

THE FAYETTE COUNTY PLANNING COMMISSION met on March 6, 2008, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Delores Harrison, Zoning Technician
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Powell called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

* * * * *

1. **Consideration of the Minutes of the meeting held on February 7, 2008.**

And

2. **Consideration of the Workshop/Public Meeting Minutes of the meeting held on February 7, 2008.**

And

3. **Consideration of the Workshop/Public Meeting Minutes of the meeting held on February 21, 2008.**

Chairman Powell asked the Board Members if they had any comments or changes to the Minutes or Public Meeting/Workshop Minutes as circulated? Jim Graw made the motion to approve the Minutes and Public Meeting/Workshop Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

* * * * *

Dennis Dutton read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

* * * * *

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MARCH 6, 2008 AND BY THE BOARD OF COMMISSIONERS ON MARCH 27, 2008.

Chairman Powell advised that the remaining agenda items would be heard in reverse order.

Page 2
PC Minutes
March 6, 2008

6. **Consideration of Petition No. 1207-08, 54 Prop LLC, Owner, Winn F. Martin, Manager, and Laura Mehl and Tammi Sullenberger of Prudential GA Realty and Attorney L. J. Overman, Agents, request to rezone 0.54 acres from A-R to O-I to be added to the adjacent 4.76 acre tract zoned O-I. This property is located in Land Lot 58 of the 7th District and fronts on S.R. 54 West.** *Staff recommended approval with one (1) recommended condition.*

Laura Mehl made the following comments:

1. Presented three (3) plats, which were a part of the original application, to the P.C. indicating the subject property, the adjacent property, and the subject property joined with the adjacent property.
2. Requesting to rezone the 0.54 acre tract to add to the adjacent 4.76 acre tract so that, when combined, the entire tract would be zoned O-I.

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.

Al Gilbert read the one (1) recommended condition to the audience and asked Ms. Mehl if she agreed to the recommended condition.

Ms. Mehl agreed to the recommended condition.

Al Gilbert made a motion to approve the petition subject to the following one (1) recommended condition: The 0.54 area tract shall be combined with the 4.76 acre tract by a revised Warranty Deed. Said Warranty Deed shall be recorded prior to the submittal of a Site Plan as proposed by the applicant. Jim Graw seconded the motion.

Chairman Powell stated that the request conforms to the Comprehensive Plan. He pointed out the deficiencies of the Concept Plan to Ms. Mehl.

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

* * * * *

5. **Consideration of Petition No. 1206-08, Elizabeth D. Brown and Wayne L. Brown, Jr., Owners, and Attorney Nathan M. Wheat for Racetrac Petroleum, Inc., Agent, request to rezone 2.75 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314.** *Staff recommended denial of C-C and approval of O-I.*

Attorney Nathan Wheat made the following comments:

1. Presented rendering of the new store design for the proposed Racetrac facility.
2. Not a typical rezoning.

3. Requesting a rezoning for a gas station to be located on the northwest corner of S.R. 314 and S.R. 279.
4. Current Comprehensive Plan designates the subject property as office; however, it was previously designated as commercial.
5. The Browns have homesteaded on the subject property for 185 years.

Page 3
PC Minutes
March 6, 2008

Todd Duplantis made the following comments:

1. Stated that Racetrac was owned and operated out of Atlanta.
2. The new store design conforms to the architectural guidelines to fit into a community.

Attorney Wheat made the following comments:

1. The site plan would comply with all the County requirements.
2. Commercial was the highest and best use for the subject property.
3. The County thought the property could be commercial from the mid 80's to the mid 90's.
4. At every other intersection and at every corner of two (2) state highways is designated as commercial.
5. The intersection is clearly nonresidential.
6. The use would be good for the community and is consistent with the surrounding uses and the proper use for where this property is, in relation to the two (2) state highways.

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. He asked for a showing of hands to allow Sgt. Earl Williams to count the number of people who wanted to speak.

Sgt. Williams reported that the count was 84.

Chairman Powell advised that there would not be enough time for everyone to speak and he asked the group if there was a spokesperson present.

