

THE FAYETTE COUNTY PLANNING COMMISSION met on May 2, 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
Bob Harbison
Al Gilbert
Douglas Powell

MEMBERS ABSENT: None

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.

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1. Consideration of the Minutes of the meeting held on April 4, 2002.

Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated. Bob Harbison made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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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.

THE FOLLOWING ITEM WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 2, 2002 AND BY THE BOARD OF COMMISSIONERS ON MAY 23, 2002.

2. Consideration of Petition No. 1090-02, New Market Properties, Inc., Owner, Brundage Engineering, Inc., Agent, request to rezone 26.42 acres from R-70 to C-S to develop a single-family residential Conservation Subdivision consisting of 12 lots. This property is located in Land Lot 54 of the 7th District and fronts on Adams Road.

Billy Brundage advised that a few months ago a Preliminary Plat had been approved based on the current R-70 zoning district with 12 lots at a minimum of two (2) acres each. He said that work had begun on the road construction plans for the subdivision when the Applicant found out about the newly adopted C-S zoning district. He stated that after reviewing the features of the C-S zoning district that it made sense to attempt this type development. He remarked that this was the first request for the C-S zoning district.

Mr. Brundage commented that the subject property is currently zoned R-70 which allows two (2) acre lots and that they have an approved Preliminary Plat for 12 lots based on the current zoning. He confirmed that if this rezoning request is denied that the Applicant would proceed with the R-70 development. He noted that there would be no increase in potential density from going from R-70 to C-S. He said that the impact on schools, utilities and traffic would be the same for the C-S as well. He pointed out that the C-S zoning district would allow the construction of less street, which means less disturbed area and less impact on the environment, a definite plus. He added that C-S

zoning would also keep house construction activity further away from the environmentally sensitive areas.

Mr. Brundage explained that the subject property has high ground on the front and falls off to the rear. He confirmed that a small creek was located on the northeast side of the property and a draw was located on the southeast side of the property. He noted that these were the more sensitive areas because of run-off from drainage. He added that the larger trees and hardwoods were located on the rear of the subject property in the Conservation Area, so they would be preserved.

Mr. Brundage advised that 11.8 acres would be preserved as a natural area which is approximately 45% of the subject property and the C-S zoning district only required 40% for Conservation Area. He confirmed that the R-70 zoning district required a minimum house size of 1,500 square feet while the C-S zoning district required a minimum house size of 2,100 square feet. In summary, he said that there would be 12 building lots and it was a choice between R-70 or C-S zoning districts.

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.

Bill McNew of 369 Adams Road stated that his property abuts the subject property. He said he saw no reason to rezone the property. He pointed out that the R-70 houses would be more dispersed and there would not be the impact of all of the houses up at the front of the property. He commented that even with the wetlands a big section of the land will be undisturbed under the R-70. He stressed that everyone purchased their homes under the R-70. He said that the R-70 blanket zoning was not their choice but they abide by it and there is no reason why others shouldn't.

Larry Lake of 383 Adams Road stated that his property also abuts the subject property. He said he realized that there would be houses along his property line whether they were developed as R-70 or C-S. However, he stressed that he objected to the one (1) acre lot sizes which would change the character and integrity of Adams Road. He commented that the 11.8 acres left in conservation would not do anybody on Adams Road any good. He remarked that he had no objection to a minimum house size of 1,500 square feet. He went on to say that rezoning to C-S was strictly an economic decision on the developer's part due to the cost of the road. He added that the houses would look better dispersed on the subject property.

Peter Spanos of 367 Adams Road said that he relocated to this area to escape overcrowding due to denser zoning in other areas. He stated that he hoped that the property on Adams Road would remain to be five (5) acres or larger which is the character and nature of the neighborhood. He pointed out that you do not see houses clustered along a central street and cul-de-sac because this is not the character of the surrounding neighborhood. He went on to say that the developer wants to take advantage of a new zoning innovation but it sounds like he wants to be the first to change the character of the neighborhood. He expressed concern about setting a precedent for the area. He remarked that if the B.C.C. wishes to create an entire neighborhood which is appropriate for C-S zoning then they have this right and this duty but it should not be done in a R-70 zoning district. He submitted a letter to the P.C. in opposition to the request.

James Gosnell of 371 Adams Road stated that the subject property also abuts his property line. He expressed his objection to the C-S zoning district. He said that the C-S zoning district would devalue the property values and the value of the existing homes.

Andy Range of 319 Adams Road said he opposed the C-S zoning district. He advised that everybody has a well because there is no County water available in the area. He asked if the 12 lots would be served by individual wells or was the County going to provide water. He asked if the County was going to provide water for everyone on Adams Road. He remarked that he is charged an exorbitant amount for taxes but receives no services from the County other than police protection. He asked what was the County going to do for the developer that it is not doing for the residents along Adams Road. He commented that he built in the area because of the country setting. He added that this type development should be close to the city and should leave the country alone.

Jim Graw advised the audience that a water line is proposed by the developer.

In rebuttal, Mr. Brundage confirmed that the development would be served by County water which is approximately 2,200 feet away at Havenbrook Subdivision. He stated that he was surprised at the amount of opposition but he understood it in a way. He said that it was his understanding that the C-S zoning district was created to not increase density but to allow open space to be set aside in an effort to meet the Governor's mandate for greenspace. He remarked that by having 11.8 acres of Conservation Area there would be less of an impact on the environment, and this was a logical and obvious choice.

Chairman Beckwith informed the audience that the P.C. is a recommending board and that they will send their recommendation to the B.C.C. who will make the final decision. He explained that the C-S zoning district was adopted in order to assist the County in fulfilling its requirement for protecting 20% of the County for greenspace as required under the Georgia Greenspace Program.

Al Gilbert asked Mr. Brundage if his client agreed with the three (3) recommended conditions.

Mr. Brundage replied yes.

Mr. Graw asked if this rezoning was approved what would be the process required to eliminate the previously approved Preliminary Plat.

Kathy Zeitler replied that a new Preliminary Plat for the C-S development would be required to be submitted and approved, and once approved, it would supercede the previously approved Preliminary Plat.

Al Gilbert made the motion to approve the petition with the elimination of recommended condition #1. He stated that he felt it was up to the B.C.C. to decide how the Conservation Area would be maintained or accepted by the County. Jim Graw seconded the motion for discussion purposes.

Bob Harbison said that he supported the C-S concept because it does several things for the County such as reducing the amount of impervious surfaces, helps our drains, and reduces the size of lawns where chemicals can be utilized which can get into our water supply. He said that he also understood the concerns of the citizens in this area. He stated that the County needs the C-S zoning district but he was unsure at this time if this was the proper location.

Al Gilbert said he also understood the opposition. He stressed that wherever the C-S zoning is implemented that it would be in areas which are zoned higher than one (1) acre. He stated that either the County has an ordinance which is good and could be recognized and utilized, or if not, the C-S zoning district should be deleted from the ordinance.

Doug Powell stated that the C-S zoning district does not change the density or the number of school children or the amount of traffic on the roads, which should be the major concerns. He said the intent of C-S is good because it creates greenspace. He remarked that the individual parcels abutting the subject property are all larger than two (2) acres which is the concern of the community. He added that he was also surprised at the amount of opposition.

Mr. Graw remarked that he hated State mandates. He said that he concurred with Mr. Gilbert and Mr. Powell. He asked if there were any penalties involved if the County did not reach the required 20% of land set aside for greenspace.

Attorney McNally replied that the County would not be found to be in compliance with the Georgia Greenspace Program. He advised that Fayette County had received two (2) grants totaling approximately \$700,000 to set aside greenspace. He noted that if the County does not produce the 20% that the County probably would not receive any further grant monies. He said that the State is pushing their Smart Growth Program and the residents need to understand that the State of Georgia does not like the way that Fayette County is developing with large lot sizes. He clarified that the

State is giving the County a harder and harder time in adhering to large lots. He commented that the C-S zoning district was developed to attempt to stay with a fairly good size lot which is one (1) acre as compared to the mini-lots which the State is pushing in the metropolitan Atlanta area with their Smart Growth Program.

Mr. Graw added that Fayette County is not the only county facing this requirement. He said that Fayette County is lucky in that we still have undeveloped land to set aside as greenspace.

Chairman Beckwith remarked that Fayette County is included in the list of metro counties for air pollution. He commented that greenspace would help with the air pollution. He added that the C-S zoning district can be effective but it may not be appropriate for this area.

At this time, Chairman Beckwith called for the vote. The motion for approval of C-S with recommended conditions 2 and 3 failed (2-3) with Bob Harbison, Doug Powell, and Chairman Beckwith voting in opposition to the motion.

Bob Harbison made the motion to deny the petition. Doug Powell seconded the motion. The motion for denial passed 3-2 with Jim Graw and Al Gilbert voting in opposition.

Mr. Harbison stated that it was unfortunate that the first C-S petition was for recommendation as denial by the P.C. but each petition must be reviewed on its individual issues. He added that the C-S zoning district was very viable.

Chairman Beckwith advised the audience that the petition would be considered by the B.C.C. on May 23, 2002 at 7:00 P.M.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler reminded the P.C. that the May P.C. Workshop had been canceled due to a lack of items.

Chairman Beckwith stated that everyone may have felt very secure this evening because of the presence of the Deputy Marshal. The P.C. and audience wished Deputy Warren Chamberlin a "Happy Birthday".

There being no further business, Bob Harbison made the motion to adjourn the meeting. Jim Graw seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:45 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY