

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Jeff Fisher

AYES: Bill McKenzie, John Reidelbach, Jeff Fisher, Bob Blackburn, Alphonso Smith

Supplemental and Non-Agenda Items

Motion to: Approve

The Board voted to approve the addition of one (1) Non-Agenda item for discussion.

RESULT: Passed (UNANIMOUS)

MOVER: Jeff Fisher

SECONDER: Bob Blackburn

AYES: Bill McKenzie, John Reidelbach, Jeff Fisher, Bob Blackburn, Alphonso Smith

Public Hearing (The Chairman will call for any comments regarding the following items after each item is presented)

6. **Public Hearing Regarding Petition # REZ 24-18 Filed by Waffle House, Inc. Requesting to Rezone Property Located at the Intersection of Poplar Road and Hwy 16, Sharpsburg - District 1 and District 2**

Zoning Manager Lisa Eschman presented Petition # REZ 24-18 filed by Waffle House, Inc. requesting to rezone property located at the intersection of Poplar Road and Hwy 16, Sharpsburg (Parcel # 124-1049-008 [partial]) from *C-6 (Commercial Minor Shopping District) with conditions* to *C-6 (Commercial Minor Shopping)* for a restaurant. She explained that the entire property consists of 3± acres and was originally rezoned on October 19, 2021 under Petition # 019-21 (filed by Angler Investments, LLC) from *RC (Rural Conservation)* to *C-6 (Commercial Minor Shopping District)*, subject to ten (10) conditions for a retail and office development. She highlighted a few of the original conditions of zoning, including a required 75-foot buffer along the northern property boundary (previous Condition # 5), a limit of the proposed retail building to 15,000 square feet (previous Condition # 8), and a limit to the hours of operation for commercial use to Monday through Sunday from 8:00 a.m. to 9:00 p.m. She further explained that on March 17, 2022, Angler Investments filed a buffer variance under Petition # VAR 22-11 requesting a 25-foot buffer reduction along the northern property line (from 75-feet to 50-feet), which was approved by the Board on May 17, 2022. Waffle House, Inc. is now requesting to rezone a portion of the property consisting of 0.97± acres (labeled "Tract B") to *C-6 (Commercial Minor Shopping District)* for a restaurant. She reviewed the current zoning of properties in the surrounding area, including "Tract A" located directly adjacent to the east. She explained that the site plan proposal features a 2,000 square feet

restaurant located on "Tract B" with twenty-eight (28) parking spaces. A full-access driveway is situated on the adjacent property, "Tract A", located to the east. This driveway allows for shared access between both tracts ("Tract A" and "Tract B"), facilitating movement of the entire commercial development. A 50-foot buffer is indicated along the northern boundary adjoining the residentially zoned properties, and a stormwater pond is proposed along the western property line. In conclusion, she presented photographs of the proposed site that were taken by staff, provided renderings of the proposed Waffle House that were submitted with the rezoning application, highlighted the factors reviewed by staff during the zoning process, and presented fourteen (14) conditions for consideration by the Board should they choose to approve the request.

Ms. Eschman fielded questions from the Board and explained that the applicant's representative is present to field any questions.

Mr. Neal Spradlin, applicant representative for Waffle House, Inc. and for the property owner Angler Investments, explained that the original rezoning request was filed in August 2023 but was withdrawn at the Commission meeting held on September 7, 2023. The reason for the withdrawal was because of a proposed condition that the applicant obtain a land disturbance permit within twelve (12) months, and they were not ready to proceed. They have waited the required amount of time to reapply and are ready to proceed with the project. The property is zoned *C-6 (Commercial Minor Shopping District) with conditions* and includes a unique condition that limits the hours of operation between 8:00 a.m. to 9:00 p.m. The applicant is requesting that the Board remove that condition so that the Waffle House can operate 24-hours a day. He pointed out that the two (2) adjacent properties, Frazier's convenience store (rezoned in 2022) and a property on the south side (rezoned in 2007), do not have any conditions restricting their hours of operation. Waffle House currently operates approximately nine (9) restaurants in Coweta County, has a long-standing reputation as a place for people from all walks of life to gather, and this location will provide another opportunity for them to continue to provide good food, good service, and support the local schools and community. The applicant has no objections to the recommended conditions of zoning, including condition # 10, which requires them to obtain a land disturbance permit (LDP) within eighteen (18) months. Regarding condition # 5, he explained that the traffic study shows the development will only increase the delay of traffic by 16% at the intersection of SR 16 and Marion Beavers Road. The applicant feels that their obligation to contribute to the cost of adding a channelized right-turn lane at SR 16 and Marion Beavers Road should only be 16% of the estimated \$150,000, or \$24,000 for the whole development, and that 1/3 (\$8,000) of the \$24,000 be paid by Waffle House and the remaining 2/3 (\$16,000) of the \$24,000 be paid by the future retail building on "Tract A".

