

THE FAYETTE COUNTY PLANNING COMMISSION met on June 6, 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: Dennis Davenport, Assistant 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 May 2, 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. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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Chairman Beckwith explained to the audience that the Preliminary Plats on the agenda were to address the technical aspects of the subdivision of property which was already zoned, and only the technical aspects of the Preliminary Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON JUNE 6, 2002.

2. Consideration of a Preliminary Plat, Brooke Leigh Estates, Phase II, Dr. Bernard Germain, Owner, and Scarbrough and Rolader Development, LLC, Agents, request to develop a single-family residential subdivision consisting of 24.67 acres with 10 single-family dwelling lots. This property is located in Land Lot 169 of the 4th District, fronts on Acton Drive, and is zoned R-60. (R-60 Zoning is no longer a zoning classification. R-72 Dimensional requirements apply to R-60 properties not previously platted).

And

3. Consideration of a Preliminary Plat, Lake Horton Landing Subdivision, Dr. Bernard Germain, Owner, and Scarbrough and Rolader Development, LLC, Agents, request to develop a single-family residential subdivision consisting of 33.46 acres with 13 single-family dwelling lots. This property is located in Land Lot 169 of the 4th District, fronts on Brooks Woolsey Road, and is zoned R-60. (R-60 Zoning is no longer a zoning classification. R-72 Dimensional requirements apply to R-60 properties not previously platted).

Billy Brundage explained that the property is located off Brooks Woolsey Road adjacent to Lake Horton and is separated by an existing pond. He further explained that Brooke Leigh Estates would extend the existing street and that Lake Horton Landing would access Woolsey Brooks Road.

Chairman Beckwith asked if there were any comments regarding the technical aspects of the proposed preliminary plats. Hearing none, he closed the floor from public comments.

Bob Harbison made a motion to approve the preliminary plat dated 05/28/02 for Brooke Leigh Estates. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

Al Gilbert made a motion to approve the preliminary plat dated 05/28/02 for Lake Horton Landing. Doug Powell 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.

Chairman Beckwith reiterated that the P.C. is a recommending body only. He explained that they receive information from the public, make a determination based on that information, and then a recommendation is made and forwarded to the B.C.C. who will make the final decision on June 27, 2002.

Chairman Beckwith advised that Petition No. 1095-02 would be heard at this time due to the amount of interest.

Bob Harbison brought it to Chairman Beckwith's attention that some people were standing outside of the Public Meeting Room who may be interested in this agenda item.

Chairman Beckwith asked Delores Harrison to advise the people standing outside.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 6, 2002 AND BY THE BOARD OF COMMISSIONERS ON JUNE 27, 2002.

4. **Consideration of Petition No. 1095-02, Fayette Baptist Church, Owner, and THG Properties, LLLP, Agent, request to rezone 6.8 acres from A-R and R-40 to C-H to develop a convenience store with a gas station and retail shops. This property is located in Land Lot 39 of the 5th District and fronts on Seay Road and Hwy. 92 South.**

Attorney Steve Ott representing THG Properties requested rezoning of a parcel of land to C-H at the intersection of Seay Road and Hwy. 92 South consisting of approximately 6.8 acres currently zoned A-R and R-40. He said the plans are to develop a convenience store with gasoline sales, a retail shop, and future retail shops. He explained that they are not asking to rezone another commercial lot in this area but trying to correct a bad situation. He advised that THG properties owns a piece of property diagonal from the subject property on Hwy. 92 South which is already zoned Commercial. He reported that the existing C-H lot is a mid-block piece of property and not located on a corner. He remarked that the existing C-H lot is the lot which has a sign posted which states "For Lease" diagonal from the subject property. He presented maps indicating the two (2) parcels. He noted that the proposed development would also fit onto the existing C-H zoned property. He confirmed that in exchange for the requested zoning on the subject property that THG Properties would seek to have the current commercial property rezoned to R-40. He added that the concept plan was only an example to show what could be constructed on a property the same size.

Attorney Ott went on to say that they had reviewed the Staff Analysis and there are some concerns which can be corrected or at least lessened by moving the commercial from the mid-block parcel to the subject property. He explained that the existing commercial property is surrounded by residential

lots but the subject property has a church across the street, Harp Grading next door, and one (1) house which would be buffered. He noted that further down and on the same side of the road is a day care center. He said that developing the mid-block property creates a larger traffic concern than development of the subject property. He stated that the future considerations are that at some point in time Hwy. 92 would be widened to the Spalding County line. He reported that there would be no median cut at the existing commercial property but a median cut would be anticipated at the intersection of the subject property with a right-in right-out access onto Hwy. 92.

