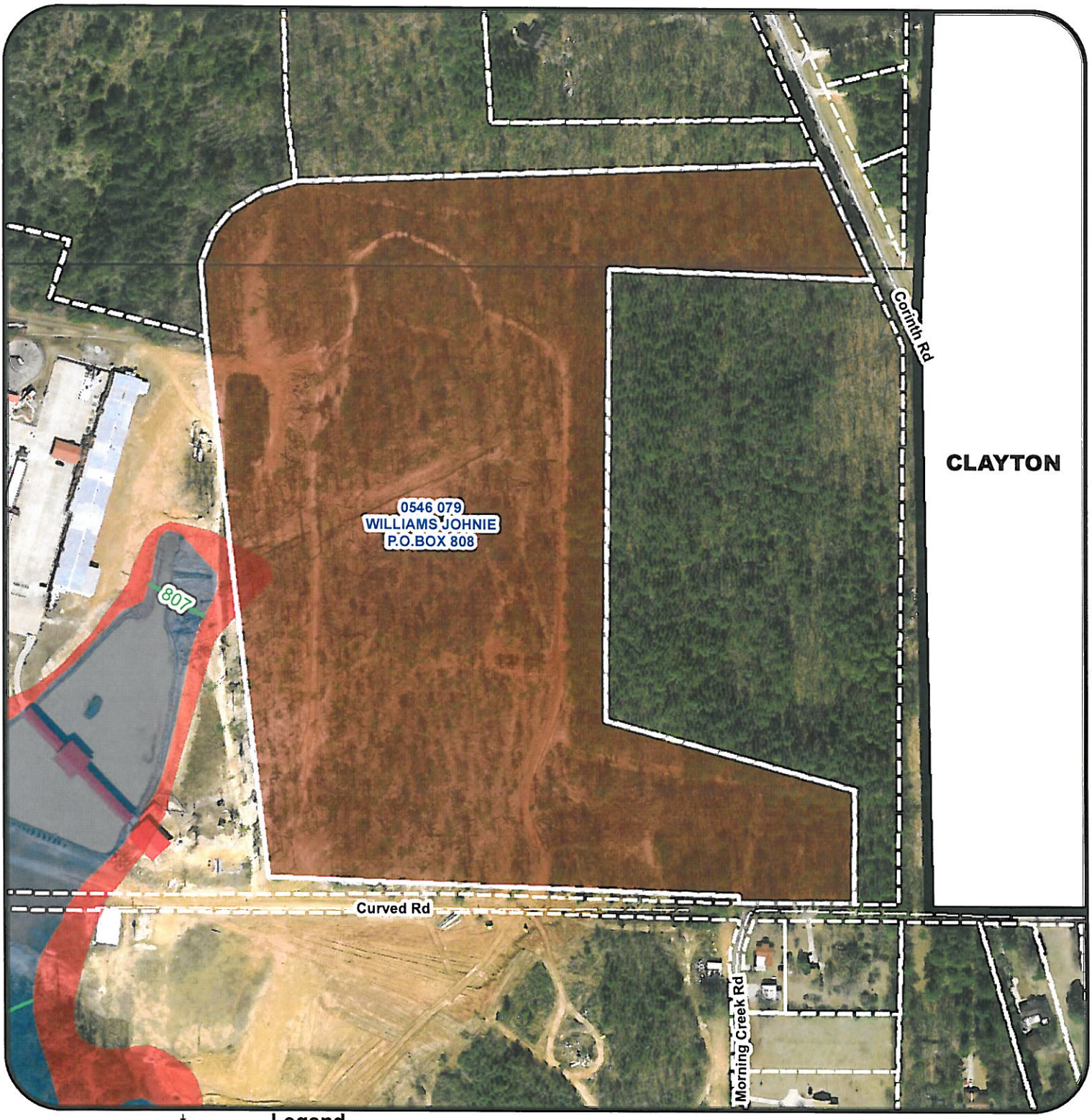
- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres, 5 Acre Min.)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS


SR 85
Corinth Road
SUBJECT PROPERTY
SR 85
Fayetteville
Petition No.: 1213-09


O-I
C-H
844
C-H
M-1
O-I
R-72
A-R
C-C
C-H
O-I
C-H
A-R
Corinth Road
A-R
M-1
C-H
C-H
SR 85
M-1
SUBJECT
PROPERTY
A-R
Clayton County
C-H
Split Zoning
C-H & M-1
M-1
M-1
R-20
A-R
Fayetteville
Petition 1213-09
Aerials - March 2006

O-I
C-H
C-H
M-1
O-I
A-R
R-72
C-C
O-I
C-H
A-R
Corinth Road
A-R
M-1
A-R
Clayton County
C-H
C-H
M-1
SR 85
SUBJECT PROPERTY
A-R
C-H
Split Zoning
C-H & M-1
Road Closed
Curved Road
M-1
R-20
M-1
Morning Creek Drive
A-R
Petition 1213-09
Aerials - March 2006

REZONING APPLICATION
1213-09



Fayette County GEORGIA

1 inch = 300 feet

Legend

- City Limits
- Ground Water Recharge Areas
- Streams
- NWI Wetlands
- Baseflood Elevation
- 500 Year Storm
- 100 Year Storm Zone A
- 100 Year Storm Zone AE
- 100 Year Storm Zone AE (Floodway)

N W E S

These Minutes were prepared from the log notes only as the audio did not record.

4. **Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC, Owners, and Billy Brundage of Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a new maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road.**

Billy Brundage, Agent for Johnie Williams, remarked that the subject property was adjacent to Dixieland Fun Park which was zoned C-H and M-1. He said the immediate plan was to build a maintenance building to serve the fun park which was not allowed in A-R zoning. He noted that the long term plan was to expand the park. He said the immediate plan was to bring traffic from SR 85 North through the subject property and exit on Corinth Road. He noted that SR 85 North has a narrow median. He said he had checked with the Sheriff's Department and remarked that there had been a few traffic accidents with a lot of cars turning left at closing time. He said he had spoken with the Georgia Department of Transportation and this would meet their technical requirements. He said there was concern about peak hours and increased traffic on SR 85 North. He noted that Corinth Road was a major arterial, but noted there was a traffic light planned for 85 North and Corinth Road. He presented an exhibit of surrounding property within one-half (0.50) mile of the subject property indicating industrial, commercial, residential, and properties located in Clayton County. He said the Fayette County Comprehensive Plan was designated low density residential with Clayton County zoned for one-fourth acre lots or high density residential. He pointed out that the subject property was surrounded by industrial, commercial, high density in Clayton County, and the East Bypass. He said the expansion of the park would be good for the tax base. He said safety concerns would be addressed.

Chairman Powell asked if there was anyone to speak in favor of the petition.

Johnie Williams remarked that he was the owner of the subject property. He pointed out that there was almost no value as A-R. He said last year the property taxes were almost $100,000 and the County had a short fall in revenue.

Chairman Powell remarked that the PC did not look at taxes.

Johnie Williams said the average car had three (3) kids and there needed to be a change in the exit on 85 North because there was going to be a fatality there.

Chairman Powell asked if there was anyone to speak in opposition of the petition.

The following people spoke in opposition:

Don Allen said he owned the property adjacent to the North. He said he appreciated staff's analysis consisting of 11 pages. He said this proposal did not comply with the Comprehensive Plan dated 2004 to 2025, and pointed out that this area was also designated as conservation area. He said noise from Dixieland Fun Park can be heard on Curved Road, Morning Creek Drive, and Corinth Road. Lights can be seen especially during the winter months. He expressed concern about the increased traffic on Corinth Road. He said approval of this proposal would set a precedent. He pointed out that it was difficult to exit the park, but may be easier than exiting Corinth Road due to more sight distance. He said he had read an article that the East Bypass had been killed. He noted that two (2) churches are on Corinth Road with activities throughout the week and weekend. He expressed concern on property values. He noted that there was a cemetery to the North. He noted that most of property in Clayton County was already developed. He provided a copy of his comments to Sergeant Williams to be made part of these minutes.

Larry Wilson of 141 Morning Creek Road said his property adjoins the Dixieland Fun Park. He said there were five (5) to six (6) houses on Morning Creek Road and it was especially noisy on the weekends. He asked why 37.08 acres needed to be zoned and pointed out that there were already 12 acres zoned. He said there would be increased noise and the East Bypass would also add traffic. He noted that M-1 zoning would allow for heavy industrial businesses. He asked what a buffer would consist of.

Chairman Powell asked how large the buffer would be and Pete Frisina replied 75 feet.

Mr. Wilson asked if there would also be 25 feet for the setback from the buffer and Chairman Powell replied yes.

Mr. Wilson questioned a privacy fence and Chairman Powell said that portion of the property was not part of this rezoning request.

