

**Planning Commission of Peachtree City**  
**Meeting Minutes**  
**Monday, June 12, 2023**  
**6:30 PM**

**Pledge of Allegiance**

The Peachtree City Planning Commission met Monday, June 12, 2023, at City Hall. Chairman Michael Link presided. Also present were Commissioners Mitzi Johnston, Felicia Reeves, and Scott Ritenour, along with Alternate Andrew Kriz. Commissioner Kenneth Hamner was absent. Others present were Planning Director Robin Cailloux, Senior Planner Lora Hooks, Recording Secretary Martha Barksdale, and IT Specialist Jadyn Tallman.

**Additions or Deletions**

None

**Announcements and Reports**

Link said he was always glad to see a good number of citizens in attendance, and he also welcomed City Council Member Clint Holland.

**1. Development Status Report**

Hooks went over the highlights on a list of active development projects. Gerber Collision on SR 74 was one of the newest projects, with clearing started on the site. The Gerresheimer expansion was well underway, and chicken lovers would be excited that Guthrie's was opening soon, Hooks reported.

Several projects needed Commission representatives designated. Ritenour volunteered to take Bridge Park Medical, and Kriz signed on for Gimme Shelter. Link said he would work with the new manufacturing facility, Reeves stepped up for Peachtree Cardiology, and Johnston volunteered for SWI Machinery on Naeco Way. Link volunteered Hamner as liaison for Take 5 Oil Change.

Hooks said there was nothing new to highlight on the residential side; all projects were progressing. Tonight they would be talking about Mill Farms.

**Approval of Minutes**

**1. Planning Commission Meeting May 8, 2023**

Johnston moved to approve the May 8, 2023 Planning Commission Meeting minutes. Reeves seconded. Motion carried 3-0-1, with Ritenour abstaining due to his absence from that meeting.

**Public Hearing**

**1. PH-23-02 Rezoning of the Mill Farms Subdivision from R-12 to LUR, Limited-Use Residential; includes addresses 2443, 2459, and 2471 Redwine Road**

Using a zoning map, Cailloux showed the location of the property on the south side of the city. She pointed out SR 74 and Redwine Road, as well as the Starr's Mill school complex. This property, formerly a horse farm, was annexed into the city in 2020 and zoned R-12, which was residential with a 12,000 square foot minimum lot size.

The applicant was requesting rezoning to Limited Use Residential (LUR) so they could reduce the zoning setbacks in order to construct larger homes on the lots. The front setback under R-

12 was 40 feet; they were asking for 25 feet in LUR. The side setback in R-12 was 10 feet; LUR would be five feet. The rear setback was 30 feet; they requested 20 feet under the LUR zoning. The size of the lot (12,000 square feet) would remain the same, as would the frontage of 85 feet, with 35 feet for a cul-de-sac lot. What this would do was increase the buildable area on an average lot from 4,680 square feet to 7,275 square feet. The number of lots would not increase.

Cailloux reiterated that this was already zoned residential for 74 lots. There would be no change to the size of the lots; they were just asking for decreases in the setbacks.

The ordinance stated that rezoning requests should be evaluated for compliance with the Comprehensive Plan. The Future Land Use (FLU) map showed that this property was designated for medium density single-family residential development with lot sizes of at least a quarter acre, the same size as those in the nearby Wilshire Village. This request complied, Cailloux stated.

Jennifer Christman of Moore Bass Consulting, which was the engineer on this job for Jeff Lindsey Communities, introduced herself. James Nicholson with Jeff Lindsey Communities was also present. Jennifer said Cailloux's presentation was thorough. The main reason for this request was to be able to build larger homes. Link said some of the members of the public might have questions and asked her to take notes.

Link opened the public hearing, asking if anyone wanted to speak in favor of this request. No one did. Several people indicated they wished to speak in opposition, and Link told them they had five minutes each.

Sayed Stoman said he was a structural engineer. He noted that the demarcation line was not clear between Wilshire Estates and Mill Farms. His home had 22 windows and a deck that faced this new development. They had always enjoyed the beautiful view, but bringing the development closer would destroy any privacy at his home.

Stoman was also concerned about runoff water, saying a swamp developed on the Mill Farms site after each rain. The retainer pond was now filled up and planned as a cul-de-sac, he reported. He said he had not seen a plan for handling the flow of water between the developments. Preventing runoff from Wilshire Estates was not feasible. The more impermeable surface there was, the more runoff would increase.

Stoman also commented that narrower setbacks increased the potential for interpersonal conflicts due to noise and the flow of water from downspouts. He asked that this request be denied and offered to assist the engineers find better alternatives.

June Riner thanked Stoman for his comments and said it summed up the issues perfectly.

Jane Watts said city founder Joel Cowan would be disappointed and she thought he would do a thumbs down because of the lack of green space, just huge block homes. Pam Danz asked why the zoning had to be changed from the 2014 plan? The creators of that plan set the zoning this way for a reason.

Linda Ellis said 10 feet was too little distance between houses. John Moore said he grew up in Reston, Virginia, which was a planned community that stuck to its original plans. He said he wished the access to the development lined up with Nesmith Court because a traffic light was going to be needed. Traffic to the high school backed up past where this entrance was. There

was also a lot of golf cart traffic on the Fayette County side of Redwine.

Keith Larson stated this proposed rezoning did not meet all the criteria, especially from the Comprehensive Plan. Criteria No. 5, for example, asked if the rezoning would cause burdensome use of existing streets. The original plat, Larson continued, aligned the entrance with Nesmith, but now it had been moved up Redwine. The relocation introduced additional delays for turns.

No. 6 asked if there were existing or changing conditions that affected the development of the property. The Comprehensive Plan had a policy saying they should protect the character of single-family subdivisions. By reduction of green space, this one did not, Larson remarked. Development should be offset with parks, greenbelts, and plazas, he said, and this proposal did not do that.

A resident of Holly Springs Drive said he, too, had concerns about the alignment of roads. The city agreed to this development under one set of parameters, he remarked, and now a lot of people viewed it as a "bait and switch." He said the standards were what drew people to Peachtree City and when those standards were ignored, it chiseled away at the values they all shared. This would eat up green space, and there were engineering concerns.

The property was annexed in February, 2020, and the conceptual site plan approved March 8, 2021, Suzanne Brown reported. There had been ample time for the developer to request rezoning to R-19 in order to have larger lots. Mayor Kim Learnard had stated that a variance should be approved only under highly unusual or unique circumstances when no alternative was available. Approving this request would be like approving 74 variances, Brown asserted.

An R-19 zoning would be more in keeping with the Land Use Plan, which called for lower density at the city boundary. As R-19, there would be about 47 lots of just under half an acre. They shouldn't let the developer change the setbacks when he had the option of combining lots to solve the problem.

Why was the entrance in a different location than on the approved conceptual site plan? Brown asked. When was that requested and approved? The March, 2021, plan showed the entrance directly across from Nesmith Court, and it was discussed then that it needed to be there because of traffic. The current plan had it 400 feet to the north. She said she submitted an open records request for applications and site plans and was not given anything showing the movement of this entrance until the presentation of this rezoning proposal. Why was it not addressed in the narrative? If they approved the rezoning, did that mean the relocation of the entrance was also approved? This lacked accountability and transparency, Brown remarked.

She recommended they make the developer conform to the approved plan, turn down this request, and make them move the streets and utilities to conform to the plan that was approved. She said the entrance location and traffic issues were raised in 2021 and again tonight. Brown remarked that she searched the City Council and Planning Commission archives and found no change that was requested or approved. The response to her open records request did not include any other request or change. So why was the entrance moved?

Brown went on to say she saw no indication where the neighborhood mailboxes would be located. They were shown just off Redwine on the March, 2021 conceptual site plan, which was discussed as being a bad idea.

One of the conditions of approval for this, Brown continued, was to have a 25 foot buffer on the west and north sides, along with a 50-foot greenbelt along Redwine and a 75-foot transitional buffer on the south side. The buffer to the west and north had few, if any, trees now, and that should be addressed. The presence of a buffer did not lessen the need for full setbacks on each lot, she stated, concluding by asking the Commission to vote down this request.

Christman said the main thing she wanted to say was that the plan that was shown had been approved. She stated that she would love to talk to the citizens afterwards about the drainage because they had to incorporate all of the bypass flows, and the development was still under construction. A traffic study had been done.

Christman stated that, tonight, they were just talking about the setbacks. Everything else had been reviewed and addressed by City personnel. The drainage had been designed; the traffic had been incorporated, and the construction documents were approved. Tonight was just about setbacks, she reiterated.

No one else wished to speak, and Link closed the public hearing.

He recalled that the Planning Commission wanted two entrances when this was discussed in 2021 and asked for a traffic study. What happened?

Peachtree City was the platting authority, but did not own Redwine Road, Cailloux replied; it was a County road and driveway access had to be reviewed and approved by the County. She had pulled the minutes from the March 8, 2021, meeting, and they confirmed what was in their files: there was a request for two driveways if that was in accordance with traffic study findings. The traffic study showed that two driveways were not necessary, Cailloux continued, and, in addition, Redwine was a collector road, so fewer curb cuts were desired, not more. The County preferred the one, instead of the two.

They had an approved road construction plan that showed the road as it was approved in the conceptual site plan, but it had to be revised based on some stormwater findings and utility issues, as well as the roadway permit issue from the County, she reported. That revised road construction plan was in review now.

The land disturbance permit (LDP) was based on the old plan and was just for erosion control; that allowed them to start moving the dirt. The newer road construction plans were not approved yet, and Cailloux said that was why they couldn't release them as part of an open records request. She said she hoped that explained why the driveway was no longer aligned with Nesmith, and Link said it did.

Kriz asked about the differences between LUR and R-12. Cailloux explained that LUR was a site plan-specific zoning, and it would be tied to this plan they had submitted. The developers were not asking for any kind of relief from R-12 other than the setbacks.

This property was single-family medium in the FLU, Kriz noted, as were all the surrounding areas, save one—a single-family cluster south of SR 74. The Comprehensive Plan stated that single-family cluster was for lots smaller than a quarter of an acre, and medium was for a quarter-acre to one acre. The 2017 Comprehensive Plan, he continued, listed acceptable zoning for each category. Why was that information removed in the 2022 Plan?

Cailloux said it was in there; the State required that list of zoning districts. Kriz noted that the 2017 Plan did not list LUR as a compatible zoning district for single-family medium. That was

because LUR could be anything they wanted it to be, Cailloux explained. Kriz said he would agree with what was in the Comprehensive Plan regarding what was an acceptable zoning district for that category.

Could the entrance change from where it was currently shown based on what the County said? Ritenour asked. This was something that they usually deferred to the engineers, Cailloux stated. The engineers might say a driveway needed to move because of the road alignment, and the Planning Department would allow that. However, if the Planning Commission had made it a condition that the driveway should be in a certain spot, they would enforce that and make sure the engineers were aware. The road construction plans included not only the roads, but all the infrastructure in a development, Cailloux related. The County only had to permit the connection to Redwine in this case.

The Gates was an LUR-16, Ritenour noted, pointing out that Cailloux had said LUR was kind of a catch-all. He couldn't recall what was in the LUR-16. Were there any other LURs that had setback reductions? Cailloux replied that most of the LURs had smaller lots than what they were proposing. They were more in the 6,000 to 10,000 square foot range, such as Cresswind, Maybeck, and Wilksmoor Woods. All those were LURs because of certain conditions, such as water, on the property.

Ritenour asked the developers why they were making this request now. What had changed since 2021? Nicholson said it was an issue of the houses they had planned fitting on the lots. There were several lots with problems. They wanted to build bigger, nicer homes that were appropriate to the area.

What square footage were they looking at for the footprint of a home? Ritenour asked, saying he assumed they would be two-story houses. Nicholson said the footprint would be about 1,200 square feet.

Was the move to larger homes for financial reasons? Link inquired. Nicholson said they were local builders who worked in Fayette and Coweta counties. They just wanted to build more appropriate homes for the area. He said they didn't want all the homes to look alike. Decreasing the setbacks in the rear would make room for covered porches/entertainment areas. The home prices would start in the \$800,000 range, Nicholson stated.

Link said he wanted him to explain to the neighbors why they had some homes of one size and some that would be larger, which required a reduction in the setbacks. On some of the lots, Nicholson remarked, they had to have a reduction in setbacks to build the larger homes.

Johnston had no questions. Reeves said "why?" was her main question. Why did the plans change? She noted that a lot of Jeff Lindsey homes appeared to be three stories; was that going to be the case here?

Nicholson said they were working on the elevations and the plans now, but he did not think there would be any three-story houses. Cailloux pointed out that Peachtree City had height restrictions. The only way they could build three stories was on a basement lot, with the basement considered the first story. Nicholson said the third story on his plans was considered more of an attic space. The houses were the same height as a two-story.

Where would the mailboxes be? Reeves asked. That was up to the U.S. Postal service, Nicholson told her. They would tell them where the mailboxes had to go.

She asked Staff if the connection point with the County road was what had not been approved? Cailloux said they had not looked at the review history so she couldn't answer that, but she would have that information for the next public hearing.

They had approved the plan with the entrance directly across from Nesmith, Ritenour began, and Cailloux pointed out there was no other situation in the city like this. Was there a process between the County and the City of any flowback? Should changes come back to the Planning Commission?

Cailloux noted that she said at the 2021 meeting that if the County did require the two driveways, it would be a significant change that would come back to the Planning Commission. In this case, they would defer to the engineers; if they said the crest of the road dictated the driveway needed to be in a certain spot, they normally wouldn't bring that back. But, if the Planning Commission had said two driveways were really important, they would have.

Ritenour said this could be a "learning moment." They hadn't understood that there could be changes to something they thought was approved.

Link then turned to comments from the Commissioners. Reeves stated she was uncomfortable with the reason given for the request, noting that the builder was aware of the zoning in 2021. Johnston said she agreed, adding that the zoning ordinance was put in place for a reason and not abiding by it without good cause could detract from some of the reasons people moved to Peachtree City.

Kriz had no further comments. Ritenour said he was more concerned about the changes in the construction plan from what was originally approved. Cailloux said it was just the one—where the driveway hit the County road. He was concerned about the lessened distance between houses, as well as the lack of green space, even though there would be the same number of homes. He would prefer they stick with the current zoning and its requirements. This was a hot topic in 2021, and that hadn't changed in two years, he remarked.

Link said he shared some of the same concerns that others had, but he recognized that some of the changes were out of their control. This plan was not increasing the number of homes, and it conformed with the FLU map. When considering a proposal, Link stated that he tried to look at whether it met the standards the City had developed. If it did, he leaned towards supporting it, and this did seem to fall within the guidelines the City had established and the FLU map. He said he had mixed feelings, but he felt the developers were within their rights, based on what the City had established as standards.

He said he didn't particularly care for the reduced setback sizes, but they were allowed to do that and were not violating any City codes. He acknowledged the neighbors' feelings and said it was a difficult decision. There had been changes, but they were still within the guidelines. Although he had some problems with it, overall he supported the proposal. It was complying with the FLU; there would be cart paths and green space.

Link said they would vote and asked for a motion. Ritenour asked if they were looking for a motion to approve? Link said either approve or deny or they could table this in order to get more information.

The ordinance dictated that Council act within a certain timeframe, Cailloux remarked. Council only has one meeting in July and to meet the requirements would have to hold a public hearing at the July 13 meeting. Unless the Planning Commission want to call a special called meeting,

it could not be tabled tonight.

Ritenour moved to approve Public Hearing PH-23-02, Rezoning of the Mill Farms Subdivision from R-12 to LUR. Link seconded.

Ritenour said Link brought up a good point. Although he was not pleased that changes were made without Planning Commission approval and wanted them to look at that process going forward, he understood Link's comments about it meeting the Comprehensive Plan as compared to what they wanted to see.

The motion failed with a 2-2 vote, with Ritenour and Link voting in favor and Johnston and Reeves voting against.

Link thanked the developer and the neighbors for their attendance.

## **2. PH-23-03 Zoning Ordinance Text Amendment to comply with updated Georgia Zoning Procedures Law (House Bill 1405)**

In their 2021-2022 legislative session, Cailloux stated, the Georgia Legislature passed House Bill 1405, making changes to the Zoning Procedures Law (ZPL), which gave zoning rights to local governments. It established minimum procedural requirements, including one public hearing; Peachtree City requires two public hearings. It required legal ads and postings, including a timeline of when they had to be posted, and established an appeals process.

It also required jurisdictions to establish criteria for how zoning and variance decisions were made. Those were the six criteria Cailloux said she included in Staff reports to the Commission and Council.

She reminded them that they changed the Planning Commission's hearings from public hearings to workshops for a time because the Georgia Supreme Court had ruled that public hearings were quasi-legal proceedings. This law cleared that up, and they had reverted back to public hearings. It clarified the definitions of legislative decisions and quasi-judicial decisions and how to appeal them.

Legislative decisions included adopting a zoning ordinance, rezonings, annexation with a rezoning, or concurrent rezonings with variances. Quasi-judicial were variances and appeals. There were others, such as special use permits, that Peachtree City did not have.

Another thing it did, Cailloux went on, was change the advertising requirements for variances from 15 days to 30 days. This would add four to six weeks to the process due to the publication schedule of the local legal organ. Also, it changed the procedures for when a City wanted to allow multi-family zoning in single-family zoning districts. This came about because Atlanta wanted multi-family in some single-family areas, and the State did not want this to be a trend, so it added some major hurdles. This only applied when it was the jurisdiction seeking rezoning, not a property owner.

Cailloux said the law required all jurisdictions to comply, and the City Attorney had altered the ordinance, adding definitions of legislative and quasi-judicial decisions, updating the posting times of variances from 15 to 30 days, updating the appeals section with quasi-judicial language, and updating requirements if the City wanted to change a zoning from single-family to multi-family. The Commission had a copy of the ordinance with all changes red-lined, she noted.

Staff normally did not make recommendations, but Cailloux said they recommended adoption of these text amendments because they must comply with State law.

Link opened the public hearing. No one wished to speak either in favor or opposition, and he closed the hearing.

Ritenour moved to approve PH-23-03, Zoning Ordinance Text Amendment to comply with updated Georgia Zoning Procedures Law (House Bill 1405). Johnston seconded. Motion carried unanimously.

### **Old Agenda Items**

None

### **New Agenda Items**

#### **1. 23-06-01 Conceptual Site Plan, Sherwin-Williams, 1110 Crosstown Court**

Hooks explained that Site Development Partners had submitted a conceptual site plan for a Sherwin-Williams to be located at 1110 Crosstown Court across from Braelinn Village Shopping Center. The site was zoned General Commercial (GC) and contained an existing building of about 2,700 square feet that was formerly a Pizza Hut. An aerial photo showed the location in the Crosstown Court commercial center.

The proposal was to remove the existing building, put up a larger building of 4,400 square feet, and modify the parking lot. The property was surrounded on three sides by road frontage, which made development a challenge, Hooks remarked. The proposal met all the building and parking setbacks. This parcel was platted in 1992 with a 40-foot landscape buffer along Crosstown Drive, and this proposal met that requirement. The proposed building follows the edge of the existing building, Hooks remarked.

The parking requirement for general retail is one space for every 300 square feet, which would equal 15 spaces for this store. They planned on having 19 after the modification of the parking lot, which did not exceed the 125% maximum of the required amount of spaces. The project proposed to use the two existing driveways from Crosstown Court. Crosstown Drive is a major thoroughfare, so an architectural review would be required.

Staff was of the opinion that the plan met the requirements of the ordinance and recommended approval.

Tom Webb represented the applicant. He said he had developed 52 Sherwin-Williams stores over the past 10 years. Ritenour asked if the Sherwin-Williams off SR 74 was closing, and Webb said it was not. The other Commissioners said that was their question, as well.

Johnston asked about the entrances, and Hooks again said they would be using the two existing entrances.

Reeves asked if the footprint would be roughly the same? Webb pointed out that it would stay the same on three sides, but move out about 15 feet towards the parking lot. Hooks pointed out the new section.

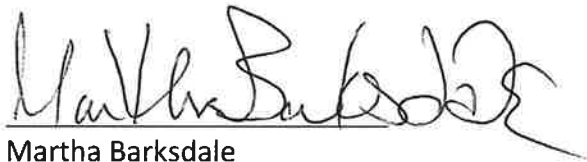
Johnston remarked that she was glad to see another retailer on that end of town; the other Commissioners agreed. Webb said once Sherwin-Williams opened a location, they were staying.

Reeves moved to approve New Agenda item 23-06-01, Conceptual Site Plan, Sherwin-Williams, 1110 Crosstown Court. Johnston seconded. Motion carried unanimously.

**Workshop Items**

The next meeting was set for July 10. Ritenour moved to cancel the June 26 meeting. Johnston seconded. Motion carried unanimously.

There being no further business, Link adjourned the meeting at 7:50 p.m.



Martha Barksdale



Michael Link