

**Planning Commission of Peachtree City**  
**Meeting Minutes**  
**Monday, July 22, 2024**  
**6:30 PM**

**Pledge of Allegiance**

Chairman Scott Ritenour opened the meeting with the Pledge of Allegiance. Other Commissioners in attendance included Vice Chairman Kenneth Hamner, Andrew Kriz, and Alternate Ray Liotta. Mitzi Johnston and Felicia Reeves were 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 Steven Shelton.

**Additions or Deletions**

Cailloux stated there were no additions or deletions to the current agenda, but mentioned the workshop for the Short Term Rental (STR) Zoning Ordinance would be coming up on one of the August agendas.

**Announcements and Reports**

None

**Approval of Minutes**

**1. Planning Commission Meeting June 24, 2024**

Hamner moved to approve the June 24, 2024, meeting minutes. Kriz seconded. Motion carried unanimously.

**Public Hearing**

**1. Rezoning request from OI Office Institutional to GC General Commercial, 1999 and 2011 Highway 54 W**

Cailloux showed the triangular shaped parcel on an aerial photo, noting it contained two former single-family homes. When annexed in 2013, it was zoned Office-Institutional (O-I) Conditional. This request to rezone was for General Commercial (GC), and the applicants had introduced a site plan that showed the property was to be developed as a single lot for a Foamworks car wash. They had made a similar request in September 2023, and City Council unanimously voted to deny. The conditions attached to the current O-I zoning included no access to Sumner Road, an undisturbed 25-foot buffer requirement on Sumner Road, and that the applicant be responsible for building a path from the SR 54/Sumner Road intersection to the property to the north.

The six criteria listed in the ordinance included conformance with the Comprehensive Plan. The Future Land Use (FLU) map showed that this property was within a village center and was designated for office use. Cailloux said the concept of land use intensity called for the most intense uses, such as commercial and mixed use, at the village center, then stepping down to office and on to multi-

family, then to single-family subdivisions. This was a way to buffer the less dense residential from the high intensity uses and was why the FLU called for office zoning here; this property was just across Sumner Road from low-density residential development.

Staff was of the opinion that the proposed rezoning did not meet a majority of the criteria for rezoning and did not recommend approval. However, should the Planning Commission recommend approval, staff recommended these conditions:

- No vehicular access from these tracts to or from Sumner Road.
- A 25-foot undisturbed landscape buffer be preserved along Sumner Road.

Additional landscaping might be required to create an evergreen buffer.

Attorney Steven Jones represented the applicant. He said Foamworks was branded as an auto spa and offered a higher level of service than other car washes. Jones went on to say there was no viable use for these properties as currently zoned. The property owners were using the two buildings for their own businesses because they could not sell. The only offers they had received were for automotive-related businesses, and Jones noted that the market for office property was diminishing.

He also pointed out that the Office zoning was an outlier in this area of SR 54, where he said most nearby properties were zoned GC or Limited Use Commercial (LUC) that backed up to residential uses. Jones presented the concept plan and remarked that they had tried to address some of the concerns brought up during their earlier rezoning attempt. He showed how the staff's recommended conditions would be incorporated.

Next, Jones went over the six criteria with which a rezoning needed to comply. He said the GC zoning was appropriate for a village center, according to the Comp Plan, and that the O-I designation merely tracked the FLU map and was a spot zoning. Next, he noted that the trend on SR 54 in this area was commercial, and O-I was a vestige of previous market conditions.

The rezoning would not negatively impact adjacent properties, and Jones noted that they intended to impose conditions that would ameliorate any possible adverse effects. He also noted again that the property had no reasonable economic use as currently zoned, and pointed out there had been no offers other than car wash/automotive over the past seven years.

The proposed rezoning would not burden existing streets, schools, or utilities, Jones said. He said car washes were not destinations. Their customers would be passersby who decided to stop, so this wouldn't result in an increase in traffic. The final criterion asked if there were changing conditions that supported the rezoning, and Jones mentioned the drop in demand for office space after COVID, but noted those conditions existed even before the pandemic.

He presented a map that showed the numerous car washes on the north, south, and west sides of the city, but said there was not another automatic tunnel wash on the east side.

Noise was a major concern the last time this request was made. Jones said the vacuums were enclosed to muffle noise, and that noise would be about the level of an ordinary conversation; the existing noise from traffic along SR 54 was louder, he added. Jones also explained how sound diminished as it traveled farther from the source. The double row of evergreens they proposed as a buffer would mitigate noise as well, and the city's noise ordinance would provide additional protection.

There was a concern about lighting with the last application. Jones said they would be using night sky-friendly lights that kept the light on the property by directing it down. A city ordinance would regulate lighting, also.

Jones asked the Commission to consider the property owners who were unable to sell as presently zoned. He again mentioned the zoning map that showed a trend of commercial uses in this area. They were willing to meet all of staff's recommended conditions, Jones said.

No one else wished to speak in favor, and Ritenour asked for those who were in opposition.

Regina Pitstick said this was one lot away from her property. She was relieved when the request was denied last year and told the Commissioners nothing had changed.

A resident of Sumner Place Court said they loved the privacy and natural setting of their home and felt a car wash would be disruptive. She mentioned safety concerns, saying that people often ran the traffic light on SR 54. A lot of people, including many kids, used their golf carts on Sumner, and commercial development could pose a hazard.

Joe Bolan said the owners knew what this property was zoned when they bought it. He, too, was concerned about traffic and noise and felt this request was just to give the owners a greater return on their investment.

Another neighbor, Ryan Holmes, said he had a child with sensory issues and a noisy car wash would be hard on him. His family bought their home with the knowledge that the nearby property was zoned for office use.

Iris Salzman reminded the Commissioners that this would be a commercial development abutting low-density residential, which was not allowed in the Comp Plan.

Dominic Scalamogna suggested the City purchase this property and develop it as a

greenspace with path access. He said Sumner Road needed a path. There was plenty of space for a car wash further east on SR 54.

Sarah O'Neill also mentioned the children who used Sumner Road to get to McIntosh High. People also walked on the road, and a car wash would contribute to an unsafe situation. She, too, thought the city could purchase this land.

John Pitstick said the owners should be creative about the use of this property within the current zoning. He brought up the lack of rental space for people to conduct business meetings as one idea.

Chris Reynolds said traffic on Sumner Road was too heavy to allow for safe operation of this business.

What value would this car wash add to the city? Amanda Holmes asked, saying it would bring few jobs.

Ritenour asked if anyone had any questions, and Reynolds confirmed with Jones that this would be an automatic car wash.

Scalamogna mentioned issues with low water pressure at his house, and the other residents agreed this was common. How much water would the car wash take from their houses? Cailloux said the County provided water, but she knew the car wash would have to meet a pressure test and make any needed size upgrades, but she was not familiar with what else was done.

Regina Pitstick asked about hours, and Jones said 8 a.m.-8 p.m. Monday through Saturday, with shorter hours on Sunday.

No one else from the public had comments or questions, and Ritenour closed the public hearing. He asked the Commissioners if they had questions.

Kriz had no questions.

Hamner noted they were hearing the same concerns from citizens that they did when this was presented last year—traffic, noise, lighting. He asked Jones if there had been any outreach to neighbors?

Jones replied that, in their presentation, they tried to address the comments made during the two earlier public hearings. He said they would be happy to hold a town hall meeting with neighbors if desired.

Hamner asked Jones to summarize previous efforts the owners had made to bring in buyers for these properties. Jones recalled that at a previous meeting, one of the owners said the only offers he had received over the years were for automotive-related businesses. Jones also returned to comments from citizens who said this

was just a bad investment, like a house that lost value. He remarked that a house still had a viable economic use, which he felt this property did not have as currently zoned. All the offers they had received would require a rezoning.

Liotta asked if there were any offers that were not automotive related, and Jones said there were none as far as he knew.

He then asked about the noise information Jones had presented. Jones said those figures were public information based on scientific principles regarding how sound diminished over distance. Liotta wondered if the sound created by the site was added to the traffic-generated noise. Jones said he did not know, but what he showed were the decibel readings currently on the site, and the decibel level already exceeded what would be produced by the vacuums. Liotta wanted to know if that would increase the level of the ambient noise.

Cailloux said it would from that point, but the sound that started further away would continue to diminish. She believed they should look at new sound generation because that was what would impact the homes across Sumner Road.

Vegetation as well as fences had a noise mitigating factor, Jones remarked, acting as a buffer to prevent sound from traveling. He said the step-down in sound Cailloux had referenced did not account for anything to mitigate the sound. Liotta told him it might help with the visual, but it had been shown that vegetation did not mitigate noise, only solid structures did.

Liotta was concerned about cars entering the site queuing back onto the highway as they waited for service and asked Jones if the site plan took that into account? Jones said that was why the pay stall was located where it was. He also mentioned a trip generation memo they had included with the application.

Ritenour had no additional questions, so he asked the Commission for comments. Kriz thanked the public for their input and said the facts of this request had not changed since the last presentation, and he could not support it.

Hamner agreed, saying he made three points last year: this did not fit the village concept; it would negatively impact adjacent properties; there were other uses for this property within the current zoning.

Liotta said this did not meet the six criteria. He felt that the GC zoning could work if it were the type that did not impact neighbors, but a car wash would negatively impact neighbors. He did agree that this property might not have a viable economic use as currently zoned but felt it could fit in under other GC allowed uses, but that was not what was proposed. Liotta said he didn't think this use would impact traffic along Sumner, but he hadn't seen anything that showed the queue would not back up onto SR 54.

He said he felt the need to protect the single-family homes adjacent to this property was paramount but would consider a zoning change if it was for a “non-nuisance” type use.

Ritenour asked Cailloux about approved uses for O-I, and she said medical and dental offices, a drive-thru bank, a small sit-down restaurant. At least 1.5 acres was needed for a medical office, Cailloux said, and, while this parcel was 1.9 acres, the triangle area probably shouldn't be considered.

There were other uses, Ritenour continued, although he acknowledged this was an unusual parcel, but that was what was left in Peachtree City. A creative architect could develop something to fit. There was more information presented this time, but Ritenour said he didn't see any differences in the facts. He thanked the citizens for turning out and voicing their opinions. Ritenour said this development seemed “shoehorned” onto the property. He agreed with Liotta that noise, more so than traffic, was the issue.

Kriz moved to recommend denial of the rezoning request from OI (Office Institutional) to GC (General Commercial,) 1999 and 2011 Highway 54 W. Hamner seconded. Motion carried unanimously.

#### **Old Agenda Items**

None

#### **New Agenda Items**

##### **1. Landscape Plan, Bridge Park Medical, 2035 Commerce Drive**

This property is to the north of McAlister's Deli and has frontage on SR 74. Hooks noted that the usual buffer for property along a major thoroughfare was 60 feet, but this property was platted years ago at 30 feet.

The impervious area on this site was 44,027 square feet, which called for at least 132 caliper inches of canopy trees and 88 caliper inches of understory trees. The applicant was requesting to use the Tree Fund for a portion of that requirement. She said the Tree Fund was an option only after all the trees that could be reasonably planted on the site were provided, and no more than 50% of the remainder could be used for alternative compliance. The applicant was providing 100% of the understory trees and 70% of the canopy trees.

A condition of the conceptual site plan approval was that the perimeter of the stormwater pond be planted with evergreen landscaping. A mix of evergreen trees were proposed to meet this requirement, Hooks noted. She also pointed out plantings that would buffer this site from the adjacent hotel property.

The applicant's representative said they had gotten as many trees on the site as

possible and tried to screen the hotel and the cart path.

Liotta questioned a discrepancy in the tree fund numbers in the staff report, and Hooks said it should be 13.

Hamner asked about the buffer and how the trees there related to this property. Cailloux said there were pine trees in the buffer. Kriz asked if McAlister's had the same buffer requirements, and Cailloux said these lots were platted, then sat idle for many years. In that time, the ordinance changed.

Kriz and Hamner both said they liked this plan.

Liotta said it was a good plan, but indicated some trees he thought should be moved because they were adjacent to a rip-rap spillway and others that were near the sanitary sewer line. He also noted a shade tree adjacent to a light pole.

The applicant said the intention was to hide the view of the spillway from motorists. The contractor would be aware of the utilities in the back and not put anything too near them. The light pole was not existing and might not be installed at all, Cailloux said.

Ritenour said he liked the variety of plantings. Kriz asked Liotta if his concern was with the riprap, and he replied there shouldn't be plantings that might impede the exit of water, but he understood the desire to screen the view from the road.

Kriz moved to approve Landscape Plan, Bridge Park Medical, 2035 Commerce Drive with the condition that the applicant consider where trees were placed adjacent to utility lines. Hamner seconded. Motion carried unanimously.

### **Workshop Items**

#### **1. Text Amendment to the Administrative Variance Zoning Ordinance**

Ritenour noted that two Commissioners were absent, and Cailloux said she didn't expect them to have a final recommendation for Council after this discussion.

Ritenour replied that he had re-written the ordinance. Cailloux suggested they talk about what was in the ordinance now, then consider suggestions.

She proposed they consider what problems they were trying to solve and what goals they wanted to achieve while looking at how the ordinance addressed those goals, at what point did a decision move from being administrative, or ministerial, to policy-based? Finally, she asked the Commissioners to consider who or what body should be making the administrative decisions.

Cailloux said in her research she discovered that State law called for 30-day public notification of administrative hearings. This City is not currently doing this but when she confirmed the requirement with the City Attorney he said they should be.

Therefore, anything they came up with would have to include a 30-day legal publication requirement. The applicant pays for those ads, and Cailloux said they currently charged \$30 for administrative variances which also included staff time. Now the cost for the legal ad itself had gone up to \$30 so fees needed to be discussed.

The first type of case that qualified for an administrative variance, Type (a), pertained to an existing zoning setback violation provided that the property owner making the request was not the same property owner who was responsible for the violation.

She cited two recent cases, noting that the current administrative zoning process did not give neighbors a voice about existing violations. Did they want to require proof of quality construction through a building permit or a letter from a contractor saying it met general construction codes? Also, there was no sign put on the property and no written notification sent to neighbors or the homeowners association (HOA). Would an existing setback encroachment of 100% be appropriate for an administrative variance? She recalled that Liotta had previously mentioned that nowhere did the ordinance say administrative variances applied only to residential property, and that was something they might want to consider, as well.

This was the longest standing part of the ordinance, Kriz noted. He said he felt limiting it to residential uses was reasonable, but he was hesitant to make further changes, saying the people on the committee could evaluate each situation. Cailloux also pointed out that these types of administrative variances did not have to meet the six hardship criteria for variances, which was a much higher bar.

Cailloux had provided them with copies of ordinances from other cities, and Ritenour noted that at least two other jurisdictions not only had administrative variances, but also minor administrative variances that were applied to setback encroachments of one foot or less. The Zoning Administrator automatically had jurisdiction to decide those. While Peachtree City did not have a formal process for this, Cailloux disclosed that she had seen foundation surveys showing a 6-inch encroachment, and she had elected not to bring those to City Council. She said she did not technically have that authority, but she didn't want to make someone go through the entire process for six inches. Cailloux said she would support putting that into the ordinance.

Cailloux asked if they wanted to add this for more than just existing encroachments, saying she wouldn't approve a building permit that showed a one-foot encroachment, but she acknowledged that things happened in the construction process, and a foundation survey might come back showing an encroachment of a few inches. Ritenour said he would be fine with that. Kriz asked if they could do it without a 30-day notice. Cailloux said she would take it to the City Attorney.

Liotta said he thought it should be residential only. He thought requiring written

support of the neighbors was good to leave in because it satisfied the substantial detriment criteria. If they could not get the letters of agreement, the variance should go through the regular procedure. Liotta also noted that he felt it would be difficult to get a contractor to vouch for work he did not do. Liotta said he could support only a maximum of 10% or one foot for an administrative variance.

Ritenour thought it was good to notify adjacent neighbors, and the 30-day period would allow for that. Cailloux commented that the burden now was on the property owner, but they could change it to require the City to send certified letters. If they did not receive comment in that 30-day period, Cailloux said it could be assumed there was no objection. Ritenour agreed with that, adding it should require HOA approval. Kriz also said it should be on the City to solicit comments from neighbors if they decided to add this requirement.

Liotta said the interests of adjacent neighbors should be paramount. Cailloux explained that if they did get objections, then the variance wouldn't meet this criteria and would have to go to Council. Kriz remarked that the gist of the neighbor's objection would have to be germane to the request. He thought the committee should review the objections and still make a decision.

Did they want to set a maximum encroachment for this category? Cailloux said she had seen just one case of 100% encroachment, but Liotta pointed out this could apply to a case where an existing deck was being taken down and rebuilt. He thought limiting the encroachment for administrative approval would be good. Ritenour suggested they re-visit this after going through the different categories.

Next, they looked at Type (b), proposed encroachments into the rear setback. This allowed the committee to approve encroachments up to 50% with written consent from the HOA and adjacent property owners, and if similar building materials to the primary home were used. They had learned that 50% was outside the norm when compared to other jurisdictions.

Cailloux suggested considering a clause that appeared in Type (c) that said there could be no other possible location on the property that would accommodate the building expansion without encroachment. The Commissioners said they would like to add that.

In his revision of the ordinance, Ritenour said he combined front and rear, and added another section for side setbacks with lower maximum percentages. He questioned the portion of (c) that allowed for a setback of no more than 25% if adjacent to a publicly-owned property. Cailloux said that portion was added when the 2008 ordinance was updated in 2021 to accommodate an upsurge in the number of people who were enclosing decks and porches. Ritenour wondered if there should be a differentiation between being next to someone's house and being next to a greenspace. He suggested a 10% maximum.

Cailloux said she didn't like (c) because roads were publicly-owned, and if you moved your home 25% closer to a road, you would stand out from the neighborhood design as a whole. She thought that type of encroachment should not be an administrative variance.

A 50% encroachment was overly generous, in Ritenour's opinion. No other city came close to that. He suggested 10% or a maximum of 10 feet for the front and rear setback. Kriz said he felt the front should be a standard variance every time, and the other Commissioners agreed. They also agreed that, because different zonings had different front setbacks, it should be 10% or a maximum of 10 feet, whichever was less.

Kriz asked about the average setbacks, and Cailloux said they varied, but the average was 30 to 40 feet in front, 30 in the rear, 10 feet for new subdivisions on the side. She noted that encroachments into the side setback meant you were getting close to someone's house, which might not matter on a big lot, but could be intrusive on a smaller one and could impact the fire code. She did not recommend it if the buildings were any closer than 10 feet apart. Kriz said he did not think there should be an administrative variance for a side setback.

On (b), Cailloux summarized that they would add the "no other possible location" clause, limit the encroachments to 10%, notify neighbors through a certified letter, and limit it to residential properties.

Type (c) conditions were for no more than 25% encroachment next to a publicly-owned property. Cailloux said they should add some language that this didn't apply to a street. The Commissioners decided to reduce it to 10%, and add the residential-only stipulation.

Moving on to (d), which dealt with parking at businesses, Cailloux asked if the owner thought fewer parking spaces would be adequate, why would the City require them? Not building them would benefit the storm water system and reduce heat island effects. The property owner would still have to show the property could accommodate additional parking if it became needed.

Liotta believed the administrative committee should be provided with a parking study that showed how many spaces they needed. Cailloux said they could do that, but staff would make them build the parking whether they provided a study or not. She suggested a parking generation memo using a standard formula, but Liotta wanted something from a traffic engineer that showed their business did not need the spaces.

Cailloux said the problem they were running into now was that medical facilities were not allowed enough parking per the ordinance. Staff would be bringing that before Council soon, she remarked.

Type (e) administrative variances dealt with fences, and Ritenour commented that it was the most convoluted section of the ordinance. Cailloux agreed and added that it was seldom used. The Commission agreed with her that they should leave this section as is.

Moving on to the make-up of the administrative variance committee, Ritenour said he was fine with the current make-up for the administrative variance with the City Council position rotating. Cailloux said that was a policy, and it had worked well. Ritenour stated that having a committee made up of a Council member, the City Manager, and the Planning Director satisfied the checks and balances aspect. The other Commissioners agreed.

Cailloux asked if they wanted the decision-maker for the one-foot minor variance to be the Planning Director or maybe the City Manager or their designee, which could be the Planning Director. Kriz said since it still had to be an open meeting with a 30-day notification, they might as well have the full committee decide.

Staff would revise the ordinance, Cailloux said, and send it for a final review by the Planning Commission at the August 12 meeting. They could hold a workshop on the STR ordinance at that meeting or work on their presentation to City Council, which was set for Council's September 5 meeting. The earliest the public hearing for the STR could be was the second meeting in August.

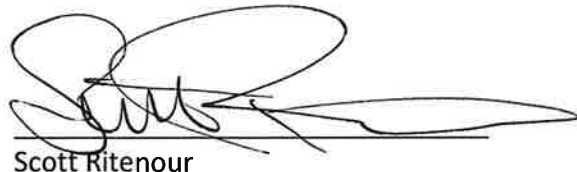
Ritenour said he wanted to talk about their presentation to Council at the next meeting. Hamner noted they would be talking about architectural guidelines in the city and get Council's permission to look at them in more detail. Cailloux said they might want to consider an overlay district, which was more encompassing than architectural guidelines, but not as broad as a unified development ordinance (UDO).

The Commissioners decided at the next meeting they would discuss what they wanted in the ordinance, and Cailloux noted they could carry that discussion over to the second meeting in August if needed.

There being no further business, Kriz moved to adjourn at 9:19 p.m. Hamner seconded. Motion carried unanimously.



Martha Barksdale



Scott Ritenour