Mr. Wilson interjected that Johnie Williams proceeds with property changes and then asks for permission. He said his main concern was with increased traffic and noise.

Marlene Raphael of 146 Morning Creek Drive remarked that she was concerned with the increased traffic, kids, noise, and late night activities. She said she purchased his property for peace and quiet and now property values would decrease. She said the existing privacy fence was an eyesore and pointed out that Curved Road was a dirt road.

Chairman Powell remarked that the proposed road to Corinth Road was on the north side of the subject property.

In rebuttal, Billy Brundage remarked that the traffic would increase on Corinth Road, but pointed out that it was a major arterial and a traffic light at Corinth Road and SR 85 North would be make this better. He noted that there was still a substantial amount of property remaining on Corinth Road that was not developed. He said the current plans were to expand parking and separate parking from amusement area to keep cars away from kids.

Chairman Powell remarked that the portion of Dixieland Fun Park, south of Curved Road, is currently being used for storage and asked how much unused property was left.

Mr. Brundage stated that the watershed protection buffered covered a large percentage of the area and the unused portion of this area is where future parking will be located.

Chairman Powell read the recommended conditions to the audience as follows:

1. The owner/developer shall dedicate, at no cost to Fayette County, per the Public Works Director, as follows: Dedication of right-of-way for Corinth Road is required to provide 50 feet of right-of-way as measured from the road centerline. Dedication of right-of-way along Curved Road is required to provide 30 feet of right-of-way as measured from the road centerline.

2. The subject property shall not have access to Curved Road.

3. An approved site plan and/or traffic study will be required by the County prior to construction of a curb cut and driveway that connects Corinth Road with the Dixieland Fun Park.

Chairman Powell asked Mr. Brundage if he had any objection to these conditions.

Mr. Brundage replied that he had no objections.

Chairman Powell asked if there was any further public comment and hearing none, closed the floor from public comments.

Chairman Powell remarked that safety was a big issue and Corinth Road might not be the answer. He said to increase the safety on SR 85 North might require traffic signalization. He noted that low density housing would increase pedestrian traffic to the park. He said traffic would affect the higher density housing and he wanted to protect existing residential properties. He felt light and noise would be upsetting. He said the Comprehensive Plan designates the area as low density residential and the area requested for M-1 zoning was too large.

Bill Beckwith remarked that any future sale of the property would allow manufacturing uses in a residential area should the subject property be rezoned to M-1. He said this petition did not comply with the Comprehensive Plan and he could not support this petition.

Al Gilbert said M-1 was one (1) of the most intense zoning classifications. He said if properties sell then various businesses would be allowed. He said there were residential areas along Corinth Road.

Jim Graw stated there were 20 acres of A-R and they may request to rezone to M-1. He said he would be in favor of the property owner expanding, however existing residences already have noise concerns.

Bill Beckwith remarked that a reduction of acreage may be more acceptable to residents in the area.

Tim Thoms remarked that the adjacent land owners could utilize their property based on the Comprehensive Plan but might want to rezone part of their property as well if this rezoning is approved. He said the fun park is an intense use of the property and he could not support the petition.

Tim Thoms made a motion to deny the petition. Jim Graw seconded the motion.

Hearing no further comments, Chairman Powell called for the vote. The motion for denial unanimously passed 5-0.

Comments on Petition no. 1213-09

From: Wm. Donnell Allen, owner of land north of subject property.

