

Planning Commission of Peachtree City
Meeting Minutes
Monday, June 24, 2024
6:30 PM

Pledge of Allegiance

Chairman Scott Ritneour opened the meeting at 6:30 p.m. with the Pledge of Allegiance. Other Commissioners in attendance included Vice Chairman Kenneth Hamner, Mitzi Johnston, Felicia Reeves, and Alternate Ray Liotta. Commissioner Andrew Kriz was absent. Also present were Planning Director Robin Cailloux, Senior Planner Lora Hooks, Planning Department Summer Intern Lydia Golley, Recording Secretary Martha Barksdale, and IT Specialist Jady Talman.

Additions or Deletions

A motion was made by Hamner to modify the agenda to move the new agenda items ahead of the public hearing. Johnston seconded. Motion was approved unanimously.

Announcements and Reports

None

Approval of Minutes

1. Planning Commission Meeting April 22, 2024

Johnston moved to approve the April 22, 2024, meeting minutes. Reeves seconded. Motion carried unanimously.

Public Hearing

1. Administrative Variance text amendment to Zoning Ordinance

This was a Council-initiated discussion of amending Section 1204 of the Zoning Ordinance, which dealt with administrative variances. However, Cailloux pointed out, there was no consensus from Council about what the amendments should be. Council wanted the Planning Commission's comments on this topic, and she acknowledged they would probably want to continue this topic at some workshops. Holding the public hearing tonight would comply with the requirement to have one, but there was no deadline for forwarding any recommendations to Council.

Cailloux first explained three types of decisions a municipal government could make. Ministerial decisions are used when there are objective criteria and personal judgment or discretion did not play a role. These decisions were made by staff. Quasi-judicial decisions were made by a group, City Council in Peachtree City's case, after a public hearing in which the decision makers interpret the application of existing laws. Personal preferences should not play a role, even though subjective criteria are often involved. Legislative decisions are made solely by Council to establish policies via new ordinances.

There are five types of requests that could qualify for the administrative variance

procedure:

1. Existing setback encroachment created by a previous property owner; or
2. Rear setback encroachment of up to 50% with written consent by all adjacent property owners and the homeowners association (HOA) and if the new construction used similar materials and colors to the existing structure; or
3. Any setback reduction next to a publicly-owned property, such as a greenbelt, of up to 25% with written consent by all adjacent property owners and the HOA, the new construction used similar materials and colors to the existing structure and provided there was no other possible location on the property for the proposed expansion; or
4. Parking reduction up to 25% if applicant can show that required parking could be built on the property if needed in the future; or
5. Increase in maximum fence height up to 25% if the fence is pertaining to pool barrier requirements or if justified due to topographic reasons.

The ordinance establishes an Administrative Variance Committee consisting of the Planning Director, the City Manager, and one Council Member. The review criteria is that the variance would not cause a substantial detriment to owners of the surrounding properties and not impair the purposes of the zoning ordinance. Cailloux pointed out that consent of adjacent property owners was evidence that the variance would not be detrimental to the area.

Was there one specific Council member who always served on the committee? Reeves asked, and Cailloux said former City Manager Bob Curnow improved the process. In the past, they had just reached out to whatever Council member was available, and it was usually the same one. Now it rotated among Council members.

Johnston, referring to the review criteria, asked who determined what was a substantial detriment, and Cailloux replied that was why the letters from neighbors were required. Reeves wondered how many had to agree. Cailloux said it was the HOA and all property owners adjacent to the applicant's property. A cul-de-sac property might have five adjacent properties, while a corner lot would have two.

The administrative variance was created in 1992 only for existing violations not created by the current owner. The committee at that time consisted of a Council member, the Planning Director, and a Planning Commissioner. In 2008, Council created a new type of variance in addition to the administrative variance, called a special exception. This was for setback encroachments next to public land up to 25%, parking reductions up to 25%, and fence height increases with no height limit specified. The special exception went through a public hearing process but did not have to meet hardship criteria like a normal variance. The City Manager replaced the Planning Commissioner on the administrative variance committee.

In 2021, Council combined these variances into one administrative variance. It added the neighbor notification provision, the rear setback reduction up to 50%,

and a maximum 25% increase to the fence height. The administrative variance committee makeup remained the same.

Liotta wanted to know if people discovered the violations created by previous owners when they applied for a building permit for a renovation or addition, and Cailloux said that was the usual situation, noting that these violations were somewhat common on older properties because the City did not require as-built foundation surveys in its early years.

Reeves asked why members of the administrative variance committee changed from 1992 to 2008? Cailloux said she wasn't sure, but felt it was probably because it was difficult to organize meetings for so many busy people.

She showed the number of administrative variance and standard variance applications from 1992 to 2024, saying she did not really see a trend. There had been only four special exception variances requested—one in each year of their existence. Reeves wondered how the number of applications compared to how many were approved; Cailloux said she did not know but could get that data for her.

Liotta mentioned the rise in applications over the past few years, and Cailloux said the previous Council's intent was to have fewer variances go through the standard process and more through the administrative process.

Liotta also pointed out that the administrative variance section read as if it was exclusively for residential zonings, but it did not say that and maybe it should. He asked if Cailloux knew how many applications were residential and how many were not. Parking reductions were not residential, she noted, but probably more than 90% of the other requests were. However, there was nothing in the ordinance that would prevent a business from requesting a variance through the administrative variance process.

Since 2020, there had been 12 administrative variance requests involving the rear setback, mostly for decks or to cover a patio. There had been four for a setback next to a greenbelt, one parking reduction, and two for fence heights surrounding a pool.

Staff looked at the requirements in 10 metro Atlanta cities similar in size or character to Peachtree City. All those jurisdictions had a single decision-maker who was the Planning Director or the equivalent. The types of issues for an administrative variance were all about the same as Peachtree City's, although some were unique, such as building height or sidewalk width reductions.

If these other cities measured setback reduction as a percentage, it was 10% to 33%. If distance was used, it was one to 15 feet. Peachtree City's side setback reduction was 25%, while rear setback went up to 50%. Parking reduction was

10% to 30%; Peachtree City was 25%. Fence height increases were 20% in the other cities, compared to Peachtree City's 25%. If stated in feet, the other cities allowed up to a 10-foot increase for residential and 15 feet for commercial.

Cailloux showed the specific recommendations from Councilman Clint Holland, who originally proposed changing the process, and the positions of other Council members. She said Planning Commission members should not be limited by Holland's suggestions and should feel free to add their own.

Holland thought the Planning Director should not be on the committee. This was not supported by Mayor Kim Learnard, Councilman Frank Destadio, and Councilwoman Laura Johnson. Learnard and Johnson said they would consider removing the committee altogether and having a single decision-maker.

Councilwoman Suzanne Brown proposed a sequential process, with the Planning Director ensuring the application was complete, then the City Manager reviewing it. If he or she thought it should be approved, they would pass it on to a Planning Commissioner. If the City Manager thought it should not be approved, they would deny it under Brown's plan and halt the process. The Planning Commissioner could do the same, either moving it forward to a City Council Member or denying it and ending the process. The Council Member would have the final decision, if it made it that far.

The next recommendation from Holland was to reduce the maximum rear setback reduction from 50% to two feet and remove the requirement of support from the neighbors. That was not supported by Learnard, Johnson or Destadio. Learnard and Johnson said they could support a 25% maximum reduction, while Destadio suggested 10%. Brown agreed with Holland.

Holland wanted to reduce the maximum setback from public land from 25% to two feet and remove the written neighbor consent; Brown agreed, but Learnard and Destadio did not. Johnson had no comment.

Reducing the parking reduction from 25% to 10% was another of Holland's ideas, also supported by Brown. Learnard did not support this; Johnson and Destadio had no comment. Holland wanted to change the maximum fence height increase from 25% to two feet. Learnard and Brown did not support this. Johnson and Destadio did not comment, but Destadio did want to strike the word "security."

Holland also wanted to increase the timeframe for a decision from 15 business days to 30. Brown approved of this, but others did not have an opinion.

Ritenour asked Cailloux if the public comments should be open for the entire ordinance or only Holland's proposal. She said she thought it should be for the whole ordinance since that was what Council had tasked them to examine. Cailloux also noted that it would be fine to ask for public comments at the next workshop on

this topic. Ritenour asked if anyone wished to comment in favor.

Councilwoman Brown commended Liotta for catching that this was not limited to residential properties. Brown explained that she recommended the sequential review process as a way to accommodate the schedules of so many people.

Ritenour confirmed with Cailloux that an applicant still had the avenue open to go directly to Council. She said that was always available to people who had an administrative variance denied or who couldn't meet one of the requirements, but they did have to prove a hardship in those cases.

No one wished to speak in opposition, so Ritenour turned to the Commissioners.

Hamner asked if they had received any comments from the public, and Cailloux said her office had not. He then noted that some Council members wanted the Planning Director to take an increased role. What impact would that have on the Director?

Cailloux told him she did not see applications until they were finalized and submitted. At that point, she reviewed them. Then she worked with the administrative offices at City Hall to get the variance committee meeting scheduled. If the process was changed to make the Director the sole decision-maker, she would still have to ensure the application was complete, but would not be writing staff reports, coordinating meetings, or creating presentations.

She acknowledged that lessening the administrative work would make the process easier. However, she continued, she would not be comfortable making that change considering how the current ordinance was written. There were certain elements of the ordinance that felt politically charged, she remarked, noting that the Planning Director in Peachtree City seemed subject to much more public scrutiny than Planning Directors in other communities.

If it became a sole decision-maker process, Cailloux cautioned that it could result in everyone being denied or there could be a lot of staff turnover. If they did want a sole decision-maker, she would recommend removing some of the things that currently qualified for an administrative variance, primarily the 50% rear setback because there was nothing in the ordinance about how to review it. The side setback reduction specified that there be nowhere else to put the structure on the property, but the rear setback did not. It just said you needed HOA and neighbors' approval and build it to look like the house. She would be more comfortable if it were reduced to 25% or less and given the stipulation that the structure could not be placed anywhere else.

Hamner then said Brown had remarked in her written comments that she questioned the Planning Director being involved in the decision-making process because she had had numerous conversations with applicants during the

application process. How did that comply with the quasi-judicial process?

Cailloux said if the Planning Director were the only one making the decision, it would be ministerial, not quasi-judicial, and cautions about ex-parte communications would not matter. Right now, though, she said she did not talk to applicants before receiving the application from staff. If there ever was information shared with her by the applicant, she said she would definitely share it with the other decision-makers.

Did the current process follow Georgia law? Hamner asked. From 1992 until Curnow's tenure, Cailloux said, they were not in compliance with open meetings laws because the meetings were not advertised. Once that was brought up, they began to comply.

How would lengthening the review period from 15 days to 30 impact the City and the applicant? Hamner asked. There was a time crunch to get a meeting scheduled and also meet the 24-hour notice requirement, Cailloux replied. The real impact would be on the applicants, many of whom are in the building process, with a contractor lined up, when they discover they need a variance. A longer period would be an inconvenience to them, but being compliant with the law was always their responsibility.

Johnston asked what brought about Holland's push to amend the ordinance. Cailloux said he had mentioned it at several Council meetings. His original concerns seemed to be that the number of administrative variances were increasing, which Cailloux noted was true because that's what the ordinance was designed to do, and also the scope of the variances allowed, such as 25% instead of two feet.

Johnston reflected that there was a long time period between 1992 and 2008, then just a few years between the 2021 changes and now. Cailloux pointed out that ordinances reflected policy, and the elected officials in 2021 were trying to address an uptick in administrative variances for things that reflected trends, such as adding a master on the main or a home office rather than moving to a new house. Now there was a new Council with different views.

Reeves asked about cases in which variances had been denied. Cailloux recalled one case in which the property owner wanted to build a large shed that would encroach 14 feet into the 30-foot rear setback. The committee denied this because they felt there were other options, such as building two smaller sheds or relocating the shed. She said the owner had been notified of the denial, but her office had not heard anything from them. Did people often complain that their variance was denied, but others were approved? Reeves continued, and Cailloux said they did not.

Reeves noted that Holland had some very specific recommendations, such as

reducing the rear setback from 50% to two feet, and she wondered how he arrived at his numbers and would they have an impact? It would, Cailloux replied, noting that most of the 12 rear setback variance requests they had considered were close to the 50% reduction. None of those would have been administrative variance requests under the previous versions of the ordinance or under what Holland had proposed. Reeves also said she didn't like eliminating the Planning Director from the administrative variance committee because that position had knowledge and skills they needed.

Ritenour thanked staff for gathering this information, then asked if they had copies of the ordinances of the jurisdictions they had looked at, saying he wanted to see if those differentiated between commercial and residential and also how long until there was a decision after the application was submitted. Cailloux said she could get them all the ordinances, but they were long and complex, and she would be happy to glean any information they wanted. Ritenour said that was good, but seeing the ordinances would be helpful to him.

No one else had any questions, and he closed the public hearing. He asked the Commissioners for discussion.

Liotta said he thought administrative variances should be for minimal changes. If the variances were too great and too frequent, would they impair the purposes of the zoning ordinance and change the character of the area? He did not think the Planning Director alone should make the decisions.

Hamner said he had wanted to find out more of the "why" behind this, and what he had learned was helpful. He noted there were divisions of opinions among Council on some items, but, on others, such as the rear setback, there was agreement that adjustments were needed. He felt the Planning Commission could provide guidance, and Council could come up with an ordinance everyone could tolerate and that would last more than three years.

Johnston said she agreed with what was previously stated, but the requirement of neighbor support gave her pause because it could damage relationships. Cailloux said one of the other jurisdictions mailed notices to neighbors, and the variance could be approved if there was no objection filed. This prevented any interpersonal conflicts, and Johnston said she liked that idea. Johnston also said a committee might not be necessary, but she didn't think the decision should be left to one person.

Ritenour commented that tree removal in Peachtree City required consent of the neighbor, but Cailloux said only if staff was not comfortable that the tree was on the property of the person who wanted to cut it. A tree survey could be done instead of obtaining permission.

Cailloux's presentation was a great help, Reeves noted, and said Council was

telling them this was something they should examine, and she was sure they could come up with good suggestions to send on to Council.

Circumstances and people changed over time, Ritenour noted, so it was good to take another look at these processes. Something that worked in the past might not work now. He didn't think this ordinance needed to be totally re-written, but some parts needed revision. He said they could review this again at a future workshop, maybe more than one workshop. Johnston said they definitely needed more time, and the others agreed.

Cailloux suggested another workshop at the second meeting in July. Ritenour said that was acceptable if staff had enough time to prepare.

Hamner moved to table this discussion to the July 22 meeting. Johnston seconded. Motion carried unanimously.

Cailloux asked the Commissioners to tell her what additional information they needed and also asked for suggestions on how they would like the information structured.

Old Agenda Items

None

New Agenda Items

1. Elevations - Request for Waiver, Hoshizaki Expansion, 618 HWY 74 S

Section 724 of the Land Development Ordinance gave the Planning Commission the authority to waive an architectural review for a building if it would not be visible from the road once the project is completed. The contractor was requesting this waiver for the 120,000 square foot building expansion at the Hoshizaki property on SR 74 South.

The expansion would be a two-story building, but the site's topography meant that the lower floor would be below grade and the upper floor would be at the same level as the existing building. Hooks presented photos showing that the view from the highway was screened by trees.

Hooks said staff believed the request met the ordinance requirement and recommended approval with the condition that evergreen trees, 10-12 feet in height, be added to the landscape island adjacent to the access driveway to provide additional screening for the new building from SR 74. Placement of the trees would be approved through the landscape plan approval process.

A representative of the applicant said Hoshizaki was fine with the landscaping requirement for the island and pointed out where additional landscaping was planned.

Liotta noted that form usually followed function for industrial buildings, and since staff felt this met the criteria, he was fine with the waiver. Hamner had no questions, and Johnston verified with Hooks that evergreens kept their leaves all year. Reeves asked if there was a recommended number of trees that would be planted, and Cailloux noted they would get to that during the landscape plan review.

Liotta indicated the cart path that abutted this property and noted the significant tree removal and grading on the site. He said the view of the building from the path was now wide open and suggested the applicant address this issue in the landscape plan.

The applicant said there were plans for a park and extensive landscaping. Cailloux said the contractor should reach out to her office, and they would provide the Planning Commission's comments before they created a landscape plan.

Liotta and Cailloux both said they had received a lot of comments from the public about this. Cailloux pointed out there were no required buffers along a greenbelt; the only buffer requirements were along the state route. Although they were developing within the parameters of the ordinance, requiring the Planning Commission to sign off on the landscape plan gave the City the opportunity to address unique situations like this, she remarked.

All the industrial properties to the south had extensive existing and modified buffer areas between the path and their facilities, Liotta stated.

Ritenour asked if there was a buffer requirement from the center of the cart path? Cailloux said in this case, the path was on public-owned land; it was not in an easement. The only setback requirement was that a structure could not be built within 40 feet of the pavement. There was no undisturbed buffer requirement because the path was on City property, and Hoshizaki was private property. An audience member wanted to speak, but Ritenour said this was not a public hearing. Liotta presented some photos of the conditions along the path. Cailloux said it was good that the developers knew what was expected of them in the landscape plan.

Johnston moved to approve the request for an elevation review waiver for the Hoshizaki expansion on SR 74 with the condition that evergreens of 10-12 feet be added to the island adjacent to the access driveway. Hamner seconded. Motion carried unanimously.

**2. ~~Conceptual Site Plan, Magnolia Dental Center, 100 Gates Entry~~
Postponed**

3. Building Elevations, Peachtree City Self-Storage, 425 HWY 74 S

This property is also located on SR 74 South, next to Gerber Collision. The building will be a total of 90,690 square feet in three stories.

The Land Development Ordinance (LDO) states buildings should be divided into a base, middle, and top, and the design achieves this through color and material changes. She showed this on a front and side elevation, pointing out brick columns that divided the façade into smaller bays. Alternating bays were taller and had cornices.

The front would be 75% brick, with the sides approximately 53%. The rear would be three colors of EIFS with the brick columns as dividers. The brick colors were shades of brown and gray, with a whitewash on the soldier course of brick that divided the sections. Paint colors for the EIFS are cream and browns. Section 725 of the LDO establishes general goals for architectural design, including compatibility with surrounding development. Hooks said this building met that requirement.

Staff was of the opinion that the proposed elevations met City ordinances and recommended approval.

Jackson Webb and his father, Tom, of Heirloom Development were present as applicants. He said they had recently finished up the new Sherwin Williams on Crosstown Court.

Liotta liked the design, but wondered if the brick columns had any dimension? Tom Webb replied that they protruded from the wall by the depth of one brick.

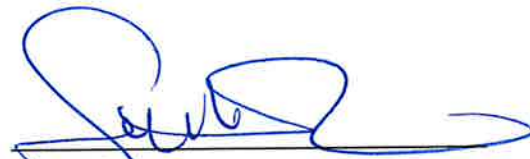
Reeves moved to approve the building elevations for Peachtree City Self-Storage at 425 HWY 74 S. Johnston seconded. Motion carried unanimously.

Workshop Items

There being no further business, Hamner moved to adjourn at 8:13 p.m. Johnston seconded. Motion carried unanimously.



Martha Barksdale



Scott Ritehour