COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina/Dennis Dutton
Meeting Date:	Thursday, December 10, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1218-09, Southern Pine Plantations Commercial Group, LLC, Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses. Consideration of Petition No. 1219-09, request to rezone 5.37 acres from O-I, A-R and C-C to O-I to develop Office Uses.

Background/History/Details:

These properties are located in Land Lots 17 and 18 of the 6th District and fronts on SR 74 South. See attached Letter of Intent for detailed information on the proposed use of this property.

Staff recommended approval of Petition 1218-09 subject to 2 conditions; and approval of Petition 1219-09 subject to 2 conditions. Planning Commission recommended approval of Petition 1218-09 subject to 2 conditions; and approval of Petition 1219-09 subject to 1 condition.

What action are you seeking from the Board of Commissioners?

Final Vote on Petitions 1218 and 1219-09.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, 12/14/00
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	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1218-09

APPLICANT: Southern Pine Plantations Commercial Group, LLC
6501 Peake Road, Bldg. 800
Macon, GA 31210

STAFF RECOMMENDATION: **APPROVE WITH TWO (2) RECOMMENDED CONDITIONS**

PLANNING COMMISSION HEARING: November 5, 2009

PLANNING COMMISSION RECOMMENDATION: **APPROVE WITH TWO (2) RECOMMENDED CONDITIONS 4-0**

BOARD OF COMMISSIONERS HEARING: December 10, 2009

COMMISSION DECISION: _____

REQUEST: Request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses.

PARCEL SIZE: 27.46 acres

EXISTING USE: Vacant

PROPOSED USE: Commercial Uses

LOCATION: Land Lot 17 and 18 of the 6th District and fronts on SR 74 South

ZONING OF SURROUNDING PROPERTY: C-C, A-R, PUD-PRD, O-I, and City of Peachtree

LAND USE PATTERN: In the vicinity of Office, Commercial, and Conservation Areas

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Al Gilbert made a motion to approve Petition No. 1218-09 subject to the two (2) recommended conditions. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.

RECOMMENDED CONDITIONS

If this petition (1218-09) is approved by the Board of Commissioners, it should be approved **C-C 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 proposed commercial center shall exclude the following uses: amusement or recreational facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; dry cleaning plant, or gasoline sales in conjunction with a convenience store; provided however, that a fuel center associated with a grocery store shall be expressly permitted. (*This condition is self-imposed by the applicant as stated in the Letter of Intent.)*

2. Ingress/egress for the proposed development consisting of Rezoning Petitions 1218-09 and 1219-09 shall be restricted to the two (2) access drives from S.R. 74 South as indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. The inter-parcel access shall be designed in a manner to prevent its utilization by delivery trucks. Location and design of the inter-parcel access must be approved by the County Engineer. In addition, a public road built to County standards separating the two zoning districts and providing access to Tract 3, as indicated on the Concept Plan, is required. (*This condition is to control the number of curb cuts on SR 74 South, ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and provide access, as required by Article V. of the Zoning Ordinance, to Tract #3.*)

The applicant agreed to the recommended conditions.

The PC recommended APPROVAL subject to the recommended conditions 4-0.

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1219-09

APPLICANT: Southern Pine Plantations Commercial Group, LLC
6501 Peake Road, Bldg. 800
Macon, GA 31210

STAFF RECOMMENDATION: **APPROVE WITH ONE (1) RECOMMENDED CONDITION**

PLANNING COMMISSION HEARING: November 5, 2009

PLANNING COMMISSION RECOMMENDATION: **APPROVE WITH ONE (1) RECOMMENDED CONDITION 4-0**

BOARD OF COMMISSIONERS HEARING: December 10, 2009

COMMISSION DECISION: _____

REQUEST: Request to rezone 5.37 acres from O-I, A-R, and C-C to O-I to develop Office Uses.

PARCEL SIZE: 5.37 acres

EXISTING USE: Vacant

PROPOSED USE: Office Uses

LOCATION: Land Lot 17 and 18 of the 6th District and fronts on SR 74 South

ZONING OF SURROUNDING PROPERTY: C-C, A-R, PUD-PRD, O-I, and City of Peachtree

LAND USE PATTERN: In the vicinity of Commercial, Office, and Conservation Areas

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Jim Graw made a motion to approve Petition No. 1219-09 subject to the one (1) recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.

RECOMMENDED CONDITIONS

If this petition (1219-09) is approved by the Board of Commissioners, it should be approved **O-I 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. Ingress/egress for the proposed development consisting of Rezoning Petitions 1218-09 and 1219-09 shall be restricted to the two (2) access drives from S.R. 74 South as indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. The inter-parcel access shall be designed in a manner to prevent its utilization by delivery trucks. Location and design of the inter-parcel access must be approved by the County Engineer. In addition, a public road built to County standards separating the two zoning districts and providing access to Tract 3, as indicated on the Concept Plan, is required. (*This condition is to control the number of curb cuts on SR 74 South, ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and provide access, as required by Article V. of the Zoning Ordinance, to Tract #3.*)

The applicant agreed to the recommended condition.

The PC recommended APPROVAL subject to the recommended condition 4-0.

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1218-09, the application of Southern Pine Plantations Commercial Group, LLC to rezone 27.46 acres from O-I, A-R, and C-C to C-C, be:

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. 4-0

DOUGLAS L. POWELL, CHAIRMAN

TIM THOMS, VICE-CHAIRMAN

AL GILBERT

BILL BECKWITH

JIM GRAW

Remarks:

PLANNING COMMISSION RECOMMENDATION

DATE: November 5, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1219-09, the application of Southern Pine Plantations Commercial Group, LLC to rezone 5.37 acres from O-I, A-R, and C-C to O-I, be:

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. 4-0

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: November 10, 2009

Subject: Board of Commissioners Public Hearing, December 10, 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 December 10, 2009.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1216-09 and RP-046-09	SR 54 West/ Rezone 1.03 acres consisting of Lot 18 of Lakeview Estates S/D from R-40 to O-I and to change the use from single-family residential to office-institutional uses	APPROVE WITH THREE (3) RECOMMENDED CONDITIONS	NO RECOMMENDATION 2-2 AND DENY 3-1
2-1	1218-09	SR. 74 South/ Rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses	APPROVE WITH TWO (2) RECOMMENDED CONDITIONS	APPROVE WITH TWO (2) RECOMMENDED CONDITIONS 4-0
And				
	1219-09	SR 74 South/ Rezone 5.37 acres from O-I, A-R, and C-C to O-I to Develop Office Uses	APPROVE WITH ONE (1) RECOMMENDED CONDITION	APPROVE WITH ONE (1) RECOMMENDED CONDITION

DSD/rsw

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

PETITION NO: 1218-09

REQUESTED ACTION: Request to rezone 27.46 acres from C-C, O-I, and A-R to C-C

PROPOSED USE: Commercial Uses

PETITION NO: 1219-09

REQUESTED ACTION: Request to rezone 5.37 acres from C-C, O-I, and A-R to O-I

PROPOSED USE: Office Uses

EXISTING USE: Vacant

LOCATION: SR 74 South

DISTRICT/LAND LOT(S): 6th District, Land Lot(s) 17 and 18

OWNER: Southern Pine Plantations Commercial Group, LLC

APPLICANT: Seyfarth Shaw, LLP

PLANNING COMMISSION PUBLIC HEARING: November 5, 2009

BOARD OF COMMISSIONERS PUBLIC HEARING: December 10, 2009

APPLICANT'S INTENT

Applicant proposes to develop Commercial Uses on 27.46 acres and applicant proposes to develop Office Uses on 5.37 acres.

STAFF RECOMMENDATION

1218-09 APPROVAL WITH TWO (2) CONDITIONS

1219-09 APPROVAL WITH ONE (1) CONDITION

INVESTIGATION

A. PROPERTY SITE

The subject properties are a 27.46 acre tract and a 5.37 acre tract both fronting on SR 74 South in Land Lot(s) 17 and 18 of the 6th District. SR 74 South is classified as a Major Arterial road on the Fayette County Thoroughfare Plan. These subject properties are undeveloped and currently zoned C-C, O-I, and A-R. Due to the history and relationship of these properties, both rezoning requests will be addressed in this Staff Analysis.

History:

Originally, Petition No. 1057-00 was presented by Starrs Mill, LLC to rezone 80.09 acres from A-R to C-C to develop neighborhood retail, office uses, and a church. On September 28, 2000, the applicant presented to the Board of Commissioners (BOC) a revised request (see attached Concept Plan and BOC Minutes) to rezone 21.82 acres from A-R to C-C and 5.79 acres from A-R to O-I. Since the rezoning request had been revised, the BOC sent the petition back to the Planning Commission. The petition number was revised to Petition No. 1057A-00 to rezone 21.82 acres from A-R to C-C and 5.79 acres from A-R to O-I (see attached BOC Minutes). This was the first time a petition number had been revised and two (2) requested zoning districts were considered under one (1) petition number. Procedurally, separate rezoning petition numbers should have been assigned to each of the requested zoning districts.

On December 14, 2000, the Board of Commissioners approved Petition No. 1057A-00 to rezone 21.82 acres from A-R to C-C to develop retail/commercial uses and 5.79 acres from A-R to O-I to develop office uses. The request to rezone the subject property was approved C-C and O-I Conditional subject to the following enumerated conditions:

1. The proposed center shall exclude provision of any and all of the following uses: amusement or recreational facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; automobile service station or convenience store; and dry cleaning plant. (*This condition is self-imposed by the applicant as stated in the Letter of Intent.)*

2. Prior to the issuance of a Certificate of Occupancy for the development, the owner/developer shall be required to complete at their expense, all improvements recommended in the revised traffic study dated October 2, 2000 by Gresham, Smith and Partners. (*This condition is required to ensure that safe vehicular travel and pedestrian access from the intersection of S.R. 74 South and Redwine Road to the proposed development are provided.*)

3. The proposed development shall be required to comply with all the requirements of the S.R. 54 West Overlay including signage. See attached 7.6 Transportation Corridor Overlay Zone. (*This condition is to ensure that restrictions for architectural standards, landscaping, and signage be in place to reduce the negative impacts on adjacent uses.*)

4. The A-R portion of the development (for off-site septic field, off-site replacement septic field, off-site detention, park/open space consisting of wetlands and streams with watershed protection requirements) shall remain as Park/Open Space as indicated on the Concept Plan. (*This condition is to ensure that future use of the property does not conflict with the areas designated for off-site septic and detention for the proposed non-residential uses.*)

5. Ingress/egress for the proposed development shall be restricted to the two (2) access drives from S.R. 74 South indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. A drive from S.R. 74 South (along the southern boundary of the existing daycare site) to the proposed development shall be prohibited. (*This condition is to ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and eliminate an additional curb cut with limited sight distance on S.R. 74 South.*)

AMENDED CONDITIONS

Both the applicant and Staff are recommending amendments to the Conditions as follows:

1. Amend as follows and apply only to Petition 1218-09 (C-C, O-I, and A-R to C-C): The proposed commercial center shall exclude the following uses: amusement or recreational facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; dry cleaning plant, or gasoline sales in conjunction with a convenience store; provided however, that a fuel center associated with a grocery store shall be expressly permitted. (*This condition is self-imposed by the applicant as stated in the Letter of Intent.)* (see attached)

2. Delete in its entirety. The requirement of the completion of road improvements recommended in the revised traffic study has been superseded by the road improvements to SR 74 South proposed and underway by Georgia Department of Transportation (GDOT) (see attached letter from Integrated Science and Engineering).

3. Delete in its entirety. The General State Route Overlay was adopted in June of 2004 and includes the SR 74 South Corridor. The subject properties will automatically be subject to the General State Route Overlay requirements.

4. Delete in its entirety. The A-R property is not a part of either of the rezoning petitions and the area is no longer planned to be used for off-site septic field, off-site replacement septic field, and off-site detention. Watershed protection and wetlands requirements apply to the A-R property regardless of this condition.

5. Amend as follows and apply to both rezoning petitions (1218-09 and 1219-09): Ingress/egress for the proposed development consisting of Rezoning Petitions 1218-09 and 1219-09 shall be restricted to the two (2) access drives from S.R. 74 South as indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. The inter-parcel access shall be designed in a manner to prevent its utilization by delivery trucks. Location and design of the inter-parcel access must be approved by the County Engineer. In addition, a public road built to County standards separating the two zoning districts and providing access to Tract 3, as indicated on the Concept Plan, is required. (*This condition is to control the number of curb cuts on SR 74 South, ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and provide access, as required by Article V. of the Zoning Ordinance, to Tract #3.*)

SR 74 SOUTH WIDENING

SR 74 South is scheduled to be widened from two (2) to four (4) lanes in the near future. GDOT has acquired the required right-of-way in the area of the subject property. Approximately 2.2 acres has been taken from the subject properties.

ANNEXATION/REZONING

The applicant has filed an annexation and rezoning application with the City of Peachtree City for 18 acres located in the northwestern area of the original 80 acre tract. This annexation also includes a portion of the 21.82 acre C-C area. The applicant has requested that 3.86 acres be zoned for retail and/or office use and the remaining 14.14 acres be zoned to Open Space for dedication to Peachtree City and added to the Meade Field recreational area. The applicant is proposing the installation of a sanitary sewer line extending the length of the 18 acres to provide sanitary sewer service to the subject property and other properties in Peachtree City. It was the consensus of the BOC to take no action on this annexation request at their October 22, 2009, meeting.

SEWER

As mentioned above, the annexation of the aforementioned 18 acres will provide sanitary sewer service to the subject properties. The subject of the extension of sewer was discussed at the September 3, 2008, Board of Commissioners Workshop (see attached Minutes).

B. SURROUNDING ZONING AND USES

The general situation is a 27.46 acre tract and a 5.37 acre tract that is zoned O-I, A-R, and C-C. In the vicinity of the subject property is land which is zoned C-C, A-R, and City of Peachtree City. 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 (across SR 74 South)	7.00	City of Peachtree City	Vacant	
	1.00	O-I	Medical Office	Office
	4.00	O-I	Medical Office	Office
South	26.28	A-R	Vacant	Conservation Areas & Rural Residential (1 unit/2 to 3 acres)
East	8.00	A-R	Daycare	Rural Residential (1 unit/2 to 3 acres)
West and North	18.00	C-C & A-R	Vacant & Proposed for Annexation	Commercial and Conservation Areas
West	56.00	City of Peachtree City	Meade Field Recreation Area	

C. COMPREHENSIVE PLAN

The subject properties (1218-09 & 1219-09) lie within areas designated for Commercial, Office, and Conservation Areas on the Future Land Use Plan map. The Comprehensive Plan, including the Future Land Use Plan map, was amended in this manner in March of 2001, to correspond to the aforementioned rezoning petition 1057A-00 as the designated land use for this area was residential at the time of rezoning (see attached BOC Minutes).

