

THE FAYETTE COUNTY PLANNING COMMISSION met on July 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

STAFF ABSENT: 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 June 6, 2002.

Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated.

Doug Powell requested an amendment to the minutes of June 6, 2002. He requested that the first sentence on page 6 to be corrected to read “. . . civic responsibility”, rather than civil responsibility.

Kathy Zeitler stated that was a typographical error that would be corrected for the record.

Doug Powell made the motion to approve the Minutes with the amendment. 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.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JULY 2, 2002 AND BY THE BOARD OF COMMISSIONERS ON JULY 25, 2002.

2. Consideration of Petition No. 1096-02, Kenneth D. and Cynthia J. Reynolds, Owners, Ann Hayes, Agent, request to rezone 6.606 acres from A-R to C-C to develop retail shops, a bank, and medical offices. This property is located in Land Lot 18 of the 6th District and fronts on Redwine Road and S.R. 74 South.

Ann Hayes stated the property owners have requested rezoning to Community Commercial for the following reason: the property has been on the market for several months and the inquiries she had received had not been in reference to residential or agricultural use of the property. She stated that the property is bordered by a State Route and a major arterial, Redwine Road, and the property owners had received several proposals, including one from CVS Drugs which they turned down due

to the timing and the request for rezoning not having taken place.

Mrs. Hayes went on to say that they realize that the property has a Land Use recommendation of O-I. She explained that the reason they requested C-C zoning was the property owners wanted to make it clear that they are willing to accept any condition imposed, as with the 20 acres across the street. She stated that the property owners had no intention of developing or allowing to be developed anything such as the sale of weapons, as stated in the protective covenants or restrictions placed on the property. She stated that commercial was the best use for the property, with the property across the street zoned C-C, even though the Pailer House did get rezoned to O-I and is a historical building and will probably remain so. She clarified that in 1985 the property was designated for commercial on the Land Use Plan, and was later downgraded to residential, and then to O-I. She said she felt that with protected restrictions C-C uses would work there, and asked for consideration of approval of their request for C-C zoning.

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.

Dennis Chase representing the Line Creek Association of Fayette County, stated he was very involved in the rezoning of the property across the street and worked very closely with the developer to make sure that the protective measures were in place. He stated that during his review of the property across S.R. 74 South that he did a biological survey of the entire piece of property, including a small stream that crossed the subject property, and flowed under the highway and eventually into Line Creek. He said that little stream is in pretty sorry shape at this time, and without extreme measures we will have a lot more problems, whether the property is rezoned commercial or office institutional. He went on to say that the concept plan submitted for this rezoning request didn't have enough room with all the proposed development to provide storm water management or treatment to protect the stream and eventually Line Creek. He explained that not far from where this stream flows into Line Creek is a small population of endangered species, and that is another reason that stream protection was needed. Mr. Chase also stated that the detention pond shown is not going to be adequate to treat the amount of storm water coming off the property and the other possible detention area is part of a pond but is not on this property. Mr. Chase also stated he agreed with the concerns of the Environmental Health Department, in that it appeared there is not sufficient space for the septic system needed to support such a project. He stated these were all concerns, whether the property is zoned for commercial or office institutional uses.

Mrs. Hayes advised that she was not knowledgeable about all of Mr. Chase's environmental concerns and asked if Becky Morris could address the issues.

Becky Morris advised they were concerned about the creek as well, and had the surveyors come out to survey the creek. She stated that the creek is not located on the subject property, but on Tract 8 to the west. She noted that the creek as well as the 100 foot watershed protection buffer and 50 foot setback were indicated on the concept plan. She also stated the site does not drain into the pond, and all these issues would be taken into consideration when the engineers started to design the site plan. Mrs. Morris also advised that no parking was proposed behind the buildings to allow for additional septic lines, and with the buffer requiring 60 percent landscape this would give about 30 feet behind the buildings that could be used for septic areas. She indicated that a portion of the landscape area in the front could be used for septic areas and there were other similar projects in the county. She stated that the usage would be much less than with residential.

Chairman Beckwith asked if anyone wanted to begin discussion or make a motion.

Jim Graw made the motion to deny C-C and approve O-I as recommended by staff.

Doug Powell seconded the motion.

Jim Graw stated that he understood the property owners were willing to abide by any conditions proposed by the Commission and asked if this also included recommended uses of the property.

Mrs. Hayes stated that uses such as pool halls, gun shops, and electronic game rooms were not favored by the community, and therefore restriction of these uses would be acceptable.

Mr. Graw advised they can not condition them to certain uses, they can only recommend a zoning district that fits the area, and the zoning district would control the uses. He advised the Land Use Plan designates the subject property for O-I uses and that is why he made the motion to approve O-I.

Mrs. Hayes advised the property owner and she are in complete agreement with the O-I zoning and they accept the recommendation.

Chairman Beckwith asked Mrs. Morris if they had looked into alternative uses at this location if approved for O-I zoning.

Mrs. Morris advised they had and that the setbacks were almost the same, and they would simply change the retail spaces to offices, and the bank could remain as an O-I use. She indicated there would also be less parking required and less demand on the septic systems with O-I uses.

Chairman Beckwith asked for the vote if there was no more discussion. The motion to deny C-C and approve O-I unanimously passed 5-0.

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3. Consideration of Petition No. 1097-02, Marion L. Holt, Owner/Agent, request to rezone 1.289 acres from A-R to R-45 to develop one (1) single-family dwelling lot. This property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road.

Marion L. Holt advised she is requesting to rezone a portion of her property so she could have a lot where her grandson could build a home.

Chairman Beckwith asked if anyone would like to speak in favor of the petition. Hearing none, he asked if anyone would like to speak in opposition. Hearing none, and with no rebuttal required, he closed the floor from public comment.

Doug Powell made the motion to approve the petition as written. Al Gilbert seconded. The motion unanimously passed 5-0.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler advised the P.C. that no applications were submitted for the August Public Hearing, so no hearing would be held. She added that there may not be a P.C. workshop on the 3rd Thursday of July, but if the Planning or Engineering Departments had workshop items she would know soon and send out packets.

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 7:35 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

BILL BECKWITH
CHAIRMAN

DELORES HARRISON FOR
ROBYN S. WILSON, SECRETARY