COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, June 28, 2012	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Resolution 2012-14 approving Petition No. AO-001-12, Talon DN Investments, Inc., LLC, Owners, and Adam Jones, Agent, request to exercise an Architectural Option for structures within a General State Route Overlay Zone to develop a Self-Storage Facility. This property consists of 7.50 acres, is zoned M-1, is located in Land Lot 137 of the 5th District, and fronts on SR 54 East.

Background/History/Details:

The subject property currently contains 3 self-storage unit buildings constructed in 2008, which were built in compliance with the General State Route Overlay Zone for Highway 54 East at the time. The current General State Route Overlay Zone can allow what is called an Architectural Option which would achieve compatibility with existing surrounding areas. Current architectural standards require a pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in 1 foot and all buildings shall be constructed in a residential character of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco including synthetic stucco on those portions of the building facing front and side yards when a property is adjacent to a municipality.

The applicant plans to expand the self-storage facility and is requesting approval to use a reduced roof pitch and sheet metal facade on the exterior building walls along the east and west property lines. The applicant is proposing a full height bricked parapet wall on the front which will mimic the look of the 4.5 inches in 1 foot roof pitch. This concept will make it appear that all of the buildings were constructed at the same time.

What action are you seeking from the Board of Commissioners?

Consideration of Resolution 2012-14 approving Petition No. AO-001-12, Talon DN Investments, Inc., LLC, Owners, and Adam Jones, Agent, request to exercise an Architectural Option for structures within a General State Route Overlay Zone to develop a Self-Storage Facility. This property consists of 7.50 acres, is zoned M-1, is located in Land Lot 137 of the 5th District, and fronts on SR 54 East.

If this item requires funding, please describe:

Not applicable

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: AO-001-12

APPLICANT: Talon DN Investments I, LLC
Attn: Adam Jones

PLANNING COMMISSION HEARING: June 7, 2012

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

BOARD OF COMMISSIONERS HEARING: June 28, 2012

COMMISSION DECISION: _____

REQUEST: Request to exercise an Architectural Option for structures within the General State Route Overlay Zone for said property which is adjacent to a municipality where a nonresidential architectural character has been established in the area.

PARCEL SIZE: 7.50 acres

PROPOSED USE: Self-Storage Facility

LOCATION: Land Lot 137 of the 5th District and fronts on SR 54 East

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Bill Beckwith made a motion to approve the petition. Jim Graw seconded the motion. The motion unanimously passed 5-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

Architectural Option Number AO-001-12
1100 SR 54 East
Owner: Talon DN Investments I, LLC
Planning Commission Public Hearing Date: June 7, 2012
Board of Commissioners Public Hearing Date: June 28, 2012

The applicant is requesting to exercise an Architectural Option for structures within the General State Route Overlay Zone on a lot adjacent to a the city limits of Fayetteville where a nonresidential architectural character has been established for the area. The applicant proposes to complete the project by constructing four (4) additional self-storage unit buildings. Such a request requires a recommendation by the Planning Commission and approval by the Board of Commissioners from **ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS, Sec. 7-5. Transportation Corridor Overlay Zone,** C. *General State Route Overlay Zone,* 5. *Architectural Option* states:

Sec. 7-5. Transportation Corridor Overlay Zone

C. *General State Route Overlay Zone*

5. *Architectural Option.*

An owner/developer may exercise an Architectural Option for structures within the Overlay Zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the Board of Commissioners and shall follow the procedure established in Article XI. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS, Sec. 7-5. Transportation Corridor Overlay Zone, C. *General State Route Overlay Zone, 4. Architectural Standards* requires the following:

4. *Architectural Standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the Site Plan.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.

c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.

Location: The subject property is located in Land Lot 137 the 5th District. It is a 7.50 acre lot, zoned M-1 (Light Industrial), and located on State Route 54 East. State Route 54 East is identified as a Major Arterial (Major Thoroughfare) on the Fayette County Thoroughfare Plan.

STAFF REPORT

The subject property is zoned M-1, consists of 7.50 acres, and contains three (3) self-storage unit buildings with the business office being in a separate building near the entrance. A Site Plan and Construction Plans were approved in 2008. The current buildings were constructed in 2008, with a four and one-half (4.5) inches to one (1) foot roof pitch the full length of the structure and brick façade which complies with the architectural standards of the General State Route Overlay Zone.

The applicant is requesting an architectural option to the General State Route Overlay Zone with a reduced roof pitch and sheet metal façade on the exterior building walls along the east and west property lines. The applicant states he is proposing a full height bricked parapet wall on the front face of the four (4) proposed buildings as shown on Attachment A to match the façade of the existing buildings as shown on Attachment B and Attachment C. This will mimic the look of the four and one-half inches (4.5) inches to one (1) foot roof pitch on the fronts of all the new construction as shown on Attachment A to match the existing structures; however, behind the pitched parapet, the roof will drop to a one-half (1/2) inch to one (1) foot pitch all the way to the opposite ends of the buildings as shown on Attachment D. The color of the roofs will also match the existing structures. This concept will make it appear that all the buildings were constructed at the same time.

All of the fronts and rears of the proposed buildings will consist of brick as shown on Attachment A. One (1) side of each building will be sheet metal and the other side will be brick along the top and in between the bay doors as shown on Attachment A and Attachment E. The sheet metal façade will

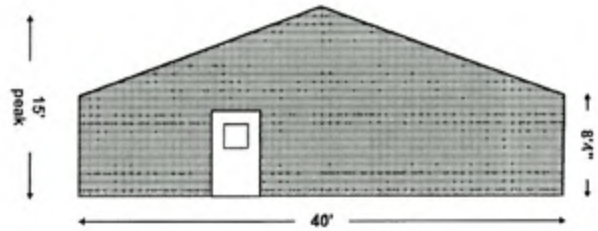
face the east and west exterior of the lot and the bay doors will only face the interior isle shown on Attachment A and Attachment F.

The subject property abuts East Fayette Storage along a portion of the west property line East Fayette Storage is located in East Fayetteville Industrial Park inside the city limits of Fayetteville, at 125 Robinson Court (off SR 54 East.) The existing self-storage buildings of East Fayette Storage consist of brick fronts, metal side and rear walls, and flat roofs as shown on Attachment G. The proposed architectural standards will exceed those of the existing buildings located within the city limits of Fayetteville at East Fayette Storage while appearing to match the existing structures located on the subject property. Attachments G, H, I, J, K, and L indicate the existing architectural design for the surrounding businesses located inside the city limits of Fayetteville, inside the East Fayetteville Industrial Park.

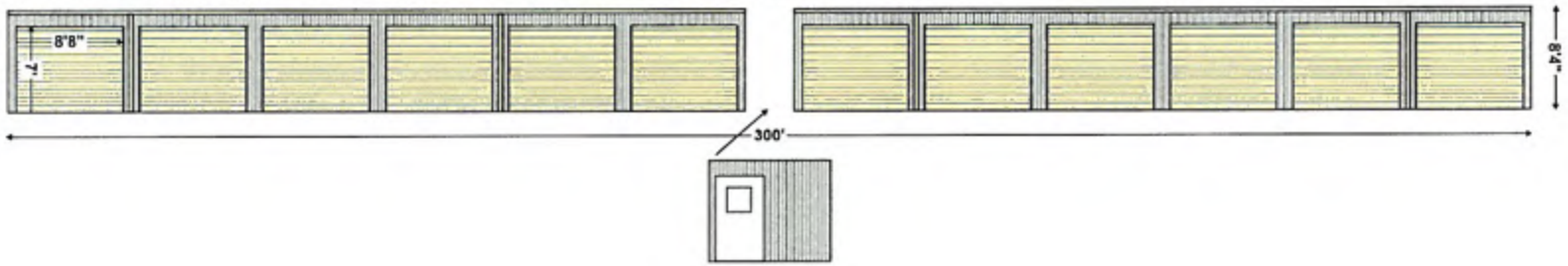
The applicant is hereby advised prior to the issuance of a building permit, architectural and construction plans shall be submitted and approved by the applicable departments.

ATTACHMENT A

Front Elevation with brick facade

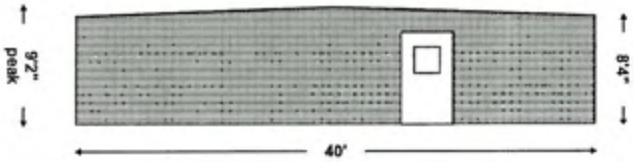


Brick along top and in between sheet metal bay doors along side

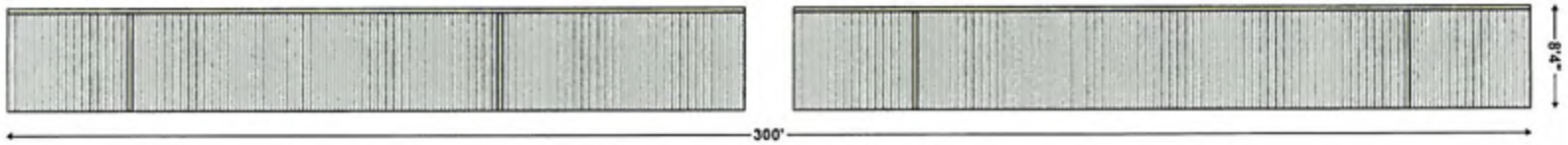


2 - OFFLOADS
10' WIDE X 5' DEEP
AT 80' & AT 220'

Rear Elevation with brick facade



Sheet metal along side of building opposite of the bay doors



4' X 7' WALK DOORS

ADAM JONES

FAYETTEVILLE, GEORGIA

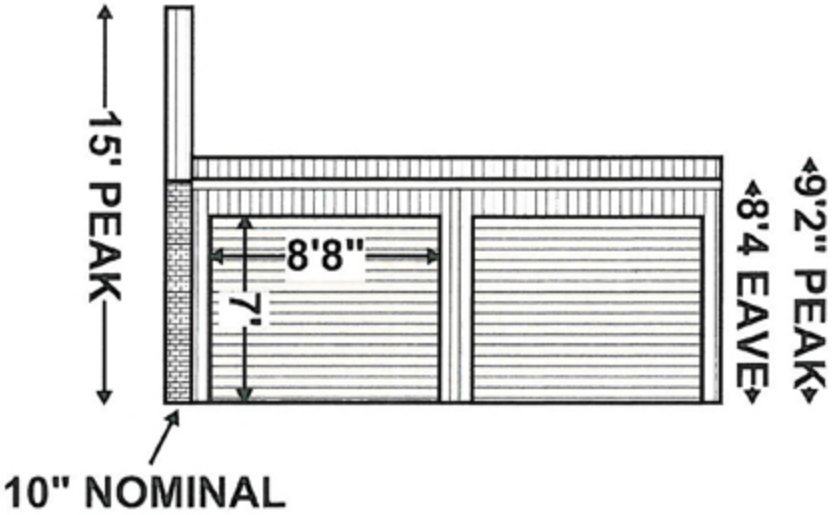
ELEVATIONS	BUILDING 4
Date	05/02/12
Drawing#	1731
Designer	Keith Goodyk
Detailer	Karl Schmidt

Pella Building Systems, Inc.
3158 Idaho Drive
Pella, Iowa 50219
1-800-228-8481 or 641-628-8300
Fax 1-641-628-8377
www.pellabuildings.com
E-mail: info@pellabuildings.com

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D



ADAM JONES

FAYETTEVILLE, GEORGIA

ELEVATIONS	BLD. 4
Date	05/04/12
Drawing#	1728
Designer	Keith Goodyk
Detailer	Karl Schmidt

Pella Building Systems, Inc.
2150 Idaho Drive
Pella, Iowa 50219
1-800-223-0481 or 641-628-9000
Fax 1-641-628-8277
www.pellabuildings.com
E-mail: info@pellabuildings.com

ATTACHMENT E

ATTACHMENT F

ATTACHMENT G - CITY OF FAYETTEVILLE

ATTACHMENT H - CITY OF FAYETTEVILLE

ATTACHMENT I - CITY OF FAYETTEVILLE

THE FOLLOWING WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 7, 2012, AND BY THE BOARD OF COMMISSIONERS ON JUNE 28, 2012.

4. **Consideration of Petition No. AO-001-12, Talon DN Investments, Inc., LLC, Owners, and Adam Jones, Agent, request to exercise an Architectural Option for structures within the General State Route Overlay Zone for said property which is adjacent to a municipality where a nonresidential architectural character has been established in the area to develop a Self-Storage Facility. This property consists of 7.50 acres, is zoned M-1, is located in Land Lot 137 of the 5th District, and fronts on SR 54 East.**

Adam Jones said he recently purchased the subject property and would like to complete Phase II and Phase III of the development. He requested to change the 4 ½ inches to 1 foot roof pitch to a pitched parapet roof which will drop to a ½ inch to 1 foot pitch. He added the ½ inch to 1 foot pitch was not visible from SR 54 East and the proposed buildings would be located behind the existing buildings. He also requested to have sheet metal façade on the exterior building walls along the east and west property lines. He said there would be a fence between the new buildings and all the way to the back so there would be no public access to the rear of the buildings.

Adam Jones referenced Attachments A thru L which depict the existing buildings, the proposed buildings, and the buildings located within the City of Fayetteville. He pointed out the ends of each building would be brick. He stated there would be brick along the top, in between the sheet metal bay doors, and on the front of the buildings. He commented the bay doors will only face the interior isle. He said this concept will make it appear that all the buildings were constructed at the same time.

Adam Jones confirmed the subject property abuts East Fayette Storage, located inside the city limits of Fayetteville, along a portion of the west property line. He noted the existing self-storage buildings of East Fayette Storage consist of brick fronts, metal side and rear walls, and flat roofs. He stressed The proposed architectural standards will exceed those of the existing building located within the city limits of Fayetteville at East Fayette Storage.

Chairman Thoms asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Al Gilbert read the following:

> "The applicant is hereby advised prior to the issuance of a building permit, architectural and construction plans shall be submitted and approved by the applicable departments."

Adam Jones replied he was aware of this requirement.

Chairman Thoms verified the bay doors are only accessible from the interior isle.

Adam Jones replied one (1) of the buildings would be climate controlled self-storage with hallways accessible from the interior isle.

Jim Graw asked if there was going to be vehicle and trailer storage provided.

Adam Jones replied the vehicle and trailer storage would be located between the proposed buildings and the existing detention pond. He added the vehicle and trailer storage would be fenced but would not be visible from SR 54 East.

Bill Beckwith made a motion to approve the petition. Jim Graw seconded the motion. The motion unanimously passed 5-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

Petition No. RAO-

Re: Regional Mini-Storage
1100 Hwy 54E
Fayetteville Ga. 30214

The site consists of three (3) self-storage unit buildings with the business office being in a separate building near the entrance.

The current owner proposes to complete the project by constructing four (4) additional self-storage unit buildings as previously designed with a modification request as follows:

The current buildings are constructed using a 4 ½ /12 roof pitch the full length of the structure. We propose a full height bricked parapet wall approx. 10 "wide on the front face of the proposed buildings to mimic the existing façade. What we are trying to accomplish is to keep the Fayette County look with the 4 ½ /12 pitched roof on the fronts of all new construction to match the existing structures. Just behind the 4 ½ /12 pitched top of the parapet, the roof will drop to a ½ /12 pitch all the way to the opposite ends of the buildings. All sides and fronts of the new construction will be done in brick to match the existing structures on the property. The rear of all new construction will be done in sheet metal to match all colors on existing structures on property. The color of the roofs will also match existing.

After recording, return to:

Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Ste 125
Lawrenceville, GA 30043
File No.: 2027-0011 (EMR/bp)

Please cross-reference:

Deed Book 3263, Page 393
Deed Book 3277, Page 1
Fayette County, Georgia Records

WARRANTY DEED IN LIEU OF FORECLOSURE

STATE OF GEORGIA
COUNTY OF GWINNETT

THIS INDENTURE, made the 5th day of April, in the year Two Thousand Twelve, between

PAK-RAT STORAGE, INC., a Georgia corporation,

party or parties of the first part, hereinafter called "Grantor," and

TALON DN INVESTMENTS I, LLC, a Georgia limited liability company,

as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described real property:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

The conveyance set forth herein by Grantor is made in lieu of the foreclosure by Grantee of that certain Commercial Deed to Secure Debt and Security Agreement from Grantor to Bank of Coweta, dated June 29, 2007 and filed in Deed Book 3263, Page 393, Fayette County, Georgia Records, as re-recorded and filed in Deed Book 3277, Page 1, aforesaid records, as

modified by that certain Modification Agreement, dated December 12, 2007 and filed in Deed Book 3351, Page 643, aforesaid records, as assigned from Bank of Coweta to Grantee by that certain Assignment of Deed to Secure Debt, dated March 31, 2010 and filed in Deed Book 3628, Page 278, aforesaid records, as assigned from Grantee to The Brand Banking Company by that certain Assignment of Deed to Secure Debt, dated August 31, 2010 and filed in Deed Book 3691, Page 639, aforesaid records, as assigned from The Brand Banking Company to Grantee by that certain Assignment of Deed to Secure Debt, dated December 23, 2011 and filed in Deed Book 3845, Page 29, aforesaid records (collectively, the "Deed to Secure Debt").

Grantee is taking title to the Property conveyed hereby subject to the Deed to Secure Debt referred to above. It is the intention of the Grantor and Grantee that, and it is agreed that, such Deed to Secure Debt shall not merge with the fee estate hereby conveyed, but shall remain an encumbrance upon the property.

If for any reason this conveyance is set aside or otherwise nullified under any bankruptcy law, creditor's rights law (whether state or federal), fraudulent conveyances law, or any other law or theory, grantee's security deed lien, the foreclosure of which this deed is given in lieu of, shall be reinstated for its full amount as of the date hereof, plus interest at the original rate and all other respects the Deed to Secure Debt and underlying obligations will be effective; and the security deed lien will have the same priority as though this conveyance has never occurred. Further, in the event of reinstatement of the security deed lien, Grantor consents to, and Grantee will be entitled to, immediate relief from the bankruptcy automatic stay to allow foreclosure of that security deed lien.

This deed is an absolute conveyance for fair and adequate consideration, such consideration, in addition to that recited above, being Grantee's covenant not to sue Grantor in order to recover under the obligation secured by the Deed to Secure Debt and to release Donald W. West from all liabilities in regards to the Deed to Secure Debt and underlying loan, as evidenced by the termination of his personal guaranty in regards to such. Grantor declares that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this deed, between Grantor and Grantee with respect to the real estate described herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

GRANTOR:

PAK-RAT STORAGE, INC., a Georgia corporation

By: Don West (SEAL)
Name: Don West
Title: President

Unofficial Witness

Notary Public

BETH PLUMMER
NOTARY
EXPIRES
GEORGIA
JUNE 1, 2012
PUBLIC
GWINNETT COUNTY

CORPORATE
SEAL
GEORGIA

EXHIBIT "A"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 137 of the 5th District, Fayette County, Georgia, being all of Tract #1 as shown on that Plat titled "Survey of Property in Land Lot 137, 5th District, Fayette County, Georgia" by John M. Clark, GA Reg Surv. #2333, dated October 7, 1991, and is being more fully described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the common corner of Land Lots 136, 137, 152, and 153 and thence South 01 degrees 01 minutes 04 seconds East a distance of 750.57 feet to a point; thence North 88 degrees 46 minutes 30 seconds East a distance of 765.00 feet to an iron pin found and the TRUE POINT OF BEGINNING; thence North 88 degrees 46 minutes 30 seconds East a distance of 137.50 feet to an iron pin placed; thence South 01 degrees 46 minutes 26 seconds East a distance of 1667.72 feet to an iron pin placed; thence North 88 degrees 13 minutes 34 seconds East a distance of 80.03 feet to an iron pin placed; thence South 01 degrees 46 minutes 26 seconds East a distance of 410.00 feet to an iron pin placed on the northerly right of way of Highway #54; (75 feet to center line); thence along said right of way South 69 degrees 16 minutes 03 seconds a distance of 230.00 feet to an iron pin placed; thence North 01 degrees 46 minutes 26 seconds West a distance of 2153.76 feet to an iron pin found and the TRUE POINT OF BEGINNING.

Said Tract contains 7.50 acres and being improved property known as 1100 Highway 54 East, Fayetteville, GA according to the present system of numbering houses in said county.

State of Georgia;
County of Fayette

RESOLUTION
2012-14

A RESOLUTION FOR THE CONSIDERATION OF EXERCISING AN ARCHITECTURAL OPTION FOR STRUCTURES WITHIN THE GENERAL STATE ROUTE OVERLAY ZONE AS ALLOWED BY THE FAYETTE COUNTY ZONING ORDINANCE.

Whereas, Petition No. AO-001-12 is a request BY Talon DN Investments, Inc., LLC, Owners, and Adam Jones, Agent, for permission to exercise an Architectural Option for structures within the General State Route Overlay Zone, as provided for in the Fayette County Zoning Ordinance; and

Whereas, the property under consideration currently contains a self-storage facility built in 2008, and is adjacent to a municipality (City of Fayetteville); and is situated in an area where a nonresidential architectural character has already been established by the pervious construction of said self-storage facility; and

Whereas, the applicant requests an architectural option to the General State Route Overlay Zone standards which would result in giving the appearance that all buildings on the property had been constructed at the same time, to be accomplished by use of a full height bricked parapet wall on the front face of the four proposed buildings which will match the façade of the existing buildings and mimic the look of the required 4 ½ inches to 1 foot roof pitch on the fronts of the existing buildings; also, behind the pitched parapet, the roof will drop to a ½ inch to 1 foot pitch extending to the opposite ends of the buildings and will be covered with roofing materials to match the existing structures; also, by using a sheet metal façade on the exterior building walls along the east and west property lines and brick along the top and in between the bay doors which will only face the interior isle.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, does hereby grant the request of the applicant, who has requested permission to exercise the architectural option for structures with the General State Route Overlay Zone as provided for by the Fayette County Zoning Ordinance, and as so stated above.

So resolved this 28th day of June, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Attest:

_____
Herbert Frady, Chairman

_____
Clerk/Deputy Clerk