

THE FAYETTE COUNTY PLANNING COMMISSION met on October 3, 2002 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
Jim Graw, Vice-Chairman
Al Gilbert

MEMBERS ABSENT: Douglas Powell
Bob Harbison

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Beckwith called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He explained that Bob Harbison who is employed by Georgia Power was called to leave for Louisiana due to Hurricane Lili.

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1. Consideration of the Minutes of the meeting held on September 5, 2002.

Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated. Al Gilbert made the motion to approve the Minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Bob Harbison and Doug Powell were absent.

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2. Consideration of the Workshop Minutes of the meeting held on September 5, 2002.

Chairman Beckwith asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Jim Graw made the motion to approve the Workshop Minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Bob Harbison and Doug Powell were absent.

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Kathy Zeitler read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

Chairman Beckwith reiterated that since there were only three (3) members present that three (3) affirmative votes would be required. He said he would ask each applicant if they wished to table their petition until a later date.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON OCTOBER 3, 2002 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 24, 2002.

3. Consideration of Petition No. 1099-02, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 1.053 acres from R-20 to R-20 for Lot 22 of Shoreline Trace Subdivision, Phase One. This property is located in Land Lot 86 of the 5th District, fronts on Shoreline Drive, and is zoned R-20.

Chairman Beckwith advised that Mr. Stinchcomb had previously filed a variance application before the Z.B.A. He confirmed that he was also the Chairman for the Z.B.A. He reported that there were only four (4) Z.B.A. members present and the vote was split 2-2 which means the motion failed. He explained that tonight Mr. Stinchcomb was requesting an unusual rezoning before the P.C. and the B.C.C. He noted that the B.C.C. has given the Z.B.A. the responsibility and the authority to either approve or deny variance requests and the Z.B.A. chose to deny Mr. Stinchcomb's variance petition. He explained that Mr. Stinchcomb would not be able to be reheard before the Z.B.A. for one (1) year. He went on to say that should the P.C. act on the petition then they would be taking away the decision made by the Z.B.A. and the P.C. did not have the right to do so. He confirmed that the subdivision was zoned R-20 under the previous regulations and the P.C. cannot consider applying the new setbacks to the subject property because the plat for the subdivision is the legal document. He explained that the only way to change the setback is for everyone in the subdivision phase to agree and sign the plat authorizing the revision. He added that the P.C. cannot hear the petition and it is not a proper request for rezoning. He stated that he hoped Mr. Boyd understood and allowed him to speak at this time.

Randy Boyd commented that he was somewhat confused. He remarked that he could not petition the Z.B.A. for one (1) year. He said that the purpose was to seek relief for the house because in three (3) months the house will be vacant for four (4) years. He pointed out that this was a total separate request and he did not understand why this could not proceed.

Chairman Beckwith replied that the subdivision plat was platted with the particular setbacks and the plat is a legal document and the only way to change the plat is to get everyone to sign the plat to allow any changes.

Mr. Boyd pointed out that several years ago where there was an encroachment on another lot which was too close to the road and there was a condition of zoning. He explained that he had to petition the P.C. and the B.C.C. and he failed to see the difference.

Jim Graw replied that a condition of zoning is different from the actual setbacks listed in the Zoning Ordinance. He explained that the petition was to rezone from R-20 to R-20 and the subject property is already zoned R-20. He added that the current setback requirements are different today than from the previous setback requirements.

Chairman Beckwith concurred that there was a difference between changing a condition of zoning and changing the actual setbacks.

Mr. Boyd said he could not change the P.C.'s mind and that they were obviously not going to hear it but this petition has been pending for a month, the fee was collected, and he was ready to proceed. He asked why this was coming up at the eleventh hour. He asked if he could get his rezoning fee back.

Mr. Graw asked Staff if the petition was withdrawn could their fee be refunded.

Kathy Zeitler explained that typically once the legal ad ran it is policy not to refund the application filing fee.

Mr. Boyd asked if the policy could be waived since the P.C. is not going to hear the petition. Again, he asked why this was happening tonight and why did it not come up immediately. He said that out of courtesy a decision should have been made before the eleventh hour. He noted that he brings a lot of petitions before the P.C. and he should have been notified sooner. He added that if the rezoning request is not going to be heard then the fee should be refunded.

Chairman Beckwith replied that this was an appropriate point.

Attorney McNally advised that Mr. Boyd should make a refund request through the Zoning Staff and have the Zoning Staff pass it on to the B.C.C.

Mr. Graw said that if there was something the P.C. could do they would but he does not see how they can do anything. He added that he did not want to see the house standing for four (4) years because it is not fair to the residents in the area either. He suggested to file a petition before the Z.B.A. when he could and make sure that the petition is heard by a full board.

Attorney McNally informed the P.C. that it is not their purview to advise Mr. Boyd what he and his client may choose to do. He suggested that the P.C. receive comments but not advise what action is needed to be taken.

Chairman Beckwith replied that since it was an administrative policy he felt it was appropriate to tell him the process to go through for a refund.

Attorney McNally replied that he was not talking about that particular piece of advise.

Mr. Boyd said that the house has sat vacant for almost four (4) years. He advised that a Certificate of Occupancy had been issued and if not for the closing survey someone would have been in the house. He remarked that a lot of loaning institutions do not require surveys. He asked are there others in violation and the answer is probably. He stated that if no more variances were going to be approved in the County then there should be some mechanism in place that the builders do not get this far along. He added that he was not trying to drum up work but he does not do this type of work. He said it was sad that Mr. Stinchcomb continues to be punished because he can get a 20% administrative variance of 11 feet and he only needs a total variance of 12' 4" feet which is only 1' 4" more. He asked if it was equitable to continue to punish Mr. Stinchcomb.

Chairman Beckwith replied that he could not answer the question but he understood due to sitting in on the Z.B.A. public hearings.

Mr. Boyd thanked the P.C.

Chairman Beckwith thanked Mr. Boyd.

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4. Consideration of Petition No. 1098-02, Dr. Thomas Busey, Owner, and Rod Wright of PLD, Inc., Agent, request to rezone 155.01 acres from A-R to R-80 to develop a single-family residential subdivision consisting of 45 lots. This property is located in Land Lots 230, 231, 250, and 251 of the 4th District and fronts on Goza Road and Old Greenville Road.

Rod Wright requested approval of the three (3) acre, R-80 zoning. He said he had been developing five (5) acre tracts for the past five (5) years but there is a lot of demand for smaller tracts. He commented that he has been a resident for 20 years and he cares about what happens to the County.

Chairman Beckwith asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition.

Ann Richardson of 701 Goza Road stated that she had nine (9) acres and two (2) sons and she wanted to subdivide the property between the sons but was told that each son must have a minimum of five (5) acres. She said that the area is in the country and should remain A-R.

John Kimbell of 723 Goza Road concurred with Ms. Richardson. He pointed out that there are three (3) schools being constructed on S.R. 85 South. He said that with the schools and this proposed subdivision that Goza Road would receive increased traffic. He expressed concern about the

location of the proposed entrance due to the hill on Goza Road. He added that the area should remain A-R.

David Richardson of 701 Goza Road stated that the fair and the weekend events also added to the traffic on Goza Road.

John Richardson of 455 Old Greenville Road said he was one of the sons previously mentioned. He noted that this property had previously been considered for rezoning. He also expressed concern about the proposed entrances from both Goza Road due to the blind hill and Old Greenville Road due to a blind curve. He remarked that he hoped the P.C. came up with the same decision as they did with the previous rezoning application.

David Jenkins of 320 Old Greenville Road expressed concern about the dirt portion of Old Greenville Road. He said the only way to get gravel on the road is to have the school bus driver to complain. He added that two (2) cars cannot pass without slowing down. He remarked that if the petition is approved that this section of Old Greenville Road needs to be upgraded.

Brian Bishop of 317 Old Greenville Road said that he just finished a house which he had to have five (5) acres in order to build. He stated that he had to go through a lot of static to get a septic tank approved on a five (5) acre tract due to the soil types which would not change by just crossing a property line. He commented that this property is adjacent to his property and he did not understand how they could get a septic system approved on three (3) acre lots when he had problems on a five (5) acre lot. He expressed concern about the increased traffic since his five (5) year old son rides his bike on Old Greenville Road. He pointed out that there was no speed limit signs posted on the dirt portion of Old Greenville Road. He added that he did not want to see the road paved. He also expressed concern about the proposed entrances. He said he wanted the area to remain A-R. He remarked that traffic congestion was already bad enough due to the fair and gun shows.

Mr. Jenkins asked if there was a plat available for review.

Chairman Beckwith replied that the only item under consideration was the rezoning of the subject property, however there is a concept plan available for review.

In rebuttal, Mr. Wright advised that the proposed entrances must meet the County's sight distance requirements. He said that he agreed to all of the conditions of zoning. He stated that five (5) acre tracts previously sold for \$55,000 and now they are \$85,000 which goes into the road construction costs. He reported that he had spoken with the adjacent property owner to allow him to clip some trees on Old Greenville Road which would provide better sight distance along the curve. He commented that depending on where he was required to construct his entrance on Old Greenville Road that the intersection may be changed. He remarked that he would work with the County to develop a nice community. He confirmed that the schools have room to handle the proposed subdivision plus more. He added that he would be running County water with a 20" main from the fair grounds to the subject property. He noted that the cost of the homes should be \$300,000 plus.

Hearing no further comments, Chairman Beckwith closed the floor from public comments.

Al Gilbert asked Mr. Wright if he agreed to the recommended conditions.

Mr. Wright replied yes.

Jim Graw advised that the concept plan would have to be redesigned.

Mr. Wright stated that the concept plan was only a concept plan and understood that the proposed development would have to be redesigned. He said he would rather have the property developed as two (2) subdivisions with two (2) separate streets rather than joining Goza Road and Old Greenville Road together. He remarked that after the preliminary soil studies that the northern

portion may be larger than three (3) acres.

Mr. Graw stated that the request for three (3) acre lots complies with the Land Use Plan.

Chairman Beckwith concurred.

An unidentified citizen requested to address the P.C. but Chairman Beckwith advised that the floor was closed to public comments but he could ask his question after the public hearing.

Al Gilbert made the motion to approve the petition subject to the recommended conditions. Jim Graw seconded the motion reiterating that the developer had agreed to the recommended conditions. The motion unanimously passed 3-0. Bob Harbison and Doug Powell were absent.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled for October 17, 2002 in the B.C.C. Conference Room at 7:00 P.M.

There being no further business, Al Gilbert made the motion to adjourn the meeting. Jim Graw seconded the motion. The motion for adjournment unanimously passed 3-0. Bob Harbison and Doug Powell were absent. The meeting adjourned at 7:47 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

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BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY