

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 1<sup>st</sup>, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Arnold Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth  
Jim Oliver  
Danny England

**STAFF PRESENT:** Deborah Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

**NEW BUSINESS**

**1. Consideration of the Minutes of the meeting held on August 4<sup>th</sup>, 2022.**

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022. Danny England seconded the motion. The motion passed 5-0.*

**2. Consideration of a Minor Final Plat for Larry Knight.**

Chairman Martin asked if the petitioner was present. They were not. He asked if there was anything additional that staff would like for the Board to know. There was nothing additional. He brought the discussion to the Board and asked for questions or comments. There were none.

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England seconded the motion. The motion passed 5-0.*

**3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.**

Debbie Bell stated the petitioner has the option of three (3) separate hearings for each parcel or one (1) public hearing to discuss all three (3) petitions.

Chairman Martin asked if the petitioner was present.

Mr. Richard Lindsey stated he would do one (1) public hearing to discuss all three (3) parcels. He stated he is an attorney in Peachtree City and is representing David Burnett. He introduced Christopher Chitwood, manager of Fayetteville. He stated he is seeking the rezoning of the north east corner of Sandy Creek Road and Highway 54 from R-70 to Community Commercial.

He stated Mr. Burnett wants to relocate the Ford Dealership that is currently on Highway 85 in downtown Fayetteville to this location. The property consists of about 40 and a half acres and is boarded by the city of Fayetteville on two (2) sides. He stated across Sandy Creek Road is a hospital. He stated the area that surrounds it is largely commercial, there's a hotel in the area, a large retail shopping center, and not far from Trilith studios and Trilith developments. He stated the current zoning is out of touch with the surrounding properties. He stated the County has recognized this in the 2017 Comprehensive Plan and has called for the future use of this property to be Office Institutional. He stated there are already medical offices and several other offices in the area. He stated a number of properties have already been zoned Office Institutional and have not yet been developed. He stated by their contention there is no need for additional office in this area. He stated Mr. Burnett is proposing to relocate his Ford Dealership from the old facility in Fayetteville. He stated this property being rezoned to C-C would present less traffic than medical offices. A medical office will have patients coming in and out all day long, the staff, the traffic into the area would be far worse than it would be if the property was devolved as proposed. He stated Mr. Burnett is proposing to build an attractive dealership, situated to minimize and impact visually Highway 54 and Sandy Creek Road. The plan will include landscaping and design to make it attractive. He stated dealerships are no longer like they used to be. He stated there used to be acres and acres of asphalt. Today, buyers can go online, look at vehicles on the internet, shop around virtually, and then make an appointment to go to the dealer. He stated there are more dealerships across the country that are becoming more of a destination location. He stated this is Mr. Burnett is proposing. He wants to make this a center where car enthusiasts can go and see the products that are out there on the marketplace but also have entertainment and recreational activities. He stated they are proposing a walking trail, a dog park, and potentially a pickle ball court. He stated these are things the customer can do while waiting for the car to be serviced or if children are there while adults are viewing vehicles. He stated he's gone online and there are several dealerships across the country have many recreational things to do for customers. He stated Mr. Burnett wants to make this a destination place that is very attractive and an area for the community, a tax generator for the County. He stated the business license and property taxes, both personal and automobiles when they're in inventory, and real property taxes will be a great benefit to the County. He stated this is not a large user of services such as police and fire. He stated this would be a positive tax generator for Fayette County. He stated he has read the staff memo and there are several conditions if approved and his client is in agreement with all of them. He stated he would be happy to answer questions.

Chairman Martin asked if there was anyone to speak in support.

John Donadeo stated he started to speak in opposition but after visiting with Chris this afternoon at the Ford dealership. He stated their showroom has no cars in it because of all the people, so they do need expansion. He stated his discussion with Chris centered around expansion. He stated there are three (3) or four (4) available lots behind their current dealership but they have one hold out so they aren't able to expand. He stated one option would be for them to rebuild but that could be more costly. He stated they were looking to have an entrance on or off Highway 54 but when he spoke to staff at Planning and Zoning he found they were leaning away from that. He stated one of the things he noticed about the gas station on

Gingercake Road near the intersection is that there have been some pretty bad accidents there. He stated he would rather traffic code be looked at closely. He stated the traffic for medical or this dealership is going to be comparable, he doesn't see much difference. He stated the amenities doesn't make much of a difference to him. He stated the main gist is that this dealership has been with Fayette ever since he can remember. He stated he started off opposing this, he thinks it's a good thing. He stated he went by there and they were logged out, there weren't many trees in the area. There are two (2) or three (3) houses and one of them looks pretty rough. He stated there's illegal dumping in the area. He stated there's nothing else out there. He stated when he moved to Fayette County they were widening it and he expected this big rush. He stated for this to come now, he's surprised it took them this long. He concluded that he doesn't see an issue with it.

Chairman Martin asked if there was anyone else that would like to speak in favor. There were none. He asked if there was anyone that would like to speak in opposition.

R.J Gipaya stated he was the Watershed Specialist for the Flint River Keeper, He stated they are an organization dedicated to the reservation and preservation of water quality and water flow of the Flint River and all of its tributaries. He stated they work with streams, wetlands, tributaries and aquifers. He stated approximately 3,000 people support this work and 1,000,000 people benefit from their efforts to ensure enough clean water for all of the Flint. He stated he is speaking on behalf of the 300 members, the executive director, Gordon Rogers, the staff, and the 19 member board of directors. He stated they opposed the granting of the rezoning request and are pleased to see the staff recommending against it. He stated their position rest on two (2) pillars. The first is the Comprehensive Plan. He stated it does not provide for this type of development. He stated the zoning it presents isn't appropriate for the neighborhood features and the aquatic environment. Sandy Creek, Whitewater Creek, and Lake Bennett are all vital hydrological assets of the upper Flint. He stated increasing amounts of runoff and unavoidable pollution that would come from automotive dealerships and shops would generate an unhealthy situation for decades to come. He stated it would increase streambank erosion, it would fill in wetlands in Lake Bennett. He stated the second pillar is this particular area is already experiencing a massive load of pollutant runoff from poorly managed construction and development. He stated water quality is being diminished and property values are threatened. Adding to the amount of pavement and rooftops allowed by this rezoning would put additional stress on the system. He asked that the board would please deny.

Vasana Smith stated her concern is according the Fayette County Comprehensive Plan the current zoning of the parcels are R-70 and the future is O-I. She stated she does not want a car dealership or multiple car dealerships. She stated she is also concerned about the dealership being across from the hospital. Traffic could significantly delay emergency vehicle and patients driving to the emergency room. She stated this is life and death. She stated it could pave the way for future large industrialization along the Highway 54 corridor. She stated the current infrastructure, both Highway 54 and Sandy Creek Road is wholly inadequate for the kind of traffic this development would generate. She stated her environmental concerns are there are significant elevation differences between the proposed site and Lake

Bennett/Whitewater Creek. Lake Bennett is downslope by 100 ft leading to the very real possibility of runoff from the development to Lake Bennett and Whitewater Creek. She stated there is a possibility that if not contained properly, hazardous waste could contaminate Lake Bennett and Whitewater Creek, underground water stores, and surrounding areas. She stated the oil, gas, break fluid, and antifreeze will run down. She stated Whitewater Creek is an environmentally sensitive area as shown on the Fayette County Water System Map. Lake Bennett is fed and serves as an outgo to Whitewater Creek. There is at least one (1) endangered species in Whitewater Creek; there may be more. In addition, the wetlands upstream from Lake Bennett is an environmentally sensitive area. She stated Lake Bennett is the major feature of the community/neighborhood. This is threatening to her living peacefully on the lake. She stated the community is deeply concerned about this rezoning proposal and strongly urge the Board to deny rezoning the property in question from R-70 to C-C. She stated she has lived in Fayette County for 32 years and loves Fayette County the way it is. She stated there is nothing wrong with the dealership it is just not suitable for in the middle of residential. She stated she rather see the zoning stay the way Pete Frisina, the Commissioners, and the County attorney set in the Comprehensive Plan. She stated the community would rather see a healthcare facility. She stated if you need a healthcare specialist you have to go to the north side of town, one (1) hour away. She stated the community benefits from healthcare. She stated when someone is dying they don't need a car, they need a hospital. She stated the medical offices will come and the community will need it because everyone is getting older. She stated the County does not have enough assisted living but has a lot of commercial. She added this commercial could go up north near the pavilion or somewhere else but not here. She stated the dealership will affect the people that live there and the environmental will affect their homes and how they live tremendously. She asked who will be responsible for a gas leak or oil leak? Who will take the responsibility? She thanked the Board.

Chairman Tate asked if there was anyone else who would like to speak in opposition and stated there was eight (8) minutes and 35 seconds left out of the twenty minutes for opposing statements.

Wayne Williams stated he has been a resident of Fayette County for 20 years and has been practicing medicine for 35 years plus. He stated he has a private practice in Fayetteville. He stated his children graduated from high school here. He stated he has substantial acreage in Fayette County. He stated he moved here for what the County had to offer in comparison to all the other counties in metro Atlanta. He stated that he likes clean businesses that enhance the community. He stated he loves to see growth but there consequences to uncontrolled growth and this would be uncontrolled growth. He stated he strongly disagrees that the current residential zoning is out of touch with the surrounding areas. He stated his business is a medical business. He stated he agreed with Ms. Smith, there is a great need for educational enhancement and opportunities in Fayette County that would be able to compete with these large hospital groups. He stated Piedmont Fayette needs additional businesses that will enhance what they have already brought to the County. He stated senior citizens homes would be great due to the large senior citizen population. He stated the senior citizen population is underserved in Fayette County. He stated assisted living and day cares would be great and help augment staff at Piedmont Fayette, workers and nurses would have somewhere to drop their children

off. He stated there are plenty of other businesses that could go there that would enhance the community. He concluded he would hate to see the character of the community altered because once it's altered it's difficult to come back.

Chairman Martin stated there were five (5) minutes and 11 seconds left for those wishing to speak in opposition.

J.D. Holmes stated this proposed rezoning does not fit the neighborhood. He stated we all moved here for the quality of life. He stated he is having a hard time wrapping his mind around the idea of going to a dealership and playing pickleball while his car is being worked on. He stated he thinks what will happen is there will be more dealerships there similar to Highway 138. He stated he thinks that is the vision behind this and he thinks they are trying to mask it. He concluded we have to be careful not to set a precedent and surely it's not all just about money.

Chairman Martin stated there were three (3) minutes and 54 seconds left on the opposition clock.

Angela Hall stated she was a retired veteran of 22 years and moved to Fayetteville last year. She stated she supports medical because she has to drive one (1) to two (2) hours to get to a medical facility. She said she had an episode on the road recently and they wanted to send her to Decatur VA. She stated we need more medical facilities. She stated there are more car lots than medical facilities and more car lots than military facilities. She stated we need to start supporting the veterans too. She stated there are veterans like herself who want to stay in Fayetteville but don't have anywhere to go as far as medical. She concluded she is in support of medical but in opposition to having the car lot.

Chairman Martin thanked Ms. Hall for her service. He stated there were two (2) minutes and 39 seconds left on the opposition clock.

Varner Holmes stated she wanted to read something from the Fayette County Comprehensive Plan. She read, "It is a policy of the Fayette County Board of Commissioners that the county's residential neighborhoods are the cornerstone of the community. As such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of incompatible nonresidential development." She stated the petition is incompatible nonresidential development and she asks that the Board deny.

Chairman Martin stated there was two minutes left on the opposition clock.

Diana Dietz stated she would read the headline from the data center industry also known as The Clad. She read QTS buys \$154M of land in Fayetteville for world's largest data center campus. She stated Trilith has modified DRI which has been previously submitted to include 913 acres for proposed expansion of both Trilith and the data center. She stated that land is right around the corner from the proposed location of the dealership. She stated they're talking about almost 1,000 acres there where Trilith has been building already cannot maintain the

environment and wetlands how they are required by law. She asked what do you think will happen to the additional 913 acres that is right around the corner.

Chairman Martin stated there is one minute left.

Dr. Robert Barham stated he has done a lot of environmental work and was responsible for a number of environmental programs. He stated most of his time was spend trying to undo poor land use decisions in California. He stated land use decisions are like boiling a frog. He stated you do a little bit here and a little bit there and one morning you wake up and have a mess and you can't undo it. He stated the tax revenues do not begin to pay for the problems that have been caused. He stated when a plan like the Comprehensive Plan is developed, there is a lot of work gone into it. He stated to come in and try to change little pieces will only cause problems for the community.

Chairman Martin stated that was all the time for opposition. He offered Mr. Lindsey an opportunity to respond to any of the comments made.

Richard Lindsey stated he took notes on the comments made. He stated as far as the runoff and pollutants. He stated they are aware there are very strict rules that control and prevent that with retention ponds and rain gardens. He stated the engineers know how to keep pollutants out of water ways and sensitive areas to keep them pristine and protected. He stated as far as the traffic, the Planning Commission and Planning staff can help the owner properly position entrances located across the from the emergency room. He stated there are less cars going to a dealership than a medical office. He stated they are proposing a high-end dealership. It is to be an asset to the area. He stated he hears the calling for things to stay the same but they don't. He stated that area is not conducive for homes, but it is conducive for land development that enhances the look by proper landscaping and architectural features. To be a contributor to the area that's there with the hospital, the hotel, the bank, the retail that is already there and compliment that and set a high bar for the development that comes behind it. He stated a few of the comments are correct. Trilith is growing and it is going to be far bigger than it is now. He stated that area will change and needs to be reflective of that and bring in the services and amenities that people want so that they don't have to drive all the way up to Union City or wherever for car repair. He stated they will be able stay in their community and go to the Ford Dealership that's been in Fayetteville over 40 years. He stated they want to bring it to a new area where it can be modernized and be a compliment to the community. He stated in response to the comments, he hears them and understands them. He stated we all want Fayette county to remain an area that we all want to live in but allowing a good quality high end dealership to be in this area that now is pretty intense with the hospital etc. will be an asset to the area.

Chairman Martin then brought the discussion back to the Board.

Jim Oliver stated he appreciates the faith in the community because that will be a large investment. He stated for Mr. Lindsey to speak to him about some of the items brought up. He spoke about the Comprehensive Plan. He asked how does he address that this is not in compliance with the Comprehensive Plan. He stated a lot of work and thought was put into the plan.

Mr. Lindsey stated the Comprehensive Plan calls for this area to be Office Institution but there are many office buildings already in the area. He stated there are many undeveloped tracts of land that are zoned O-I from further west on Highway 54 into Fayetteville. He stated he hears the comments on medical and assisted living and the market drives that. The government can set the tone but it's not the government's job to build the buildings. He stated it's for the marketplace to do and those have not been developed. He stated the area, Sandy Creek Road and Highway 54 has changed over the years and it's no longer conducive for residential. He stated placing the dealership there would be less impactful than many office uses that could be located there.

Jim Oliver asked if he believe the use he is proposing will elevate the area.

Mr. Lindsey stated they do. He stated he hears J.D. saying he wouldn't want to play pickleball but somebody else might. Or take their dog for walk, or they go for a walk and exercise or use the other amenities there and not just sitting in a waiting room. He stated his father in law had a car dealership in south Florida and it was amazing the activities they had on the upper level for the customers to engage in while waiting for a car to get serviced or for kids to go while their parents are shopping for a car. He stated the world has changed the dealerships and where the dealership is now in Fayetteville, you can't do that. He stated they want to give the dealership more of a Fayette County look to the dealership; lots of trees, lots of ferns, lots of landscaping. He added, and the outdoor activities that he believes the residents and citizens will participate in.

Chairman Martin asked if there were any other questions or comments from the Planning Commission.

Chairman Martin stated going off the size of the land, he knows they mentioned walking trails etc. but asked if that much land is needed for one dealership.

Mr. Lindsey stated no.

Chairman Martin asked what the plan for the remaining acreage would be.

Mr. Lindsey stated it would be for quality development, but the plan right now is just for the dealership to be the closest to Highway 54. He stated staff has a condition that a multi-use path be placed. He stated recreation would go in this area. He stated there may be other dealers who look to come in conjunction with the Ford Dealership but that is not what they're looking to do. He stated they are not looking to have a Highway 138 where it's spread all over but to have a synergy in the Ford. He added they are not looking to make the whole 40 acres dealerships.

Chairman Martin stated he had a follow up question. He stated he doesn't see lots of traffic going to the dealership where it currently is but based upon what you're proposing and it being an attractive facility that will attract more people, how do you feel that would have an impact on the traffic, knowing it backs up on Highway 54?

Mr. Lindsey stated people are taking their cars to get serviced in the morning then picking them up in the afternoon, it's not all day long as you would see with a medical office. He stated again the world has changed how car dealerships are used. He stated a lot of the shopping is actually done online and when you've decided on it then you go to the dealership, you're not just going from one place to the next which he thinks is what promoted the places like Highway 138 in Union City.

Chairman Martin stated he had no further questions. He asked if there were any other questions from the Planning Commission.

Danny England asked if they have been in conversation with the Ford Dealership Program and if they have gotten approval for this particular project.

Mr. Lindsey stated they have.

Danny England asked if that group has done any feasibility study on the existing site.

Christopher Chitwood asked if he means feasibility of the store.

Danny England stated no, the feasibility of renovating the existing facility to meet the needs that you all are trying to accomplish with this facility.

Mr. Chitwood stated unfortunately at the current location we don't have the land or the shape of the land. He stated it cannot be done there. He stated they made attempts to acquire other properties so that would work because they have been there 56 years but the attempts were unsuccessful. He stated Ford Motor Company, David, and himself believes this is a much better location, better to serve the community, and better to serve the Ford in Fayetteville.

Danny England asked if Ford was involved with the study.

Mr. Chitwood stated you have to give them the location geographically and they tell you if you can build a franchise.

Danny England clarified they are looking at the new site but have not been involved on any study at the existing site.

Mr. Chitwood stated they are very familiar with the existing site.

Chairman Martin asked if they have approved the new site.

Mr. Chitwood stated yes.

Chairman Martin asked if there were any other questions.



Brian Haren stated this is a tough one because he has been a customer of the Fayetteville Ford and Allan Vigil Ford for almost 15 years. He stated they are a credit to the community. He stated his wife used to teach at Fayetteville Elementary off of Hood Avenue and Allan Vigil adopted the school and did a lot there for the school and for the teachers. He stated he is very grateful for that. He stated he was in the Ford's service bay last week and it is cramped and they do need to move but unfortunately he doesn't think this is the right location. He stated it's not the right location because of the Comprehensive Plan. He stated in his opinion, if they approve it, it sets a bad precedent. He added there's also a cascading effect that they've seen in a few other places in the County.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.*

4. **Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.**

Mr. Lindsey waived the public hearing.

*Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.*

5. **Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.**

Mr. Lindsey waived the public hearing.

*Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.*

6. **Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.**

Debbie Bell stated the requested action is to amend the Land Use Plan to change L-C-1 for the area designation immediately adjacent to the intersection of State Route 74 and State Route 85 to commercial. She stated the existing Land Use is L-C-1, Limited Commercial One (1). She gave a brief history and stated during discussions at the

Planning Commission in February 2022 considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. As a result, the proposed change would remove the L-C-1 designation and replace it with Commercial. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place and the Commercial Land Use Designation will allow a wider variety of commercial and retail uses. Ms. Bell displayed a map and pointed out the parcels that are currently considered Limited Commercial One (1). She stated she spoke with Pete Frisina to get more history on this project. She pointed out a line that splits one of the parcels in half and stated there is an overhead powerline easement. She stated, Mr. Frisina said when they developed this commercial node around this intersection they felt like that powerline was the cutoff. She stated that's the reason why the Land Use Plan sometimes splits parcels and in this case it does. She stated that area would be changing to a standard Commercial rather than a Limited Commercial.

Chairman Martin brought the discussion back to the Board.

Brian Haren stated he thinks back to the months of work they put into developing out Overlay and tightly defining Limited Commercial to control how this gateway to Fayette County looked. He stated he is not willing to abandon in it and can't support this. He stated he doesn't think this change will improve anything but will make the situation worse. He stated we are going to see things on this corner that they really wanted to avoid, particularly larger gas stations. He concluded; this is a proposal he can't get behind.

Chairman Martin asked if there were any other comments.

Danny England stated the Planning Commission did spend several planning sessions discussing this with Pete before his departure. He stated they saw that the current zoning of Limited Commercial provided too many barriers for development and was one of the reasons they were asked to consider a different zoning arrangement on those corners. He stated they already see that this has already freed up development that could happen in the southern part of the County. He stated he does agree with Commissioner Haren and is a little reluctant just because they don't know what might happen but he doesn't think that's a reason to keep this change from occurring. He stated he is in favor of making the changes as discussed in the sessions.

Chairman Martin asked if there were any further comments. There were none. He asked for a motion.

*Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.*

- 7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.**

Debbie Bell stated this is related to the same intersection. She stated it is the parcel on the southwest corner of the intersection petitioning for A-R to C-C for a convenience store with retail. She stated it is currently rezoned and the applicant is requesting to rezone 12.582 acre from A-R to C-C. She stated staff recommends conditional approval because the request is in line with the Land Use Plan Element amendment that was previously discussed. She stated there is one (1) caveat, that is because the Land Use Plan dissects the parcel, the options would be to recommend denial, or recommend approval of the entire plat, or to recommend approval of a portion of the tract that is intended for commercial use in the Land Use Plan. She stated if the entire parcel is approved for rezoning, we would need to come back after that to amend the Land Use Map to incorporate that entire parcel.

Chairman Martin asked if a portion of the parcel is voted on, what would be the follow up?

Debbie Bell stated it would be presented to the Board of Commissioners. She stated if only that portion which is under the Land Use Plan under commercial type designation, then that would be the recommendation that would go to the Board of Commissioners. She stated the applicant would need to present a revised survey to complete that rezoning. She stated that's predicated on that overhead powerline which is the dividing line of the Land Use Element.

Chairman Martin asked if the petitioner was present.

Debbie Bell stated yes, their agent was present.

Patrice Frady stated she was representing LDO Fayette, LLC. She thanked the Planning Commission and gave her presentation where she referenced a PowerPoint throughout the hearing. She stated the parcel is 12.5 acres. She stated it is also split how Debbie explained and it is split on qpublic. She stated it is at intersection Highway 85, Highway 74, and Padgett Road. She stated there are several easements on this property including Georgia Power, Atlanta Gas Light, a tower there, and there is a media easement. She stated tract one (1) is approximately 5.1 acres and tract two (2) is 7.4 acres. She stated they are proposing a convenience store there that would be about 4500 square feet. She stated there is a 50 foot landscape buffer on Highway 85 and Padgett Road. There is a 75 foot building setback from Padgett Road and a 100 building setback on Highway 85. She stated there is a small pond that used to be there that sometimes show up on different images but it is not considered a state water and it was removed many years ago. She stated the property is located in the Starrs Mill Historic Overlay District. She stated the land is undeveloped and you can see the tower, she referenced the presentation. She stated the property is currently zoned Agricultural and they are requesting for it to be zoned Community Commercial. She stated this will allow people who live close in the area to conveniently shop closer to home without having to go to larger

retail centers. She stated they anticipate being able to pick up traffic headed down Highway 85 that will be able to make a right turn into the property. She stated on the presentation you can see the property adjacent to them was rezoned Community Commercial in February. She referenced the presentation and stated that this is the layout and they are once again proposing a convenience store. She stated there are two retail shops, green space, available parking. She then showed the renderings. She stated they don't exactly align with the aesthetic the County requires but they are working toward that. It is being completed by Jefferson Brown. She stated they did those for the other applicant back in February. She stated they are trying to pay homage to the Old Mill area, not trying to take anything away but fit in and make sure it is aesthetically pleasing to the residents and community. She stated she can answer any questions.

Chairman Martin asked if there was anyone to speak in support.

Dennis Shell stated this is his family's property. He stated they have had the property for about 53 years. He stated when they moved there, his dad had a small convenience store there. He stated Highway 85 was expanded and when they did the widening, they condemned the store and took it away in condemnation. He stated a few years back they had Planning Commission say it was approved for gas but there was a commissioner who said he didn't want gas and it was turned down at the town. He stated that they are just asking that it goes back like it was.

Chairman Martin asked if there was anyone else to speak in support. There were none. He asked if anyone wished to speak in opposition. There were none. He brought the discussion back to the Board.

Ali Cox, County Attorney, made the clarification that they are not recommending the property be zoned two different zoning districts. She stated it would need to be platted and subdivided and then rezoned that way.

Chairman Martin asked how the Planning Commission will be voting.

Ali Cox stated that would be a denial in order to allow for replating and subdividing that parcel. She stated or you could approve it, there are conditions that have been put on it to take care of the problem there. She stated it would be counter to the Plan in that small area but that would be something the Board of Commissioners could address too.

Danny England asked if it could be tabled. He asked if a denial would put a burden on the applicant.

Ali Cox stated yes, they would have a waiting period before they could reapply.

Chairman Martin asked what the waiting period was.

Ali Cox stated she believes it's six (6) months.

Jim Oliver asked if withdrawal is better for the applicant.

Ali Cox said yes.

Danny England asked in that case the applicant has to offer to withdraw and we have to approve the withdraw.

Ali Cox stated yes or they could approve it with the conditions.

Chairman Martin asked Ms. Patrice Frady if she had any thoughts on withdrawing before he takes a vote. He also asked if she understood what is being considered.

Patrice Frady asked if they withdraw can they return in October.

Ali Cox said it will have to be replated and subdivided first.

Danny England stated they could reapply as soon as they got everything accomplished on their end.

Jim Oliver asked what the waiting period was after a denial.

Ali Cox stated she believes it's six (6) months.

Jim Oliver stated there is an uncomfortableness about the entire 12-acre tract. He stated Ms. Frady was also speaking of it as if it were two separate tracts.

Patrice Frady stated that is how it appears on different sites.

Jim Oliver stated she spoke about the five (5) acre tract but the petition is for 12 acres.

Patrice Frady asked for a moment to discuss with her team.

Chairman Martin stated yes. He asked Debbie and Ali to discuss the conditions while Ms. Frady conferred with her team.

Debbie Bell stated the recommended conditions if the petition is approved. She stated some are related to transportation.

1. Padgett Road is a Collector per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet as measured from the existing centerline of Padgett Road.
2. Owner/applicant shall coordinate all access points with GDOT's proposed projects at the intersection of HWY 74 and HWY 85. Environmental Management will require GDOT approval prior to issuance of development permits.

3. Owner/applicant to provide documentation that access to 2598 Hwy 85 South will meet County Development Ordinances or be removed prior to Land Disturbance permits being issued.
4. Only one curb cut will be allowed on Padgett Road; any additional existing curb cuts on Padgett Road shall be removed.
5. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcels in unincorporated Fayette County to the south and west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.

Chairman Martin asked if approved with conditions what would be the follow up based on the other conversations about needing to withdraw versus moving forward.

Debbie Bell stated if it's approved with conditions it's similar to the previous one done in February, we will need to come back to the Planning Commission to amend the Land Use map to encompass the balance of that parcel on the southside of the overhead powerline that includes that portion with the telecommunications tower.

Jim Oliver stated it's like putting the cart before the horse taking a vote on that kind of proposal. He asked if the change needed to be made first.

Debbie Bell stated typically it would be but it doesn't have to be.

Danny England stated the issue he sees is this is one parcel and the County has divided it into two (2) pieces in the Land Use map so the burden is on us. He stated we have placed an invisible line across your property that they have no control over and we need to fix that, it's not something they need to fix. He stated if that's the case, it seems we can approve with conditions and then it's our job to fix the back of house accounting piece to make the Land Use map match what essentially exist in real life.

Chairman Martin asked if Ms. Frady had any questions before the vote.

Patrice Frady stated no she understands it is one parcel though it looks divided.

*John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.*

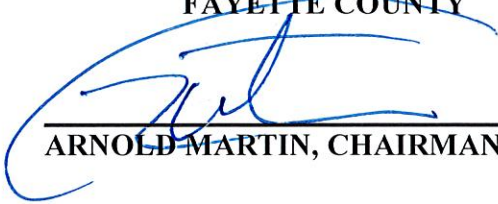
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Danny England made a motion to adjourn. John Culbreth Sr. seconded. The motion passed 5-0.

The meeting adjourned at 8:19pm.

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PLANNING COMMISSION  
OF  
FAYETTE COUNTY



\_\_\_\_\_  
ARNOLD MARTIN, CHAIRMAN

ATTEST:



\_\_\_\_\_  
CHELSIE BOYNTON  
PLANNING COMMISSION SECRETARY