In response to questions from the Board, Mr. Spradlin explained that the channelized right-turn lane is basically a dedicated turn lane that will cost \$150,000 to construct.

According to Mr. Spradlin, the traffic study indicates that the Waffle House development will cause a 16% increase in the delay of traffic at the intersection of SR 16 and Marion Beavers Road, and they suggest the development be responsible for 16% of the \$150,000, which is \$24,000.

In response to a question from Chairman McKenzie, Public Works Administrator Handley explained that the traffic study was conducted in 2023 with an estimated build-out of the subject property in 2025. The study took two (2) years of background growth on SR 16 and Poplar Road into account. The study begins with the existing traffic conditions, what those conditions would be like if development weren't built in 2025 ("no-build conditions"), then adds the development traffic on top of that to get the "build conditions" in 2025. The increase of 16% is based upon the seconds of delay experienced by the average vehicle during certain peak hours. At the intersection of SR 16 and Marion Beavers Road, during the a.m. peak hours, if the project isn't built, the average delay for a vehicle at that intersection turning onto SR 16 from Marion Beavers Road is 49 seconds. If you add traffic from this development, the delay increases to 58 seconds, which results in the average vehicle waiting 9 seconds longer, which corresponds to the 16% delay Mr. Spradlin is referring to. The suggested percentages were based on data from the traffic study.

In response to a question from Commissioner Smith, Mr. Spradlin explained that the applicant wishes to be responsible for \$24,000 and the County responsible for \$126,000 of the \$150,000 cost to construct the channelized right-turn lane, if the project is ever completed. Condition # 5 states that the applicant's financial contribution to the cost of constructing the turn lane shall be determined by the Board. The only fair way to do that is to look at the traffic study to see what percentage the project will create in the need for the right-turn lane. The intersection needs a right-turn lane already as it stands today.

In response to questions from the Board, Public Works Administrator Handley explained that at the time the traffic study was conducted, the delay at the intersection scored a level of service "D", which is at the borderline of being considered as failing ("E" and "F"). When the study was conducted, the intersection was on the borderline or tipping point of a failing level of service.

In response to questions from Commissioner Reidelbach, Mr. Spradlin explained that the development should be responsible for 16% of \$150,000, which is \$24,000 total, and for the \$24,000 to be split into \$8,000 for the Waffle House and \$16,000 for the retail building. The remaining \$126,000 should be the County's responsibility.

Commissioner Reidelbach explained that he feels that because the development will cause the need for a channelized right-turn lane, the percentages should be calculated differently and that a year from now, the cost to construct the right-turn lane may increase to \$200,000. The contribution amount should be based on the actual cost of construction. The proffered 16% seems low, and he would like for the percentage of

contribution to be 25%.

In response to questions from the Board, Mr. Spradlin explained that the 16% is based on both the Waffle House and the 15,000 square-foot retail building and is the impact of the development. He does agree that the construction cost today versus five (5) years from now will increase, but Waffle House intends to build next year and the amount of contribution needs to be determined so they can contribute their prorated portion. The parking lots will be constructed in two (2) phases with the Waffle House parking lot constructed first, followed by construction of the retail building parking lot. The entrance and all the improvements within the GDOT right-of-way will be completed as part of the Waffle House project. The driveway will be paved across the front of "Tract A" to get to "Tract B", which is where Waffle House is proposed. Not all the parking spaces on "Tract A" will be constructed, just those on "Tract B" for the Waffle House. The stormwater pond shown on the site plan is intended to be a master stormwater pond to serve both parcels, and will be an estimated 3–4 feet deep. The exact materials for the decorative fencing are not specified, and have to be approved by the Community Development Director.

Commissioner Fisher explained if the amount is set at 25% for the applicant and 75% for the County, and in 3-5 years, the County does not have the funds to build the turn lane, then it will not be constructed. He feels that the amount of the required contribution should take into account costs in the future as well.

Administrator Fouts explained that part of the reason these conditions have been added is to try to catch up with some of the infrastructure projects and there are more projects than funding. Had these conditions been in place in other similar situations around this area, there probably would be funds to build the right-turn lane. Staff is attempting to be fair and the best way to do that is through the traffic study data. But, if there isn't funding to construct the right-turn, then it will not be constructed.

Chairman McKenzie called for comments in support of the proposed rezoning.

Mr. Robert Davidson, Backwater Cove Court, explained that he is the Facilities Director for nearby Crossroads Church and their leadership does not oppose the proposed Waffle House. As a nearby resident, he supports Waffle House's request because of the limited restaurants in the area. Lastly, he is a board member of the Homeowners Association for The Brooks Subdivision and residents are ready for the restaurant.

Mr. James Tarpeh, Real Estate Director for Waffle House, spoke in support of the Waffle House. He explained that Waffle House is a privately-owned company, and they come into communities as good partners. The fence behind the property will align with the County's request so it will fit into the community. They are willing to take part in the construction of the right-turn lane, but it would be awkward to open themselves up to full exposure.

In response to questions from the Board, Mr. Tarpeh explained that they feel comfortable tying the amount to data, but are open to further discussion. With regard to crime around Waffle House restaurants, he explained that they meet with local law enforcement, and data shows when they come into a new market, they bring lighting and create a safe space. He also explained that the restaurant will be connected to the sanitary sewer system.

Chairman McKenzie called for any comments in opposition to the proposed rezoning.

The following citizens spoke in opposition to the proposed rezoning, citing concerns about potential crime/robberies because of its proximity to Poplar Road and Hwy 16 to Exit 41 and back roads to retreat to Meriwether County, lack of law enforcement in the area, proximity to a large residential area, and bad things occurring because of the Waffle House.

- Ms. April Yarbrough, McDonald Road, Sharpsburg
- Mr. Denver Payton, Tope Road, Sharpsburg

In rebuttal, Mr. Spradlin explained that the opinion that Waffle House attracts crime is just an opinion. The subject property is a good location for the restaurant and Waffle House will partner with local law enforcement. He believes any contribution of more than 16% towards the right-turn lane is very arbitrary, not supported by any data, and unfair. He pointed out that the level of service at the intersection is already graded at a "D" in the current "no-build condition". The level of service will drop to a grade "E" which will be a failing score. Then, the development only adds 9 seconds and is not a huge contributor to the need for the right-turn lane. The County can plan to place it in its budget in future years and the cost to construct the turn-lane should not be the responsibility of the development in its entirety.

Mr. Tarpeh explained that Waffle House does research before coming into a community to determine where to place a restaurant and there was nothing to indicate that this location would require additional security. They also design restaurants so that a walk-up window can be added if crime manifests differently and will shut down the interior of a restaurant at 10:00 p.m., allow for walk-up service only, and add security if necessary.

Motion to: Close the Public Hearing

The Board voted to close the Public Hearing regarding Petition # REZ 24-18 filed by Waffle House, Inc. requesting to rezone property ("Tract B") located at the intersection of Poplar Road and Hwy 16, Sharpsburg (Parcel # 124-1049-008 [partial]) from C-6 (*Commercial Minor Shopping*) with conditions to C-6 (*Commercial Minor Shopping*).

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Jeff Fisher

AYES: Bill McKenzie, John Reidelbach, Jeff Fisher, Bob Blackburn, Alphonso Smith

Commissioner Fisher explained that he does not think that Waffle Houses naturally draw criminal activity. Criminal activity is more of a product of their locations. The ones in Senoia and in Peachtree City have not had any heightened level of crime in those areas. Regarding the applicant's 16% contribution, because of the potential time involved to complete the project (3-5 years) and potential increases in road construction costs, he would like the applicant to contribute 25% to the construction of the channelized right-turn lane (Condition # 5) and for the Waffle House to be able to operate 24-hours a day (Condition # 15).

Motion to: Approve

The Board voted to rezone 0.97± acres ("Tract B") located at the intersection of Poplar Road and Hwy 16, Sharpsburg (Parcel # 124-1049-008 [partial]) from *C-6 (Commercial Minor Shopping District)* with conditions to *C-6 (Commercial Minor Shopping)* as requested in Petition # REZ 24-18 filed by Waffle House, Inc., subject to the following conditions:

1. All *Coweta County Code of Ordinances* shall be adhered to unless a variance is granted through the normal review process.
2. The applicant shall construct a left-turn lane (230 feet of full-width storage) along SR 16 at the proposed driveway.
3. The applicant shall construct a right-turn lane on SR 16 at the proposed driveway (minimum 250 feet of full-width storage).
4. The applicant shall construct a yield-controlled channelized right-turn at the site driveway southbound approach.
5. The applicant shall contribute 25% of the cost of designing and constructing a channelized right-turn lane at SR 16 and Marion Beavers Road.
6. The applicant shall comply with any additional requirements established by the Georgia Department of Transportation (GDOT).
7. All work within the right-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO), County, and Georgia Department of Transportation (GDOT) standards.
8. The applicant/developer shall meet all the site development standards of the *Quality Development Corridor District (QDCD)* unless a variance is granted through the normal procedures.
9. The permit applicant shall be responsible for stormwater management meeting the requirements of *Chapter 30* of the *Coweta County Code of Ordinances* for each subbasin and each shall be studied at the points where each subbasin leaves the proposed development's property. Additionally, it is required that Runoff

Reduction practices be implemented upgradient from the detention/retention ponding to help avoid maintenance concerns and provide a treatment train approach as intended in the ordinance, unless an infeasibility waiver is granted.

10. The applicant shall obtain a land disturbance permit (LDP) within an 18-month period beginning the next business day following approval by the Board. If the applicant fails to do so, the Board may initiate rezoning of the property.
11. A 50-foot buffer shall be maintained or planted along the northern property boundary. The site will need to be evaluated after grading, clearing to determine if additional supplemental buffer plantings will be required. A landscape buffer plan shall be submitted and reviewed by the Community Development Department to ensure the existing and/or planted materials provide appropriate screening.
12. The applicant shall install a six (6) feet decorative opaque fence along the northern property line that abuts the established residential property zoned *RC (Rural Conservation)*. The six (6) feet decorative fence is to stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
13. Any site and building lighting installed shall incorporate full cutoff fixtures to preclude glare onto or direct illumination of adjacent properties and streets.
14. Any business activity shall agree to work with the County in good faith to address any concerns, complaints related to odor, glare, noise, or similar objectionable features.
15. The Waffle House restaurant may conduct business 24-hours a day.

RESULT: Passed (UNANIMOUS)

MOVER: Jeff Fisher

SECONDER: Bob Blackburn

AYES: Bill McKenzie, John Reidelbach, Jeff Fisher, Bob Blackburn, Alphonso Smith

7. **Public Hearing Regarding Possible Rezoning of Property Located at SR 70 (Roscoe Road), Newnan Associated with Condition # 6 of Previous Petition # REZ 22-03 Filed by Apex Land Company - District 3**

Zoning Associate Nicole Blackwell explained that at the Commission meeting held on April 19, 2022, the Board voted to rezone 0.79± acres located at SR 70 (Roscoe Road), Newnan (Parcel # 073B-032) from *RC (Rural Conservation)* to *R-2 (Multifamily Residential)* as requested in Petition # REZ 22-03 filed by Apex Land Company, subject to ten (10) conditions. Condition # 6 required that the applicant obtain a Land Disturbance Permit (LDP) within a 12-month period or the Board could initiate rezoning of the property. As of February 28, 2025, an LDP has not been issued to the applicant. According to the applicant's attorney, Apex Land Company was unable to secure the necessary zoning within the City of Newnan to proceed with their project for a townhome development. In closing, she explained that since an LDP has not been obtained, staff recommends that the Board rezone the property back to *RC (Rural Conservation)*.