COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina/Dennis S. Dutton
Meeting Date:	Thursday, August 27, 2009	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1217-09, BBWJ, LLC, Owners/Agents, request to rezone 4.77 acres from C-C Conditional to C-H to develop a Mini-Storage Facility. This property is located in Land Lot 182 of the 5th District and fronts on SR 54 East and Corinth Road.

Background/History/Details:

On May 27, 2004, the Fayette County Board of Commissioners considered Petition No. 1129-04 to rezone 4.766 acres from O-I Conditional to C-H to develop Retail Development; however, the petition was approved C-C subject to the following recommended condition:

1. That any structure developed on the subject property will be required to meet additional setbacks based on the proposed widening of SR 54 East based on information obtained from the GDOT.

What action are you seeking from the Board of Commissioners?

Final Vote for approval or denial

Staff recommended: APPROVAL SUBJECT TO THE THREE (3) RECOMMENDED CONDITIONS.
PC recommended: APPROVAL SUBJECT TO THE THREE (3) RECOMMENDED CONDITIONS 3-2.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, May 27, 2004
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

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

Staff Notes:

PETITION NO. 1129-04

Zoning Administrator Aaron Wheeler read Petition No. 1129-04 H. Brian Jackson, Owner, and Southeast Properties, Inc., Agent, request to rezone 4.766 acres from O-I to C-H to develop Retail Development. This property is located in Land Lot 182 of the 5th District and fronts on S.R. 54 East and Corinth Road. The Planning Commission recommended approval subject to a revised recommended condition #3, and the deletion of recommended conditions #1 and #2. (4-0). Staff recommended approval with three (3) recommended conditions.

Josh Bonner, 129 Memory Lane, Stockbridge, Georgia said he worked for Southeast Properties who represented Brian Jackson in this petition. He said the property contained approximately 4.7 acres and was located just off the southwest corner of S.R. 54 and Corinth. He said their request was to rezone subject property from O-I to C-H. He said this was in keeping with the County's land use plan. He said the concept plan complied with the current zoning ordinances applicable to the commercial highway designation as well as those stipulated in the general state route overlay zone. He said he wanted to give a briefing of the site plan generated for this request. He said the subject project was part of a larger tract. He said Mr. Jackson's intent was to sell this property as a commercial highway piece. He said it was the intent for part of this to become a retail development.

Chairman Dunn asked if there was anyone who would like to speak in favor of this petition.

Brian Jackson, 200 Seay Road, said he was very much in favor of this petition.

Chairman Dunn asked if there was anyone opposed to this petition. Three people stood in opposition to this petition.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Dunn, to approve Petition No. 1129-04 with the rezoning from O-I to C-C instead of CH and with one condition. Discussion followed. A copy of the Analysis and Investigation, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1129-04, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

Commissioner VanLandingham stated that he had read the planning/zoning workshop minutes. He added he had asked the Director of Community Development if commercial community (C-C) would be an appropriate zoning and whether staff could support C-C because of some existing circumstances which were the church across the road and the widening of the road that would eliminate a building across Corinth Road and the houses in back. Chris Venice, Director of Community Development, said C-C was appropriate and that staff could support C-C. Commissioner VanLandingham said he felt commercial community (C-C) would better service the citizens around this area and was a much more suitable zoning for this petition. He said they had another commercial highway request up the road that the Board would not grant and he did not think they should grant this one.

Chairman Dunn asked if the Planning and Zoning office had changed their recommendation. Chris Venice, Director of Community Development said they had recommended C-H, but when the suggestion was made as to if C-C would be appropriate, staff felt it would be in this area and offered certain advantages.

Chairman Dunn asked then if the recommendation on the record was no longer this way.
Ms. Venice said that staff had not officially submitted a recommendation change, but staff could support C-C.

Chairman Dunn asked if the Petitioner had been informed. Ms. Venice said they had not. She said the C-H request was in compliance with the land use as well. She said there was existing C-H property adjacent to this property. She said C-C was not considered at the Planning Commission Meeting, but was something that was viable for this piece of property.

Chairman Dunn stated that Mr. Jackson and Mr. Bonner were surprised by this tonight.

Commissioner Wells said she had a problem with C-H and C-C. She said she had been very careful not to allow the commercial zonings at every one of the intersections to proliferate down the road. She said she talked with Ms. Venice beforehand and she did not have a problem with that because they did want to put commercial nodes in place, and it seemed to her that this was encroaching further down Corinth Road and 54. She said it was already zoned O-I. She said she thought that was a nice step down from C-H, O-I from A-R. She said she could not support C-C or C-H. She said she thought it was properly zoned as O-I.

Commissioner Frady asked how long it had been since they had zoned this property O-I. Chairman Dunn responded it was in 1998. He said it went to C-C in 1992.

Chairman Dunn said the property had been O-I since 1998 and had not been developed. He said at one time the property was commercial and he did not have a problem with putting it back to the way it was in 1992 which was C-C. He said making the entire area C-H would change too much of the area. He said if this motion passed to make it C-C the petitioner would get the ability to put commercial on the entire piece of property. He said he could support C-C but he could not support C-H.

Motion carried 4-1 with Commissioner Wells voting in opposition.

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1217-09

APPLICANT: BBWJ, LLC
110 Habersham Drive
Suite 121
Fayetteville, GA 30214

STAFF RECOMMENDATION: APPROVE WITH THREE (3) RECOMMENDED CONDITIONS

PLANNING COMMISSION HEARING: August 6, 2009

PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THREE (3) RECOMMENDED CONDITIONS (3-2)

BOARD OF COMMISSIONERS HEARING: August 27, 2009

COMMISSION DECISION: _____

REQUEST: Request to rezone 4.65 acres from C-C Conditional to C-H to develop a Mini-Storage Facility.

PARCEL SIZE: 4.65 acres

EXISTING USE: Vacant

PROPOSED USE: Mini-Storage Facility

LOCATION: Land Lot 182 of the 5th District and fronts on SR 54 East and Corinth Road

ZONING OF SURROUNDING PROPERTY: C-C and A-R

LAND USE PATTERN: Commercial

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Al Gilbert made a motion to approve the petition subject to the following three (3) recommended conditions:

1. The owner/developer shall dedicate, at no cost to Fayette County, ten (10) additional feet of right-of-way to create a total of 50 feet of right-of-way as measured from the centerline of Corinth Road. (*This condition is to ensure the provision of adequate right-of-way for future road improvements per an established policy of the Fayette County Comprehensive Plan and the Development Regulations which stipulate how much right-of-way is needed for compliance.)*

2. That any structure developed on the subject property will be required to meet additional setbacks based on the proposed widening of SR 54 East based on information obtained from the GDOT. (See above comments from GDOT.) (*The condition is to ensure that the required setbacks will be maintained. This condition currently applies to the subject property per Petition No. 1129-04 dated May 27, 2004.)*

3. Prior to the submittal of the Site Plan and/or issuance of any building permits, a Revised Final Plat of Rogers & Hellgeth, LLC and BBWJ, Inc. for Tract B must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded in the Clerk of Superior Court records. *(This condition is to ensure that the change in zoning be indicated on the revised Final Plat and recorded into the public record.)*

Bill Beckwith seconded the motion. The motion for approval with conditions passed 3-2 with Tim Thoms and Jim Graw voting in opposition.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION RECOMMENDATION

DATE: August 6, 2009

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1217-09, the application of BBWJ, LLC to rezone 4.65 acres from C-C Conditional to C-H, be:

_X_ Approved (3-2) _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

DOUGLAS L. POWELL, CHAIRMAN

TIM THOMS, VICE-CHAIRMAN NAY

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: August 12, 2009

Subject: Board of Commissioners Public Hearing, August 27, 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 August 27, 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**	**TABLE UNTIL SEPTEMBER 3, 2009 (5-0)**
2-1	1217-09	SR 54 E and Corinth Road/ Mini-Storage Facility	**APPROVE WITH THREE (3) RECOMMENDED CONDITIONS**	**APPROVE WITH THREE (3) RECOMMENDED CONDITIONS (3-2)**

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

REQUESTED ACTION: C-C (Community Commercial) Conditional to C-H (Commercial Highway)

PROPOSED USE: Mini-Storage Facility

EXISTING USE: Vacant

LOCATION: SR 54 East and Corinth Road

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 182

OWNER: BBWJ, LLC

APPLICANT: BBWJ, LLC

PLANNING COMMISSION PUBLIC HEARING: 08/06/09

BOARD OF COMMISSIONERS PUBLIC HEARING: 08/27/09

APPLICANT'S INTENT

Applicant proposes to develop a Mini-Storage Facility consisting of one (1) lot on 4.65 acres.

STAFF RECOMMENDATION

APPROVE WITH THREE (3) RECOMMENDED CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is a 4.65 acre tract fronting on SR 54 East and Corinth Road in Land Lot(s) 182 of the 5th District. SR 54 East is classified as a Major Arterial road and Corinth Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned C-C Conditional.

History:

On February 8, 1990, the Fayette County Board of Commissioners denied Petition No. 741-90 to rezone 8.02 acres from A-R to C-H to develop a Commercial Shopping Center. A law suit, Lamar P. McEachern, Administrator of the Estate of Grey Miller vs Fayette County, Georgia - George Patton, Bill Bonner, Grace Caldwell, Dan Lackly, and Rick Price, was filed in the Superior Court of Fayette County, Civil Action File No. 90V-0286; however, the Court ruled in favor of Fayette County.

On October 22, 1992, the Fayette County Board of Commissioners approved Petition No. 813-92 to rezone 7.456 acres from A-R to C-C to develop a Personal Care Home subject to the following recommended conditions:

1. That the owner/developer extend and tie into the Fayette County Water System.

2. That the owner/developer comply with recommendations made by the Fayette County Fire Marshal's office in terms of hydrant placement, monitored fire alarm system, minimum NFPA 13 R sprinkler system and a minimum water supply of 25,174 gallons.

3. That the subject property be limited to a personal care home.

On September 24, 1998, the Fayette County Board of Commissioners approved Petition No. 996-98 to rezone 4.766 acres from C-C Conditional to O-I to develop Office Uses subject to the following conditions:

1. Inter-parcel access to adjacent nonresidential uses shall be required. Prior to recordation of the Final Plat, the petitioner shall record a cross access agreement, in a form acceptable to the County Attorney.

2. All impervious surfaces other than approved access shall be 50 feet from the new right-of-way of SR 54 East and Corinth Road.

3. A minimum of 50 percent of required parking for each lot shall be located on the side and rear of each building.

4. Total gross floor area for each lot shall be limited to a maximum of 7,500 square feet, with a maximum of two (2) stories.

5. The architectural design of the buildings shall provide variety and visual interest and maintain a residential character consistent with the architectural requirements of the SR 54 West Overlay. Elevation drawings denoting compliance with this condition must be submitted as part of the Site Plan. An overall unified image shall be created through the following and other appropriate means:

   A. The exterior of each building shall be varied by the following:

      1. Vary the roof style and design for each building;

      2. Varying window treatments;

      3. Use of contrasting shapes and forms; and

      4. Creation of points of interest on the exterior of the buildings including architectural projections.

   B. An overall unified image shall be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.

   C. Similar architectural treatment shall be provided on all sides of each building.

6. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.

7. All outdoor lighting fixtures shall not exceed 15 feet in height, measured from finished grade to highest point.

8. All outdoor lighting shall be extinguished no later than 10:00 pm. Security lighting only is excluded from this requirement.

9. Any overnight storage or parking of delivery vehicles or trucks shall not be permitted except for areas to the rear of the building.

10. No outdoor loudspeaker system audible off-site shall be permitted.

On January 14, 1999, the Fayette County Board of Commissioners approved Petition No. 1007-98 to rezone 0.02 acres from C-H to O-I to develop an Office Building and to bring Tract B into compliance with the required road frontage of 125 feet.

On May 27, 2004, the Fayette County Board of Commissioners considered Petition No. 1129-04 to rezone 4.766 acres from O-I Conditional to C-H to develop Retail Development; however, the petition was approved C-C subject to the following recommended condition:

1. That any structure developed on the subject property will be required to meet additional setbacks based on the proposed widening of SR 54 East based on information obtained from the GDOT.

B. SURROUNDING ZONING AND USES

The general situation is a 4.65 acres tract that is zoned C-C Conditional. In the vicinity of the subject property is land which is zoned C-H, A-R, and R-40. 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	9.09	A-R	Georgia Power Sub-Station	Low Density Residential (1 unit/1 to 2 acres)
South (across SR 54 East)	7.00	A-R	Church	Low Density Residential (1 unit/1 to 2 acres)
East	1.00	C-H	Convenience Store with Gasoline Sales	Commercial
East (across Corinth Road)	4.00	R-40	Georgia Power Power Line	Low Density Residential (1 unit/1 to 2 acres)
	2.00	A-R	Vacant	Low Density Residential (1 unit/1 to 2 acres)
	1.00	C-H	Convenience Store with Gasoline Sales (closed)	Low Density Residential (1 unit/1 to 2 acres)
West	12.00	A-R	Vacant	Low Density Residential (1 unit/1 to 2 acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Commercial. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from C-C Conditional to C-H for the purpose of developing a Mini-Storage Facility.

Setbacks and Buffers

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

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

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

State Route Overlay

Due to the frontage on SR 54 East, 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 54 East, a 50 foot setback for impervious surfaces from right-of-way of SR 54 East, 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

On August 17, 2005, a Final Plat entitled Rogers & Hellgeth, LLC and BBWJ, Inc. was recorded at the Clerk of Superior Court's office indicating two (2) lots. Tract A consisted of 1.20 acres and Tract B consisted of 4.65 acres.

Right-of-Way Requirements

As per the Fayette County Subdivision Regulations, Section 6-5.13 Additional Right-of-Way and the Fayette County Development Regulations, Section 8-48. Minimum Right-of-Way Widths and Dedication Requirements should a proposed subdivision adjoin an existing street, the developer shall dedicate additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification as indicated on the Fayette County Thoroughfare Plan of the adjoining street. Corinth Road is classified as a Minor Arterial road (minor thoroughfare) on the Fayette County Thoroughfare Plan. Per the recorded Final Plat, the existing right-of-way of Corinth Road is 80 feet; therefore, an additional ten (10) feet of right-of-way is required to create a total of 50 feet of right-of-way as measured from the centerline for future road improvements and must be indicated on the Site Plan.

SR 54 East 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 revised Final Plat or Site Plan, as applicable.

Access

The Concept Plan submitted indicates two (2) accesses from SR 54 East; however, GDOT questions the purpose of the western most access. Currently, there is one (1) existing access from SR 54 East which serves the existing convenience store and will provide access to the subject property.

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 generated by the proposed development can be estimated by use of the manual Trip Generation (7th Edition) by the Institute of Traffic Engineers, as shown in Table 1, utilizing the land use category of Mini-Warehouse (151) below. The trip generation rates, per 1,000 square feet of gross floor area, are 2.5 for weekdays, 2.33 for Saturdays, and 1.78 on Sundays. As applied to the proposed rezoning, a Mini-Warehouse would generate 126 trip ends on weekdays, 117 on Saturdays, and 90 on Sundays.

Proposed Rezoning #1217-09			
Table 1: ITE Trip Generation Mini-Warehouse (151)			
	Weekday	**Sat**	**Sun**
Trip Gen. Rate per 1,000 sf of Gross Floor Area	2.5	2.33	1.78
Gross Floor Area	30.4 (k) sf	30.4 (k) sf	30.4 (k) sf
24 hr Trip Ends	**126**	**117**	**90**

Any curb cut onto SR 54 will require permitting and approval through GDOT.

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 Site Plan.

G. DEPARTMENTAL COMMENTS

Water System

Water is available on Corinth Road.

Stormwater Management

Floodplain:

The property does NOT contain floodplain per FEMA FIRM panel 13113C0107E.

Wetlands:

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

Watershed Protection:

Per the USGS Fayetteville Quadrangle, there are no water bodies subject to the County watershed protection buffers and setbacks.

Groundwater Recharge Area:

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

Stormwater:

Currently, there is a detention facility on-site that serves another parcel. This facility would have to be modified and/or another area for water quality and detention would be required to meet the current Fayette County Stormwater Ordinance requirements.

Environmental Health Department

The department has no comments regarding the rezoning request.

Fire and EMS

Fire Suppression and Fire Prevention:

This property is located within the current territorial boundaries of County Fire Station #1, located on Highway 279, which would provide the initial first responding apparatus to any requests for assistance. Response time for suppression capability from Station #1 would be in the five (5) to eight (8) minute range. Water and fire hydrants exist along Highway 54. Interior site hydrant will be required.

Emergency Medical Services:

This property is located within the service delivery area of Medic #41 and Medic #42 located on Johnson Avenue. Response time for ambulance transport services is within the eight (8) minute accepted historical response criteria. The addition

of this development will not materially impact EMS service delivery capability or current capacity.

Emergency Management Agency:

This property is not within the 100 years floodplain other than as noted at the rear of potential building lots, 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.

Public Works

1. The site plan does not accurately reflect existing conditions (for example: the detention pond for the gas station is not shown).
2. Per the Fayette County Thoroughfare Plan, ten (10) feet of additional right-of-way shall be dedicated, at no cost to Fayette County, to create a total of 50 feet of right-of-way as measured from the centerline of Corinth Road. No additional right-of-way, beyond that already to be dedicated, is anticipated for the East Fayetteville By-Pass.
3. The Georgia Department of Transportation has a proposed widening project for State Route 54 East (GA-095-006-04). Public Works recommends the rezoning be conditioned with a requirement that proposed development on the 4.65-acre tract be designed around anticipated right-of-way and setbacks associated with the widening project.
4. Depending on the proposed use of the 4.65-acre tract, a deceleration lane for the Corinth Road entrance may be required. This will be determined once site plans for the parcel are submitted.

Board of Education

No comments returned.

Georgia Department of Transportation

This office questions the need for and purpose of the western most drive. It does not seem to serve a purpose and is not recommended. Coordinate with Fayette County regarding East Fayetteville Bypass on Corinth Road. Development should be set back for further State Route 54 widening. Proposed plans attached.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from C-C to C-H for the purpose of developing Mini-Storage Facility. Per Section 11-10 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from C-C Conditional to C-H is consistent with 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 roads, utilities, or schools.

4. Existing zoning and non-residential development at this intersection support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH THREE (3) CONDITIONS.**

RECOMMENDED CONDITIONS

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

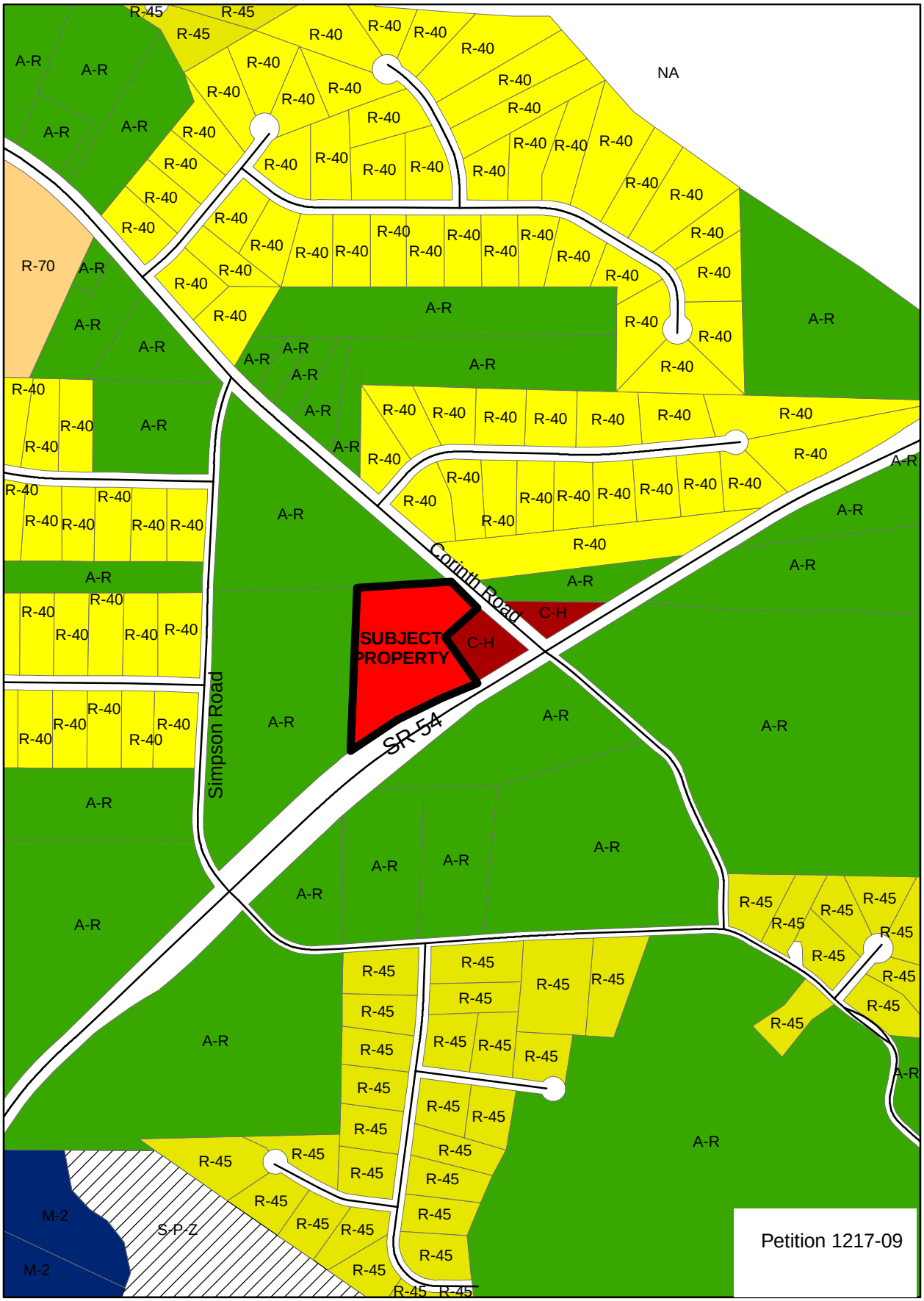
1. The owner/developer shall dedicate, at no cost to Fayette County, ten (10) additional feet of right-of-way to create a total of 50 feet of right-of-way as measured from the centerline of Corinth Road. (*This condition is to ensure the provision of adequate right-of-way for future road improvements per an established policy of the Fayette County Comprehensive Plan and the Development Regulations which stipulate how much right-of-way is needed for compliance.)*

2. That any structure developed on the subject property will be required to meet additional setbacks based on the proposed widening of SR 54 East based on information obtained from the GDOT. (See above comments from GDOT.) (*The condition is to ensure that the required setbacks will be maintained. This condition currently applies to the subject property per Petition No. 1129-04 dated May 27, 2004.)*

3. Prior to the submittal of the Site Plan and/or issuance of any building permits, a Revised Final Plat of Rogers & Hellgeth, LLC and BBWJ, Inc. for Tract B must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded in the Clerk of Superior Court records. *(This condition is to ensure that the change in zoning be indicated on the revised Final Plat and recorded into the public record.)*

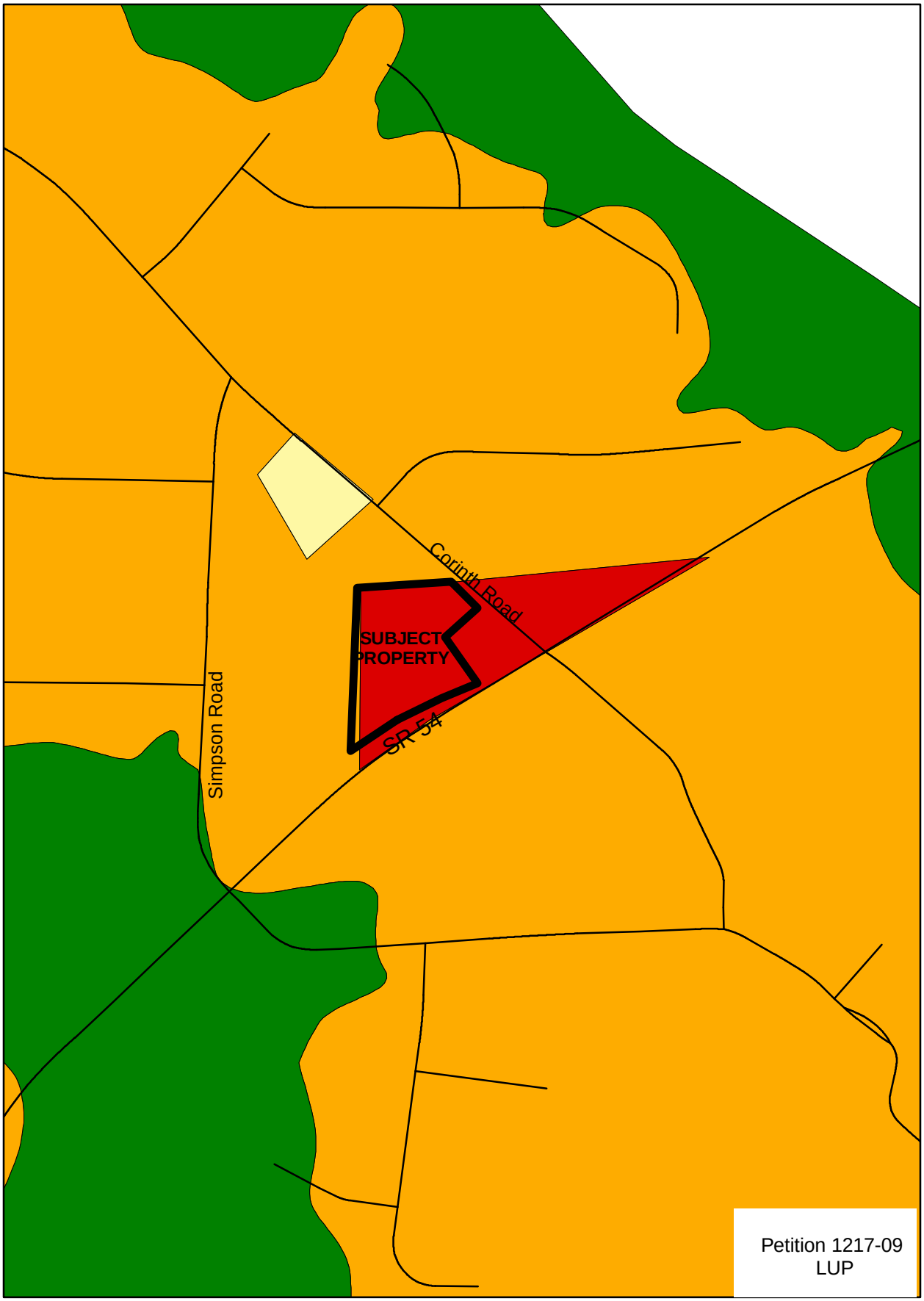
   The PC recommended APPROVAL SUBJECT TO THE THREE (3) RECOMMENDED CONDITIONS 3-2.

   The Application agreed to the recommended conditions.


SUBJECT PROPERTY
Corinth Road
SR 54
Simpson Road
C-H
A-R
R-40
R-45
R-70
M-2
S-P-Z
NA
Petition 1217-09

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



Petition 1217-09
LUP

Petition 1217-09

Fayette County GEORGIA

1 inch = 100 feet

LEGEND

- 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

5. <u>Consideration of Petition No. 1217-09, BBWJ, LLC, Owners/Agents, request to rezone 4.77 acres from C-C Conditional to C-H to develop a Mini-Storage Facility. This property is located in Land Lot 182 of the 5th District and fronts on SR 54 East and Corinth Road.</u>

Woodie Johnson requested to rezone 4.77 acres from C-C to C-H to develop a mini-storage facility. He agreed to the three (3) recommended conditions.

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

Tim Thoms questioned the concerns from GDOT regarding the second entrance.

Mr. Johnson replied that the proposed stormwater management facility would be relocated.

Mr. Thoms asked Mr. Johnson if he was aware of the overlay requirements.

Mr. Johnson replied he was aware of the overlay requirements.

Mr. Thoms expressed his concern about the more intense uses allowed under the C-H zoning district and compliance with the Comprehensive Plan.

Mr. Johnson pointed out that there was an electrical easement across the rear property line of the subject property and the commercial property across the street.

Chairman Powell noted that the property was rezoned from A-R to commercial in 1992.

Al Gilbert commented SR 54 East was rural when the property was rezoned to C-C in 1992, over 20 years ago. He remarked that the C-H zoning district is appropriate; however, it is more intense than C-C. He pointed out that the area had changed from being rural with a two-lane road in 1992 when the property was rezoned to C-C.

Chairman Powell said that a mini-storage facility is a good fit; however, a fast-food restaurant is not the type of development he would like to see at this location. He added that the subject property is land used as commercial.

Jim Graw confirmed that should the subject property be rezoned to C-H, it could be utilized for any of the uses allowed under the C-H zoning district. He added that he did not want to see the property rezoned and developed with a strip shopping center.

Mr. Johnson pointed out that the property could be developed with a strip shopping center under the current zoning.

Mr. Graw concurred but reported that the uses under the C-C zoning district were less intense than those under the C-H zoning district.

Bill Beckwith commented that commercial zoning was appropriate for the area and the property had been zoned C-C in 1992.

Al Gilbert made a motion to approve the petition subject to the three (3) recommended conditions. Bill Beckwith seconded the motion.

Mr. Thoms stated that C-C is a commercial land use.

Chairman Powell read the recommended conditions aloud and asked Mr. Johnson if he agreed to them.

Mr. Johnson reiterated that he agreed to the recommended conditions.

Mr. Thoms reiterated that approval of C-H zoning for the subject property was a step in the wrong direction. He expressed concern that the proposed driveway to the west will be tied into the adjacent A-R property in the future.

At this time, Chairman Powell called for the vote. The motion for approval with conditions passed 3-2 with Tim Thoms and Jim Graw voting in opposition.