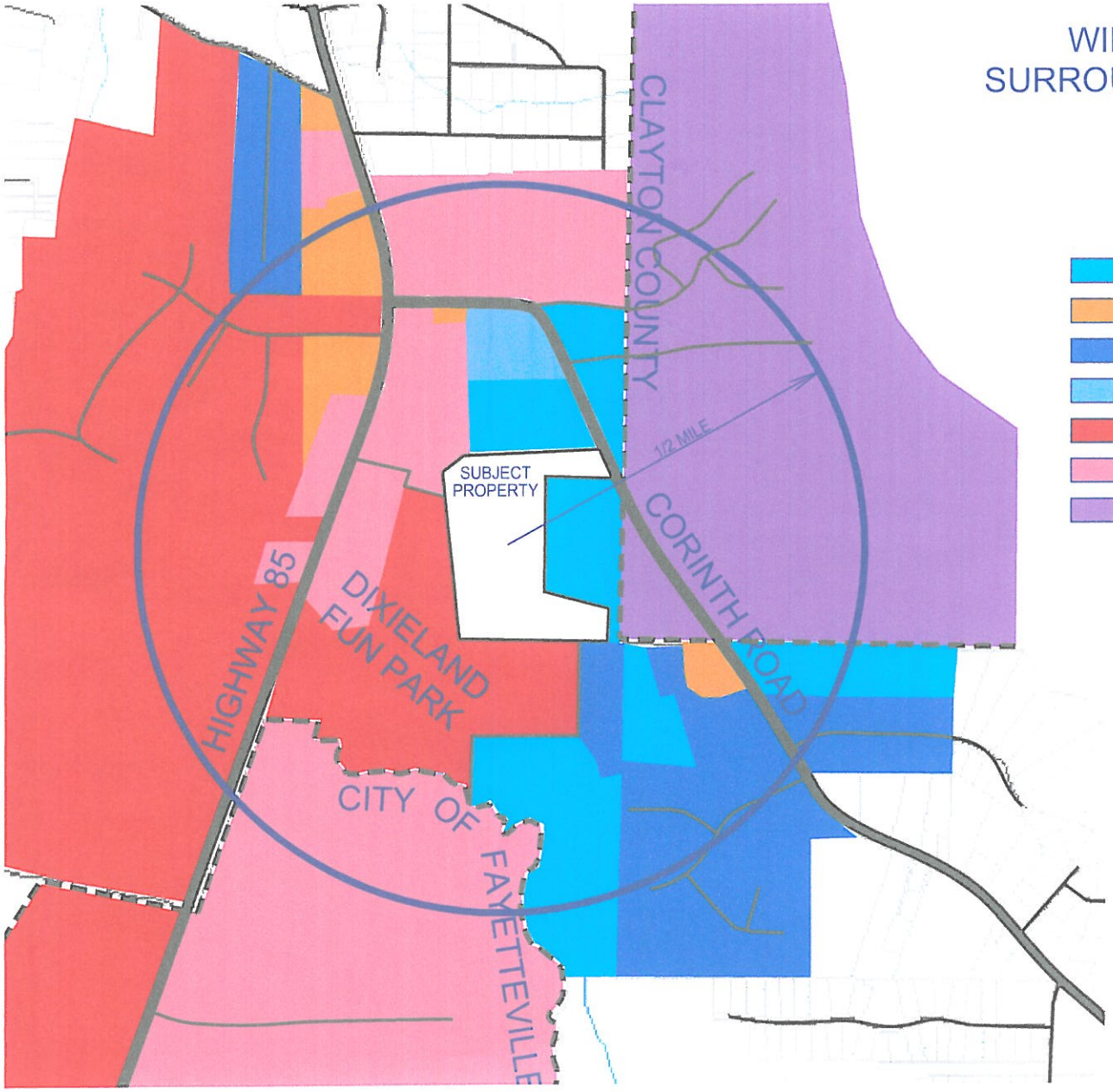
Position:

Concur with staff recommendation to deny the petition.

Reasons:

- This request does not conform to the Fayette County Comprehensive Plan.
    - Rezoning would be in direct conflict with the Fayette County Master Zoning Plan map for 2004 – 2025.
    - The plan shows most of this area as low density residential.
    - The plan shows part of this area designated as Conservation Area
- Noise from Dixieland Fun Park can already be heard at residences on Corinth Road, Curved Road, and Morning Creek Road. In particular: construction equipment, batting cages, and horn signaling end of rides.
- Lights from Dixieland Fun Park can already be seen from residences on Corinth, Curved, and Morning Creek Roads.
- Heavy construction equipment has already been in use on the subject property. Evidence of earthwork and road construction can be seen from adjacent properties.
- Based on the staff report, traffic on Corinth Road WILL increase. The lowest value Trip Generation Tables in the report show weekday trip ends exceeding 1,900 (page 1-6), and the highest value tables show trip ends exceeding 3,300 (page 1-5).

As stated in the staff recommendation, "the proposed rezoning could adversely affect the existing use or usability of adjacent or nearby residential property in terms of light, noise, and increased traffic activity… Approval of this rezoning request could set a precedent providing legal leverage for non-residential rezoning of other residential properties in this area…"



WILLIAMS PROPERTY
SURROUNDING ZONINGS/USES

LEGEND

- 5 AC. LOTS
- OFFICE/INSTITUTIONAL
- 1 AC. LOTS
- 2 AC. LOTS
- INDUSTRIAL
- COMMERCIAL
- 1/4 AC. LOTS

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

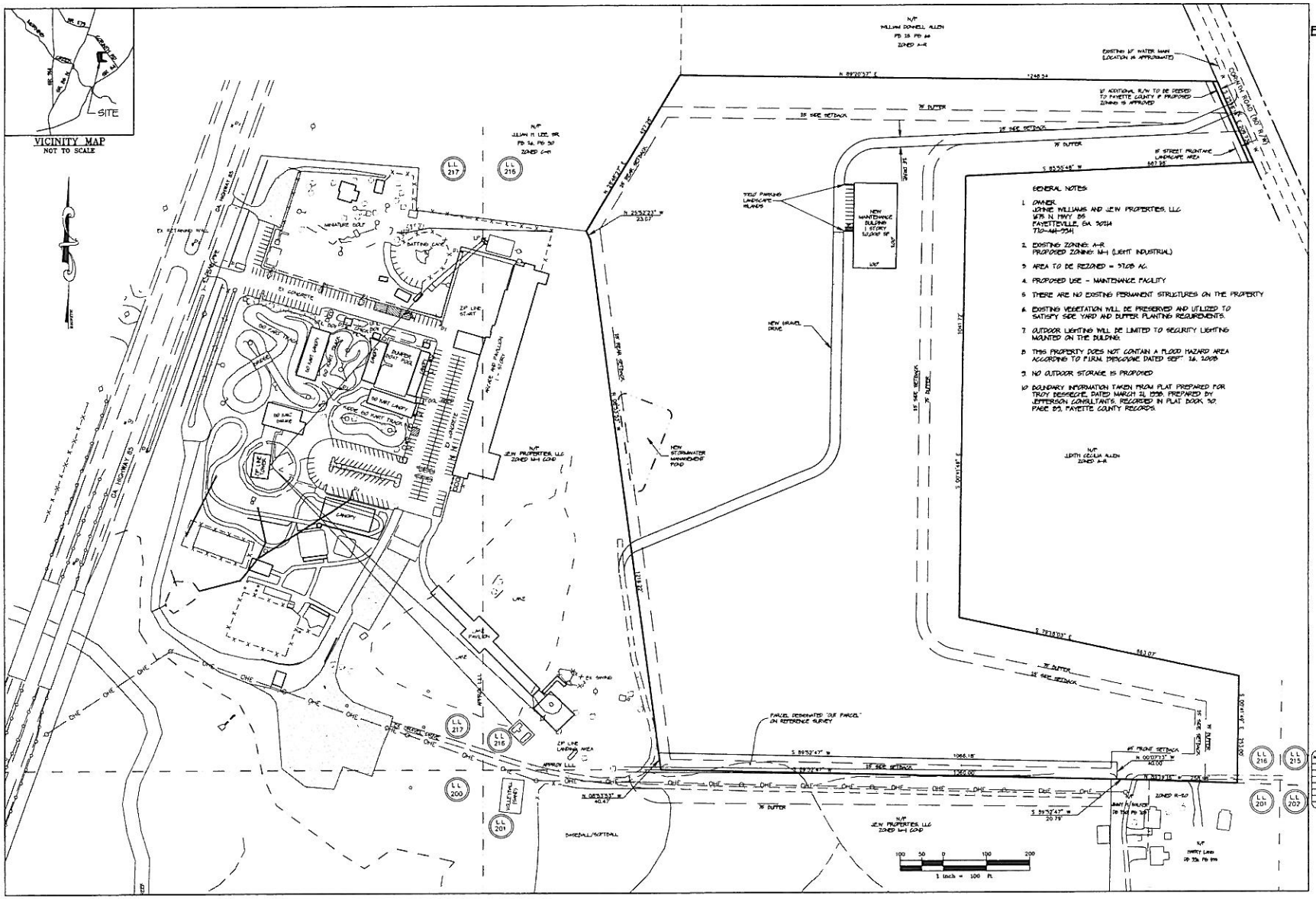
[X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 1st day of March, 20 09.

John L William

APPLICANT=S SIGNATURE



BRUNDAGE ENGINEERING, INC.
P.O. BOX 1926
FAYETTEVILLE, GA. 30214
770-719-0433

WILLIAMS PROPERTY

LOCATED IN
LAND LOT 216
OF THE 5th DISTRICT
FAYETTE COUNTY,
GEORGIA

DATE	JOB NO.
FEBRUARY 25, 2009	0-018
FILE NAME	SCALE
0-018brown09	1" = 100'

SHEET TITLE

CONCEPT PLAN

MAR 2 2009

NO	REVISIONS	DATE