Attorney Ott explained that this type development does not usually generate traffic but will serve the existing passing traffic. He confirmed that the anticipated time of development is approximately two (2) years. He said the property owner would take a significant loss in the development of the existing commercial development when it is rezoned to residential but he is willing to do so in order to correct some of the problems he has with a commercial mid-block parcel opposite of a day care and church. He requested approval of C-H with the condition that the current C-H lot be rezoned to R-40. He added that the R-40 application was submitted with the current rezoning petition. He closed by saying he would be glad to answer any questions.

Chairman Beckwith inquired if the only property under consideration tonight is the property located at the corner of Seay Road and Hwy. 92.

Kathy Zeitler replied yes sir.

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. He reminded the audience of the time limitation for each person was three (3) minutes, and a total time of fifteen (15) minutes.

Attorney Dennis Davenport advised Chairman Beckwith that if the audience is given additional time that the petitioner also has to be granted additional time. He recommended that a spokesperson be appointed by the audience.

Chairman Beckwith asked the audience to discuss choosing a spokesperson.

Brenda Henson of 211 Harp Road read the following:

Application reference #1095-02 is not in the best interest of the community. Instead, it will serve only to fatten the pockets of those who intend to build there. My family has owned and maintained property as a private dwelling place for the past 17 years, my parents have likewise owned and maintained property as their private dwelling place for the past 35 years. Property owners in this community have voiced their opinions many times in the past concerning various requests to change land usage in the aforementioned area. In the past, the elected officials in power have always considered the welfare of those who voted them into office, keeping their promises to act in the best interest of the community as a whole. After considering the plights of the private homeowners, it has always been deemed best to deny rezoning requests. Citing an increase in traffic, dangerous intersections, disturbance of bucolic surroundings, and the probable harm to private home and land values, the zoning committee and officials have ruled in favor of the citizens. It is heinous for the individuals making this request to think that the citizens of this community will allow or support a business venture whose primary goal is focused on making money for the owners at the expense of those who have worked hard to make this part of Fayette County their home. We, the people of this community, represent not only new homeowners seeking to establish roots and rear children in one of the finest communities available, but also generations of established homeowners looking forward to retiring and enjoying the land and surroundings we have enjoyed and fought so desperately hard to preserve. Please do not mistake this request as a request to create a stalwart to progress. As an educator in the Fayette County School System, I applaud the constant progression of Fayette County toward growth in areas that will benefit her citizens. There is, however, a time and place for everything. Now is not the time to decimate the property values of homeowners, to cause untold traffic having their children from the surrounding streets constantly being tempted to "visit" the convenience store for a "treat". This is not the place to build another gas station/convenience

store! Please, I, as well as the homeowners of the surrounding area, beseech the council to consider the well being of the people as a whole pedestal where they belong and stop the bureaucracy from once again trying to pave over the idyllic settings that have been chosen as home for so many. I am appalled at the lack of moral consciousness that the petitioner of this rezoning request obviously has. As a private citizen, a landowner in the community, a parent, an educator, and one who always exercises the privilege of voting for our public community government representatives, I deem it part of my responsibility as well as moral obligation to stand up to those who would seek to destroy established family and community settings. I know that if a poll were to be taken at this very instant of all the people that this rezoning would so greatly affect in a negative way, the numbers would be staggering. Families who have moved here and established homes and families here in order to take advantage of the serenity this locale has to offer, children waiting for the school buses and parents chauffeuring their children to school and community events, hard working individuals commuting to work - already contending with an ever-increasing traffic problem on Hwy. 92, as young, as well as elderly, drivers trying to negotiate the traffic; that the proposed establishment would allow such a bureaucratic change as this rezoning would represent to stand in the way of our dreams, our peace of mind, the beauty of this area - we won't. I, as well as new families into the area, but we stand clear in our desire to keep those out who deem it their goal to make money at the expense of others. Please consider the citizens and voters of this community before rendering your decisions - we depend on you, the council. We have no one else to stand up for the obvious current underdog in society - the family unit. Help us preserve the integrity of this area. Thank you.

Chairman Beckwith asked the audience to please refrain from applause. He asked if there was anyone else to speak in opposition.

Chester Nash of 230 Longshore Way stated he represented 92 homeowners and taxpayers of the homeowners association of Harbor Lakes and Belmont Subdivisions. He said that he was led to believe that the southern end of the County would be kept more low density residential. He remarked that they are concerned about increased traffic since the traffic already backs up on Antioch Road. He reported that there had been numerous accidents on Hwy. 92. He commented that this section of the County should be reserved for more of a residential and agricultural area. He presented signed petitions with 62 signatures from Harbor Lakes and 17 from Belmont.

Bob McElroy of 120 Dawn Drive referenced his letter dated May 28, 2002 and ask that it stand for him. He stated that to have a single individual speak for the group seemed unfair since there are citizens present who have their own specific ideas and opinions. He remarked that this has not been a community effort and that everyone has not sat down in a room and discussed everyone's thoughts and ideas. He said that the area was clearly a residential area consisting of homes and churches and even proposed churches. He referenced page 63. of the Land Use Plan which addressed state routes and it defines them as residential or agricultural in nature. He confirmed that Hwy. 92 meets this condition. He went on to say that the Land Use Plan establishes a policy to prohibit the encroachment of commercial development into well established residential neighborhoods. He stated that the residential zoning districts listed in the Zoning Ordinance are designed to protect against the depreciating effects of those uses that are incompatible with a residential environment. He stressed that this is not an area for commercial activity.

Mr. McElroy pointed out that along Hwy. 92, the intersection of Melody Lane, Harp Road, Seay Road, Antioch Road and Lockwood Road are located within very close proximity. He said that these closely positioned intersections, combined with the existing curb cuts associated with the Fayette Assembly of God Church, Harp's Crossing Baptist Church and a residential property, make the area of Harp's Crossing very congested. He stressed that the area is not suitable for a commercial curb cut. He commented that the Harp Road/Seay Road/Hwy. 92 intersection is an extremely tricky intersection because when two (2) cars are stopped at the Seay Road stop sign, the exit from Harp Road is blocked. He added that when three (3) cars are stopped at the Seay Road stop sign, the exit from Hwy. 92 onto Harp Road is blocked. He remarked that with a commercial curb cut on Seay Road, Harp Road will essentially remain blocked.

Mr. McElroy said that the transportation policy of the Land Use Plan requires that the safety of the highway and safety of existing intersections be protected from adverse land development. He stated that this land use with the traffic generated will have an adverse impact on the State Highway and several critical intersections. He stressed that this is not an area for commercial development. He requested that the petition be denied and asked that the ideas and opinions of others would be heard.

Charles Harp of 1131 Hwy. 92 South advised that he lives adjacent to the subject property and sold the property to the church with the intentions that a church and school would be developed there but the B.C.C. denied the church's rezoning request so the church had to look for another piece of property. He reported that he had also thought about rezoning a one (1) acre tract to commercial at the subject intersection years ago and decided it was not a suitable place for commercial. He confirmed that Harp Grading ceased operations before the subject property was sold to the church on July 1, 1998. He requested that the rezoning considered tonight be denied.

Frank Eubanks of 100 Harbor Lakes Way stated that there are three (3) points to be made: Don't be fooled, there is a magic rule of real estate - location, location, location. He said if the existing commercial tract was good enough for development as planned then they would be developing it today. He said that just because a mistake was made to rezone the existing commercial tract doesn't mean the same mistake needs to be made today for the subject property. He stressed that zoning is to protect the property values of the citizens and to protect the development of the County.

Ken Helms of 844 Goza Road said he represented 230 people in opposition and presented a signed petition to the P.C.

In rebuttal, Attorney Ott reiterated that they were not seeking to add a commercial piece of property. He advised that the existing commercial tract had been zoned commercial since 1972 and there are plans now for development but the time table is approximately two (2) years. He said that by exchanging the zoning of the subject property and existing commercial property that some of the concerns could be corrected which would be in the best interest of the County. He went on to say that THG would not have a problem doing a traffic study. He thanked the P.C. for their time and consideration.

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

Bob Harbison made a motion to deny the petition. Al Gilbert seconded the motion.

Chairman Beckwith commented that the request is not in compliance with the Land Use Plan which designates the area as low density residential. He said he was in support of the motion to deny the request.

Mr. Harbison advised that the P.C. can not negotiate on swaps of property for rezoning. He added that all the P.C. could consider tonight was the rezoning of the subject property. He affirmed that this is a residential area and not a high density commercial area.

Jim Graw said that the existing commercial property was rezoned thirty years ago and the area then is not the same as it is today. He stated that he would have voted in opposition in 1972 to the commercial zoning. He commented that should the subject property be rezoned to commercial that he would consider it "spot zoning". He added that he could not support the rezoning since it was spot zoning and did not comply with the Land Use Plan.

Doug Powell stated that he visited the site on Monday morning and witnessed the congestion and the information provided tonight regarding traffic congestion is correct. He said that if the petition were approved it would increase the congestion and possibly render Harp Road inoperable early in the morning. He remarked that he did not quite understand all of the problems associated with the existing commercial lot, or the thought process about people having to turn around to get to the property after it is developed. He added that most people would probably continue to Fayetteville or further down Hwy. 92 to the next community where there is a suitable area where they can pull

off as opposed to having to cross traffic or make a u-turn. He applauded the individuals for attending tonight and performing their civil responsibility.

Al Gilbert concurred.

At this time, Chairman Beckwith called for the vote. The motion to deny the petition was unanimously passed 5-0.

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Chairman Beckwith called for a break from 7:50 P.M. to 7:55 P.M.

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5. **Consideration of Petition No. 1091-02, John D. and Cathy A. Kegley, II, Owners/Agents, request to rezone 18.98 acres from R-40 and A-R to R-40 to establish one zoning district for Lot 69 of Huntington Creek Subdivision, Phase IV. This property is located in Land Lots 169, 170, and 183 of the 5th District and fronts on Downing Court.**

And

6. **Consideration of Petition No. RP-019-02, John D. and Cathy A. Kegley, II, Owners/Agents, request to subdivide Lot 69 of Huntington Creek Subdivision, Phase IV consisting of 18.98 acres into a total of four (4) single-family dwelling lots. This property is located in Land Lots 169, 170, and 183 of the 5th District, fronts on Downing Court, and is zoned R-40 and A-R (see Petition No. 1091-02).**

John Kegley advised that he was requesting to rezone his residential lot which was in two (2) zoning districts (currently zoned A-R and R-40) and rezone all of the property to R-40 and then subdivide the property into four (4) lots.

Chairman Beckwith asked if there was anyone to speak in favor of the Petition No. 1091-02. Hearing none, he asked if there was anyone to speak in opposition of the petition.

Don Crawford of 180 Downing Court stated that he lives next door to the subject property. He said that the lot was originally his lot in 1968 but the lot would not pass the percolation tests. He remarked that the remainder of the property was never included in the subdivision because it is all floodplain and low land. He commented that it may look all right but just under the dirt are buried stumps. He confirmed that he is having trouble now with his yard sinking in where there was burial of the same type materials. He went on to say that the proposed lots would probably run into the same type problems and also problems with foundations and septic systems. He added that he would not have a problem if it was good buildable property, but it wasn't when the subdivision was developed.

Chairman Beckwith asked if there was anyone to speak in favor of Petition No. RP-019-02. Hearing none, he asked if there was anyone to speak in opposition of the petition.

Bob Beasley of 155 Downing Court expressed concern that the property was located on a cul-de-sac and would generate more traffic to a congested street. He said that some of the property has already been described as unbuildable and could not pass the percolation test. He stated that the existing trees on the property serve to buffer noise from Hwy. 85 North and the commercial property. He added that there is quite a bit of wildlife in the area which would be disturbed by the proposed development. He commented that at one time this property was part of the floodplain and also used for the dumping of construction debris. He asked that the petition be denied.

In rebuttal, Mr. Kegley said that when he combined Lot 69, 8 acres zoned R-40, with the 10 acre tract zoned A-R, that he built his house on the back far edge of the 10 acre tract which was 15 years ago. He stated that a revised final plat was approved which combined all his acreage into one subdivision lot of 18.98 acres, but it had split zoning. He explained that he was trying to bring the property into compliance under one zoning district and also wanted to subdivide the property into four (4) lots. He advised that he had discussed the proposal with Engineering, Environmental Health, and Zoning to see if three (3) proposed lots could be developed.

Mr. Kegley pointed out that the property was partially cleared. He clarified that the subject property is not near S.R. 85 and does not serve as a buffer from S.R. 85. He added that the property was in the back of the subdivision and located at the end of the cul-de-sac.

Al Gilbert advised that the P.C. is not issuing building permits but only considering the zoning requests. He further advised that prior to the issuance of a building permit that a soil scientist report and a septic permit would be required and if the lot did not percolate a building permit would not be issued.

At this time, Chairman Beckwith closed the floor from public comments. He remarked that he had visited the property and that part of the property may not percolate.

Jim Graw asked Mr. Kegley why he was rezoning the property.

