

THE FAYETTE COUNTY PLANNING COMMISSION met on March 1, 2001 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Vice-Chairman
Al Gilbert
Bob Harbison
Jim Graw

MEMBERS ABSENT: Fred Bowen, Chairman

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Chris Venice, Director of Planning
Delores Harrison, Zoning Department Secretary
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Vice-Chairman Beckwith called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff.

* * * * *

1. Consideration of the Minutes of the meeting held on February 1, 2001.

Vice-Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated. Al Gilbert made the motion to approve the Minutes. Bob Harbison seconded the motion. The motion unanimously passed 4-0. Chairman Bowen was absent.

* * * * *

2. Consideration of the Workshop Minutes of the meeting held on February 15, 2001.

Vice-Chairman Beckwith asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Bob Harbison made the motion to approve the Workshop Minutes. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Chairman Bowen was absent.

* * * * *

THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MARCH 1, 2001 AND BY THE BOARD OF COMMISSIONERS ON MARCH 8, 2001.

3. Consideration of proposed amendments to the Fayette County Land Use Plan Map and Text regarding the vicinity of S.R. 74 South and Redwine Road.

Chris Venice advised the audience that handouts were available on the table at the back of the room. She presented a map of the subject and surrounding properties and made the following presentation:

Several years ago, when the County became aware of the plans for the three (3) school complex in the S.R. 74 South/Redwine Road area, we reviewed the Land Use Plan (LUP) to see if the land use in the area needed to be modified. At that time, Staff and PC believed that the character of the area, even with the development of the schools, was still residential in nature. The LUP prohibited commercial uses and, while there was discussion of possible future office/institutional uses in the area, such uses were not indicated. We believed it was very important that the land use reflect the

historic and residential nature of the area. No changes were made.

A little more than a year ago, with the completion and operation of the schools, the land use plan in this area was again revisited. It was determined that the area remained residential in character and no changes were made to the LUP. The recent events that now allow commercial and office/institutional activity on the west, or south, side of S.R. 74 requires that we look again at the area and revisit its land use to determine whether or not, at this point, given the recent events, the LUP should be modified.

The current land use for the area is Low Density Agricultural, with the Swain-Peebles House indicated as having historic interest. This Low Density Agricultural land use includes the school complex and a day care center. Both these uses are allowed in their designated Agricultural-Residential zoning district.

Staff believes this area still remains primarily residential in character. While the area is experiencing nonresidential development, the development of some 230 single family residences in the unincorporated county and additional residential lots in Peachtree City within 3/4 mile of this intersection, attest to the area's viability for residential uses.

Therefore, Staff is recommending the following land use plan amendments that recognize the development changes in the area while preserving the residential character:

1. Staff recommends that the recently-approved commercial center be land used (LUP designation) Commercial; and likewise, that the recently-approved five (5) acre Office-Institutional zoned property be land used as Office-Institutional. These nonresidential land uses will be bordered to the west and south by a Conservation area land use, to the east by the day care center, which is still land used Low Density Agricultural, and to the north by S.R. 74. These land uses will effectively buffer the adjacent and nearby residential areas.
2. To preserve and maintain the existing and future residential area north of S.R.74 along Redwine Road and to buffer the school complex, staff is recommending that the five (5) acre lot on the northeast corner - east of Redwine Road - and the properties west of Redwine Road adjacent to S.R. 74 South to the Peachtree City limits be designated Office-Institutional. This designation offers a good step-down transition area for the adjacent residential uses to the north. The five (5) acre lot would retain its historic interest designation.
3. Staff also recommends that the tracts east and south of the Peachtree City limits and west of Redwine Road be designated for Low Density Residential land uses. Peachtree City residential development in this area is generally characterized by 12,000 square foot lots. While the amendment to Low Density Residential, at a one (1) acre minimum lot size, is still much less dense than development in Peachtree City, this land use more closely resembles the City's residential land use.

In conclusion, Ms. Venice remarked she would be happy to answer any questions.

Vice-Chairman Beckwith asked if there was anyone to speak in regard to the proposed amendments.

Omega Lamont of Jefferson Woods Subdivision said she felt like she was fighting a losing battle. She stated she had appeared before the P.C. several times when the Plantation shopping center was being discussed. She reminded the P.C. that their vote was 4-0 in opposition of that rezoning. She commented that they had made the mistake of not asking how the B.C.C. felt first before the P.C. did their work. She said it seemed that the property owners in the area have been sold out. She went on to say that when she purchased her property she thought the area would be agricultural or have residential homes. She stated the area now is going to be a very commercial area. She stressed that the traffic was horrendous in the area with the school traffic backed up in the mornings for a mile down Redwine Road. She said there is no stopping the traffic coming down S.R. 74 past the school

and shopping center. She commented that the horse was already out of the barn. She wished the P.C. and the B.C.C. would remember that the home owners in the area made an investment in their property. She pointed out the home owners had purchased houses and planned their future in good faith. She advised they moved to Fayette County for a way of life, but they do not think that once they are here the gate should be closed. She added that if it had been where the homeowners in the area could not sell their land, she did not think that anyone should have property that they cannot sell. She said the land was selling residential, it wasn't where people were sitting on acreage and they could not sell it residential. She added everyone should make a profit from their property. She stressed it was unfair to the homeowners in the area that they will make a profit at the homeowners expense, the quality of life, and the safety of the schools and children in the area.

Attorney Doug Dillard of Dillard and Galloway said he was representing Lou Pailer who owns the five (5) acre lot at the intersection of Redwine Road and S.R. 74. He commented that he used to travel S.R. 74 from 85 and through Senoia to property he owned in Gay for many years. He remarked he had come through this area since the 1970's and was as aware as the P.C. of the changes which have occurred. He said the historic part of what the P.C. is being asked to do tonight is important. He went on to say that for years there was a commercial store at the intersection of Redwine Road and S.R. 74 which was owned by the Peeples. He noted they had a farm and country store there. He went on to say that the store was used for nonresidential purposes for many, many years. He confirmed the store was closed and then purchased by Mr. Reynolds. At the time of purchase, he noted the Comprehensive Plan called for the subject property to be commercial. He said in 1983 when Mr. Pailer purchased his property, his property was called to be Commercial. Sometime in the early 90's, he advised that the land use was changed. He continued by saying that both Mr. Reynolds and Mr. Pailer had appeared before the P.C. and the B.C.C. asking that their property's classification be changed. Attorney Dillard confirmed that he had represented Mr. Reynolds in a lawsuit against Fayette County approximately four (4) or five (5) years ago over the property's classification but the case was lost in front of Judge English. He said the theory of the County at that time was that A-R was a suitable classification and a day care center, church, shooting range, and other great uses which are allowed under A-R could be put there. He noted that Mr. Pailer had requested to rezone his property several years ago but he was summarily denied. He confirmed that at the time when Judge English made his decision, and when the County made the decision on Mr. Pailer's property, that a school was going to be developed in the area. He said he had shot dove where the school is located. He remarked he knew what was going to happen. He went on to say that the school was developed and there is no longer an agricultural residential area at the intersection but instead a main, important, major intersection. He advised that Mr. Pailer still lives there. He pointed out that the decibel level in Mr. Pailer's home at 6:30 A.M., is those wonderful school buses pulling around the corner, exceeds 55 decibels which HUD and everyone else says is acceptable for residential use. He asked if it wasn't time to work with the property owners to try to achieve something which is not only reasonable for them but is also in keeping with what is happening with this intersection. He said it was interesting to him to note that the only Commercial which is being discussed at this intersection is across S.R. 74 from his property. He remarked he was not going to say that this is spot zoning but why is this tract across the road zoned for Commercial and the other is going to be zoned for Office-Institutional. He pointed out that Mr. Pailer only owned five (5) acres and it could not be used for much. He said that the most he could probably put on it was about 30,000 to 35,000 square feet. Attorney Dillard remarked that Ms. Venice had mentioned the 230 houses currently being built in Peachtree City which are accessed through a shopping center. He commented that Peachtree City zoned it for Commercial. As you go down S.R. 74 in Peachtree City, he pointed out there was not any Office-Institutional but Commercial and Industrial. He said this is not an office market but a neighborhood commercial market. He remarked to think that you can impose this kind of land use criteria on a property owner who can no longer sit there and enjoy his home, is trying to sell it but has been unable, nobody has come to buy his house, this historical dwelling for an office, they want commercial. He commented that they will keep it and use it for a restaurant probably. He pointed out that Office-Institutional does not provide that.

Chairman Beckwith explained that the P.C. is considering a land use plan change to be recommended to the B.C.C. and the rezoning request will be discussed later.

Attorney Dillard replied he understood clearly, however the basis of the Staff's recommendation to the P.C. regarding Mr. Pailer's property which is a part of the Comprehensive Plan change is that the Comprehensive Plan calls for Office-Institutional, so it is very important to the zoning case to make the P.C. fully aware of the position that Mr. Pailer has been put in, in opposing the Office-Institutional category for the land use change. He said he had site plans and traffic reports and a lot of other information he plans to submit to the P.C. for the rezoning. He commented he was trying to address the whole area while he is representing Mr. Pailer. He remarked he was trying to make an argument relative to the comprehensive planning which needs to occur at this intersection. He went on to say that the County can't continue to knee jerk and react to try to keep as little happening to this intersection as possible. He said the County should work with the property owners to try and achieve something that is realistic which is all he is asking the County to do. He added he was trying to get the County to work with the property owners to try to achieve something that is realistic at this intersection. He advised that office-institutional uses at this intersection only is not the only use which should be considered by the P.C. He said that a C-C, commercial classification could also provide for office if that is in fact a market opportunity, which we do not think it is, but it would give the property owner an opportunity to put in neighborhood type services which will serve the residential community that is now going into Peachtree City to shop. He noted that there are air quality issues in this area. He confirmed that it took him an hour and forty-five minutes to drive here tonight from Atlanta. He said that the objective throughout this region is to try to put what is needed each day closer to where we work and live. He went on to say that if you allow neighborhood community type commercial activity at this intersection, people can have them in closer proximity to where they live as they are going to and from work or as they are taking their children to and from school. He requested the P.C. not to limit their consideration to just office-institutional uses. He said that the Comprehensive Plan recommendation that was in place over ten (10) years ago was the right classification for Mr. Pailer's property. He pointed out that at that time it was recommended as Commercial and we think today it should be recommended as Commercial consistent with what is happening in the area and that Mr. Pailer should not be unduly penalized.

Julie Matulia said she would like very much to hear specific pieces of information regarding the Commercial recommendation that the previous fine gentlemen had just suggested. She stated for the record that she was against any commercial recommendation whatsoever. She invited all of her friends to come up one by one and make the same statement so the P.C. will be aware of how many of them are truly against commercial in this area.

Vice-Chairman Beckwith reiterated that the purpose here tonight is to look at Staff's proposal for a land use change. He advised the P.C. would make a recommendation to the B.C.C. who will make the final decision. He pointed out that the rezoning request would be heard later tonight on Mr. Pailer's property and items could be addressed at that time. He added this is a public hearing to consider the land use plan amendment put before the P.C. He informed the audience that land use is not zoning. He said that land use is considering the surrounding uses of property and what is the appropriate use of the land for the good of the area rather than any specific zoning of the property.

Chuck Taylor stated he had resided in the area on and off since 1980. He said the area certainly has changed since the early 1980's. He added that the schools have been a tremendous impact to the area and so has the residential development along Redwine Road. He stated that most of the impact was linked to the traffic. He remarked that the school traffic peaks in the morning and the afternoon. He went on to say that the proposed office institutional land use adjacent to Redwine Road will consist of uses which also peak in the mornings and the afternoons. He said as a resident of the area and someone who will be impacted by the land use changes he would like for the P.C. to consider land uses and ultimately zonings that specifically do not peak at the same time the school traffic peaks.

Hearing no further comments, Vice-Chairman Beckwith closed the floor from public comments.

Jim Graw asked for the acreage on the property between Peachtree City and Redwine Road adjacent to S.R. 74.

Ms. Venice replied approximately five (5) acres each.

Mr. Graw said he liked the plan presented by the Planning Staff which provides a good buffer between the different categories. He added he was also in favor of increasing the density of the residential area consisting of five (5) plus acre lots which abuts Peachtree City since O-I is proposed along S.R. 74.

Bob Harbison advised that not too long ago the P.C. spent the time and effort to reiterate that the P.C. felt this area was a residential area which was before the property on the south side changed in its character. He said that while he believed the property on the north side of S.R. 74 is no longer residential because you can't have too many properties that you can sell the house right next to a busy highway and schools. However, he remarked if you were to ask the majority of this audience they would probably prefer to see something different than commercial. He stated that the Planning Staff had done a commendable job in trying to provide some type of buffer between the existing residential and the new commercial area on the south side. He suggested that the architectural standards of the S.R. 54 West Overlay be applied to this O-I land use as further protection to the residents of the area.

Bob Harbison made a motion to approve the proposed amendments to the land use plan as submitted by the Planning Staff and add the following: That the S.R. 54 West Overlay Zone requirements be applied to the nonresidential development. Jim Graw seconded the motion and pointed out that the S.R. 54 West Overlay Zone was included in the Planning Staff's recommendation which would also include signage requirements.

Al Gilbert said he like the proposed land use concept prepared by the Planning Staff. He stated he was going to abstain from voting as previously stated in the workshop as he had a procedural problem but did not have a problem with the proposed land use plan.

Vice-Chairman Beckwith commented that the proposed amendments had been discussed at a workshop previously with the Planning Staff, however this is an opportunity for public input. At this time, he called for the vote. The motion passed 3-0-1 with Al Gilbert abstaining from the vote. Chairman Bowen was absent.

* * * * *

THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON MARCH 1, 2001.

- 4. Pre-Recommendation Meeting to discuss Petition No. RDP-002-01 to revise a Development Plan to add land area and density (63 lots, 20 acres of open space, and 30 acres of green space) to an existing Planned Unit Development, Whitewater Creek Community, and Petition No. 1071-01, Robert H. Brooks, Owner, and Integrated Science and Engineering, Agent, request to rezone 127.459 acres from A-R to PUD-PRD to develop 63 additional single-family dwelling lots to Whitewater Creek Community. These properties are located in Land Lot 3 of the 6th District and Land Lot 224 of the 4th District and front on Redwine Road, Bernhard Road, and Troon Drive. This is the Pre-Recommendation meeting with the Planning Commission required for a PUD; public input on these petitions is scheduled for the April Public Hearings.**

Clay Gilley of Cypress Development introduced himself and Becky Morris of Integrated Science and Engineering. He proposed to rezone 127 acres to PUD-PRD at the corner of Redwine Road and

Bernhard Road which would become a phase of Whitewater Creek Subdivision. He noted that 63 lots with 30 acres of floodplain and 20 acres of open space were proposed which buffer the subject property from the major roads. He advised that the Homeowners Association voted to allow this subdivision as another phase of Whitewater, and he referenced a letter presented to the P.C. He noted that he was aware of a few items which have to be addressed based on the departmental comments. He asked the P.C. if they had any further comments which needed to be addressed.

Al Gilbert asked if the Homeowners Association had given permission to cut a road from Whitewater Creek into the proposed phase.

Mr. Gilley replied yes sir. He added that the legalities have to be worked out and will follow the guidelines of Whitewater A.R.C. and covenants of the subdivision. He confirmed that a section of the proposed road was indicated on the recorded final subdivision plat of Prestwick Downs. He stated that the Engineering Department may require an additional curb cut onto Bernhard Road which they were prepared to develop.

Jim Graw asked what was the average lot size.

Becky Morris replied that they had tried to provide as much open space as possible and the average lot size was 1.00 acre, which is compatible with Whitewater Creek and Highgrove. She pointed out that the entire development would be bounded by Whitewater Creek, Bernhard Road, and Harris Road. Vice-Chairman Beckwith asked Ms. Morris to address the comments regarding the access and right-of-way.

Ms. Morris replied one concern was the maximum length of a cul-de-sac which should be corrected by the additional entrance onto Bernhard Road. She referenced the 50 foot right-of-way access from Troon Road to the subject property which was indicated on the recorded final subdivision plat of Prestwick Downs. She added that water would be connected from Redwine Road by utilizing a utility easement between two (2) lots. She noted that the right-of-way for the subject property could be increased to 60 feet.

Bob Harbison commented he saw nothing unique about the proposed development and asked Ms. Morris why the subject property should be part of a PUD.

Mr. Gilley replied that each lot will have a membership to the country club which will be a selling feature. He added the subject property would be allowed to utilize the existing amenities of Whitewater Creek. He confirmed that golf cart paths would be designed.

Mr. Graw remarked that all this does is help to sell properties. He asked what qualifies the subject property as something that will encourage flexible and creative concepts in site planning. He asked why the same concept would not be utilized in a regular zoning district.

Ms. Morris replied that the lots are 125 feet wide and not 150 feet wide which is what some of the other regular zoning districts require. She added that the 125 foot lot width had helped them to develop more open space.

Mr. Graw asked if this could not be done for any residential zoning.

Ms. Morris replied not without a variance for lot width. She stated that if the lot width was increased that they would have less lots but also less open space.

Mr. Graw pointed out that Whitewater Creek has various lot sizes ranging from 1-5 acres.

Ms. Morris advised that .67 is the density of Whitewater Creek.

Mr. Graw said he was having difficulty figuring out how the subject property qualified as a PUD.

Mr. Harbison asked how the subject property was land used.

Kathy Zeitler replied Low Density Agricultural .2 to .5 units/acre. She added that this information would be included with the Staff Analysis for the rezoning to be heard in April.

Mr. Harbison said the P.C. was looking for variations such as parks and open spaces. He referenced Horsemen's Run which is what he envisioned as a PUD. He commented he saw a one (1) acre subdivision being added to a PUD without any specialities which could not be done under any zoning district. He suggested the subject property be redesigned to allow for parks and more open spaces while complying with the land use density.

Mr. Gilley replied he was prepared to develop some parks and nature trails through the open space. He advised that the subject lots were 100 feet from the right-of-way of both Bernhard Road and Redwine Road. He said they were attempting to leave a natural area so the roof tops could not be seen from the road.

Mr. Graw said he liked what they were doing with the 20 acres but would like to see various lot sizes. He suggested he would like to see some type of recreation area and not just nature trails.

Mr. Gilbert advised that the wording of the PUD ordinance had changed greatly since Whitewater Creek was developed. He said a PUD should have varied lot sizes and should be unique in design not seen in typical zoning category. He added he did not see the subject property as designed with 63 one acre lots as a PUD.

Mr. Graw advised that gated communities and access for emergency vehicles had been discussed at a previous workshop.

Mr. Gilley replied that Whitewater Creek was discussing a high tech gate which will be accessible to emergency vehicles. He reminded the P.C. that the original PUD had townhouses and condos which had been deleted and replaced with a golf course. He said the density for the townhouses and condos could be used for the 63 lots consisting of one (1) acre.

Mr. Gilbert advised that the trade off for the density was utilized in Highgrove so the density has already been allowed.

Mr. Gilley replied he was not aware of this information.

Mr. Harbison said he did not have any problem with the subject property being added to the PUD but he did not see a PUD as indicated on the concept plan. He suggested resubmitting a plan with varied lot sizes and recreational use of the open space.

Mr. Graw said he did not object to see some of the open space utilized to increase lot sizes. He added that 15 acres of open space would be wonderful.

Mr. Gilley thanked the P.C. for their time.

* * * * *

Vice-Chairman Beckwith called for a break at 7:55 P.M.

* * * * *

Vice-Chairman Beckwith reconvened the public hearing at 8:03 P.M.

* * * * *

Kathy Zeitler explained the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions and the policy regarding the lack of a full board.

THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MARCH 1, 2001 AND BY THE BOARD OF COMMISSIONERS ON MARCH 22, 2001.

5. **Consideration of Petition No. 1072-01, Nancy Cooper and Mitchell Edwin Cooke, Owners, and Landrum Family Limited Partnership and Attorney Newton Galloway, Agents, request to rezone 6.18 acres from A-R to C-H to develop a Self-Storage Facility. This property is located in Land Lot 70 of the 5th District and fronts on S.R. 85 South.**

Attorney Newton Galloway of Smith, Galloway, Lyndall, and Fuchs stated he is not the Galloway affiliated with Attorney Doug Dillard. He said he represented Bill Landrum and Bill Norris and collectively the Landrum Family Limited Partnership who are the contract purchasers for the 6.18 acres on S.R. 85 South which is located just below the city limits of Fayetteville. He advised that the subject property is currently owned by Ms. Cooper. He pointed out that the subject property is zoned A-R and the application seeks to rezone the property to C-H for the purpose of developing a personal storage facility with an accessory use of allowing moving truck rental facilities. He noted that Mr. Landrum and Mr. Norris are in this business elsewhere throughout south metropolitan Atlanta.

Attorney Galloway provided the P.C. with a handout containing copies of the subject property and adjacent properties including one (1) residential tract remaining on S.R. 85 and parking area located in front of the DFAC office. He provided a copy of the land use plan and added that the request is in compliance with the land use plan. He also provided a map indicating the zoning of the area and the subject property. He pointed out that the subject property is located south of the intersection of S.R. 92 and S.R. 85. He advised that there are only two (2) tracts remaining residential: one is the church property, which is not a residential use and the other located at the intersection of Price Road and S.R. 85.

Attorney Galloway stated that the Staff Analysis prepared by Kathy Zeitler recommends approval with conditions. He said he agreed with the facts that the application is consistent with the land use plan and with what is developed in the area. However, he stated he had some issues with the recommended conditions. He presented a proposed site plan on the overhead projector. He pointed out the entry way from S.R. 85 with the main thoroughfare into the facility being 35 feet wide and the cross thoroughfare being 50 feet wide with intermediate thoroughfares being 24 feet. He advised that Mr. Landrum and Mr. Norris had utilized this plan elsewhere and it has worked well. He confirmed that the layout is set up to accommodate and to provide for emergency vehicles and moving vans.

Attorney Galloway referenced the conditions and said he would be open to working with Ms. Zeitler if this is procedurally possible in seeking some resolution to the conditions. He referenced a section of condition #3. which states: There shall be no aiseways or other vehicle parking or accessways located in the area between the buildings and the right of way..... He stressed that this condition is crucial because it allows no access into the front and means the areas to access the buildings become cul-de-sacs so it would not permit through traffic. He added that this would be difficult for trucks, especially 18 wheel moving vans, accessing the property and also for turning around. He advised that during the week this type facility has approximately 7-11 customers in and out per hour. He said that while this is not a huge amount of traffic the restriction of not allow access to the front could cause some backup into the site. He requested that this be reviewed and reconsidered.

Attorney Galloway referenced another section of condition #3. which states: The minimum width of these aiseways shall be twenty (20) feet for one-way traffic, and thirty (30) feet for two-way traffic to accommodate large vehicles. He noted that he knew the ordinances between Fayetteville

and the County differed, however Fayetteville recently required one comparable with this. He pointed out that two-way traffic at 30 feet is larger than most paving requirements for subdivision streets. He requested that this be reviewed and reconsidered.

Attorney Galloway referenced condition #4. which states: Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road. He advised that the problem with most all of these conditions is that the ordinance requires a buffer which abuts residential zoning. He noted that there is a small tract remaining A-R which is located at the intersection of Price Road and S.R. 85. He commented that the P.C. knew this property is not A-R property even though it is being used as residential and contains a modest house currently. He pointed out that the standards applied to the subject property are very different if the adjacent property were zoned commercial. He advised that the buffer requirement and the design criteria required a dramatic disadvantage to the development of the subject property. He noted that the buildings would probably have to be developed in a u-shape which would not allow flow through.

Attorney Galloway referenced condition #5. regarding outdoor lighting. He said that outdoor lighting is required on this type facility to provide 24 hour video surveillance and reduce the risk of crime. He pointed out that outdoor lighting is found along S.R. 85 and added that there was significant lighting on the property at the intersection of Price Road and S.R. 85. He went on to say that the outdoor lighting is directed outside from the property. He remarked that they only need reasonable lighting requirements but they are unsure if 15 feet is sufficient. He added that they would cooperate with the County to satisfy whatever is reasonable to develop an appropriate lighting plan.

Attorney Galloway referenced condition #2. which states: In addition to the required 50 foot buffer along the south property line, required landscape areas along the north and west property lines shall be upgraded to 20 foot landscape areas. He advised that the south property line is the property line which abuts residentially zoned property. He said that given the buffers required on the north along with the 50 foot buffer and the 20 foot landscape area that will impose on a piece property for commercial development that is 400 feet wide, a total of 90 feet of buffering along the widths. He pointed out that this problem arises due to the small residential tract at the intersection. He requested review of this condition.

Attorney Galloway referenced condition #1. which states: Accessory uses of vehicle/truck rental parking and the storage of recreation vehicles and boats shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads..... He pointed out that the plan indicates very limited parking at the front area where the office would be located. He said that additional parking along the front would be for customers, employees, or a couple of rental trucks. He advised that parking along the front is consistent for the area. He mentioned the parking at Kroger, the church, and DFACS.

Attorney Galloway requested his client be treated the same as those in the past which have no parking restrictions. He reiterated that the problem with the subject property is the one piece of residential property. He said his goal was to simply try to sit down with Ms. Zeitler or whomever and work out what would be acceptable conditions.

Vice-Chairman Beckwith 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, he closed the floor from public comments.

Bob Harbison made a motion to approve the petition and reserve the motion on the conditions until after discussion and then amend his motion at that time. Al Gilbert seconded the motion.

Mr. Harbison asked if the parking up front was going to be automobile parking or motor homes as permanent storage.

Attorney Galloway replied that the storage facility would be located to the rear of the site. He said they wanted the option to be able to use a couple of the spaces for rental trucks with the remaining parking spaces to be utilized for employees or customer overflow.

Mr. Harbison said that Staff is recommending no parking up front. He added he did not have any objection to some parking but did not feel comfortable with large trucks, campers, and boats being parked up front on a long term basis.

Jim Graw advised that part of the problem is saying there will be a couple of rental trucks parked up front which eventually seem to multiply like rabbits.

Attorney Galloway replied that if it is necessary to talk about specific numbers then they would consider it.

Mr. Graw verified that condition #3. restricted the access to the front of the buildings.

Attorney Galloway replied that this would create a dead zone and there would be no way to turn to access some of the buildings. He said a large truck would have to turn around somehow to leave the premises which creates more of a problem.

Kathy Zeitler advised that the intent of the condition was to move the buildings forward and not to prevent circulation. She suggested deleting the words "or accessways" from the condition to address this issue.

Attorney Galloway said that this would satisfy the accessway but parking is needed in the front.

Mr. Graw stated he did not have a problem with parking spaces up front for employees.

Ms. Zeitler pointed out that the customer parking is temporary along side the storage bays and trucks would need to get through. She added that there could be parking in close proximity to the office without being at the entrance where there is a lot of traffic. She said the intent of the condition was to delete the large rental truck parking so an eyesore would not be visible from the road.

Mr. Harbison asked the height of the proposed fence.

Mr. Galloway replied the fence is a 6 foot high decorative fence.

Mr. Harbison said he was thinking of something for height restrictions for the vehicles parked up front to be screened from the road.

Mr. Galloway said the rental trucks were from 10 to 12.6 feet in height and 24 feet in length.

Mr. Graw suggested allowing parking at the office area for customers and employees. He said there should be access into the facility for moving vans which should not be required to back out of the facilities. He added he preferred to see all rental trucks and storage of vehicles/campers/boats in the rear of the facility. He noted that screening be required along the area adjacent to residential property. He also noted that he had no problem with the extra buffer adjacent to the residential property.

Attorney Galloway asked if opaque screening is provided on the south side is the P.C. willing to remove the buffer requirements in that area. He said that by looking ahead you could foresee the residential use on the adjacent residential property being modified. He commented that once this happens Mr. Landrum could modify his plan.

Vice-Chairman Beckwith advised that the P.C. was not in the position to make a deal.

Ms. Zeitler pointed out that the buffer required along the south property line is not a condition of zoning, but is a requirement based on the adjacent property being zoned A-R. She added that if the property were to be rezoned to a nonresidential zoning district prior to this development being site plan approved then the 50 foot buffer would be reduced. She said the condition was to require the 6 foot landscape strip along the west and north property lines to be increased to 20 feet to reduce the amount of impervious surface proposed. She pointed out that the impervious surface is 86% and industrial uses are limited to 70% and even though this is in a commercial zoning, it is more of a light industrial use than anything and far exceeds the amount of impervious surface which the County likes to see. She added that 86% impervious would cause a lot of stormwater runoff problems.

Mr. Graw asked if this condition had been imposed on any other piece of property.

Ms. Zeitler replied that we have not but we have not had anyone ever propose 86% impervious either.

Mr. Graw said that the shopping center on S.R. 74 will have a lot of impervious surfaces, maybe not 86, but it will have a lot of parking.

Ms. Zeitler replied that the proposed shopping center would not have anything near the amount of impervious surfaces as the subject property is proposing.

Mr. Harbison asked if the buffer would remain if the impervious surface was reduced.

Ms. Zeitler replied correct.

Mr. Harbison asked if the impervious surface could be reduced and the buffer maintained, in other words, you would be driving on gravel but it would absorb the stormwater runoff.

Attorney Galloway said he had asked Ms. Zeitler if the rezoning could go forward with a recommendation of approval of the zoning but allow time to address the conditions but were told that the P.C. generally does not do this.

Bob Harbison amended his motion to approve the petition with no conditions. He added that the applicant should work with Ms. Zeitler prior to the B.C.C. public hearing to work out any problems and the B.C.C. could decide about the conditions. Al Gilbert seconded the amended motion. The motion unanimously passed 4-0. Chairman Bowen was absent.

* * * * *

6. Consideration of Petition No. 1073-01, Charles L. Pailer, III, Owner, and Attorney Douglas Dillard, Agent, request to rezone 5.00 acres from A-R to C-H for a Commercial Development. This property is located in Land Lot 18 of the 6th District and fronts on Redwine Road and S.R. 74 South.

Attorney Doug Dillard of Dillard & Galloway, Agent, said it always amazed him how land use decisions are made without the participation of the property owner. He applauded the P.C. for their workshops and their efforts on trying to plan for growth in the County but it is always interesting how we have planning workshops and focus groups but the property owner is not there. He said it was obvious that there had been a good deal of discussion about Mr. Pailer's property and other properties at this intersection. He commented that he had the chance to address his concerns for the first time. He remarked the decision to change the land use plan to O-I, while zonings can be made inconsistent with the recommendations, that are our fate by your previous vote is pretty well set this evening. He suggested that the O-I is still not the proper use of the subject property. He pointed out that the land use plan called for O-I zoning for a day care center but the day care center is built under the A-R zoning and O-I zoning has nothing to do with a day care center. He pointed out that the uses

proposed for the subject property exclude many of the types of uses we hear objections to in commercial. He said they applied for C-H classification, the C-C designation will work just as well and with types of conditions placed on the shopping center directly across the road we think the property could be developed as commercial quiet nicely in this area. He confirmed that they were not proposing a convenience store or a fast food restaurant. He noted that he was proposing a type of center which would deal with neighborhood types of services such as a restaurant, barber shop, beauty salon, cleaners and laundry. He added that C-C should be a proper use. He said that the really disturbing thing is the recommendation of Staff which constitutes the taking of property without any consideration to the use of it, be it office or commercial, and that is the elimination of access on Redwine Road. He went on to say that Staff says that under the development conditions that you can not have a driveway/curb cut within 250 feet of an intersection. He asked why and added that Staff did not say why this particular criteria was present in the ordinance.

Attorney Dillard presented a traffic report which was prepared by John D. Walker, P.E. of Kimley-Horn and Associates who could not be present tonight but will be present at the B.C.C. public hearing. He said that both Georgia D.O.T. and other jurisdictions not only in Georgia but through the United States do not think that a 250 foot separation from an intersection has any relationship to protection of the public health, safety, and welfare. He added that Georgia D.O.T. requires 100 feet yet the conditions recommended by Staff say that not only are we going to take your access from Redwine but we want you to give additional right-of-way to provide a free right into the school and we also want you to build a cart path. He pointed out that if people are coming down Redwine Road to this intersection at S.R. 74 to go into this development, be it commercial or office, how do they get there. He said that they would go through the intersection, take a left and then cut across the traffic on S.R. 74 to get into this development. He noted that this makes absolutely no sense. He commented that they would provide for an extension of the left turn lane from Redwine to the intersection. He referenced figure 6 in the back of the traffic report which really shows how Mr. Walker suggests that those access points be provided. He referenced figure 5 which shows how right turns will work coming east and west bound on S.R. 74 and taking a free right onto Redwine and then a right into the site and/or continue down Redwine for a free right into the school property. He pointed out that as you approach the intersection coming south on Redwine, you can have enough distance to make a left turn and provide for stacking at the intersection. He objected to the conditions. He noted that the Department of Transportation has not submitted any information relative to any studies they have made at this intersection. He said he did realize that there was a traffic study made by the applicant for the property across the way. He added he had reviewed the study and is aware of the counts made by both Georgia D.O.T. and by those traffic experts and we submit to you the conditions suggested by Staff are unreasonable and is a taking of our property without first paying fair, adequate, and just compensation for the same. He confirmed that they have absolutely no relationship to the perception of the public health, safety, and welfare but they create a more unsafe turning movements into and from this property then what was suggested by the applicant.

Attorney Dillard requested approval of the development and that the traffic evaluation be made a part of the record and he would provide a copy to Staff. He said he would like to reserve the remainder of time for rebuttal.

Vice-Chairman Beckwith asked if there was anyone to speak in favor of the petition.

Donna O'Kelly of 135 Streamview Court said she was the daughter of the seller, Lou Pailer. She commented that she lived and grew up on the subject property and can't believe over the past years what has happened. She remarked that she could remember growing up and she could not find a friend to bring her home because she lived so far out in the country and it would cut off time from their curfew. She commented that she used to ride her four-wheeler and motorcycle up S.R. 74 to the soft ball field and on Redwine when it was a dirt road and not even see one car. She noted she had seen the growth first hand and no one has been more affected. She confirmed that she had seen it, lived it, and also lived in the home on the subject property. She advised she was the real estate broker who was selling the subject property which has been listed as a residence since September,

1999 and there has been no interest, whatsoever, not one person, for a residence or an office. She said she had people looking at the property for commercial use. She added she could not believe all the changes that have happened because no one wants it for what it is today. She remarked that driving into the driveway today is an endangerment to her life. She noted that she lived approximately two (2) miles from the subject property and did not want to see anything which would affect her home values. She added that the proposed commercial site should not affect her home values. She went on to say that this is where her children visit their grandfather and it is not fair. She commented that she had spent twenty years of holidays here and they did not ask for all of this to come. She added this is where she would like to spend the next twenty years at Christmas here since she has not missed a Christmas here. She said she had taken calls all day from people saying that all she cared about is money. She continued by saying she was so confused at what happened at the beginning of the meeting where the land use was changed. She remarked she did not understand all of this political stuff but somehow it was changed to office-institutional. She added that this could have happened a long time ago and maybe they could have tried to sell but since it happened tonight, she is totally confused as a citizen and the political causes which she does not understand. She said it was totally political and she did not understand the process but she believed it was wrong. She went on to say that however they got on the table, it wasn't brought to their attention. She noted that they appeared tonight requesting commercial but were given office institutional. She reiterated that she may be naive but it was very wrong. She also reiterated that not one person since September 1999 has asked about office institute or office anything, it has been commercial. She commented that someone had said tonight that they would like to preserve the home, we would like to take care of the home. She said her father lives there and no one knows the affects and no one cares. She remarked that all she asked was to allow her family to move forward. She went on to say that whatever opposition there is tonight, it is not office institute, it is not a residence, it is commercial zoning across the street and all around and the fact is, it is happened and it has changed.

Vice-Chairman Beckwith asked if there was anyone to speak in opposition of the petition.

David Kozusko of 210 Jefferson Woods Drive clarified that the subject property was a five (5) acre lot. He said that Fayette County's law in regards to residential septic is one (1) acre per household so there is approximately 40,000 square feet of commercial zoning which is equivalent to about 13 acres of residential zoning for the same amount of buildings. He asked if this was a pretty good estimation.

Vice-Chairman Beckwith explained that everyone should make their comments and then Attorney Dillard or someone else will respond to them.

Mr. Kozusko said he understood the counselor was concerned about public safety but what about the safety of the children. He asked for the specifics on uses. He added he understood that there would not be a fast food restaurant but a restaurant specifically. He commented that he understood when it came to leasing commercial properties that you can't tell specifically what kind of leasing personnel will use the property and you can't set up a status quo.

Chip Gertson of 160 Mockingbird Trail stated he was representing the Peeples Elementary P.T.O. and is the assistant treasurer. He asked for those he was representing to stand up. Several members of the audience stood up but no count was taken. He said that the P.T.O. would like to express their strong concern about this rezoning. He commented they are concerned about the safety and security of their children. He pointed out that the subject property backs up directly behind the elementary school and is directly adjacent to the playground which is used by over 500 children on a daily basis. He remarked that there is also the issue of additional commercial traffic which will be brought to this point by the proposed development. In addition, he noted that Wilshire Pavilion is only 1,600 feet down the road and another large development which has already been approved, Plantation Centre will have a tremendous impact on the existing traffic. He confirmed that this would compound, especially the peak hours from 6:00 A.M. to 8:00 A.M., as well as, 4:00 P.M. to 6:00 P.M. He added that there are a lot of shift changes at the manufacturing plants in Peachtree City and also the airport,

as well as, the school opening and closing. He advised that the septic field as presented runs around the perimeter of the subject property and backs up to our school property line and sits above the level of the school by approximately 24 feet. He added that if this fails, and anybody who is a homeowner in Fayette County who has previous experience with their septic system knows that this is a possibility. He asked where does the affluent go. He replied downhill into the school area. He also brought to the P.C.'s attention that the site plan indicates a primary septic field which borders the entire area. He added that there is not a secondary area for backup for drainfield if this were to fail. He said that the City of Fayetteville would probably not want to annex a finger of the city all the way down to this corner of the property to run a sewer service to it. He reminded the P.C. what happened with a previous development here in Fayetteville called Guthrie Plaza. He added he did not need to say anything else about that. In conclusion, he noted that the Peoples P.T.O. wants the P.C. to understand that they are opposed to this type of development. He added that this dense type of development will not enhance this area and as proposed does not comply with the existing approved land use which has been low density residential for some years. He requested the P.C. to make a negative recommendation to the B.C.C. concerning this proposal. He submitted a petition signed by more than 100 people and asked it be made a part of the record.

Mary Chaudoin of 125 Carnoustie Way stated she was representing Peoples Elementary students. She advised she was in the 5th grade. She said that the school is already crowded. She remarked that with the building of the new Kroger and Publix down the street that there was already enough traffic. She commented that school was suppose to be about education and a fast food restaurant and office buildings do not help her education. She submitted a petition signed by the 4th and 5th graders.

Vice-Chairman Beckwith thanked Miss Chaudoin and told her he appreciated her concern and added that he hoped she continued to get involved in the aspects of the community.

Omega Lamont advised that when the house first went on the market that she checked on it because she wanted to see about personally buying the house with corporate sponsorship because it is a historic house and its proximity to the school. She said she thought it would make a wonderful museum with interaction with animals because there is an elementary, middle, and high school. She discovered, if the real estate agent told her correctly, that the house had a \$600,000 mortgage. She went on to say that having sold real estate before in the past, she realized that the assets had been pulled out of the house. She remarked that she thought there may have been interest in the house if it had not had a \$600,000 price tag of having to acquire the property because she was looking for corporate sponsors to help facilitate a historic area so the children from the elementary school could interact. She added that we should not have to suffer because now the property needs to be sold.

In rebuttal, Attorney Dillard stated that he did not think he was very good at debating 5th graders so he wouldn't try because he knew he would lose that debate. He said as he goes though out the Atlanta region almost every night in some jurisdiction or another, it is always amazing as we build these mega schools the impact of the schools on adjacent properties goes not only unnoticed but uncared. He commented that Mr. Pailer's rights for the opportunity that all he wanted to do was to enjoy his home was taken away from him. He advised that the Supreme Court of the State says that a local government owes the property owner an exercise of your constitutional duties to reasonably enforce the police powers that have been given to you. He commented that the P.C. had been swayed by the unfounded emotions of safety for our children, safety for the children which come by this property every day in automobiles and buses. He went on to say safety of the children that began to disrupt the peaceful cohabitation by Mr. Pailer of his residence every day. He continued by saying the safety and self righteousness of the parent teachers organizations as they meet at night when Mr. Pailer is trying to enjoy his dinner. He added the safety of these children 500 of them as they gather at Mr. Pailer's back door. He asked what's wrong with this picture. He replied that what is wrong with this picture is that the rights of these people who stand in mass over-reacting, uninformed, asking you to deny this application when the rights of Mr. Pailer and his family go ignored. He said that all he asked of the P.C. is that you reasonably, reasonably consider the alternatives here. He confirmed that the P.C. passed the land use which says office-institutional is proper. He said he submitted to the P.C. that this is not the only reasonable use of the property. He added that a septic

system is going to be required whether it is office or commercial. He noted that the A.M. peak is not going to be affected by commercial activities that don't begin until 10:00 A.M. He commented that office people will be coming there during that A.M. peak. He remarked that at 3:30 P.M. when the school is being let out the commercial is not going to adversely affect the activities that are going on in this area. He went on to say to think, to think that Mr. Pailer ought to give the property as a museum which is what Ms. Lamont wants him to do.

Ms. Lamont replied I beg your pardon.

Attorney Dillard asked if they thought the property could be replaced for \$600,000. He replied no sir. He said the idea, the idea that Mr. Pailer has loaded up this property with debt just to keep from being able to use it as his residence.

Mr. Harbison asked the Vice-Chairman if the time had expired.

Vice-Chairman Beckwith thanked Attorney Dillard.

Vice-Chairman Beckwith closed the floor from public comments. He said he would like to make two (2) points to clarify some points for the public: 1) As stated earlier, at least once, perhaps twice or three times, what the P.C. considered earlier on the Land Use Plan was a recommended change to the B.C.C. The P.C. did not make a decision tonight since the P.C. does not make decisions but recommendations. 2) The P.C. Workshops which are held on the third Thursday of the month are open to the public. It is not done in closed session. There are public notices so anyone can come in and pay attention and listen to what the P.C. has to say and what is discussed. He asked the P.C. if they would like to make a motion or have some discussion.

Jim Graw made a motion for discussion purposes to recommend to the B.C.C. to deny the C-H requested but approve as O-I subject to the recommended conditions. Al Gilbert seconded the motion for discussion of the recommended conditions.

Al Gilbert said that after looking at the traffic flow charts that he was unsure if the traffic flow is much better handled when you have got two (2) traffic entrances, whether the property is O-I or commercial. He noted that this was the first time he had looked at this parcel of property but he did look at it several years ago. He commented for the public, even though he did not feel the property should be commercial, that Mr. Pailer was greatly affected by the school. He added that there was some things that could have been done around his property by our schools to not make it look like a little island sitting there. He remarked that the P.C. recognized this years ago, years ago the P.C. was willing to give Mr. Pailer O-I zoning but Mr. Pailer did not want O-I zoning if he remembered the situation. He added he had been greatly impacted by our schools and this could happen to anybody out there since we have no choice where they go. He went on to say that he understands his rights but he wants everyone to understand the affect that the school has had on him which was recognized before the schools were even built. He added he had a problem with the access condition.

Mr. Graw asked Staff if condition 3. is the one Attorney Dillard is referring to about no access to Redwine Road.

Kathy Zeitler advised that Attorney Dillard was calling it a condition but it is not a condition of approval. He said that the no access off of Redwine Road is a requirement of the Development Regulations because the amount of frontage that they have on Redwine does not meet the requirement for a curb cut. She added that there are two (2) arterials and there is established criteria and they have to have a certain distance of road frontage in order to have a curb cut. She confirmed that they did not have that distance. She reiterated that this is not a condition of approval but is a code requirement.

Mr. Gilbert suggested that he does not have access to the ordinance book for everything that comes up. He asked they clarify a little better because if it is an ordinance he did not understand it being listed under the conditions.

Mr. Graw explained that it is not a condition but Attorney Dillard stated it was a condition.

Mr. Gilbert said he must have misread it.

Mr. Graw commented that this is why he made the motion to approve with conditions because it did not contain that provision for Redwine Road. He added that he had a problem with that too. He explained he had a problem with access off of Redwine due to safety purposes. He added this was a good point because it was silly to force everybody to come into that property from S.R. 74.

Mr. Gilbert stated he agreed.

Mr. Graw said he had rather see no access from S.R. 74 but he didn't think it could be done.

Mr. Harbison advised that this would have to be done at the time of development and is not a part of the rezoning. He agreed with the petitioner that the subject property is no longer residential but he also feels an obligation to look at both sides. He confirmed that both parties have a right, the citizens have a right to oppose a rezoning just the same as a petitioner has a right to request a rezoning. He added it was the P.C.'s job to look at it from both sides. He said he thought Mr. Pailer has been impacted and commercial would impact both, possibly the students and the existing residential development around it, so for that reason, he could support what is being recommended to the B.C.C., both land use and the motion.

Mr. Graw stated he talked to Mr. Pailer on the phone approximately three (3) years ago and they discussed this specific kind of problem. He said he was on the P.C. then and Mr. Pailer called him as a citizen and they discussed what was being impacted upon him. He noted that the problem he had with the C-H zoning is that Attorney Dillard had told the P.C. maybe three (3) or four (4) different uses which are intended for the corner but C-H zoning probably has 40 or 50 other types of businesses permissible, and there is nothing to prevent the owner of the property, once it is zoned C-H, to put any of those different businesses on that corner piece of property. He added that this was his problem with commercial, even C-C which is a little more limited than C-H give the property owner an awful lot of different commercial uses. He confirmed that he felt real uncomfortable with C-C or C-H on that corner which is why he would rather see O-I because the types of businesses can be controlled going in there especially next to the schools.

Vice-Chairman Beckwith added that by recommending approval of O-I, the P.C. is not saying the land cannot be developed and the P.C. is not restricting the land owner from developing his property. He said the P.C. is saying that for the best interest of the area and the County the particular type of zoning being recommended is what the P.C. feels is appropriate there. He added that this is what the P.C. is saying in their recommendation. He reiterated that the land owner still has use of his property but it may be a different type or level.

With no further comments, Vice-Chairman Beckwith called for the vote.

The motion for approval subject to the recommended conditions unanimously passed 4-0. Chairman Bowen was absent.

* * * * *

Vice-Chairman Beckwith asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled for March 15, 2001 in Suite 202A at 7:00 P.M. She added that the April 5th public hearing agenda contained approximately six (6) items.

Page 17
March 1, 2001

There being no further business, Bob Harbison made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 4-0. Chairman Bowen was absent. The meeting adjourned at 9:25 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

BILL BECKWITH
VICE-CHAIRMAN

ROBYN S. WILSON
SECRETARY