The following people spoke in opposition:

1. Wayne Kendall, President of the Northridge Subdivision Home Owners Association and also a developer, of 395 North Drive.
2. John E. Jones, who represents the North Fayette Community Association, of 110 Lawson Lane.
3. Sam Emani of 100 Acorn Ridge.
4. Doris Anthony of 110 Melanie Circle.
5. Mike Hughes of 218 Dijon Court.

The following were points of opposition:

1. The request does not comply with the current Comprehensive Plan.
2. While the area may have been designated as commercial previously on the Comprehensive Plan, the current plan designates the area as office.
3. Concern about increased traffic congestion.
4. Petitioner should provide the County with a traffic study.
5. No deceleration/acceleration lanes indicated on the Concept Plan.
6. Concern about the lack of turning lanes.

7. Concern about sight distance for the two (2) proposed curb cuts and the close proximity to the signalization and the hill and curve on S.R. 279.
8. No provisions made for groundwater, retention, or detention.
9. Concern about leakage from gasoline tanks.
10. Require developer to provide insurance or a bond in case of contamination.
11. Dangerous activity in the middle of a residential area.
12. Seven (7) places to purchase gas within a one (1) mile radius.
13. Perhaps subject property is historical property and should be preserved as such.
14. Difficult to access Hwy. 279 and Hwy. 314 from subdivision streets.
15. Concern about the speed limit for Hwy. 279 and Hwy 314.
16. Concern about large gasoline tankers.

Page 4

PC Minutes

March 6, 2008

17. Concern about crime.
18. Concern about the effects on the quality of life in a suburban pristine neighborhood.
19. Concern about pollution of well water.
20. Concern about property values with homes selling for up to one million dollars.
21. Curb cut permits required by the GDOT.
22. Submittal of a Fact Sheet regarding the Mission Statement, Objectives, Upcoming Meetings, Meeting Location, and Date/Time of Meetings for the North Fayette Community Association.
23. Submittal of the Crime Stats from the Fayette County Sheriff's Office for 2006, 2007, and 2008, regarding: 1) Citgo located at 2400 Hwy. 138; 2) BP located at 2950 Hwy. 138; 3) QuikTrip located at 1846 Hwy. 85 North; and 4) BP located at 1866 Hwy. 85 North.

At this time, Chairman Powell closed the floor from public comments. He instructed those present who did not get to speak to get with Mr. Kendall or Mr. Jones and make sure they have their comments if they were not raised tonight.

In rebuttal, Attorney Wheat made the following comments:

1. The development would have to meet the GDOT requirements by installing such items as turning lanes.
2. Gas stations are not big trip generators because they are "passer by" businesses rather than destination businesses.
3. Competition is never a bad thing.
4. Racetrac gasoline is inexpensive and is efficiently provided and it is provided in a manner that is of a service to the community.

Mr. Duplantis made the following comments:

1. The underground storage tanks are built and inspected by the DEP Department and they are called double-walled, double-lined fiberglass tanks with electronic monitoring systems.
2. If there was ever a leak, there would be an electronic alarm system to notify of a fracture; however, it would be self-contained and there would be no seepage into the ground.

Attorney Wheat made the following comments:

1. The proposed operation would be 24/7, which eases concern about crime.
2. The property would be well lighted at all times.
3. There would be an attendant on-site 24 hours per day and overnight the attendant will be behind a safety glass.

4. Racetrac has the safety of its customers and employees at heart.
5. A well lighted facility with an attendant on-site 24/7 is better than having a vacant office complex with no lighting.

Attorney Wheat made the following comments:

1. He supported that adjacent rezoning to O-I.
2. The adjacent proposed O-I zoning would create a commercial node at the intersection of the two (2) state routes with the adjacent O-I being a step down from commercial to O-I to residential.

Hearing no further comments, Chairman Powell closed the floor from public comments.

Al Gilbert made a motion to approve the petition as O-I and added the following condition: No interparcel access shall be allowed to the adjacent parcel. Jim Graw seconded the motion.

Page 5
PC Minutes
March 6, 2008

Mr. Gilbert made the following comments:

1. Explained that when the intersection was reconfigured, the County received a lot of pressure for commercial on another parcel in the area.
2. The area is heavy residential and the County decided that office was the best designation.
3. The overlay zone requires a structure to have a residential appearance.
4. O-I is the most reasonable zoning for the parcel.
5. The purpose of the condition is to keep from having one (1) gigantic development.

Mr. Graw made the following comments:

1. Confirmed that the designation on the Comprehensive Plan for the subject property is office.
2. Subject property is more suited for an office complex than a residential complex.
3. Request for commercial is considered to be "spot zoning".

Chairman Powell advised an unidentified man, who wished to speak, that the floor had been closed from public comments.

Tim Thoms made the following comments:

1. Explained that the P.C. is a recommending body to the B.O.C.
2. The rules and procedures were read at the beginning of the public hearing and they must be followed to keep an orderly system to the meeting.
3. Several letters were received from the public and submitted to the Planning & Zoning Department.
4. Comments would be taken under consideration; however, the public will be able to hear the P.C.'s discussion.
5. There would also be a public hearing held before the B.O.C.

Chairman Powell advised that a statement of constitutional objection, in connection with the application, to amend the Fayette County Ordinance has been submitted by Racetrac Petroleum.

Bill Beckwith made the following comments:

1. The County must give the land owners the right to use their land in an appropriate manner.

2. Commercial is not appropriate; however, office institutional is a more appropriate use of the land.
3. O-I is less demanding and a less dense use than commercial.
4. He supported the motion.

Mr. Thoms made the following comments:

1. A policy in the Comprehensive Plans states that the County wants to maintain the individual character of established communities, neighborhoods, and rural areas.
2. Water is available; however, currently there are several businesses which can't operate in Fayette County and to add the additional use of water by office institutional uses, over an R-40 use, is not appropriate at this time.
3. He was opposed to the O-I and the C-C.

Chairman Powell made the following comments:

1. Advised that the Comprehensive Plan has been changed eight (8) times since 1995.
2. Two (2) public hearings for the Comprehensive Plan are held and are open to the public.
3. The parcel reverted from commercial to office in 1995.
4. O-I is a suitable zoning for the area.
5. He could support O-I.

Page 6

PC Minutes

March 6, 2008

Hearing no further comments, Chairman Powell called for the vote. The vote for approval as O-I with one (1) condition passed 4-1, with Tim Thoms voting in opposition.

4. **Consideration of Petition No. 1205-08, Rendley Norris, Owner/Agent, request to rezone 4.11 acres from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314. Staff recommended denial.**

Rendley Norris made the following comments:

1. He had lived at the subject property for 35 years.
2. He is a real estate broker and developer.
3. He and his neighbor were seeking to rezone their property to the highest and best use and he supported his neighbor's request.
4. There are six (6) major thoroughfares in the county and his house sits between two (2) of them.
5. The traffic count provided in the Comprehensive Plan stated that the daily vehicle count for Hwy. 279 is 22,400 and for Hwy. 314 is 16,700.
6. Both highways are controlled by the GDOT.
7. Traffic moves quickly.
8. The population has increased 700% between 1970 and 2004.
9. The population grew from 29,043 to 91,263 from 1980 to 2000.
10. Today's population is over 100,000.
11. As growth has happened, the land use has changed and he has lost the enjoyment of his home for residential use.
12. When he built his house in 1972, the population was 20,000.
13. The County did not have a Zoning Ordinance until 1980, which is when the County started growing.

14. The first Land Use Plan was adopted in 1985 and it showed this area to be destined for nonresidential use.
15. The last amendment was in 2007, and the intersection remains destined for nonresidential use.
16. When Hwy. 314 was four-laned, the road alignment moved 700 feet closer to his home, making his property part of the intersection.
17. Hwy. 314 is planned to be four-laned from the intersection to the airport between 2011 and 2015.
18. His property, indicated as lot specific, was added to the Comprehensive Plan as office at a public hearing held before the B.O.C. on December 14, 1995.
19. His property formed the north boundary for office designation on the Land Use Plan Map.
20. He plans to subdivide the property into two (2) lots and they will not be connected.
21. His two (2) existing curb cuts would have to be modified to comply with GDOT standards.
22. R-40 zoning would currently permit four (4) houses, but the office uses would use less water than four (4) houses.
23. More than two (2) buildings could be constructed under the O-I zoning.
24. Too much traffic for residential use.
25. O-I is perfect for the lot.
26. Development will comply with overlay zone.
27. Developed Providence Subdivision across the street from the subject property.
28. Will install deceleration/acceleration lanes if required by GDOT.
29. Existing house will look the same.
30. Second lot faces Hwy. 314.
31. Liberty Baptist Church is across Hwy. 314 from the subject property and is a nonresidential use.

Page 7

PC Minutes

March 6, 2008

32. Property to the south is O-I use.
33. Building will be built with a residential look, have a pitched roof, four (4) sides of brick, and architectural windows and doors.
34. Submittal of: 1) B.O.C. Agenda dated December 14, 1995, regarding the proposed amendments to the Fayette County Land Use Plan Text and Map; 2) Copy of B.O.C. Minutes dated December 14, 1995, regarding the addition of the subject property as office to the Fayette County Land Use Plan Text and Map; 3) Letter dated November 30, 1995, from Rendley Norris requesting the addition of the subject property for nonresidential use to the Land Use Plan Map; 4) Copy of 1993-2000 Fayette County Land Use Plan indicating the subject property, areas indicated as commercial and office-institutional; and 5) Copy of the 2000-2020 Fayette County Land Use Plan indicating the subject property as Office-Institutional.

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.

The following people spoke in opposition:

1. Faye Evans of 115 Mayfair Lane.
2. Wayve Dennison, Whimsey Haven Family Farm, of 552 Hwy. 279.
3. Andrea Jackson of 151 LaFayette Drive.
4. Michael B. Crawford, President of Providence Subdivision Home Owners Association, of 135 Holly Amber Lane.
5. Aisha Abdur-Rahman of 110 Benson Circle
6. Larry Mapp of 345 Carriage Drive.

7. Anthony Mapp of 365 Carriage Drive.
8. David Brill of 552 Hwy. 279.
9. Shirley Kilgore of 225 Morning Springs Walk.

The following were points of opposition:

1. Concern about future rezoning requests.
2. Concern about well water.
3. Area should remain residential.
4. Concern about the damage to quality of the environment.
5. Concern about air, light, and noise pollution.
6. Concern about the loss of trees and open green spaces.
7. Concern about the runoff from parking lots.
8. Concern about traffic.
9. Concern about children catching the school buses.
10. Rear ender traffic accidents happen daily.
11. Concern about traffic backup.
12. Area is more than just the annoying space between Fayetteville and Atlanta. It is more than just an economic opportunity for someone who is no longer going to live in the area, but for a lot of people, this is their home.
13. When Mr. Norris developed Providence Subdivision, he stated it would be a nice residential community and he did not advise anyone of his plans for rezoning for an office or supporting the development of a convenience store with gasoline sales.
14. Concern about crime. Office buildings attract criminals. After breaking into an office building, the criminal then goes to residential properties.
15. Maintain the current integrity and quality of life for the area.
16. Submitted petition of those in opposition.
17. Maintain the consistency of the residential community.
18. Hwy. 279 is two-laned with a speed limit of 55 mph but vehicles travel faster.
19. Hwy. 279 has a blind curve and hill at the subject property.

Page 8

PC Minutes

March 6, 2008

20. Empty office space available within a quarter of a mile from the subject property.
21. Rezoning will change the character of the neighborhood.
22. Concern about stormwater runoff and detention pond.
23. Nonresidential development draws unnecessary attention to a residential area.
24. North Fayette County seems to be forgotten; however, property owners in northern Fayette County pay the same mileage rate as those in southern Fayette County.
25. Concern about vendors and trucks making deliveries traveling faster than the posted speed limit.
26. Concern about wildlife being pushed out.
27. Rezoning will benefit the applicant only.
28. Property is designated as residential on the Comprehensive Plan.
29. No one is desperate for a business location in the north end of the County.
30. Area is residential and the existing house should be sold as residential.

In rebuttal, Mr. Norris made the following comments:

1. The lot would remain wooded with buffers.
2. An office would be a low water usage and that four (4) houses would use more water.
3. The traffic is under the GDOT's control and he would be required to build to their standards for such items as deceleration/acceleration lanes, sight distance, etc.
4. Nonresidential zoning was the highest and best use for the property and that he had a constitutional right to ask for a rezoning.

5. An office will blend with the area especially since it is located between two (2) state routes.
6. The stormwater and detention ponds will be engineered.
7. There are trucks in the area now.
8. The population had greatly increased and that his request is a reasonable one.
9. Residential is not the best use for the property.
10. There is a need for office uses.
11. Can't say much about the wildlife being pushed out.
12. Land use stops at the subject property.

At this time, Chairman Powell closed the floor from public comments.

Tim Thoms made a motion to deny the petition. Chairman Powell seconded the motion.

Jim Graw made the following comments:

1. Pointed out that the Comprehensive Plan was revised in 2004 and asked Mr. Norris if he attended the public hearings or workshops.

Mr. Norris made the following comments:

1. Replied that he did not attend the public hearings and that he wasn't notified about them.
2. Not aware that the Comprehensive Plan was being changed in 2004.
3. See no evidence that the subject property's land use was changed. Current computer drawing of the Comprehensive Plan is not to scale.
4. The subject property (site specific) was designated as office in 1995.

Chairman Powell made the following comments:

1. Comprehensive Plan in 1995 was site specific; however, the current plan is not site specific.
2. Majority of the subject property is designated as residential on the current Comprehensive Plan with the exception of a very, very small percentage being designated as office.
3. Reiterated that the Comprehensive Plan has been reviewed at least eight (8) times since 1995.
4. Showed audience the Comprehensive Plan with the subject property indicated.

Page 9

PC Minutes

March 6, 2008

5. Suggested that the Comprehensive Plan needs to be reviewed again.

Mr. Norris made the following comments:

1. Disputed that the subject property is not properly drawn on the Comprehensive Plan and contended that the subject property is land used as office. North property line remains site specific in the office designation.
2. No public hearing to specifically remove the subject property from the office designation.
3. Three (3) members of the P.C. approved the subject property as office in 1995, plus the Staff and the B.O.C.

Chairman Powell made the following comments:

1. The subject property does not lie within the current designation as office based on the information provided by Staff.
2. In 1995, the subject property was land used as office; however, that changed in 2004.

3. The methodology in 1995 was site specific; however, in 2004, the methodology was changed and is no longer site specific.
4. Reiterated that the Comprehensive Plan needs to be reviewed again.

Al Gilbert made the following comments:

1. Concurred that the Comprehensive Plan needs to be reviewed again and added that the area has been reviewed many times.
2. Reiterated that the Comprehensive Plan has been redefined since 1995.

Tim Thoms made the following comments:

1. The Comprehensive Plan is very important and requires everyone to participate in the discussion of the plan in order to reach a common objective.
2. The P.C. must address what is in the best interest for the County and keep the constitutional rights of the property owner in mind.
3. Areas are set aside for office, commercial, parks and recreation based on population, growth, and objectives.
4. A lot of research goes into the Comprehensive Plan and very seldom will you see the P.C. voting in opposition of the plan.
5. There are verbal guidelines for the Comprehensive Plan also.
6. Hwy. 314 is planned to be four-laned between 2011 and 2015.
7. The P.C. has to determine if the property is suitable for residential or nonresidential development.
8. The Concept Plan is just that.
9. Specific requirements will be indicated on a Site Plan should the property be approved as office.
10. If the property is rezoned to O-I, the property can be utilized for any use allowed in the O-I zoning district.
11. The property could be sold and not developed with two (2) buildings as indicated on the Concept Plan.
12. The P.C. must look at the whole impact to the County.

Mr. Graw made the following comments:

1. If the subject property is rezoned to O-I, no commercial uses are allowed and that there are specific uses allowed in O-I.
2. Reiterated that the Comprehensive Plan was a general plan and was not site specific.

Page 10
PC Minutes
March 6, 2008

3. If the subject property is zoned to O-I, where does it stop? This is why you have a Comprehensive Map.
4. Not comfortable with O-I for the subject property.

Chairman Powell advised the audience that the Zoning Ordinance and Comprehensive Plan were on-line for everyone's review.

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

* * * * *

Chairman Powell asked if there was any further business.

Dennis Dutton reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, March 20, 2008, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Bill Beckwith made the motion to adjourn the Public Meeting/Workshop. Jim Graw seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 9:02 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

ROBYN S. WILSON
SECRETARY