Kathy Zeitler explained that he was trying to bring the property into compliance under one zoning district because the lot has split zoning. She added that the rezoning request is simply a housekeeping item which needs to be corrected due to lots with split zoning not being eligible for a building permit, even for just for an accessory structure.

Mr. Graw asked Mr. Kegley if he had any plans to subdivide the remaining 15 acres (proposed lot 69D).

Mr. Kegley advised that due to the configuration of the lot that it was not be physically possible to subdivide the remaining 15 acre lot.

Mrs. Zeitler stated that any change to the lot which would result in additional density would require a public hearing before the P.C. and the B.C.C. She added that the lot had limited road frontage and the area where the A-R connects to the R-40 could not comply with the requirement of 100 feet of continuous width from the road frontage to the building part of each lot so it did not appear to even be possible to subdivide the remaining 15 acres.

Mr. Kegley advised that he was not a developer. He complimented the Staff for their attitude, patience, kindness, and generosity of time.

Al Gilbert made the motion to approve Petition No. 1091-02. Doug Powell seconded the motion. The motion unanimously passed 5-0.

Al Gilbert made the motion to approve Petition No. RP-019-02. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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- 7. Consideration of Petition No. 1092-02, K & R Mechanical Contractors, Inc., Owners, and Chuck Golden, Agent, request to rezone 1.646 acres from C-H Conditional to C-H to develop a Convenience Store and Gas Station. This property is located in Land Lot 137 of the 5th District and fronts on Hwy. 54 East.**

And

8. Consideration of Petition No. 1093-02, Charles and Carol Lunsford, Owners, and Chuck Golden, Agent, request to rezone 2.838 acres from A-R to C-H to develop Retail Space. This property is located in Land Lot 137 of the 5th District and fronts on Hwy. 54 East.

Attorney Steve Fincher advised that the subject properties are adjoining property and were located at the intersection of McDonough Road and S.R. 54 East. He stated that the southern property contains a single-family residence which has been converted into a contractors office and the building on the northern property contains a wood/concrete block structure being utilized for storage of landscaping equipment. He said that both properties are being utilized for commercial purposes but the buildings are old, obsolete, and unattractive. He confirmed that his client was proposing to modernize these properties. He noted that he was proposing to develop a convenience store with a gas station on the southern property and 5,000 square feet of retail space on the northern property.

Attorney Fincher commented that they had requested to rezone both properties to C-H. He remarked that currently the southern property is zoned C-H Conditional with only three (3) uses permitted and the northern property is zoned A-R. He pointed out that Staff had recommended C-C zoning and the Petitioner did consent to the C-C zoning because all of the proposed uses are permitted under the C-C classification. He closed by saying he would be glad to answer any questions.

Chairman Beckwith asked if there was anyone to speak in favor of the petition.

Paul Oddo, CPA, commented that he was very familiar with the subject properties. He said that the subject properties are located on a major highway and are not suitable for residential uses. He also said that the properties are across the street from a new convenience store/gas station currently under construction and the existing and extensively used soccer/softball fields. He stated that commercial property, when properly designed, can co-exist next to residential property. He noted that when commercial property, properly placed, would also serve to reduce population density. He suggested that this type commercial development should be encouraged in suitable locations such as proposed for these properties. He added that Mr. Chuck Golden has a track record for building one of the highest quality commercial facilities.

Chairman Beckwith asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Al Gilbert asked Attorney Fincher if the Petitioner agreed to the one (1) recommended condition which was the same condition for both petitions.

Attorney Fincher replied that the condition and the C-C zoning was acceptable for both petitions.

Jim Graw asked Attorney Fincher is he was aware of the Overlay Zone requirements.

Attorney Fincher replied that he was aware of the requirements and had been in contact with the County Staff.

Mr. Graw asked if what other improvements the County Engineering Department would require because he did not like open ended conditions.

Kathy Zeitler replied that the improvements discussed at the T.R.C. were the upgrading of the existing signal and also the crosswalk. She added that there could be more which is why the condition was worded as such. She said that Engineering would be coordinating with G.D.O.T. but at this time, they did not know what G.D.O.T. was going to require, but the development would be required to abide by the G.D.O.T. requirements since Hwy. 54 East is a State Route. She pointed out that the recommended condition is more of a point of information than a condition of approval so the applicant will be aware that they are going to be subject to some intersection improvements prior to site plan approval.

Attorney Fincher stated that they are engineering and safety related regulations.

Bob Harbison expressed concern about the development being located across Hwy. 54 from the soccer/softball fields and children crossing the street to make a purchase from the store.

Attorney Fincher replied that the G.D.O.T. is requiring that the intersection be fully signalized and provide crosswalks. He pointed out that there was a closer convenience store to the soccer/softball fields.

Bob Harbison made the motion to approve Petition No. 1092-02 as recommended by Staff which was to deny C-H and approve C-C with one condition. Jim Graw seconded the motion. The motion for approval of C-C with one condition was unanimously passed.

Doug Powell made the motion to approve Petition No. 1093-02 as recommended by Staff which was to deny C-H and approve C-C with one condition. Bob Harbison seconded the motion. The motion for approval of C-C with one condition was unanimously passed.

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9. Consideration of Petition No. 1094-02, Joan Carlton Busey, Owner, and Attorney Donald M. Comer, Agent, request to rezone 148.1248 acres from A-R Conditional to R-40 to develop a single-family residential subdivision consisting of approximately 102 lots. This property is located in Land Lots 217, 218, 231, and 232 of the 13th District and fronts on Helmer Road.

Attorney Don Comer requested to rezone 148 acres on Helmer Road just west of the Fayette County/Clayton County line. He advised that the subject property was originally zoned R-40 and in 1996 was rezoned at the property owner's request to A-R to allow for a golf course for the Legacy Hills Subdivision. He noted that the developer of Legacy Hills completed the residential portion of the subdivision but was unable to secure the necessary financing to develop the golf course, therefore the developer never purchased the subject property. He commented several years have passed and it is apparent that the golf course is not going in and now Ms. Busey wanted to revert the zoning of the subject property back to R-40.

Attorney Comer reported that the Fayette County Zoning Ordinance allowed a reversion of property to the previous zoning classification should there be a failure to develop within three (3) years. He confirmed that the subject property would fit this requirement. He advised that Ms. Busey recently conveyed a portion of her property as well as donated a great deal of her property to Fayette County for purposes of mitigation which the County needed to meet the requirements established by the Corp. of Engineers in terms of development for the reservoir.

Attorney Comer thanked Mrs. Zeitler for her exemplary achievements in assisting the petitioner in the preparation of this application. He said that the comments received by the various departments are favorable. He stressed that it was not the intent of Ms. Busey to develop the subject property. He confirmed that the Concept Plan was submitted in order to meet the requirements of the rezoning application. He added that should the property ever be developed that it would be required to comply with all of the County's rules and regulations.

Attorney Comer advised that there is a dedication commitment by Ms. Busey for fourteen (14) acres of land to be for conservation use and to provide a 50 foot buffer along the north property line adjacent to Legacy Hill Subdivision. He stated that the Buseys had been good citizens, neighbors, and stewards of the subject property. He closed by saying that he or the Buseys would be glad to answer any questions.

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. Hearing none and with no rebuttal required, he closed the floor from public comments.

Al Gilbert made the motion to approve the petition subject to one (1) recommended condition. Doug Powell seconded the motion. The motion unanimously passed 5-0.

Bob Harbison advised that the subject property may fit the C-S zoning classification and that the property owner may want to consider rezoning the property to C-S at some time in the future.

Attorney Comer replied that they were aware of the C-S zoning classification and the Governors plan for the 20% placed in conservation for greenspace. He added that he has discussed this with the Buseys and they are committed to furthering the goals of Fayette County in that regard.

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10. Consideration of Petition No. RP-020-02, Travis and April Parker, Owners/Agents, request to add 1.84 acres to Lot 7 of Meadowview Subdivision currently consisting of 7.72 acres. This property is located in Land Lots 124 and 125 of the 4th District, fronts on Haddock Point, and is zoned A-R.

Travis Parker stated that his grandmother was giving him 1.84 acres which backs up to Lot 7 of Meadowview Subdivision and he was requesting to add that land to his subdivision lot. He advised that due to the floodplain and watershed requirements on his subdivision lot that he was unable to construct his 2,400 square foot house with a daylight basement. He pointed out that by adding the 1.84 acres to his lot he would be able to construct his house without encroaching the watershed area and would also have sufficient property to allow for future construction of accessory structures in the rear yard.

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. Hearing none and with no rebuttal required, he closed the floor from public comments.

Jim Graw made the motion to approve the petition. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler reminded the P.C. that the Workshop scheduled for June 20, 2002 in Suite 202A at 7:00 P.M. had been canceled.

Al Gilbert requested that prior to the next P.C. public hearing, the P.C. receive a reminder about the revised date from Thursday, July 4, 2002 to Tuesday, July 2, 2002.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Doug Powell seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:45 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY