

**CONYERS/ROCKDALE PLANNING COMMISSION MEETING  
ROCKDALE COUNTY ADMINISTRATION AND SERVICES BUILDING  
901 NORTH MAIN STREET**

**May 20, 2004  
7:00 P.M.**

**PRESENT:**

Dr. Steve Weinstein, Chairman  
Capt. Jim Holder, Vice-Chairman  
Chuck Russell  
Charlotte Kinsey  
Dr. Carter Rogers

**STAFF PRESENT:**

Bunny Harbin, Zoning Administrator  
Marshall Walker, Principal Planner  
Ellen Edwards, Recorder

**1. OPENING STATEMENT:**

Dr. Weinstein called the meeting to order and read the Rules of Procedure to be followed in the meeting.

**2. MINUTES OF THE APRIL 15, 2004, MEETING**

Captain Holder made a motion to approve the April 15, 2004, minutes. Chuck Russell seconded the motion, and it carried unanimously.

**3. OLD BUSINESS:**

**ITEM R-1 PRELIMINARY PLAT APPROVAL – GRAYFIELD**

**APPLICANT:** STEVE GOODSSELL  
GOODSELL DEVELOPMENT COMPANY  
3715 NORTHSIDE PARKWAY  
BUILDING 100, SUITE 130  
NORTHCREEK  
404-467-6600

**DEVELOPER:** SAME

**LOCATION:** 2379 TUCKER MILL ROAD

**PARCEL:** 29-1-18A & 29-1-07 (PART)

**ACREAGE:** 34.09

**ZONING:** R1 CONDITIONAL

**LAND LOTS:** 179 – 11<sup>TH</sup> DISTRICT

**NO. LOTS:** 37

**PRESENTATION:**

Mr. Walker stated that the completion of the zoning on the back part that would include lots 22, 23, part of 24, part of 25 and 26 was approved on May 11 by the Board of

Commissioners. The county departments have all signed off. The Health Department has noted that it is still contingent on each individual lot's approval. The Department of Public Services and Engineering recommended approval of the preliminary plat.

Captain Holder had a question about item #8, where it says sidewalks on one side if the street throughout the development. Mr. Walker said it should be "of" the street. Also it should say "streets."

Captain Holder asked if lot 37 was for the purpose of providing a long buffer. Mr. Walker said that is the reasoning for lot 37 being that large, to provide a buffer.

#### **APPLICANT'S STATEMENT:**

Graham Carpenter, Agent for the applicant, stated that approval or denial was based on one factor: whether or not Grayfield Preliminary Plat adheres to all the zoning conditions that are attached to the property. He said that it does. He said lot 37 was set aside with the intention to sell it to the adjoining property owner. He said approved construction plans are desired first to make sure there will not be pipes going across the property.

#### **DISCUSSION/MOTION:**

Captain Holder made a motion to approve the preliminary plat, contingent upon the correction of the typos. Charlotte Kinsey seconded the motion, and it carried unanimously.

Dr. Weinstein stated that he would withhold his signature pending the corrections.

#### **ITEM R-2                      PRELIMINARY PLAT APPROVAL – HARVEST MILL SUBDIVISION (AKA RIVER HEIGHTS)**

<b>APPLICANT:</b>	<b>MERIDIAN HOMES P.O. BOX 40 LOGANVILLE, GA. 30052 770-652-9589</b>
<b>DEVELOPER:</b>	<b>SAME/CONTACT – JIMMY ANDERSON</b>
<b>LOCATION:</b>	<b>HWY 138 NORTH AT THE YELLOW RIVER</b>
<b>PARCEL:</b>	<b>64-1-21A</b>
<b>ACREAGE:</b>	<b>92.45</b>
<b>ZONING:</b>	<b>R3 CONDITIONAL</b>
<b>LAND LOTS:</b>	<b>340, 350, 351 – 16<sup>TH</sup> DISTRICT</b>
<b>NO. LOTS:</b>	<b>226</b>

#### **PRESENTATION:**

Mr. Walker stated that this plat is R3 conditional (the Agenda stated R1). He said it has been reviewed by all county departments, and has been signed off with the understanding

that it is contingent on GA DOT approval of the access point onto S. R.138. The DOT will review the construction plans to ensure that the intersection of Planters Mill Way at Harvest Mill Run is a sufficient distance from the intersection of SR 138. There will be a study at the construction stage to see if a traffic signal is warranted. There is a break in the median at that point. The plat meets county code.

Captain Holder stated that the Planning Commission had just received this plat and that it is a very complicated plat. Not having had time to study it, he said he could not make a decision on it.

Dr. Weinstein stated that a while back, the Planning Commission made a decision in terms of receiving plats ahead of time. The ones that were not received ahead of time would not be approved. Based on code, a plat cannot be deferred. If no action is taken, it is automatically approved. The only options are to approve or deny. The only option on this plat is to deny, he said. The developer can come back next month, and the Planning Commission will have had time to review it.

#### **APPLICANT'S STATEMENT:**

Steve Landers representing Bullard Land Planning stated that he did not know what was an ideal time for the Board to review a plat. He said the plat had been in-house two weeks. He was here last week when the meeting was called. Dr. Weinstein said the county may have had it, but the Planning Commission has not had it before tonight. Mr. Landers asked that the Planning Commission not deny the plat. He said the Commission knows the constraints on the developer money-wise. Dr. Weinstein stated the legal rights of the applicant. If the Commission denies the plat, the decision can be appealed to the Board of Commissioners within 10 days. Mr. Landers said they have already been through the review process and the plat is in compliance with all the conditions of the rezoning. Traffic study will be part of the construction phase. He asked the Commission to reconsider. The plat is a complicated plat, but is in full compliance with the people the Planning Commission depends on to study these matters. Several revisions have been done to get it exactly the way these people wanted it. He pled for his developer not to have to wait any longer. From his standpoint, the plat was in long before time, but now he has to pay for a clerical error of the county. Dr. Weinstein said he had a legitimate beef with the county. Mr. Landers said he came last week, but the meeting was cancelled for lack of a quorum.

Ms. Harbin said there is an appeals process available. However, by the time the appeal is set, property is posted with signs, and adjoining property owners are notified, you will be looking at longer than the next meeting. She said a plat has to be complete by seven days prior to the hearing. He assured her that it was. He said Ms. McCullough gave him a deadline, and they met it. He said he was here last week, and that makes another seven days.

Captain Holder said that Mr. Landers mentioned that he is on the Planning Commission for another county. He said the entire Planning Commission takes their position seriously

and does not want to be just a rubber stamp. Mr. Landers said he appreciated that, but this project has already been through a rezoning process and has been to the Board of Commissioners and is now back here with the same design, only a fundamental few changes in the process. Mr. Walker said that the rezoning is a separate process. Captain Holder said he remembered the rezoning, but there was no plat. Mr. Landers said he wished to restate his position for the record. He said he would like something more than a denial. It was not their fault.

Dr. Weinstein said they were being asked to approve something they have not seen. He said they would not be doing the citizens justice. If they want to take the approval process away from the Planning Commission, they can do so. He said perhaps Mr. Landers has a legitimate beef with the county.

Ms. Kinsey asked Mr. Landers to explain the entrance to 138. Mr. Landers said the crossroads is within the GA DOT specs. GA DOT had certain projects on line, which meant they would have to move the right-of-way back. They contacted DOT and had the Director send a letter stating that that section of 138 was not going to be widened. They have no projects on line for this section of road. The length of distance between the entrance on 138 and the first intersection will be the proper amount, according to DOT. He said the Department has a letter on file from DOT.

Captain Holder said that, regretfully, if they were going to do their job, they have to be able to look at these things, and that at ten minutes to seven, they did not have that time. He moved that this preliminary plat be denied. Charlotte Kinsey seconded the motion, and it carried unanimously.

**4. NEW BUSINESS:**

**A. CITY OF CONYERS: NONE**

**B. ROCKDALE COUNTY:**

**ITEM R-3 PRELIMINARY PLAT APPROVAL – MCCART LANDING SUBDIVISION**

**APPLICANT: I-20 EAST, INC. – ROBBIE LANIER  
755 COMMERCE DRIVE, SUITE 700  
DECATUR, GA. 30030  
770-373-9411**

**DEVELOPER: SAME**

**LOCATION: WEST SIDE OF MCCART ROAD**

**PARCEL: 91-1-2, 91-1-12, 93-1-2A**

**ACREAGE: 410.11 ACRES IN ROCKDALE (472.23 TOTAL ACRES)  
ZONING CASE # 2003/23**

**ZONING: R1 CONDITIONAL**

**LAND LOTS: 367, 368, 387, 388 – 10<sup>TH</sup> DISTRICT**

**NO. LOTS:                    464 IN ROCKDALE (501 TOTAL LOTS)**

**PRESENTATION:**

Mr. Walker stated that this plat has been through review and all departments have signed off. He said the Department of Public Services and Engineering recommended approval.

Captain Holder stated that this plat was received at ten minutes to seven. He said it was complicated, and he did not feel he could approve.

**APPLICANT'S STATEMENT:**

Marcie Ernst, Agent for Robbie Lanier, stated that this project has a long and complex history. It is a residential development on 410 acres with 464 dwelling units. On March 9 the Board of Commissioners rezoned this property to R1 conditional, with 28 conditions, listed on the preliminary plat. The applicant and the project engineers have worked tirelessly with the county to prepare this preliminary plat, with a lot of discussions, negotiations and compromises made, she said. She said the plat met the seven day minimum requirement and was in full compliance with the code and zoning conditions. She said she learned yesterday that the Water and Sewer Department had a minor issue with the plat that the actual location of the sewer line should be drawn on the plat. She said she felt that the plat was submitted in a timely manner with notes and was sufficient under the county code. The applicant took a "Herculean effort" and prepared a revised plat which shows the location of the sewer lines. The engineer and developer were present to answer questions. Unlike the prior item, there is not a lot of new information. It goes above and beyond the code requirement. The engineer brought it today. It has been through a detailed county review process and resolves all the county's concerns. It meets and exceeds code requirements and the 28 conditions of zoning, she said. She asked the Commission to approve the revised preliminary plat.

Dr. Weinstein said this is the first time the Commission has seen the plat (any copy). Ms. Ernst said her response was that if they had not submitted this plat today in an effort to satisfy the Water and Sewer Department, they could still be here with the preliminary plat that was previously submitted, which the Commission has. Dr. Weinstein said they did not have that one either. She said it was submitted in early May. They only learned yesterday that the sewer lines need to be shown. Dr. Weinstein said that if they had had the old copy, he would have no problem; but they never had the old copy. Mr. Walker said the reason they did not have the old copy was that it was not signed off by all departments. Dr. Rogers asked if the plat was received the first of May, would it not go on the June agenda. Ms. Harbin stated that it takes four weeks review time. She said some kind of action has to be taken, or it is automatically approved. She said you never know until the end of the process whether or not it will make it. Ms. Ernst said that Ms. Harbin had been very helpful in the process.

**DISCUSSION/MOTION:**

Captain Holder said it gave him no pleasure to take this position on these plats. He said if they want someone to come in and rubber stamp something they have not seen, they have the wrong person. If there is a process problem, someone needs to work it out. If they want to remove preliminary plat approval from the Planning Commission, they can do that. But as long as they want the Planning Commission to approve it, they have to see it in a timely fashion.

Dr. Rogers pointed out that the plat states “two 12 lanes” (should be 12’ lanes) and pointed out another typo. Ms. Ernst thanked him for the corrections and said they would be made on the plat.

Captain Holder made a motion to deny the plat. Charlotte Kinsey seconded the motion, and it carried unanimously.

**ITEM R-4                      PRELIMINARY PLAT APPROVAL – CHANNING COVE  
SUBDIVISION**

**APPLICANT:**                **SCOTT LAND DEVELOPMENT**  
                                      **3109 GREEN GATE WAY, CONYERS, GEORGIA**  
                                      **770-760-1603**

**DEVELOPER:**              **SCOTT HUFF**

**LOCATION:**                 **OLD OGLESBY BRIDGE ROAD AT OGLESBY BRIDGE  
ROAD**

**PARCEL:**                    **50-1-5**

**ACREAGE:**                **44.46**

**ZONING:**                  **R-1 CONDITIONAL (CASE # 2003/13) & AR**

**LAND LOTS:**             **112 – 10<sup>TH</sup> DISTRICT**

**NO. LOTS:**                **26**

**PRESENTATION:**

Mr. Walker stated that this plat has been through review and all departments have signed off on it. The Department of Public Services and Engineering recommended approval of this preliminary plat.

Captain Holder said the first time he saw this plat was tonight. Dr. Weinstein said the plat says “revised” preliminary. Mr. Walker said that the Commission had approved a preliminary plat on Channing Cove before. He said that several lots have been added to it. Mr. Huff acquired additional property and added it on to the subdivision. Dr. Weinstein said should this be denied, he still has a preliminary plat on record. Mr. Walker said that preliminary plat will not be voided. If tonight’s plat is approved, it will take its place.

Captain Holder said he recalled that the preliminary plat was approved on December 11. He was not in attendance that night.

## **APPLICANT'S STATEMENT:**

Scott Huff stated that the back half of the development is AR. He acquired the additional 17 acres but only got 10 more lots out of it. He said he bought it for water quality. The lots are large lots over an acre for water quality. He said it was in the county's best interest and the subdivision's best interest. He said he is not trying to rezone it and is sticking to the plan of brick fronts, \$200,000 or \$300,000 homes. It will stay AR.

## **DISCUSSION/MOTION:**

Dr. Weinstein asked him how far along is the part already approved. Mr. Huff said he has not done anything because he was waiting to purchase this property. He said he wanted to do all the construction plans at one time. Dr. Rogers asked him if the eight conditions would be applied, and Mr. Huff said yes.

Dr. Weinstein said this is the same situation as the other plats presented tonight. It is less complicated, but guidelines were set several months ago. Captain Holder said again it gave him no pleasure to say this again, but he could see no way to approve this plat having denied the others. Dr. Weinstein said the maximum number of lots should be indicated as more than 26 now. He said the Commission has the plat, and Mr. Huff will not be held up next meeting.

Charlotte Kinsey made a motion to deny the plat for the reasons stated. Chuck Russell seconded the motion, and it carried unanimously.

## **ITEM R-5**

**CASE # 2004/13      COMPREHENSIVE LAND USE PLAN AMENDMENT  
FROM CONSERVATION/RESIDENTIAL TO HIGH  
DENSITY RESIDENTIAL AND REZONING OF 43.76 +-  
ACRES FROM R1 TO R3 FOR 151 ATTACHED  
TOWNHOUSES**

**APPLICANT:      THE WESLEY B. WILLIAMS ESTATE  
1918 HEBRON HILL  
TUCKER, GA. 30084  
770-938-4748**

**AGENT:          BRADEN & ASSOCIATES, INC.  
1505 LAKES PARKWAY, SUITE 190  
LAWRENCEVILLE, GEORGIA 30043  
770-237-9692**

**LOCATION:        1774 FLAT SHOALS ROAD**

**ZONING:          R1**

**ACREAGE:        43.76 +- ACRES**

**PARCEL:          76-1-1**

**LAND LOTS:      235, 236 – 10<sup>TH</sup> DISTRICT**

## **PRESENTATION:**

Mr. Walker read a letter from Moulton & Tarrer, Attorneys at Law, asking to withdraw the application without prejudice (Exhibit B), and a letter from T. Wayne Brown to Mr. J. Wayne Moulton exercising Mr. Braden's right to withdraw from the sales contract and purchase of the referenced property (Exhibit C). Mr. Walker said the staff recommended withdrawal without prejudice. Dr. Weinstein said that meant the applicant can come back in six months to rezone, as opposed to twelve months, with prejudice. Mr. Walker stated that in the staff's report, denial of the high density residential was recommended, previous to this request for withdrawal.

#### **APPLICANT'S STATEMENT:**

Mr. Moulton stated that he would not be coming back in six months or any other time.

#### **OPPOSITION:**

William Peck, 2013 Merle Drive, stated that Flat Shoals is two lanes between Salem Road and Old Salem, and it is hard now to get out of his street because of the traffic. If it is rezoned to R3 it would be devastating. He asked that the application be denied with prejudice. If it comes back in six months and goes to R3, it would open Pandora's box to apartments, townhouses or condos. Not only would it be devastating to Flat Shoals Road, but Flat Shoals Elementary School would be flooded. He asked how they would handle the sewage. They can't get on the sewer line.

Kim Williams, 2211 Mission Ridge Drive, stated that Mr. Peck had summed up her feelings and other residents in Mission Ridge Subdivision. She said she is Assistant Property Manager of a subdivision and she knows what happens when apartments are that close. She said she wants to keep property values where they are. Some are as high as \$250,000. She said they want the children to be safe. There is not even a sidewalk, and more children would not be safe.