The following policy was added to the Land Use Element text under the Commercial land use narrative section:

> SR 74 and Redwine Road: Currently undeveloped, this area is defined by the existing nonresidential zoning. No expansion beyond the existing zoned areas is recommended.

The purpose of this policy is to contain the commercial zoning to the area rezoned in Petition No. 1057A-00 and surround it with office zoning to prevent the spread of commercial zoning further along SR 74 South and Redwine Road. The expansion of the existing zoned areas in these rezoning requests is to mitigate the loss of property due to the widening of SR 74 South and the proposed annexation of a portion of the properties into Peachtree City, as well as, meet impervious surface requirements and locate storm water facilities on-site. As these rezoning requests do not expand commercial zoning further along SR 74 South and Redwine Road and maintains the surrounding office zoning, these requests conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from O-I, A-R, and C-C to C-C for the purpose of developing Commercial Uses and the applicant seeks to rezone O-I, A-R, and C-C to O-I for the purpose of developing Office Uses.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
C-C (existing and proposed zoning district)	F – 100' Overlay F - 75' Arterial F - 70' Collector F - 65' Minor S - 15' R - 15'	1 Acre* 0.5 Acre**	N/A	125'	50 foot buffer required adjacent to residential or A-R zoning districts
O-I (existing and proposed zoning district)	F – 100' Overlay F - 75' Arterial F - 70' Collector F - 55' Local S - 15' R - 15'	1 Acre* 0.5 Acres **	N/A	125'	30 foot buffer required adjacent to residential or A-R zoning districts

* A minimum lot size of one (1) acre where a central sanitary sewage or central water distribution systems are provided.

** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
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

State Route Overlay

Due to the frontage on SR 74 South, development of the property is subject to the requirements of the General State Route Overlay Zone. The Overlay Zone requirements are in addition to the zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements including, but not limited to, the following: a 100 foot setback from the right-of-way of SR 74 South, a 50 foot setback for impervious surfaces from right-of- way of SR 74 South, and architectural standards for buildings which require a residential character including a pitched peaked roof, a residential façade, and doors and windows of a residential character.

Platting

Should this request be approved, as a new public road is required, a Preliminary Plat must be approved by the Planning Commission. Once the Preliminary Plat is approved and the proposed roads built, a Final Plat must be submitted to the Planning & Zoning Department, approved by all applicable county departments and the Planning Commission, and recorded into the public record.

Right-of-Way Requirements

SR 74 South is classified as a Major Arterial road (major thoroughfare) on the Fayette County Thoroughfare Plan. This being a State Route, any dedication will be the responsibility of the Georgia Department of Transportation (GDOT) to secure from the property owner and must be indicated on the Preliminary Plat, Final Plat, and Site Plan, as applicable.

Access

The Concept Plan submitted indicates two (2) accesses from SR 74 South which is in compliance with the condition of zoning. The Concept Plan indicates a proposed public road as a dashed line labeled "FUTURE RIGHT-OF-WAY". Based on the aforementioned annexation, Tract 3, as indicated on the Concept Plan, will no longer

have road frontage if the annexation is approved. This proposed public road will provide the required access to Tract 3 per Article V. of the Zoning Ordinance. Inter-parcel access to the adjacent daycare center lot to the east is required and the location and design of the inter-parcel access must be approved by the County Engineer. In addition, as this proposed development is adjacent to Peachtree City, it is advisable that the developer work with Peachtree City to tie into the City's multi-use path system and provide for the use of golf carts within the development.

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

The volume of trips that would be 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 tables for Discount Supermarket (854), Specialty Retail Center (814); Gasoline/Service station and General Office Building (710) were used for evaluation of this proposed rezoning.

Based on the ITE rates the proposed development would generate approximately 10,600 trip ends on weekdays, 12,200 on Saturdays and 10,400 on Sundays. Please note that these estimates are solely based on the square footage of those structures indicated on the Concept Plan. The applicant's Letter of Intent states that additional development in the form of retail and restaurants will take place along the frontage of the subject properties which will increase the generation of trips.

PLANTATION CENTER AT STARR'S MILL TRIP GENERATION SUMMARY

24 Hour Trip Generation by Day of Week For Rezoning Petitions 1218-09 AND 1219.09			
Development	**Weekday**	**Saturday**	**Sunday**
Supermarket	8,074	9,760	8,552
Fuel Center	1,349	1,349	1,349
Retail Building	1,152	1,093	531
Office Buildings	2,202	474	196
Project Total 24-hrTrip Ends	**12,777**	**12,676**	**10,628**

NOTE: See tables below for details.

REZONING 1218.09 INCLUDES 3 USES: SUPERMARKET; FUEL CENTER AND RETAIL BUILDING			
Supermarket 83,400 sf (854)			
24 hr trips per 1,000 sf	Weekday	Saturday	Sunday
Trip Gen, Rate	96.82	117.03	102.54
1,000's of sf gfa	83.4	83.4	83.4
24 hr Trip Ends	**8,074**	**9,760**	**8,552**
Fuel Center (944) (Number of fueling positions not identified. Assume 8 Vehicle Fueling positions.)			
24 hr trips per fueling position	Weekday	Saturday	Sunday
Trip Gen, Rate	168.56	n.a.: assume same as weekday.	168.56
Fueling Positions	8	8	8
24 hr Trip Ends	**1,349**	**1,349**	**1,349**
Specialty Retail Center 26,000 sf (814)			
24-Hour by 1,000's SF 24 hr trips per 1,000 sf	Weekday	Saturday	Sunday
Trip Gen, Rate	44.32	42.04	20.43
1,000's of sf gfa	26	26	26
24 hr Trip Ends	**1,152**	**1,093**	**531**
1218.09 Totals	**10,575**	**12,202**	**10,432**

REZONING 1219.09 INCLUDES TWO 10,000 S.F. OFFICE BUILDINGS			
20,000 sf Office Building (710)			
24 hr trips per 1,000 s.f.	Weekday	Saturday	Sunday
Trip Gen, Rate	11.01	2.37	0.98
1,000's of sf gfa	200	200	200
24 hr Trip Ends	**2,202**	**474**	**196**
1219.09 Totals	**2,202**	**474**	**196**

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 the Preliminary Plat, Final Plat, and/or Site Plan.

G. DEPARTMENTAL COMMENTS

Water System

Water available. (Tony Parrott)

Stormwater

Floodplain:

Per FEMA FIRM panel 13113C0134E, the property does contain floodplain. (Bryan Keller)

Wetlands:

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

Watershed Protection:

Per the USGS Fayetteville Quadrangle, there are water bodies subject to the County watershed protection buffers and setbacks. (Bryan Keller)

Groundwater Recharge Area:

The property is within the groundwater recharge area, per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20). (Bryan Keller)

Sheriff's Office

The Sheriff's Office would continue to work all motor vehicle accidents at the intersection of Redwine Road and SR 74 South. (Brian Eubanks)

Environmental Health Department

No comments. Based on information contained in this application packet, this property will be served by sewer, if adjacent annexation is approved. (Jeff Kilgore)

Fire and EMS

Fire Suppression and Fire Prevention:

This property is located within the current territorial boundaries of County Fire Station #5, located on Hwy. 85 South, which would provide the initial first responding apparatus to any requests for assistance. Response time for suppression capability from Station #5 would be in the eight (8) to ten (10) minute range. Water and fire hydrants exist along Hwy. 74 South.

Emergency Medical Services:

This property is located within the service delivery area of Medic #5 located on Hwy. 85 South. Response time for ambulance transport services is within the eight (8) minute accepted historical response criteria. The addition of this development will not materially impact EMS service delivery capability or current capacity.

Emergency Management Agency:

This property is within the 100 year floodplain as noted at the rear of potential building area, and as proposed indicates no potential problems. As with any other development, there is always the potential for man made or natural disasters that would impact emergency management. (David Scarbrough)

Public Works

No comments. (Phil Mallon)

Board of Education

No comments returned.

Georgia Department of Transportation

Any site access onto State Route 74 will require review and approval by the Georgia Department of Transportation's Thomaston office. The owner/developer is required to coordinate any approved access construction with the Department of Transportation's Project STP00-0209-019002), widening of State Route 74 South. The property owner/

developer will be required to align primary access to the site across from the existing traffic signal at Redwine Road. The owner/developer will be responsible for all costs associated with state route access requirements and modifications to the existing traffic signal at Redwine Road. *(Mike England)*

STAFF ANALYSIS – PETITION NO. 1218-09

This request (Petition No. 1218-09) is based on the petitioner's intent to rezone said property from C-C, O-I, and A-R to C-C for the purpose of developing Commercial Uses. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject properties (1218-09 & 1219-09) lie within the vicinity of areas designated for Commercial, Office, and Conservation Areas on the Future Land Use Plan map. The Comprehensive Plan including the Future Land Use Plan map was amended in this manner in March of 2001, to correspond to the aforementioned rezoning Petition No. 1057A-00 as the designated land use for this area was residential at the time of rezoning. The following policy was added to the Land Use Element text under the Commercial land use narrative section:

   > SR 74 and Redwine Road: Currently undeveloped, this area is defined by the existing nonresidential zoning. No expansion beyond the existing zoned areas is recommended.

   The purpose of this policy is to contain the commercial zoning to the area rezoned in Petition No. 1057A-00 and surround it with office zoning to prevent the spread of commercial zoning further along SR 74 South and Redwine Road. The expansion of the existing zoned areas in these rezoning requests is to mitigate the loss of property due to the widening of SR 74 South and the proposed annexation of a portion of the C-C property into Peachtree City, as well as, meet impervious surface requirements and locate storm water facilities on site. As these rezoning requests do not expand commercial zoning further along SR 74 South and Redwine Road and maintain the surrounding office zoning, these requests conform to the Fayette County Comprehensive Plan.

2. A majority of the subject property is currently zoned C-C and the additional acreage to be rezoned is located along a stream in the southwestern portion of the subject property that is not developable due to the Watershed Protection buffers and setbacks. This area is adjacent to a Peachtree City recreational area to the west and approximately 150 feet, at its closest point, to Brechin Park (residential subdivision) to the south. Given this, the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. The proposed rezoning will not result in a burdensome use of utilities, or schools. While there is potential for significant trip generation, SR 74 South is scheduled to be widened to four (4) lanes in the near future.

4. The majority of the subject property (21.82 acres) is currently zoned C-C. The additional property (5.64 acres) under consideration in this rezoning request is located along a stream in the southwestern portion of the Concept Plan. The bulk of this area is not developable due to the Watershed Protection buffers and setbacks and will contain the stormwater detention pond.

   The Original Concept Plan for Petition 1057A-00 (C-C & O-I) indicated 99,400 square feet of retail, 36,000 square feet of office/commercial, 10,000 square feet of office and four (4) buildings along the frontage of SR 74 (square footage not indicated). The current Concept Plan for Petitions 1218-09 and 1219-09 indicates 109,351 square feet of retail, 20,000 square feet of office and a fuel center. This is in conjunction with the Letter of Intent which states that additional development in the form of retail and restaurants will take place along the frontage of the subject properties. However, as with the original Concept Plan, no square footage is indicated for these proposed structures.

   A majority of the subject property is currently zoned C-C and the additional property being rezoned will not extend commercial zoning further along SR 74 and Redwine Road, these facts support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends:

Petition No. 1218-09 **APPROVAL WITH TWO (2) CONDITIONS**

STAFF ANALYSIS – PETITION NO. 1219-09

This request (Petition No. 1219-09) is based on the petitioner's intent to rezone said property from C-C, O-I, and A-R to O-I for the purpose of developing Office Uses. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject properties (1218-09 & 1219-09) lie within the vicinity of areas designated for Commercial, Office, and Conservation Areas on the Future Land Use Plan map. The Comprehensive Plan including the Future Land Use Plan map was amended in this manner in March of 2001, to correspond to the aforementioned rezoning Petition No. 1057A-00 as the designated land use for this area was residential at the time of rezoning. The following policy was added to the Land Use Element text under the Commercial land use narrative section:

   > SR 74 and Redwine Road: Currently undeveloped, this area is defined by the existing nonresidential zoning. No expansion beyond the existing zoned areas is recommended.

   The purpose of this policy is to contain the commercial zoning to the area rezoned in Petition No. 1057A-00 and surround it with office zoning to prevent the spread of commercial zoning further along SR 74 South and Redwine Road. The expansion of the existing zoned areas in these rezoning requests is to mitigate the loss of property due to the widening of SR 74 South and the proposed annexation of a portion of the properties into Peachtree City, as well as meet impervious surface requirements and locate storm water facilities on site. As these rezoning requests do not expand commercial zoning further along SR 74 South and Redwine Road and maintain the surrounding office zoning, these requests conform to the Fayette County Comprehensive Plan.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. The proposed rezoning will not result in a burdensome use of utilities, or schools. This rezoning in conjunction with Petition 1218-09 has the potential for significant trip generation; however, SR 74 South is scheduled to be widened to four lanes in the near future.

4. A majority of the subject property is currently zoned O-I and the maintenance of the O-I zoning on this property prevents the extension of commercial zoning further along SR 74 and Redwine Road, these facts support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends:

Petition No. 1219-09 APPROVAL WITH ONE (1) CONDITION

RECOMMENDED CONDITIONS

If this petition (1218-09) is approved by the Board of Commissioners, it should be approved **C-C 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 proposed commercial center shall exclude the following uses: amusement or recreational facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; dry cleaning plant, or gasoline sales in conjunction with a convenience store; provided however, that a fuel center associated with a grocery store shall be expressly permitted. (*This condition is self-imposed by the applicant as stated in the Letter of Intent.)*

2. Ingress/egress for the proposed development consisting of Rezoning Petitions 1218-09 and 1219-09 shall be restricted to the two (2) access drives from S.R. 74 South as indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. The inter-parcel access shall be designed in a manner to prevent its utilization by delivery trucks. Location and design of the inter-parcel access must be approved by the County Engineer. In addition, a public road built to County standards separating the two zoning districts and providing access to Tract 3, as indicated on the Concept Plan, is required. (*This condition is to control the number of curb cuts on SR 74 South, ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and provide access, as required by Article V. of the Zoning Ordinance, to Tract #3.*)

The applicant agreed to the recommended conditions.

The PC recommended APPROVAL subject to the recommended conditions 4-0.

RECOMMENDED CONDITIONS

If this petition (1219-09) is approved by the Board of Commissioners, it should be approved **O-I 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. Ingress/egress for the proposed development consisting of Rezoning Petitions 1218-09 and 1219-09 shall be restricted to the two (2) access drives from S.R. 74 South as indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. The inter-parcel access shall be designed in a manner to prevent its utilization by delivery trucks. Location and design of the inter-parcel access must be approved by the County Engineer. In addition, a public road built to County standards separating the two zoning districts and providing access to Tract 3, as indicated on the Concept Plan, is required. (*This condition is to control the number of curb cuts on SR 74 South, ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and provide access, as required by Article V. of the Zoning Ordinance, to Tract #3.*)

The applicant agreed to the recommended condition.

The PC recommended APPROVAL subject to the recommended condition 4-0.

P·L·A·N·T·A·T·I·O·N C·E·N·T·R·E A·T S·T·A·R·R·S M·I·L·L

MASTER PLAN

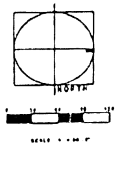
DEVELOPED FOR:

SOUTHERN PINE PLANTATIONS

[illegible] PEAKE ROAD
MACON, GEORGIA [illegible]
([illegible]) 477-[illegible]

GS&P

GREENWOOD SMITH AND PARTNERS

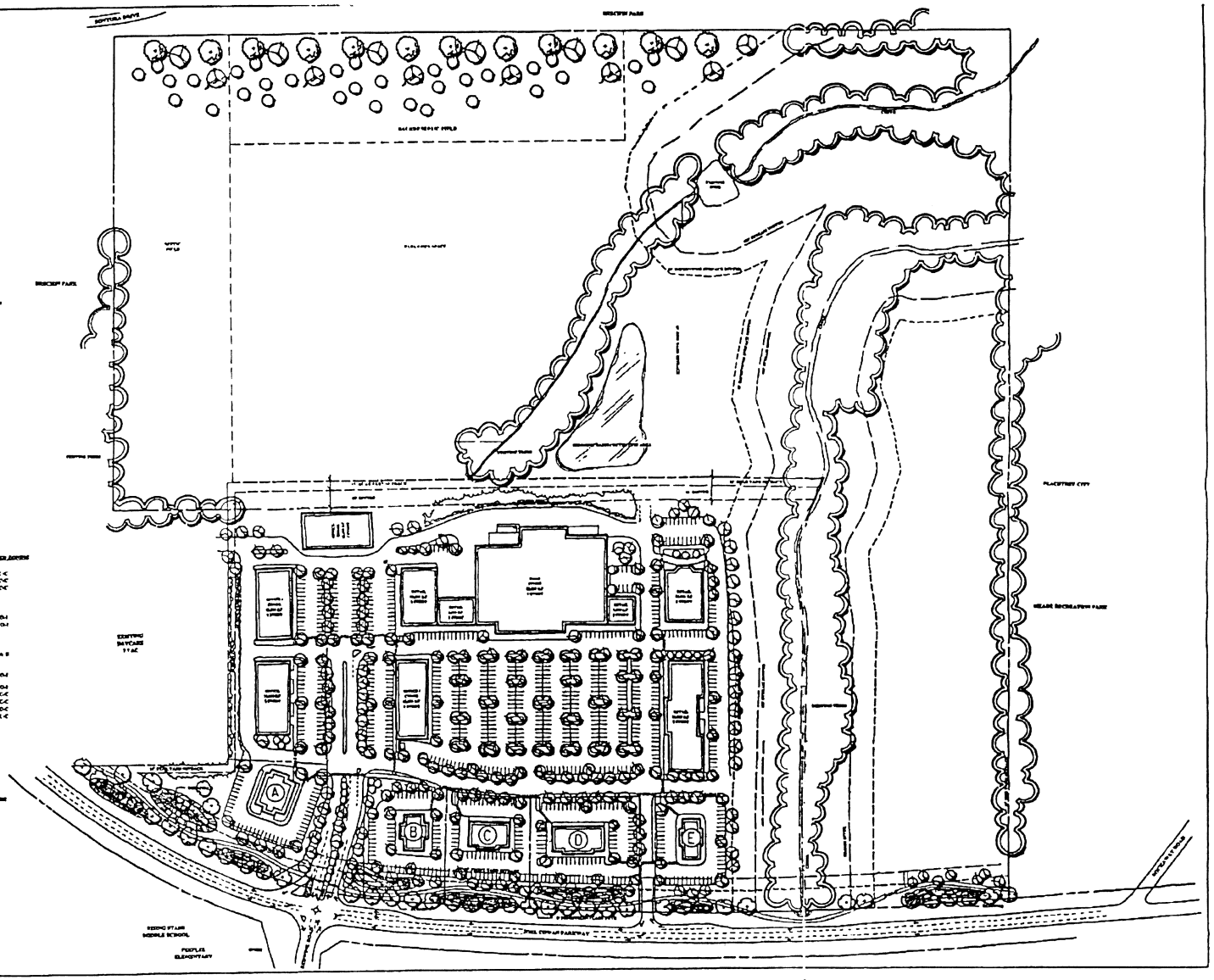


OZELL STANKUS ASSOCIATES ARCHITECTS

SITE DATA SUMMARY

[illegible]

USE / BUILDING	SQUARE FEET	PARKING	EXISTING PARKING	ACREAGE	DRAINAGE ACREAGE	PROPOSED ACREAGE
C.C.						
FOUR STONE	[illegible]					
RETAIL	[illegible]					
OFFICE / COMMERCIAL	[illegible]					
TOTAL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
U.I.						
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
A.A.						
PLAZA / OPEN SPACE						[illegible]
SEPTIC FIELD				[illegible]		
TOTAL						[illegible]
OFFSITE SITE PARCELS						
A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
D	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]



The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, September 28, 2000, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT:	Harold Bost, Chairman Greg Dunn, Vice Chairman Herb Frady Glen Gosa Linda Wells
STAFF MEMBERS PRESENT:	Chris W. Cofty, Interim County Administrator Carol Chandler, Executive Assistant William R. McNally, County Attorney Angie Stevens, Chief Deputy Clerk

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Chairman Bost called the meeting to order, offered an Invocation and led the Pledge to the Flag.

REZONING PETITIONS:

PETITION NO. 1057-00 SENT BACK TO THE PLANNING COMMISSION:
Consideration of Petition No. 1057-00, Starrs Mill, LLC, Owner, and Carl Westmoreland, Jr., Nancy Walsh, and Powell, Goldstein, Frazer & Murphy, Agents, request to rezone 80.09 acres to develop a neighborhood retail and office uses and a church. This property is located in Land Lots 17 and 18 of the 6th District and fronts on S.R. 74 South. The Planning Commission recommended denial 4-0. Staff recommended denial.

Commissioner Dunn informed the Petitioner that he understood that they had changed the proposal on the petition and asked him if the presentation was different than what had been presented before the Planning Commission.

Mr. Westmoreland stated that it had changed.

Commissioner Dunn asked the petitioner if they would like to give the original presentation to the Board and if not he felt the prudent thing to do would be to send this petition back through the Planning Commission process as it did differ from the one that they had voted on.

Commissioner Wells stated she agreed if the presentation was going to differ from what was presented to the Planning Commission.

Mr. Westmoreland stated that it did.

Commissioner Dunn asked Mr. Westmoreland if he wanted to make the original presentation and he stated he did not.

On motion made by Commissioner Dunn, seconded by Commissioner Frady to send petition 1057-00 back to the Planning Commission since it was different from the petition presented to the Planning Commission that was voted on. The motion carried 5-0.

Commissioner Wells informed the people present for the petition that this action was in no way to dissuade them from being involved but in order for them to make a sound decision they felt the petition needed to go back before the Planning Commission to give everyone ample time to look at the proposal and she encouraged them to stay involved in the issue.

BOC Minutes
December 14, 2000

PETITION NO. 1057A-00:
Consideration of Petition No. 1057A-00, Starrs Mill, LLC, Owner, and Carl Westmoreland, Jr., Nancy Walsh, and Powell, Goldstein, Frazer & Murphy, Agents, request to rezone 21.82 acres from A-R to C-C to develop retail/commercial uses and to rezone 5.79 acres from A-R to O-I to develop office uses. This property is located in Land Lots 17 and 18 of the 6th District and fronts on S.R. 74 South. Planning commission recommended denial 5-0 and staff recommended denial.

Carl Westmoreland, Jr., Agent, stated he represented the applicant. He called attention to the board's deferment from the September meeting when the petitioner described changes in the plan for the first time at that hearing. He apologized for the last minute nature of that but said again that those changes were made in a good faith effort to respond to issues that we heard from the county and from the area residents. He said those changes remain in the application. He asked the board to recall at the first meeting and first application, that removal of all development from the rear of this 80-acre tract has been done. He mentioned there was a church and soccer fields shown on the original site plan and these have been removed and also any tie-in of access between this property and the Brechin Park Subdivision to the rear. He claimed his party had reduced the commercial square footage and has provided an O-I transition along Highway 74, away from the intersection. Mr. Westmoreland stated they have also proposed to dedicate the rear 52-acres from which we have removed all development, to the county, subject only to the applicant's right to maintain their drain field and detention facilities on this property. He commented that other issues which were discussed in the past also remain in the application, including the restriction on commercial uses within the shopping center, the commitments that were made with regard with storm water and waste water, and also the architectural and other aesthetic conditions for the application.

Mr. Westmoreland stated the county should have a letter dated yesterday from Dr. DeCotis saying, on behalf of the Board of Education, that the concerns that they had earlier expressed have been satisfied through discussions with the applicant. He said Stan Thomas who is a Land Planner with Gresham, Smith and Associates will address the site plan and land use issues.

Mr. Thomas thanked the board for the opportunity to present both the land use and traffic information for this proposed development. He said he was a Georgia native who is licensed and educated to practice land planning and landscape architecture in the State of Georgia. He said he has served as an expert witness on planning and zoning issues before the courts of Georgia.

Mr. Thomas stated that the Fayette County Land Use Plan for 2000 - 2020 states, ". . . *encourages the development of commercial facilities without adversely affecting residential areas, the environment or the transportation system."* Mr. Thomas commented that he and the other members of this presentation team will show that this proposed development does not adversely affect the residential areas, the environment, or traffic or transportation system. He remarked that the character of the area has changed substantially with the intersection improvements, with the proposed widening of Highway 74, the addition of the three schools (Starr's Mill and the other two) on 130 acres and the construction of the daycare center which sits on 7.7-acres. He stated the natural historic land use pattern for this area is in fact a commercial node. He said it was only with the closing of the general store on the corner of Redwine Road and Highway 74, and changes to the zoning and the Land Use Plans by the county, that this area became perceived as a residential corridor. He said further that the proposed use is optimal in terms of these recent changes to the area and in terms of protecting the environment, protecting the schools and protecting the homes and residential areas. He said also that these area changes as well as site conditions on this site, do not make this site suitable for single-family residential development. He pointed out the proposed community commercial zoning before the board tonight has actually reduced the amount of C-C zoning from the original 80-acres down to the 22-acres tonight. He stated 52-acres is zoned A-R and will remain that way and are now being given to the county to protect and buffer the residential areas as well as the environmentally sensitive areas to the rear of the site. He pointed out that the professional offices which will be created under the 6-acres of the O-I zoning present a natural transition and buffer to the schools and daycare facility from the rest of the commercial zoning. He said this would also serve to lock in the C-C zonings so that it is landlocked or surrounded by transitional zonings and uses. He added this would help to prevent the C-C zoning from being able to spread down Highway 74. He stated community-commercial or C-C zoning presents the best case scenario because it allows for a grocery store, a few restaurants and locally-owned shops. He said it did not allow for a variety of other uses from convenient stores to muffler shops. He said further the developer has agreed to put further restrictions on the uses on this development, therefore, this is the most appropriate proposal considering the nearby schools.

Mr. Thomas said in regards to traffic, they had completed a traffic study which indicates that the road system will remain at an acceptable level of service C with the improvements being proposed and the county's engineering department has agreed with this study. He said a copy of the study has been provided to the county and either himself or Mike Holt, here tonight, the traffic engineer who performed the study, will be glad to answer any questions regarding that study. He pointed out that the proposed project from a traffic standpoint will capture people before they enter the heavy traffic areas of Peachtree City or Fayetteville and allow them to shop and eat near to where they live. He also pointed out that the peak hours of traffic flow for the schools will be

different from the peak hours of traffic flow involving the commercial development. He said in a synopsis we have an area
in which there is a convergence of main arteries which is a natural commercial node, which is not suitable for future residential development, in which there are existing non residential developments existing there now. He said they have proposed a most suitable, most school friendly use from among the viable options and would appreciate the board's consideration of this proposal. He turned a further presentation over to Ron Felder.

Ron Felder with Integrated Science and Engineering, Fayetteville, Ga., commented he wanted to take this opportunity to elaborate on some of the innovative and unique features of this project with regard to waste water treatment and storm water management.

Mr. Felder stated as part of the waste water design work, they consulted with the county's health department in an effort to find the most proactive and best system in which to treat the waste water sewage that would be generated from this proposed development. He said the site has been investigated and found to have soils that are suitable on the southeast corner of the property, an adequate area to facilitate a septic drain field. He said they configured the development, as seen on the plan, to leave these areas available to optimize the soil uses. He mentioned the sewage flow had been calculated to be about 40,000 - 50,000 gallons per day and to effectively treat this volume and type of sewage they were going to use a type of sewage facility that will yield a cleaner affluent than a conventional septic system would. He commented the proposed system includes pre-treatment devices such as grease traps and a traditional septic tank, followed by secondary and tertiary biological treatment using what we refer to as a bio-clear package plant. He said finally, there is an affluent polishing stage in which the sewage will be discharged into the drain field. He commented this was a reliable system and it will provide enhancement for the waste water treatment, superior to that of a conventional system. He said he was confident of this because the applicant is currently using a similar system in Forsythe County on a grocery store and retail development site.

Mr. Felder addressed stormwater management next. He remarked that they plan to use an innovative stormwater management system for this site that combines both stormwater runoff detention as well as water quality treatment in to a single system. He stated the basic system consists of a vegetated wetland pond that captures or stores the first one inch of runoff and filters the stormwater pollutants prior to discharge in the downstream creek. He said this type of combination system is where the ARC commuters are going to move to as federal and state storm water regulations begin to influence future land development practices and guidelines. He further said this was the best type of management practice that the county staff has been evaluating in recent

months in anticipation of these upcoming regulatory requirements. He added that they were confident that once again the system will achieve the desired results because we have a very similar system on a much larger scale operating successfully in Griffin, Georgia. He said in view of the location of the site within the Line Creek watershed, this warrants some forward thinking and an innovative approach. He added that it would be on a voluntary basis in this case in an effort to minimize the discharge of pollutants into the down stream creeks and ultimately Line Creek.

Mr. Felder said in summary the proposed development will include advance waste water treatment/storm water management systems that will minimize potential impact to the site and the areas down stream. He thanked the County Health Department for working with them on the front end as we considered different design options for the waste water system.

Phillip Ozell, President of Ozell Architects in Atlanta. He said he has been doing retail design for almost 25 years in the area. He stated is firm specializes in award winning community contributing retail projects. He commented to start off he wanted to address basically two things, (1) the development of this plan layout which will take a lot of time and effort working with Mr. Thompson's office on the land planning issues. He advised that his firm designed a plan that in their view is a contribution to a community in developing a town square, a small neighborhood square that is circulating around the layout of the different buildings, broken by retail and residential-style buildings in their design and their character. He said he had a rendering of the type of character we would be proposing to do here which is heavily involved in pedestrian amenities, and using a lot of landscaping to buffer the buildings. He mentioned the design of the buildings would be a residentially-styled architecture that evokes a feeling of character and timeless quality and eclectic feeling of a village that has grown over time. He said his firm was retained by Peachtree City Development Company many years ago to design Braelinn Village to give the city of Peachtree City some architectural character and flavor that have a timeless quality and a substantial feeling of character. He said further that he has every intention of doing that in this project. He introduced the owner of the property, Mr. Jim Wells.

Jim Wells, President of Starr's Mill, LLC, introduced his development partner, Mr. George Chase with Alliance Realty. He thanked the board for taking the time and effort to evaluate this proposal. He stated his goal was to put forth the best plan for the development of this 80-acres. His said to accomplish that he assembled a team of professionals, traffic and environmental engineers, architects, and land planners. He commented that he sincerely believes the plan that they have developed could very well be the best plan that the county will ever see for the development of this 80-acres. He stated his team wanted to be good citizens of Fayette County. He said further that to confirm his commitment to the county he would like to propose the following: (1) is the

donation of 50-acres to Fayette County to use as they see fit. He added this would provide a green space buffer to the adjoining property owners and it further shows their commitment to never allow this 50-acres to be developed or rezoned for ever. He said secondly, he proposed a very strong commitment to the protection of groundwater and the streams that flow into Line Creek, (3) a commitment to establishing architectural and landscaping standards to enhance the aesthetic appeal of the community of which we will be a part of. He added this project will be above the county standards for landscaping and architecture and (4) a commitment to the Board of Education through the creation of the Partners In Education Program that will enable us to be long term players and partners in the education program at the Fayette County South Complex.

Mr. Wells stated that if given the opportunity his team will prove to the board that Plantation Center at Starr's Mill will set the standards for future development in Fayette County and that is his goal.

Chairman Bost asked if there was anyone here to speak in favor of this petition.

Dennis Chase, President of the Line Creek Association of Fayette County, commented that the Line Creek Association is strictly an environmental concern agency consisting of a group of citizens from Fayette County. He said he has spent a great deal of time reviewing the plans, meeting with the developers and he also spent several hours on the property itself, following the steam and doing an evaluation as best he could. He further stated he did not take any samples but could give the board his impressions from his visit to the property.

Mr. Chase stated he has reviewed many, many plans where some level of detention is suggested, and sometimes they even get in with detention ponds. He commented what the applicant is proposing here is by far the best that we see in Georgia right now. He said further they are actually going to be treating the water with filtering systems and when comes out of the filtering system, it will go into a created wetland just down the steam from that. He stated we will have better water quality coming off of this property then what we have in their right now. He pointed out the second part of the environmental concern is that what they are proposing and where the septic treatment system out there is, again, almost state of the art. He added that there were a number of systems similar to the bio-clear package systems but you have to understand, it is very important to these folks that if they put in a commercial development like this and they set it up on a package system, it has to be the best possible because if that goes down, they are going to close down a number of businesses including a grocery store for days if not weeks, to do something with it. He said if the county would look at the other option available on this property, for example if someone where to put 25 homes on this 80-acres, you are dealing with soils that are marginal at best. He stated further you can put that many homes out there but the odds are that we are going to have a

breakdown of one or more of those septic systems and the county will have a continuing problem with septic systems in the county. He remarked from an environmental standpoint this has two very distinctive advantages for this particular property.
Mr. Chase stated that on the piece of property Mr. Wells is offering to the county, there are two streams. He advised the USGS quads list them both as perennial streams and his evaluation is the one that comes from near the daycare center, going across, is probably an intermittent stream. He said further this stream was not all that significant but it means you can't do quite as well a job with mitigation downstream from there but it can be done. He said more important, if you look on the north edge of this property, you see a perennial steam runs across there on the piece that they propose to give to the county. He commented that stream has a straight section of almost 1,000 feet and that means that sometime in the past, 30, 40 or 50 years ago, it had an agricultural ditch dug across there. He said the reason this is important is that this area, if they make it available to Fayette County, is going to be a marvelous site for mitigation for any of the other projects that you have going in Fayette County. He added that stream mitigation is extremely hard to find right now. He added with that 1,000 feet of stream what they would do is go back in to put some meanders back in the steam, put some peripheral complexes in and this would be a far improved environment. He mentioned when he was there at the stream, he noticed it had a milky green color which indicated to him that it was carrying a very heavy nutrient level right now so what you want to be able to do is to treat that with the peripheral complexes, put the meanders back in the stream and at the lower end or downstream of it, do a wetland complex where you would get mitigation credits for that. He said we would also be treating the water so that the total impact of this project, plus what you can do on here with mitigation, you would be cleaning a pair of streams that right now are adding a rather large amount, for their size, of pollutants to Line Creek in an area that the citizens are very concerned about.

Mr. Chase stated the Line Creek Association is commenting only on the environmental portion of this. He said he was impressed with what he saw from an environmental standpoint and also that this is an outstanding project.

Ken Reynolds, 330 Birkdale Drive, Fayetteville, commented that he had been a Fayetteville resident now for 14 years. He stated that during that time his house had not changed a bit, no home improvements, but his taxes were up 126% which he felt was typical of houses that have been here for a while. Mr. Reynolds said when he moved into his home, the taxes were 3%, today they are 4% and of course we have the local option tax which is another 1%. He said further if some people had their way, taxes would have doubled to 6%. He commented it now looks like we are going to be paying for a 65 million-dollar bond that was voted in . . .

Chairman Bost interrupted Mr. Reynolds and asked him if he was leading up to comments pertaining to this petition and Mr. Reynolds said he was.

Mr. Reynolds said in his opinion the problem we have is that we have had lots and lots of residential growth in the county and very little, if any, meaningful commercial growth and there is an imbalance so taxes are going up because we have so much residential and so little income producing commercial growth. He mentioned that he had a copy of the plan and it looked to him like this project may produce half a million in revenue when everything was combined. He stated this would also produce a lot of jobs even though people are complaining about it tonight. He added in years to come when they don't want to drive so far to work because of gas prices, they may twice about this project. He stated that probably most professional planners will agree that the property values all around the area are going to increase because of this development. He said he has lived on the south side of this county for 14 years and he could tell the county that commercial is needed and badly. He commented from this standpoint he thought it would prevent some other undesirable uses that may come up if this isn't approved. He remarked that this was agricultural property and what if the owner wanted to put for example, a big chicken plantation or a hog parlor or something like that there. He said that certainly would be an undesirable turn of events. He said that some people would prefer the hogs or chickens over residential but he did not feel that way. He said he thought Fayette County should let everybody come into this county. Mr. Reynolds said the only negative that he could see was that it would provide competition for the Wilshire Pavilion as Peachtree City pointed out. He stated that he though America was built on competition. He commented it looked to him like the county needed more commercial property. He noted that Tyrone did not seem to want to put in commercial, Peachtree City looks like it would have a revolt if they put up any more and he could just see the traffic they were going to have. He said he did not know where Fayetteville was going to put anymore commercial as you can't get through Fayetteville now so he didn't see any choice down the road but to consider logical places in the county and certainly this corridor is a logical commercial area. He urged that the board approve this petition.

Commissioner Dunn clarified for the record that Mr. Reynolds owned the property across the street from the proposed project.

Mr. Reynolds pointed out that when he bought the property in 1986, it was on the Land Use Plan as commercial and he objected when it was changed.

Chairman Bost asked if there was anyone else to speak in support of this petition.

Wayne Leslie, Fayetteville, Ga., stated that he did own Leslie Contracting Company but he was not the contractor on this project. He added that because he was going to speak on behalf of this project, he will publicly state that his company will not be involved in the project should it be zoned. He said he was speaking tonight as a parent that has children across the street. He stated he was asked to evaluate this project by the developer and tell him how he felt about it. Mr. Leslie said he thought Mr. Wells Had

heard that he had been involved in helping in the south end of the county and at the south complex in particular with what he calls public and private cooperation. He commented as a conservative through and through he believed strongly in the individual's rights as a land owner with low taxes, and less government. He remarked that the flip side of the coin is, when possible, when there is a positive benefit, that private entities and great government can make great partnerships. He said he reviewed the project but he was not an engineer. He said he considers himself qualified to review these projects. He said he looked at the 50 acres that were being donated to the county and commented that it was a good environmental piece of property for mitigation. He further said that he looked at the traffic study, the environmental reports that they had, he looked at the landscaping and the architectural plan of the project and he was impressed with those. He reviewed a board picturing the site and said the buffer they are creating was already a good natural wetland. He added that it was offset on the other side of the street by the complex which has had constant erosion control problems, not to mention a lack of landscaping. Mr. Leslie stated this developer has come forward with a substantial commitment which you have in writing for the south complex and a substantial showing of faith as a good neighbor now and in the future. He commented that the owner may or may not choose to speak to the dollar amount but it certainly is substantial. He said it will be even more so when tenants come into this property and they become business partners.

Mr. Leslie stated if the board turned this down and he knew they could as they have done it before and he saw earlier tonight where a fellow could not give 2.66 acres to his daughter. He said he didn't come before the board very much because his heart won't take it. He further said if the board turned this down it would be walking away from approximately a quarter of a million dollars with each partnership, which would be tax free to the citizens of this community and the School Board.

Chairman Bost asked if there was anyone else who wished to speak in favor of this petition and hearing none, he asked if there was anyone who wished to speak in opposition to this petition.

Omega Lamont, 120 Glenwood Chase, Peachtree City, stated that she lived at Jefferson Woods Subdivision which is close to this property. She said she was beginning to believe that this is almost like Florida. She added that the board keeps revisiting this project and it keeps changing just like the ballots. She mentioned cutting to the chase, what they want to put in is a grocery store and if they have to give away everything else and put in that grocery store they don't mind doing it. She stated there was no question that it is not a very good project but she wished to address the traffic. She said further that since she was here the last time when you sent this back to the Planning Commission, she has witnessed four traffic accidents. She said the school buses coming out of the school complex have to run a gauntlet just to get out in the mornings. Ms. Lamont said she has spoken with the Sheriff's Department and she was

sure they would give her their report, they do not want that project there. She mentioned there are crimes of convenience as the pavilion, the thieves are shopping for cars just like they shop at Car Max. She stated the Fire Department's response time would be cut down and they would not be able to respond as quickly which would increase homeowner insurance rates. She said the gentleman spoke of Dr. DeCotis' approval of this and Dr. DeCotis is a wonderful Superintendent but he does not speak for the homeowners. She pointed out there was never a general store in the Redwine Road corridor at Highway 74, there was an old aviation building she thought. She added that the traffic there is absolutely horrendous. She said she appreciated the team wanting to give land to Fayette County but it is land that we have no use for. She stated the project is wonderful but it is not a wonderful project for that area and this would be spot zoning. She said the citizens did not need the grocery store there. She said further there was a Publix going up near this project in Peachtree City and the only reason this project is being pressed so hard is because they want to compete with that grocery store but they want to do it at the expense of the homeowners in the subdivisions. She commented that this is a residential area first, last and always and we do not want or need this project.

Phyllis Aguayo, 117 Stonington Drive, Peachtree City, commented first she wanted to commend the developers for the thought and intent that went into plans to protect the environment. She said the 50-acres also was very compelling. She said further that given the environmental concerns one would think we would have a tendency to approve it, however, we must consider this project on its merit. She stated she was confident that this body will require the proper development and resolutions to environmental problems no matter how it is zoned. Ms. Aguago commented when most of the citizens moved to Fayette County they expected growth, and they were not looking to pull the bridge up behind them as they knew that growth was coming. She said the folks trusted that the county had a Land Use Plan and with a Comprehensive plan and current zoning, it gave them an idea of what to expect. She remarked that they knew there was a time that the growth would end because our plans would reach their limit. She stated she has attended meetings after meetings of both the city and county and is appalled by the constant parade of requests to rezone to the highest density or highest intensity of use possible. She said it is the responsibility of the county staff and the Commissioners to see that the county retains its rural flavor, not to provide us with shopping centers. She further said that the area has changed. She said she was present when the owner of the historic Peeple's house requested a rezoning for office use and was turned down due to the proximity of the school complex. She remarked that office use was considered to be an intense appropriate use then and nothing has changed to make it suddenly appropriate now for not only office but commercial. She pointed out with the school there this shopping center should not be there. She added that even if the school wasn't there, this project could not stand on its own merit. She stated the traffic problems on Highway 74 along with the impact of the

surrounding residential subdivisions would support its denial. She commented that Peachtree City has approved a shopping center in close proximity to this and there is no need whatsoever for the one proposed here. She said here, neither the zoning nor the Land Use Plan support this request. She stated there was no obligation or compelling reason to approve this request. She said the board would be derelict in its duty if it did so. She advised the developer that the proper way to handle environmentally sensitive lands is to donate them but not to trade them for favorable rezonings. She asked that the board consider all factors in making its decision. She requested that the board deny this petition.

Tim Shoemake, 105 Densmore Ridge, Senoia, 30276 commented that he and his family were residents of Brechin Park Subdivision which is adjacent to the subject land and Petition 1057A-00. He stated on behalf of his family and concerned homeowners of Brechin Park Subdivision, they strongly oppose this development and its impact on the subdivision and surrounding areas. He added further that they did not want or need additional commercial development and see no reason why the Starr's Mill area cannot continue to emulate the theme of Peachtree City with its residential cluster surrounding a neighborhood school. He commented that there were six grocery stores anchored shopping centers within a 10-mile radius of our subdivision entrance and Wilshire Pavilion, currently under construction will be the 7th. He said this was more then sufficient to prices competitive and service the needs of area residents. He stated that this development group and its agents know nothing about our sense of community way of life or theme of the area. He added as previously stated they think this area has been this way long enough and its time for change but it is not. He commented that they obtained this land under the current A-R zoning in hopes to get their way and are not putting the issue before the county for many different angles to keep it appealing. He said further these were business people with their own interest in mind which is solely financial gain. He said we have moved to Fayette County because of its reputation for being a well-planned community, its outstanding school system and to escape the uncontrolled destruction from commercial development in Newnan. He stated if we allow the development of commercial developers to outweigh the interests of residents, our community is doomed to repeat the mistakes of so many surrounding areas. He said his subdivision completely supports the recommendation of the Planning Commission to deny this request.

John Baker, 320 Rontura Dr., Senoia stated he was a resident of Brechin Park in Senoia and a registered voter. He asked how additional traffic that comes along with a shopping center would not conflict with traffic that is already a challenge. He commented there were less expensive places to live than Fayette County. He added that he moved here 12 years ago, not only because of the beauty and what is here when you drive through, but also because of what is not here because it isn't developed stage, after stage, after stage. He said competition is good, he is self-employed and

loves competition but his concern is that we were going to have numerous grocery stores. He stated it was not encouraging to him to know that our systems are so advanced that the likely hood of a septic system is not that great but it was also stated by the same person, that if it happens people will vacate. He said people will leave if they have to spend money to continue to repair stores and have to let people go home and they are not able to utilize their area. He said he has attended all meetings but one concerning this rezoning and he disapproves of this going forward and he continues to hear that it is a nice plan but the wrong area.

Dennis Payton, 403 Robinson Road, Peachtree City, stated he was a member of the Peachtree Planning Commission. He pointed out that his Chairman could not be here tonight but they were at the Planning Commission meeting and made a presentation at that time. He stated he would like to reiterate a few points that he made at that time. He said it had already been spoken that Wilshire Pavilion is well underway. He said that design was in the city's Land Use Plan 20 years ago. He said it is there to serve the south part of Peachtree City as well as the surrounding area and they do not feel that there is a need for additional commercial development there. He said they made a strident effort to follow our Land Use Plan and whatever the Land Use Plan calls for is what we are trying to accomplish. He stated the county was well aware that this area was not planned for commercial and it is currently A-R which has been so artfully designed. He noted that the Wilshire development is going to be on a sewer system and the need for all of this septic tank and elaborate water cleansing will not be there and this is a major point. He said that the county knows about all of the traffic there so he would not belabor that point. He said the town square approach is wonderful and he thought it was a well-thought out design but his Commission just does not feel that this is the right place for this facility.

Commissioner Frady asked Mr. Payton what year the city's Land Use Plan was zoned commercial.

Mr. Payton said he could not give the exact date but it was way before he came on the Planning Commission.

Commissioner Frady said he thought the city's plans were all limited-industry in that part of the county.

Peachtree Commissioner Carol Fritz talked about land in the southern end of Highway 74 and that there had been litigation on some property there. (Note: Ms. Fritz was speaking from the rear of the room and not into a mic.)

Mr. Payton said this property has been under litigation for sometime and he thought that might be in the 5 - 8 year range.

Ms. Fritz said it is possible the property was in litigation for 16 years.

Commissioner Dunn asked Mr. Payton if he was building a shopping center on land that is under a court case.

Mr. Payton stated no, that this land has been zoned commercial. He said it was originally involved in a court case, and the property was zoned industrial in this area prior to his involvement with the Planning Commission. He remarked that the court case is over and the property was subsequently rezoned commercial.

Commissioner Gosa asked Mr. Payton if he really thought that the city's sewer system would treat this water better than the system described.

Mr. Payton said no, but looking at this long term, there may or does not be a lot of work that they will do down the road.

Howard Arden, 100 Fenhurst Point, Senoia commented that he lived in the Brechin Park Subdivision. He stated originally when this proposal first came in front of the Commission, it was denied and the reasons that were given for denial were because it was in a school district, a residential area and a historical site which no one has talked about this evening. He said he just wanted to mention that in terms of the residential area, more residents have actually moved into the subdivision since we first met, the school is still very populated and the last time he checked the historical site, its getting a little older so that is still a factor. He stated with the quality of life that we have there now us certainly don't want that affected in an adverse fashion.

Steve Powell, 201 Savannah, Peachtree City, stated he lived off of Redwine Road which was pretty close to where this area is.

Mr. Powell said he was also the Scout Master for Troop 181 and he brought some scouts with him tonight as part of their citizenship in the community merit badge.

Mr. Powell stated when you are given something, if you want to accept it, it would be something of value. He added he had heard a lot about the land that would be given to the county. He said it looked to him like it was just drain field as far as how the developer was going to treat his water. He commented although that is how they have to go about treatment, and they may do a really good job of doing it because he is no engineer like the ones they have hired, and he definitely was not Dennis Chase who knows a lot about how to treat water then he did, but he did know that the fields would be drain fields. He said he realized that a lot of people down Redwine Road would possibly have septic failures as he noticed that a lot of the soils did not perk well down

in his area. He added that most of the scouts present tonight go to Starr's Mill School and they can attest for themselves how difficult it is for the buses to get to and from school and that is more of our concern.

Pamela Kemp said she was a resident of Peachtree City. She said within the last twenty-four months the Braelinn Baptist Church had investigated locating their new campus on this site. She said they had spent $30,000 on an engineering study which found the property unsuitable for building. She said it was found that the water table was fifteen inches below ground level in the center of the property where the grocery store was to be located. She said they had also found from core samples that the soil was so poor for building that the soil would have to be dug out, hauled away and completely replaced. She said after all that they had learned about the land, while literally walking away from the property for the last time, somebody from the church building committee commented that the land would always be a pasture. She said she supported the Commission in denying this request and upholding the Land Use Plan. Chairman Bost asked if anyone else wished to speak in opposition. Hearing none, he remarked that the petitioner could have rebuttal.

Ron Feldman felt that most of the points raised in opposition were specific. He said there were specific people present who could answer the environmental and traffic questions better than he could. He said first of all the drain field did not include all of the property. He said the engineers had confirmed that the plan was workable on this property. He said it would result in a better quality of water, not only what septic tanks could provide, but also than what exists out there today. He remarked in regard to the county imposing those requirements on any type of development, these go well beyond the standards that would be required with regard to either wastewater or stormwater under the county requirements. He said he had committed to incorporate them into this development. He said with regard to the proximity of another grocery store, the board had received a letter from Kroger expressing interest and intent to go on the site. He said this had come after the announcement and approval of the store in Peachtree City. He commented it was said tonight that the issue before the board is finding the best use of the property to the benefit of the county. He stated that his team has talked a lot tonight about the numerous benefits to the county and they also feel that this was the best use of the property in that any development under the existing classification is really infeasible, has no benefit to the county and is unfair with respect to this property. He asked for the board's consideration in approving this request with the conditions that they have suggested. He said there were quite a few consultants available to answer any questions that the board might have.

Chairman Bost asked for the Board's pleasure on this request.

On motion made by Commissioner Wells, seconded by Chairman Bost to deny ***Petition No. 1057A-00, discussion followed.***

Commissioner Wells remarked as the board had heard repeatedly tonight this was a wonderful project and she was very pleased at what the developers had tried to do in the community and also worked very hard to make this an excellent development. She said it was an excellent development in the wrong place. She said she had listened to all of the pros and cons and has great respect for Dennis Chase and his input with the environment and his looking at this and taking such a personal interest. She said she also had a great deal of respect for the Line Creek Association. She remarked that she too was very concerned with the environmental impact but Dennis was right when he said he was speaking only on the environmental aspect of this particular project and the rest of the aspects, the board would have to take under consideration and make its decision accordingly. She pointed out that there were three major shopping centers within three miles. She said an additional shopping center was not needed at that point. She said competition was a good thing for society but it would not give her any compelling reason to change a Land Use Plan that had been looked at very carefully. She said this particular section had been reviewed as recently as 1997. She said a great deal of time and effort was put into studying this area. She said Chris Venice looked very closely at commercial nodes. She said each and every one had been reviewed in this area because they knew what the growth had been like in this area and what it is projected to be like in the future. She said it was decided that it would not and should not be developed as a commercial node.

Commissioner Wells said she was very troubled whenever we try to do the planning and development of our community in a knee jerk reaction. She said there was a Land Use Plan in place and a lot of faith had been put in professionals. She said when something of this magnitude comes up and we are offered fifty acres or some type of a gift in return for this, it caused her a great deal of discomfort because the county would be setting a standard. She said if one person could come in and offer the county something, then the next developer could come in and offer something else. She said it might be enticing enough for the board to make some serious changes in different places in the Land Use Plan and then the board would no longer be governing or deciding zoning based upon what was best but maybe what was the best gift that the county could get in return. She said she was not suggesting that this was anything illegal or that this was anything negative but she was suggesting that it was not the way to conduct good business. She said this was an excellent project and the gentlemen were to be commended but she would like to see them come and propose something in another place in Fayette County. She said because of the traffic, the Land Use Plan, and because this was something that the board needed to address in a systematic fashion rather than in a piecemeal fashion, and in addition to the fact that Mr. Reynolds had been before the board several times trying to get his property rezoned commercial. She felt this rezoning would have a domino affect on this corridor. She said this project would never stand in isolation by itself. She said it would create a magnitude of people coming in and asking for the same type of rezoning all the way down the corridor. She

said the board would be doing Fayette County a great disservice if this domino effect was started. She said she had asked somebody where it would stop and the response was that it had stopped right here. She said she did not want to open the door so that it would stop further down the corridor. She said for those reasons she felt it unconscionable for us to change our Land Use Plan based upon this particular one circumstance.

Chairman Bost asked if there was any other discussion.

Commissioner Dunn said he would like to address some things but before he did he recognized and welcomed the Mayor and entire City Council of Fayetteville. He remarked that by the time he finished what he had to say he will have offended everybody in the room. He said he saw good and bad in this project. He stated that he wanted to be fair to everybody in the county, including the applicants. He said before his remarks, he wanted to clarify a few things. He said he thought it was Mr. Westmoreland who said the School Board had sent a letter to us which indicated that the applicant had satisfied their concerns on the schools. He said he read their letter to say that you have addressed their concerns, but he did not know whether they were happy with all of the applicant's comments or not. He added he could not tell that by reading the letter. He commented the fact that they submitted one, which is much different from the first one though, would indicate that they are a lot more comfortable with the project now than they were before. He said further that he did not know if the letter explains that all of their concerns had been ameliorated. He commented, the second thing he wanted clarification on is that at one point in this process there is to be a couple of restaurants here. He said he didn't recall who told him this but someone on the petitioner's staff told him there would be no fast foods here.

The gentleman said there would be no convenient stores. He added that maybe there would be one or two fast food restaurants and a sit down restaurant.

Commissioner Dunn that was not his understanding when we were talking about this the first time or his representatives talked to him.

Commissioner Dunn said this has been the hardest rezoning he has had to consider in the two years he has been here. He said one of the reasons is that when he came to the county he bought a house in Whitewater Creek and that entire area was zoned and land used A-R. He commented that a couple of years back, he was sitting in the audience, vehemently opposed to changing the land use and zoning in this area. He said, as a matter of fact, there were a few rezonings that occurred in this area that helped him ultimately to make his decision to run for office and put and end to this stuff, about ignoring Land Use Plans, etc. He remarked that he wanted to give everyone a little history there. He said this was A-R and there were hundreds and hundreds of

acres of farm land or whatever and it was beautiful and he liked it and that is why he bought where he bought. He said he did not want anything to change in that area and he thought the land use was just right, then the school bought a huge piece of property and put on it, the largest county school complex in the southeastern United States and it had an impact on this land and it has not all been a positive one. He said the land next to it was a bird hunting preserve, a beautiful place with a large meeting hall, beautiful trees and a lake. He added it was zoned A-R. He said you cannot hunt birds when there are 3,000 kids running around on the other side of the fence. He said the land was zoned A-R and we all sat out there and opposed it when the people came in and asked that it be rezoned R-45. He added at those meetings if the audience would recall, some of you were up here and he was in the audience, that there were probably a couple hundred of the people in here who were very upset. He said a decision was made to change the zoning and it went from A-R to R-45 with one-acre lots. He noted that down the road from this property, there is no pond, it was A-R and it was rezoned from A-R to R-45. He said we then had horrendous sessions in this room over Brechin Hut because all of the members of the board did not want any of you in the audience to be here tonight. He said the people in this room, several years ago, was objecting to changing the Land Use Plan and the zoning because we wanted it to stay A-R, and at that point, it still might have made sense to keep it A-R because there were several hundred acres in there but it was also changed. Commissioner Dunn stated on this piece of A-R property, we had a school come in and change the nature of the area, we had several rezonings of A-R property that took place in the past. He said he was not condemning anybody or pointing fingers at anybody, he was just telling of the reality of what we are facing tonight. He remarked that next door to this piece of property we have a commercial establishment now; it's a childcare center and it is allowed to go in A-R zoning, but nonetheless it is there. He added that it is big and a couple of hundred cars go in and out of there each day. He pointed out that over time we took an area with hundreds and hundreds of acres zoned A-R and we gradually have moved it into a small area, a small circle of land now that are 80-acres and it is the only truly A-R land left there. He added that nothing around it approximates A-R. He said you cannot use this land for a farm and you cannot use it for 5-acre estates. He remarked that it was things like this that happened to this area is the reason why this board sits here every single month and twice a month sometimes with rezonings, and vehemently adheres to our land use and zoning in other areas of the county so that future boards are not faced with this. He said this area is no longer A-R, it use to be A-R. He stated further that he didn't care what the map said, we have changed it and made it high density residential. He added that one acre lots in this county is high density. He noted we allowed a PUD there, and we took away the ability for this area to ever be what it was when he bought land down the road from it. He stated he sympathized with the audience and that was why he was sitting here tonight because he wanted to keep Fayette County the way Fayette County is and the way it was suppose to be, but there is an issue of fairness here. He added there is also an issue of equity here. He said he did not want this

project there but how could we say that this land owner should be held to this standard of A-R when no one, who preceded him in this area, was held to the same standard. He commented there is a basic issue here of fairness and equity that troubles him greatly, and it troubles him because he did not want any of this there and he would prefer that this wasn't there. He pointed out that something was going to go on this land, sometime, some place, something was going to go in there and in his mind, he could think of many things that could be and none of these were particularly accurate at this point. He said if the Commissioners deny this there is a potential that in the future, a future board here that is less determined to hold Fayette County to the standard that it is now, could accept a zoning on this property which may be much worse.

Commissioner Dunn stated the City of Peachtree City could annex this. He said further that one part of this property is contiguous to Peachtree City. He said he knows the board there now has no intention of doing that and he did not doubt their word, but 10 years from now none of them will be here. He said we could end up with any kind of zoning possible or imaginable if the City was to annex this. He commented he wouldn't say that he would vote to prevent that from happening tonight, all he said was something was going there and it was not going to be a farm and it was not going to be 5-acre lots. He said when he looked at what this project says, it says it him that there is some protection in here if it were to be approved, and one of the protections is that they give the county 50-acres. He added that he did not see this as a quid pro quo here for their zoning, however, he could see how people would think that way. He said he knew with the original talks with the county, the applicant learned very quickly that there was no way their original plan was going to be acceptable to Fayette County because tremendous impervious surfaces would have been created, it would have been right on top of stream beds and so they did their best to address the environmental issues. He remarked, "so what does go in there." He said sooner or later, at the very least, the problem you would have in that area would be one-acre lots built in an area that does not lend itself to that anymore, particularly up by the road. He stated he was sure that Mr. Paylor who lives across the street and has a beautiful old colonial home, wishes he did not have a home in there now because of what has happened to this area over time. He stated he would rather have this project there than one-acre lots because there are more protections for this area in the proposed plan. He mentioned that you can protect the Brechin Park PUD there because it is contiguous to this on the other side. He said this was a tremendous buffer zone between that area and the commercial here. He said further that on the other side the donated land would provide a buffer for Peachtree City's park as you would not have any development near the park.
Commissioner Dunn commented that there was some discussion tonight about another shopping center, to which you could hit a golf ball from this one if it was put in there, and people could say they didn't need two shopping centers close to each other but the experience of most people is that commercial follows the roof tops that our government officials elect to go in there in the first place and that has happened here now. He said

the other thing he would tell folks is that the presence of the other shopping center probably would say in a greater way that this is no longer residential in nature in this particular area. He commented that there are some serious reasons why he doesn't want the shopping center there, but there are some serious reasons why he has a hard time denying this particular development. He said the developers here have worked very closely with the county and our Planning staff and have tried to make it as good a project as it can be and he felt this provided more protection over time than another one. He said to the audience, that he was glad they were here tonight, the people who objected to this and he hoped they came to every meeting where there is going to be a rezoning so that things like this do not happen in the future. He remarked the only good point about this is over time this area has shrunk down to these 80-acres and, of course, Mr. Reynolds' couple of acres across the street, and whatever happens to this land now is, in fact, the end of the line because there is no contiguous property to this that you can do anything else to. He said this board's job was not to let this happen anywhere else in the county. He said this was not a glowing endorsement of your product and your project, but he felt in the interest of fairness and equity, he could support it.

Commissioner Bost asked if there was any other discussion.

Commissioner Wells said she agreed with 90 percent of what Commissioner Dunn said because watching some of these rezonings is the reason she decided to get back in to politics after the first stint. She maintained that just because poor decisions should no be continued based upon past performance. She said further what was done was done and it did not compel this board to continue making bad decisions and she still maintains that, that changing this into a commercial node is a bad decision.

Chairman Bost said he, personally, had been battling conflicting considerations in his mind for many days now and for the record he wanted to say that the talk about what should be done for the school across the street would not be one of those considerations. He said further that the 52-acres previously talked about being given to the county was also not a consideration in his mind. He stated, however, the possibilities of high density residential going in to this area did bother him. He commented the PUD next door is the predominant border around this property, along with City limits of Peachtree City. He said the PUD as he remembered averaged approximately 1.2 acres of buildable land per building lot. He stated he was on the board at the time that, that was approved and he voted against it. He added that he also voted against the rezoning of the Chimneys and he felt his vote was the right one based on the circumstances at the time. He said, however, due to the fact that those things did happen, they were approved and the PUD is there. He added that he would have much difficulty if somebody came in with one to two acres with a request for rezoning of this property because one of the questions prominent in his mind about

rezonings decisions, is what is the predominant zoning around the property. He said in this particular case the predominant zoning is the PUD with an average of 1.2-acres and the City of Peachtree City. He commented he hates to see this go in there but if you weigh all of the various potential evils, if you will, that may not be the proper word, he felt this was probably the least of the various evils that you can expect to go in to this location. He said if the board were to deny this somewhere down the road as Commissioner Dunn has stated, it could be annexed into Peachtree City. He said with 80-acres there, you can put a lot of multi-family units and you can put a lot of individual homes with four or five units per acre. He added this was an awful lot of people there. He said after his battle on whether to support this application or not, the application has won out with great reluctance on his part.

Commissioner Frady said he didn't have any remarks to say but he did want to say that he also voted against the Chimneys, but for some of the reasons that have been stated here, he did vote for the Brechin Park rezoning. He said he thought that was the project for that particular piece of property at the time. He added that when he arrived tonight he had not made up his mind but hearing the other Commissioners speak, he felt he heard a story that he thought he could live with. He commented that as far as residential goes, he thought that would not be a proper thing to put in because we have 65-acres with athletic fields there and they have been there a long time and they get a lot of use and he didn't think that anyone would want a house that was backed up to ballfields as they are lighted. He said one other thing is he had great concerns about commercial being backed up to Brechin Park Subdivision because he did not think this was the proper thing to do but now that there is going to be open land there, this should not be intimidating to the folks who live in the area. He said for these reasons he felt he could support this project.

Commissioner Gosa said he, too, had struggled with this. He said he felt everyone had come tonight to voice an opinion one way or the other and he particularly thanked Dennis Chase who had come forward when it might not be popular to give an objective environmental opinion and he agreed with this environmental summary. He commented that so many of the points that had been raised have been addressed by the developers. He remarked stormwater was one, and the buffers. He said he was encouraged about the possibilities of using part of this land for environmental enhancement and he felt most of the other points had been covered in detail and he could support this project reluctantly.

Zoning Administrator Zeitler asked if before the board took its vote, if the rezoning was going to be favorable, she would like for the board to clarify that it was voting for approval with the recommended conditions.

Commissioner Dunn said the board was voting on whether to deny the petition right now.

Chairman Bost called for the vote.

The motion to deny was 1-4 with Commissioners Bost, Dunn, Gosa and Frady opposing the motion.

On motion made by Commissioner Dunn, seconded by Commissioner Gosa to approve Petition No. 1057A-00 with all conditions as presented. A copy of the Ordinance and Resolution, identified as "Attachment No. 6", are attached hereto and made an official part hereof. A copy of Staff's Investigation and Analysis, identified as "Attachment No. 7" , follow these minutes and become an official part hereof.

Commissioner Frady clarified that the property was being made available for the four-lane highway in front of the project.

The motion carried 4-1 with Commissioner Wells opposing the motion.

LETTER OF INTENT

Currently the Applicant owns approximately 80 acres with road frontage on Highway 74 in Fayette County. In 2000, the Applicant received a rezoning of 27.61 acres of the 80 acre tract from A-R to C-C and O-I. A copy of the Resolution approving the rezoning is attached to this Letter of Intent. In connection with a recent widening project, the Applicant's frontage along Highway 74 is being taken for additional right-of-way, thus reducing the Applicant's 80 acres and commercially zoned property accordingly. The Applicant is filing two new rezoning applications to mitigate the effects of the widening proposal, and in addition, address lot coverage issues under the current Code, alleviate split zoning by aligning the zoning of the properties on either side of the proposed right-of-way access from State Route 74 to the rear A-R tract and provide onsite stormwater detention facilities. The rezoning requests are (1) to rezone 27.46 acres from A-R, C-C and O-I to C-C and (2) to rezone 5.37 acres from A-R, C-C and O-I to O-I. The majority of the property included in the two applications is the same as originally rezoned to C-C and O-I in 2000. The development proposal is almost identical to that approved by Fayette County in 2000, adjusted to address the issues enumerated above.

The Applicant proposes to develop approximately 32.83 acres of the subject property in Fayette County with commercial uses including a grocery store with an associated fuel center, office uses and other commercial uses such as retail and restaurants in the center and along the State Route 74 frontage. The proposed development is consistent with the proposal presented in the 2000 rezoning.

Approximately 26.28 acres located in the southwest corner of the original 80 acre tract will remain zoned A-R. Consistent with the original 2000 zoning, the Applicant proposes to transfer the 26.28 acres to Fayette County or their designee for a use to be determined by Fayette County.

Concurrently with this application, the Applicant has filed annexation and rezoning applications in Peachtree City for 18 acres located in the easternmost portion of the original 80 acre tract to permit a 3.86 acre commercial tract and a 14.14 acre addition to the City's Meade Field complex. The property to be added to Meade Field is proposed for dedication to Peachtree City. The Applicant also proposes the installation of a sanitary sewer line extending the length of the 18 acres to provide sanitary sewer service to the subject property and other adjacent properties in Peachtree City.

The current zoning contains five zoning conditions affecting development on the property. As in the previous zoning of this property, the Applicant offers that the proposed center shall exclude provision of any and all of the following uses: amusement or recreation facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; dry cleaning plant; or gasoline sales in conjunction with a convenience store, provided, however that a fuel center associated with a grocery store shall be expressly permitted. Current Condition 2 requiring a revised traffic study has been superseded by the road improvements proposed and underway by Georgia Department of Transportation (GDOT). Included in this application is a letter from Integrated Science & Engineering explaining the effect of the GDOT improvements. Condition 3 requires compliance with the Highway 54 Overlay and was imposed prior to the addition of a General State Route Overlay to the Fayette

Ordinance. The subject property is automatically subject to the General State Route Overlay and should not also be subject to the conflicting Highway 54 Overlay. Current Condition 4 requiring the A-R portion of the site remain Park/Open Space is acceptable to the Applicant. Current Condition 5 limiting access to the two access drives from State Route 74 and inter-parcel access only from the existing day care continues to be acceptable to the Applicant.

Carl E. Westmoreland, Jr., Attorney for Applicant

Minutes
Board of Commissioners
September 3, 2008
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, September 3, 2008, at 3:30 p.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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CALL TO ORDER BY CHAIRMAN

Chairman Jack Smith called the September 3, 2008 Workshop Meeting to order at 3:35 p.m.

ACCEPTANCE OF AGENDA

Commissioner Robert Horgan moved to accept the agenda as printed. Commissioner Herb Frady seconded the motion. No discussion followed. The motion passed unanimously.

STAFF REPORTS

Inquiry from Peachtree City concerning a Sewer Easement: Community Development Director Pete Frisina said he was contacted by Peachtree City's Engineer, approximately two weeks ago, who asked for his input on a proposed plan to install a pump station, force main and gravity sewer in the area around State Route 74 and Redwine Road. He told the Board that it was the first time he had heard of this issue, and that he informed the Engineer that he would not have a chance to respond to the inquiry until after he met with the Board. Using a map, he showed the Board the plans that Peachtree City was proposing, and said that he understood Fayette County's policy required that, if a sewer was to run through unincorporated Fayette County, the Board of Commissioners would have to give its permission first. He added that it was his understanding that the property owners in the area, as well as Peachtree City Water and Sewer Authority, were willing to pay for the installation of the sewer in this area.

Next, Mr. Frisina reminded the Board that approximately eight years ago this area had 21 acres zoned for commercial use and another 5 acres zoned O-I, and that this area was still undeveloped. He mentioned that Peachtree City has stated that there is a law that reads that all properties within 200 feet of a sewer are required to "hook into" that sewer "when such a system is available". He said that he has asked opinions of what it means when it uses the word "available", and that he has received a different answer from every person he has asked. He reiterated that this was the first time he had heard of the issue and it was the first time he had been able to bring this issue to the Board of Commissioners. In conclusion, he mentioned that the Peachtree City Council had recently tabled this item since it was hoping to get easements in order to install the sewer line approximately 200 feet from the County's border.

A lengthy discussion followed regarding Peachtree City's possible intentions, the possible results that could occur should Peachtree City proceed with their plans, and the possible responses Fayette County could take in regard to this initiative by Peachtree City.

The Board directed Community Development Director Pete Frisina to convey to Peachtree City's Engineer that Fayette County does not have a fundamental objection to Peachtree City installing a proposed pump station, force main, and gravity sewer at Meade Field within 200 feet of Fayette County's border, as long as such installation does not alter the density of the development that is designated for the area in general, or the property of Meade Field in particular, and that the buffers and berms that were agreed to during the original rezoning process are maintained.

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 8, 2001, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Harold Bost
Herb Frady
A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Linda Rizzotto, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

PUBLIC HEARING:

ORDINANCE NO. 2001-02, APPROVING AMENDMENTS TO THE FAYETTE COUNTY LAND USE PLAN MAP AND TEXT: Christine Venice, Planning Administrator, stated that several years ago, when the county became aware of the plans for the three school complexes 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.
Ms. Venice said at that time, the staff and the Planning Commission believed that the character of the area, even with the development of the schools, was still residential in nature. She commented the LUP prohibited commercial uses and, while there was discussion of possible future office/institutional uses in the area, such uses were not indicated at that time. She said the Planning Commission and staff believed it was very important that the Land Use Plan reflect the historic and residential nature of the area and no changes were made.

She stated a little more than a year ago, with the completion and operation of the schools, the LUP plan in this area was again revisited. She said it was determined that the area still remains residential in character and no changes were made to the LUP. She remarked 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.

She remarked that the current LUP for this area is Low Density Agricultural, with the Swain-Peeples House being indicated as having historic interest. She said this Low Density Agricultural land use includes the school complex and a day care center. She added both these uses are allowed in their designated Agricultural-Residential zoning district.

She said staff believes this area still remains primarily residential in character. She stated while the area was experiencing nonresidential development, the development of some 230 single family residences in the unincorporated county and additional residential lots in the Peachtree City limits within 3/4 of a mile of this intersection, still attests to the area's viability for residential uses.

She said staff was recommending the following LUP amendments that recognize the development changes in the area while still preserving the residential character:

1. "We recommend that the recently-approved commercial center be land used commercially; and likewise, that the recently approved 5-acre office-institutional property be land used office-institutional. These nonresidential uses will be bordered to the west and south by a conservation area land use, to the east by the day care center, still land used Low Density Residential-Agricultural, and to the north by S.R. 74. These land uses will effectively buffer the adjacent and nearby residential areas from the residential non-uses.

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, we are recommending that the 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 as Office-Institutional. This designation offers a good step-down transition area for the adjacent residential uses to the north. The 5-acre lot would retain its historic interest designation.

3. We also recommend that the tracts east and south of the Peachtree City limits and west of Redwine Road be designated for Low Density land uses. Peachtree City residential development in this area is generally characterized by 12,000 square foot lots. While the amendment to Low Density, at a one acre minimum lot, is still much less dense than development in Peachtree City, this land use more closely resembles the city's residential land use."

Ms. Venice commented she would be happy to answer any questions or open it up to the public for comment.

Commissioner Frady questioned the Office-Institutional property. He asked if anyone would be interested in rezoning this property to Limited-Commercial use rather than Office-Institutional, or one way or the other, all of it, because we can say what goes in there. He added that Office-Institutional was rather broad.

Ms. Venice said that L-C was still commercial in nature and still allows for the sale of convenience items that we thought would be more of an attractive nuisance being that close to the school, and Planning Commission and staff felt at this time that Office-Institutional, while perhaps having more uses, offers less attractive uses to students and that was the reason we chose O-I on that property.

Commissioner VanLandingham said he was assuming no soil sampling had been done. He said he wondered at some point in time if the county would have to grant variances on this or was it going to have to rezone to larger tracts to support a septic system.

Ms. Venice replied, "No sir," the land use will not affect soil surveys and whether the land actually perks, the land use puts a desired category on the ground, but it did not affect the zoning.

Chairman Dunn asked for public comment and a hand was raised.

Lou Pailer, 1330 Highway 74 South, stated he was looking at the LUP and he was not sure about it. He asked if the county was going to change the LUP, on a person's plat of land, was the county required to notify the person first?

Commissioner Bost said the county was not required to notify anyone if it was for a change in the land use. He added the county was required to notify the citizens if there is a proposed change in a zoning matter.

County Attorney McNally said the county notifies people by its advertising which is what we have done.

Mr. Pailer said he happened to own the five-acres at the corner of S.R. 74 and no one notified him that they were going to change from residential to O-I. He remarked that when he purchased the land, it was commercial. He said he did not know it was going to be changed because he was not notified as he should have been.

Commissioner Frady said notification would not be a bad idea. He added that if the county was proposing a change, we should notify the property owner(s) who would be affected.
He said he was not aware that Mr. Pailer did not know this.

Chairman Dunn stated he also thought it would not be a bad idea to figure out someway to notify the property when a proposed change is made. He remarked that he knew Mr. Pailer was represented at the Zoning Board's last public meeting.

Mr. Pailer urged the Board to notify the citizens in the future.

Commissioner VanLandingham said he agreed with Mr. Pailer and Commissioner Frady that the county needed to notify the people to prevent a lot of confusion. He added there were many ways we could notify people and we ought to utilize that instead of waiting until the last minute and no one knows what is going on.

Vice-Chair Wells asked if the county posted signs along the areas that this was going to be coming up for a public hearing, in addition to putting it in the newspaper.

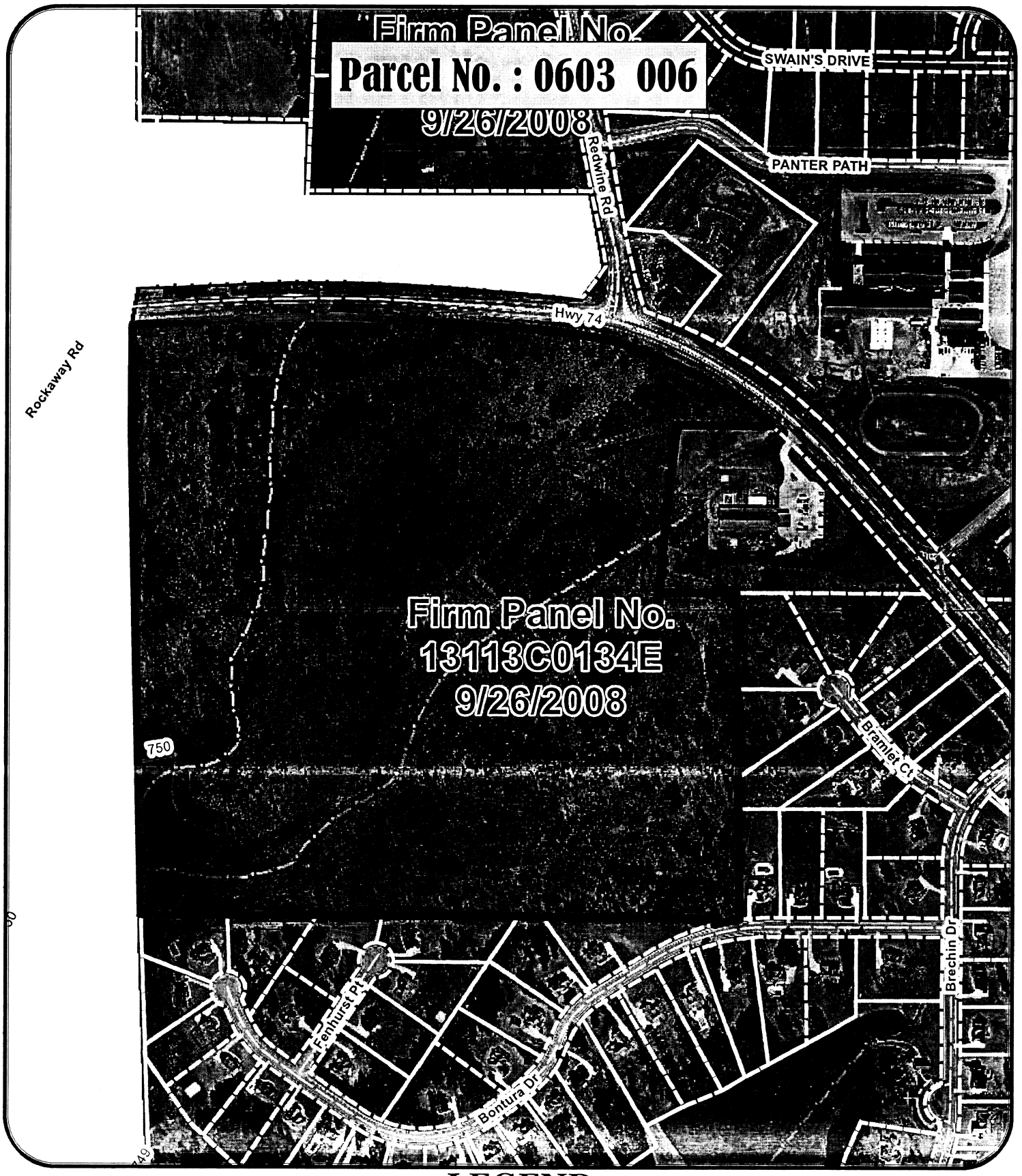
County Attorney McNally replied that the county did this on a rezoning. He stated the county followed state regulations as far as our advertising was concerned. He added that Land Use Plans on the whole were not as vital as a rezoning, and many times the Land Use Plan is looked at for an entire county, which makes the posting of properties just about impossible. He commented that just in the last few years we have had the planning staff look at the entire corridor on Highway 54, east and west. He said it would be a sizeable proposition and one which would leave room for error, should you require that.

Vice-Chair Wells stated she assumed that we were also posting this in the neighborhood so that people dropping by could see it. She said this would not be too difficult to do, to put the signs in strategic places so that the land owners would have some information. She remarked that she didn't like the fact that we were in this position of having to make these changes. She added as most of you know, she did not vote for the commercial going in there, and she disliked the fact that this corridor was changing at all. She said she felt staff had done an excellent job in looking at it and land using it prior to this, and that we had been very consistent. She said be that as it may, it has now changed, and we do have to have some step down areas and we do have to address the current circumstances. She commended the staff and the Planning Commission for the good job they had done. She said she thought this was an excellent step down usage and maintained the integrity of the area.

Commissioner VanLandingham reiterated his feelings were the same as Vice-Chair Wells.

There was no other public comment. Chairman Dunn brought the matter back to the Board for a vote.

On motion made by Commissioner Bost, seconded by Vice-Chair Wells to approve the proposed ***amendments to the Fayette County Land Use Plan Map and Text. The motion carried 5-0. A copy of***



LEGEND

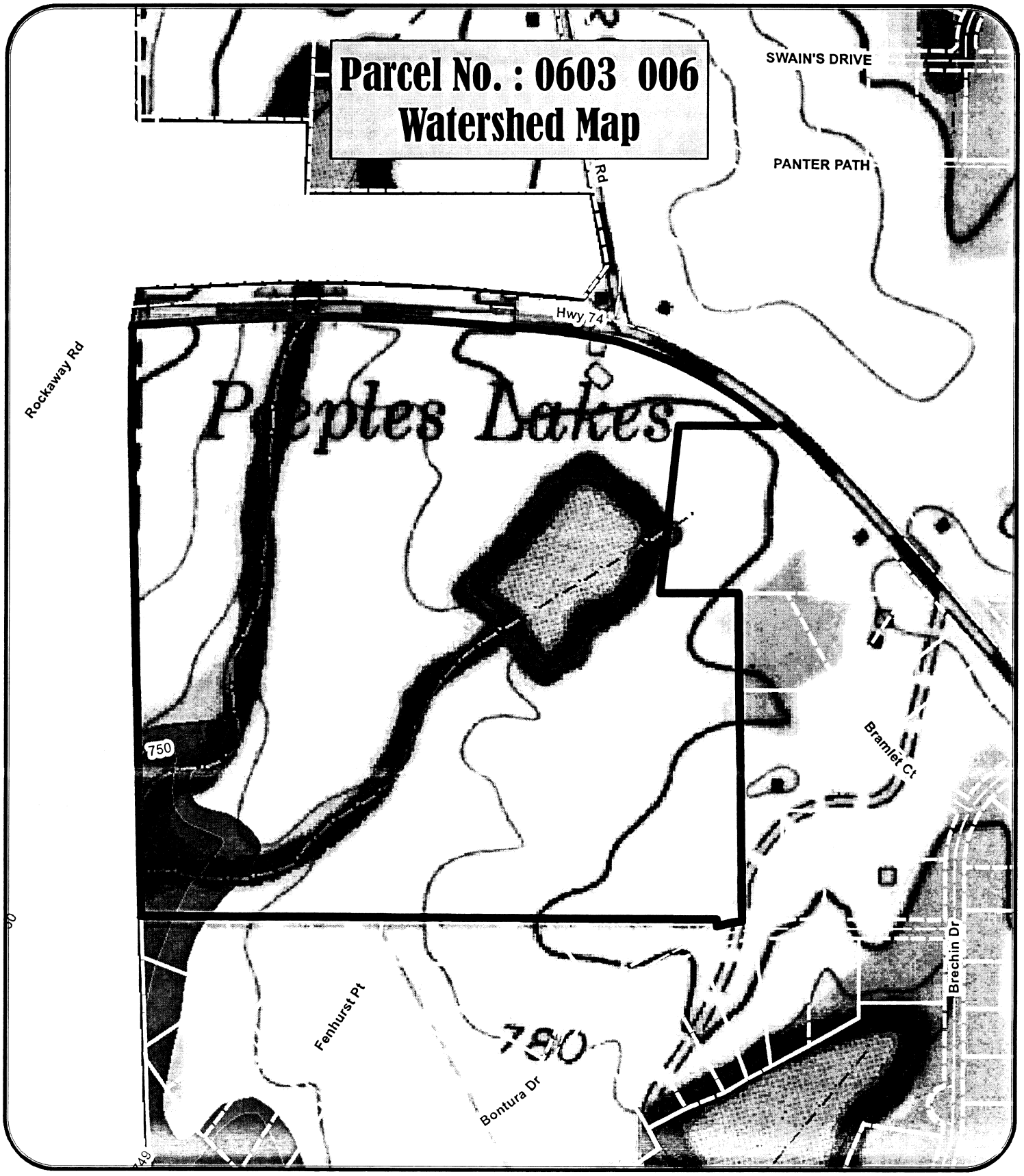
Fayette County GEORGIA

1 inch = 400 feet

- 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

Parcel No. : 0603 006
Watershed Map



50' Natural Buffer / 75' Minimum Setback

100' Natural Buffer / 150' Minimum Setback

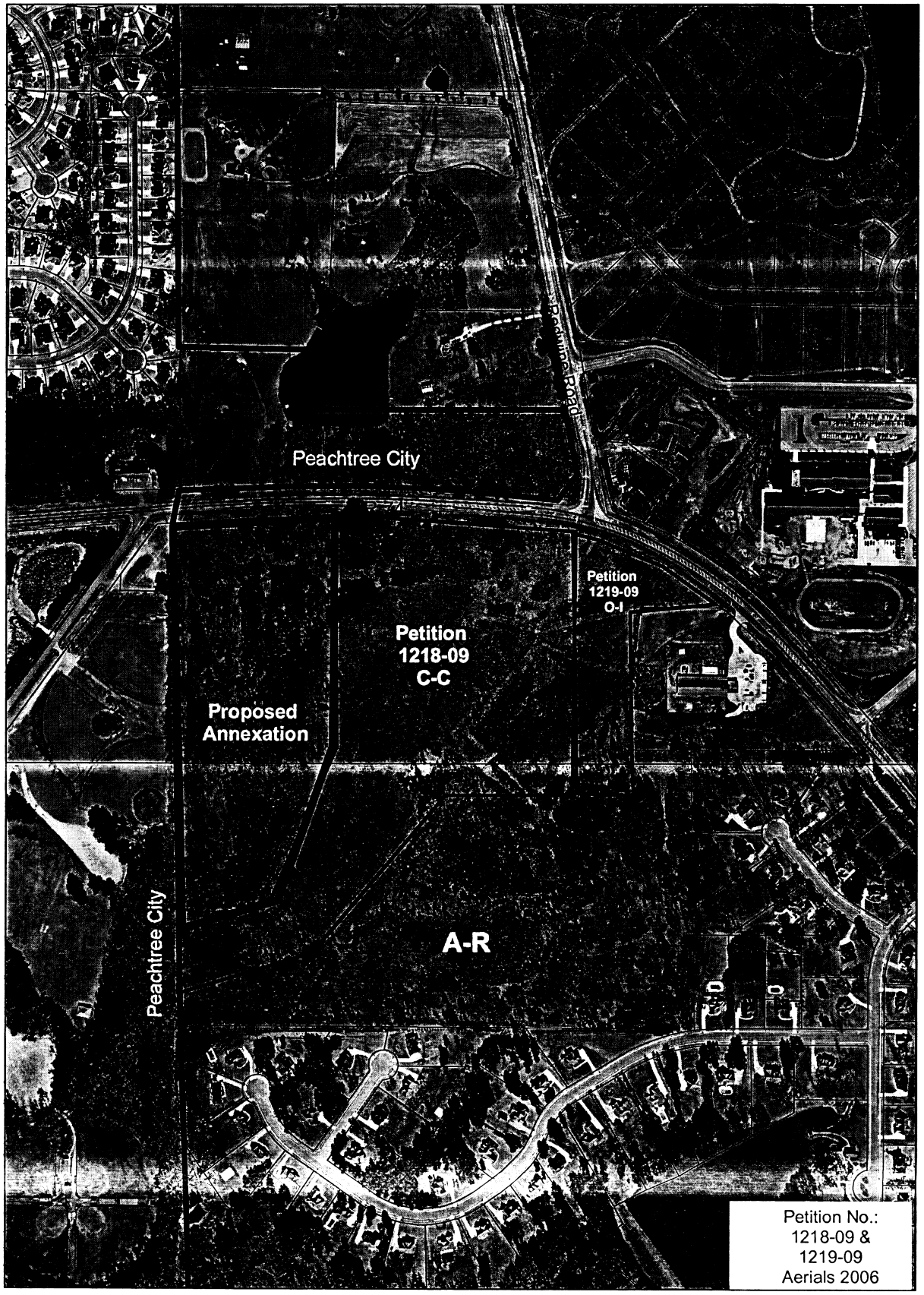
200' Natural Buffer / 250' Minimum Setback

400' Natural Buffer / 450' Minimum Setback

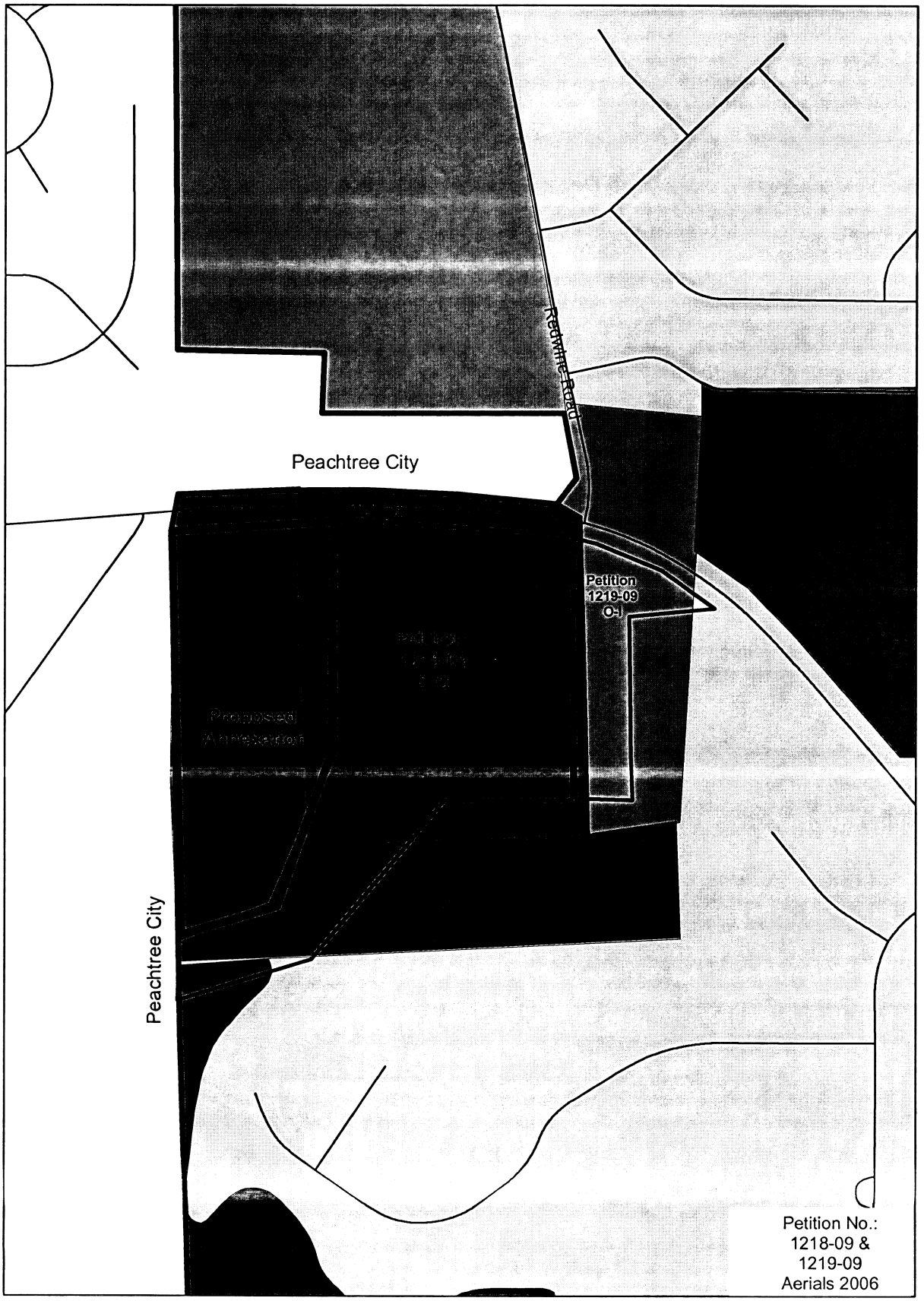
Fayette County GEORGIA

1 inch = 400 feet

N W E S

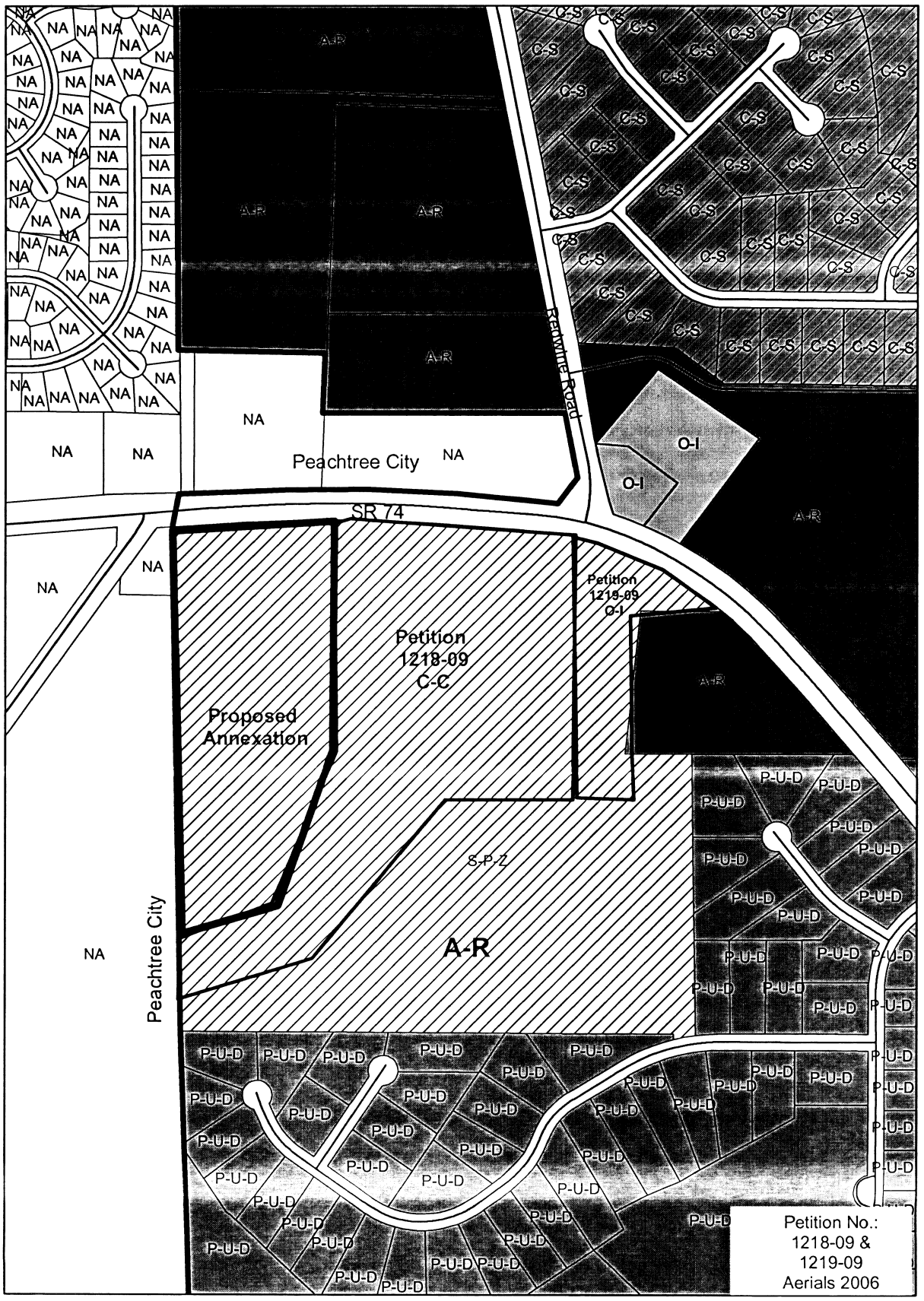


Petition No.:
1218-09 &
1219-09
Aerials 2006


Redwine Road
Peachtree City
Petition
1219-09
O-I
Peachtree City
Petition No.:
1218-09 &
1219-09
Aerials 2006

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


A-R
C-S
NA
Peachtree City
SR 74
Redwine Road
O-I
Petition
1218-09
C-C
Petition
1219-09
O-I
Proposed
Annexation
S-P-Z
P-U-D
Peachtree City
Petition No.:
1218-09 &
1219-09
Aerials 2006

4. **Consideration of Petition No. 1218-09, Southern Pine Plantations Commercial Group, LLC, Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses and consideration of Petition No. 1219-09, Southern Pine Plantations Commercial Group, LLC, Owners, and Seyfarth** Shaw, LLP, Agent, request to rezone 5.37 acres from O-I, A-R, and C-C to O-I to **develop Office Uses. This property is located in Land Lots 17 and 18 of the 6th District and fronts on SR 74 South.**
Staff recommended approval of Petition No. 1218-09 subject to two (2) recommended conditions.
Staff recommended approval of Petition No. 1219-09 subject to one (1) recommended condition.

Attorney Carl Westmoreland stated he was representing Jim Huffstetler of Southern Pine and Southern Pine. He presented the Concept Plan for the 2000 rezoning. He noted Southern Pine owns approximately 80 acres and in 2000, 22 acres was rezoned to C-C and 5.5 acres was zoned to O-I with the balance remaining A-R. He said Starr's Mill Professional Center was annexed into the City of Peachtree City along with other property. He added property to the west of Meade Fields also began the zoning process in the City of Peachtree City at the same time. He noted the City of Peachtree City needed to provide these properties with sewer. He presented the current Concept Plan for the proposed development, as well as, proposed development in the City of Peachtree City. He said it was obvious to place the sewer lines in the creek along Meade Fields. He stated in order to run the sewer lines, the property had to be annexed into the City of Peachtree City. He commented the City, the County, the Water and Sewer Authority, and other property owners met and worked out a solution over a series of meetings. He remarked 18 acres on the western side of the Southern Pine property would be annexed into the City of Peachtree City. He said two (2) office buildings were proposed along SR 74 South consisting of four (4) acres and the remaining acreage would be Open Space and ultimately would be utilized by the City of Peachtree City in their recreational complex. He noted the proposed rezonings slightly expand the property due to the taking of 2.2 acres of property for the expansion of SR 74 South and the on-site detention ponds; however, the size of the development has been dramatically reduced. He reported a public road would be constructed to provide access to the remaining property to the rear of the subject property. He confirmed he was in agreement to the recommended conditions. He said he was scheduled to appear before the City of Peachtree City Planning Commission on Monday and the annexation would be finalized prior to the rezoning being heard by the Board of Commissioners. He commented he and Mr. Huffstetler would be happy to answer any questions.

Vice-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.

Lynda Wojcik of 412 Taberon Road said she felt the rezonings are based on the assumption that the City of Peachtree City is going to grant the sewer connection. She stated the rezonings should not be approved on an assumption. She asked how long the rear property would remain A-R. She remarked she had heard the A-R property was going to be dedicated to the County. She requested the PC to table the petitions until the property was going to be annexed or deny the petitions at this time.

In rebuttal, Attorney Westmoreland replied if the annexation was denied, he would withdraw his rezoning applications. He said the proposal has been discussed for a couple of years. He stated the City of Peachtree City's Planning Commission wanted to annex the entire commercial tract into the city; however, the County is not agreeable to that proposal. He commented the proposed plan only works if sewer is available. He remarked the A-R property would be donated to the County and he had discussed this process with County Attorney Scott Bennett. He noted there is a series of events which must fall into place.

Al Gilbert read the recommended conditions of both rezoning applications to the audience.

Attorney Westmoreland reiterated he was in agreement to all of the recommended conditions for both rezoning petitions.

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

Jim Graw suggested adding a recommended condition that the City of Peachtree City has to provide sewer to the development or the rezonings would be null and void.

Bill Beckwith stated the PC could not make a condition for another government.

Al Gilbert said they would either have sewer or not when they appear before the BOC who will make the final decision.

Mr. Beckwith concurred.

Pete Frisina advised the PC that the BOC had addressed the proposed annexation and the consensus of the BOC was not to object to the annexation request.

Al Gilbert made a motion to approve Petition No. 1218-09 subject to the two (2) recommended conditions. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

Jim Graw made a motion to approve Petition No. 1219-09 subject to the one (1) recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

Ordinance. The subject property is automatically subject to the General State Route Overlay and should not also be subject to the conflicting Highway 54 Overlay. Current Condition 4 requiring the A-R portion of the site remain Park/Open Space is acceptable to the Applicant. Current Condition 5 limiting access to the two access drives from State Route 74 and inter-parcel access only from the existing day care continues to be acceptable to the Applicant.

Carl E. Westmoreland, Jr., Attorney for Applicant

STATE OF GEORGIA

COUNTY OF FAYETTE

RESOLUTION

NO. 1057A-00

WHEREAS, Carl E. Westmoreland, Jr., Attorney appearing on behalf of Starrs Mill, LLC, having come before the Fayette County Board of Commissioners on the 14th day of December, 2000 requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 21.82 acres from A-R to C-C to develop retail/commercial uses and to rezone 5.79 acres from A-R to O-I to develop office uses. This property is located in Land Lots 17 and 18 of the 6th District and fronts on S.R. 74 South; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request; and

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on December 14, 2000, was that the request to rezone the subject property be approved O-I and C-C 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 proposed center shall exclude provision of any and all of the following uses: amusement or recreational facility (including pool halls or pinball or electronic game rooms); auto parts or tire stores; college or university; gunsmith; novelty shop; private club or lodge; school; taxi service; television studio; automobile service station or convenience store; and dry cleaning plant. (This condition is self-imposed by the applicant as stated in Letter of Intent).

2. Prior to the issuance of a Certificate of Occupancy for the development, the owner/developer shall be required to complete at their expense, all improvements recommended in the revised traffic study dated October 2, 2000 by Gresham, Smith and Partners. (This condition is required to ensure that safe vehicular travel and pedestrian access from the intersection of S.R. 74 South and Redwine Road to the proposed development is provided).

3. The proposed development shall be required to comply with all the requirements of the S.R. 54 West Overlay including signage. See attached 7.6 Transportation Corridor Overlay Zone. (This condition is to ensure that restrictions for architectural standards, landscaping, and signage be in place to reduce the negative impacts on adjacent uses).

4. The A-R portion of the development (for off-site septic field, off-site replacement septic field, off-site detention, park/open space consisting of wetlands and streams with watershed protection requirements) shall remain as Park/Open Space as indicated on the Concept Plan. (This condition is to ensure that future use of the property does not conflict with the areas designated for off-site septic and detention for the proposed non-residential uses).

5. Ingress/egress for the proposed development shall be restricted to the two (2) access drives from S.R. 74 South indicated on the Concept Plan and an inter-parcel access only from the existing daycare site. A drive from S.R. 74 South (along the southern boundary of the existing daycare site) to the proposed development shall be prohibited. (This condition is to ensure that truck traffic/deliveries utilize planned site circulation to reduce impact on the existing daycare and adjacent residential subdivision, and eliminate an additional curb cut with limited sight distance on S.R. 74 South).

SO RESOLVED, this 14th day of December, 2000.

FAYETTE COUNTY BOARD
OF
COMMISSIONERS

Harold Bost

Harold Bost, Chairman

Attest:

Linda Rizzotto

Linda Rizzotto, Chief Deputy Clerk