Phillip Leiter, 1806 Flat Shoals Road, said the plan was to encapsulate the properties. His property is in the middle. He has a perpetual easement. Previously he and his wife lived in Stone Mountain. They bought into the Main Street subdivision, and Redan High School was the leading high school in the nation, he said. They wanted their children to go to a nice school. Property values were soaring, and they buried everything they had into this home. Townhomes were approved about a quarter of a mile away from his subdivision. The same thing happened in Fieldstone. Crime and vandalism went up. Property values plummeted. He decided it was too dangerous, and they moved out, losing over \$40,000. His wife wanted to go back to where she was born, which is the property in the middle. They built a home. He said they saw what happened in Stone Mountain, and will do everything in his power to make sure that it does not happen where they are now. The county will make more taxes, but what will the cost be? Crime will go up, drug use will go up. He expressed concern about his easement.



Captain Holder asked Mr. Leiter to point out where he lives. Mr. Leiter pointed out his property and easement. He said approval of the application would be violating his rights.

Starr Archer, 1831 Flat Shoals Road, said he agreed with all the prior speakers. He said that there has not been any testing for watershed on this property. He said a third of the property is not usable because of swamp land, and there are also two other springs that have not been addressed. He said traffic on Flat Shoals is bad enough. Until the road is widened, he said, the traffic is bad. He said there has been little research done on this property by the broker or the buyer. He said that is not right or fair. He asked the Commission to vote withdrawal with prejudice so it will be at least a year before they can rezone it.

Deborah Williams, 1806 Flat Shoals Road, said her sister, Denise Leiter, is the property owner. She said she collected 52 names on a petition, registered voters who live on Terri Lane in Mission Ridge Subdivision and on Merle Lane. She read the statement on the petition, opposing the amending of the CLUP and the rezoning. She submitted the petition (Exhibit A).

Charles Berstecher, 2135 Teri Lane, said he spoke for residents on Teri Lane. As part of the community, they are already feeling the stress from the congestion of Salem Road. When he went to the Salem Road hearing, he said he was impressed that the county is trying not to rubber stamp things but is trying to compromise and work with the development and with the residents. In the spirit of that, he asked the Commission to consider keeping it R1. He asked them to be more creative in their conditions. If it is going to be developed, he said he would like it to be an asset to the community. He said this is a ridiculous petition to put 151 townhouses on 22 usable acres.

Danny Brett, 1456 Flat Shoals Road, said he has seen in the last 22 years living there a tremendous destruction of the quality of their lives because of overdevelopment in south Rockdale. There are very few green acres left in that part of the county, and they (the Applicant) want to take out some of it with a development. He said they oppose it because it is near a school, they oppose the four-lane. The air pollution and noise pollution have increased. It is difficult to get in and out of your own driveway. He asked that the Commission disapprove the application with prejudice for the quality of the community and the safety of everyone involved.

Bridgett Howell, 2408 Santa Barbara Court, had also signed in opposition.

#### **COUNTY'S RECOMMENDATION:**

Mr. Walker stated that the staff recommended withdrawal without prejudice, per the applicant's request.

#### **DISCUSSION/MOTION:**

Dr. Weinstein asked Mr. Walker what would be the difference between withdrawal with prejudice and denial. Mr. Walker said withdrawal is six months and denial would be twelve months.

Charlotte Kinsey asked how this development would play into the Salem Road Overlay. Mr. Walker said it is not in the Salem Road corridor overlay district.

Captain Holder said the schools, even the trailers, are over capacity. He said it appeared to him that we clearly have a school problem, and probably have a sewage problem.

Dr. Weinstein said his initial thought would be to deny the application. The rezoning is not appropriate for where it is proposed. The contract is off and the request is to withdraw the application. They have the right to ask, but the Commission, he said, has a right to send a message to the Board of Commissioners. He said he was prepared to deny.

Captain Holder made a motion not to accept the letter requesting withdrawal without prejudice and to deny the application for rezoning. Charlotte Kinsey seconded the motion. Ms. Harbin asked about the Land Use Plan amendment. Captain Holder amended his motion to include the CLUP amendment. Charlotte Kinsey seconded, and the motion carried unanimously.

Mr. Walker told the audience that this will go before the Board of Commissioners at their Public Hearing in one week. Dr. Weinstein encouraged them to be there.

#### **ITEM R-6**

**CASE # 2004/14      AMENDMENT TO THE ROCKDALE COUNTY ZONING ORDINANCE, SECTION 6-3010(Y)(12), ENTITLED “MINI-WAREHOUSES”; FOR THE PURPOSE OF ALLOWING MINI-WAREHOUSES AS PERMITTED USES ON ALL STATE HIGHWAYS**

**APPLICANT:            EASTSIDE VILLAGE, LLC.  
11130 STATE BRIDGE ROAD  
SUITE D-201  
ALPHARETTA, GEORGIA 30022  
678-297-0909**

**AGENT:                SAME**

#### **PRESENTATION:**

Mr. Walker stated that mini-warehouses are allowed in certain C2 and M1 zoning districts. He said this amendment adds G and H to the Table of Permitted Uses. The proposal is to amend G and H to add the phrase, “or a lot which has direct access to a state highway.” It was in 1998 that the Board of Commissioners asked the staff to draft and the Board approved a new Mini-Warehouse Ordinance that limited this type of

warehousing to areas planned for warehousing in the future, namely M1. The primary purpose of the ordinance was to allow the use to occur in industrial districts where warehousing with truck traffic was deemed appropriate and to upgrade the ordinance to allow on-site security housing. At that time the Board recognized that there also are a few C2 properties with direct access to the Interstate highway or to an Interstate highway access road that were acceptable locations for this type of warehouse operation because of their location because of their location and that location was better suited to the increased traffic and lighting requirements. The main objective of the ordinance was to prevent warehousing operations from sprawling into residential areas or into areas that were planned for retail service businesses. The CLUP shows light industrial land uses have been designated to occur in the county along the Interstate highway on roads that provide immediate or direct access to the Interstate. Rockdale County is in a unique position of having a significant number of state highways running north to south and east to west, including S.R. 20, S.R. 138, S.R. 212, S.R. 162, S.R. 12 and it is staff's opinion that it would not be appropriate to allow warehousing to sprawl up and down each of these state highways where significant numbers of residential developments have been established and where the plan continues to encourage residential growth to occur in the future. Just as with other warehousing operations, traffic, lighting and noise impacts are often experienced on adjacent properties with this type of use. Visual impacts from outside storage, such as boats, trailers, campers and cars may be experienced with this type of warehousing and, unlike warehousing operations that provide services only during the week and are closed on the weekends, mini-warehouses are open seven days a week where extended hours of operation often permit delivery and removal of goods at different times of day and night. Mr. Walker showed a map with currently zoned C2 properties indicated. Most are on the Interstate access roads. Almost all are on state highways. Approval of this text amendment as presented would allow any of those C2 properties on a state highway to have mini-warehouses. He said that the Applicant is the developer of Eastside Village on Salem Road. He desires to put a mini-warehouse on Eastside Village on Salem Road. It is currently zoned C2. He has several developments going on on that Eastside Development. As the ordinance currently reads, he cannot put mini-warehouses there. Charlotte Kinsey asked where this property is in relation to the Salem Road Overlay District. Mr. Walker said that he is within the Salem Road Overlay District. He does have C2 zoning and with this change in zoning, he would be able to put mini-warehouses on there subject to the Overlay District architectural standards. However, this ordinance would also allow mini-warehouses in any C2 on any other state highway anywhere else in the county. One of the concerns staff has if this ordinance is passed is getting additional rezonings for C2 on the Interstate highway at some major intersections.

#### **APPLICANT'S STATEMENT:**

Daniel Digby, Esq., representing Eastside Village LLC, said that originally the code allowed for mini-warehouses in any C2 zoned property. The applicant and the industry today calls these self-storage facilities. There has been, in the past, a negative connotation with mini-warehouses. Some of the things Mr. Kolbrener will say will surprise you, he said, in terms of the amount of use and the amount of traffic and the

product that he has a depiction of. He said in his opinion there is no rational relationship between having it on an access road vs. having it on a state highway, with certain limitations. This allowed certain holders of C2 properties in 1998 to get the market on mini-warehouses. Before that, you could have a self-storage facility in C2 anywhere. The code allows for, in C2, auto parking, bus stations, helicopter landing areas, taxi stands, bus and rail service stations and terminals. The adjacent uses to the site of this proposal are a Big Ten Tire Store, some strip retail, a detention pond, and some apartments. This developer will allow no outside storage, he said. In terms of the restriction as it now exists and was adopted in 1998, it says if you have C2 you can do all these other things but you can't do mini-warehouses unless you are adjacent to an Interstate and you are on the access road. There are only two access roads. There is only a limited number of properties. In terms of traffic impacts, noise, there is no difference between being on an access road and being on a state highway. This would open up some other properties potentially. The applicant is open to working with the county to achieve this. His property is in an overlay. There will be some tough requirements in terms of the overlay, and the applicant is prepared to meet those. Maybe that could be part of the text amendment in a distance requirement to an Interstate interchange. This property is just down from the Salem Road/I-20 interchange. Given the surrounding uses, this is not a negative impact development in that area. He introduced Mr. Bill Kolbrener.

Mr. Kolbrener, 11130 State Bridge Road, Alpharetta, said that one of the rationale behind saying no is not to have the same type of eyesore that there is down on Salem Road. Another rationale is that it will create traffic and noise. He said he is a partnership in several mini-warehouses, and that 20-30 cars average visit the storage facility. Today at Wendy's, they had over 250 drive-throughs. He said at his two strip retail shopping centers, there were over 300 customers visiting the retail centers. As for the amount of traffic and congestion, the location of this proposed storage facility is directly off a road that is off Salem Road, Eastside Drive. He said he has four points of connectivity to Salem Road, one controlled through a stop light, three others through a right-in, right-out. Still another is through the parking lot of the Winn-Dixie parking lot. The proposal he displayed is, he said, a starting point. He said it is not what a typical storage facility looks like. He said he had no problem working with the county's guidelines with regards to roof lines, pitches, materials, sidewalks, etc. He said there is no front parking. He said there is no problem doing inter-parcel access to alleviate the traffic burden from one main entrance. He said there would be very little impact to the over-burdened sewer system of Rockdale County. A retention facility would be brought up to his own standards, and Big Ten in front. He said he did not see how this would overburden the impact traffic-wise and noise-wise. He said he had no problem limiting the times that people can come in. As for the Pandora's box effect, he said this is the first attempt to get the verbiage changed, and he had no problem inserting things that would limit the ability of another developer coming before the Commission. He said he had very little impervious surface. He said the back of the proposed building would look just like the front. He said he did not want outside truck storage or boat storage. He asked for staff's recommendations, the Planning Commission's recommendations, and the Board's recommendations as for verbiage insertions. He said this property is less than 6,000 feet from the highway, and

drive through C2 the whole way. He asked the Commission to consider this on a case-by-case situation.

He said when he first came to Rockdale County two years ago, he sat down with staff, who went out of their way to work with him. He said he likes to think it is a two-way street and he has done the same. He said the things he has done will be in his portfolio and his son's. He said he is a neighbor of the county and he takes pride in what he does. He said this is for residential, not commercial, storage. There would be no 18 wheelers coming in and out, no waste transfer stations, strictly residential.

There was considerable discussion about the language. Dr. Rogers said that the way this is worded, it does open Pandora's Box. Mr. Digby said this Board has the power to make a recommendation that this be disapproved, but that other language be approved. Dr. Weinstein said that if this ordinance is denied, it does not prevent the applicant from coming back with another ordinance.

#### **COUNTY'S RECOMMENDATION:**

Mr. Walker agreed that these storage facilities could be attractive. He said it is behind the Big Ten Tires and the detention pond, with apartments next door. There are service retail uses adjacent to it, or will be, such as restaurants, drug stores, offices, and it is adjacent to Fieldstone Golf Course on the back side, which has potential for single-family development. He said to separate this individual property from the text amendment. He said the issue is not this property; it is the text amendment and the effect it would have on the county as a whole. Has the need been established to put these on state highways? In the overlay ordinance, mini-warehouses are not allowed in the five new zoning categories. The county will address storage facilities in the new unified development ordinance down the road. This amendment does affect the county as a whole. It does open a door that the county does not need to be opened. Staff does not see a need to expand this type of service throughout the county. Staff's opinion is that, as currently written, the amendment be denied. If the Board of Commissioners desires to address the issue further, they will steer us in that direction, he said.

Captain Holder said this is about a proposal that the Commission needs to vote on, to recommend approval or denial to the Board of Commissioners. He said it is not this Commission's place to try to write something that works.

Dr. Weinstein said as currently written, everyone agrees that it does not pass muster. He said that approval was out of the question. No tweaking would be appropriate. Dr. Rogers said they could amend it before it goes to the Board of Commissioners. Dr. Weinstein said they can work on it and let the Board of Commissioners deal with it.

Captain Holder made a motion to deny. Dr. Rogers seconded the motion, and it carried unanimously.

Captain Holder made a motion to adjourn. Dr. Rogers seconded the motion, and it carried unanimously. The meeting adjourned at 9:20 P.M.

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Dr. Steve Weinstein, Chairman

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Ellen Edwards, Recorder