

**THE FAYETTE COUNTY PLANNING COMMISSION** met on December 5 , 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 October 3, 2002.**

Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated. Jim Graw made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion passed 3-0-2. Bob Harbison and Doug Powell abstained due to being absent at the October public hearing.

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**2. Consideration of the Minutes of the meeting held on November 7, 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. Chairman Beckwith seconded the motion. The motion passed 3-0-2. Doug Powell and Jim Graw abstained due to being absent at the November public hearing.

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Chairman Beckwith explained to the audience that the only the technical aspects of the Preliminary Plats could be addressed by the audience since the property was already zoned.

**THE FOLLOWING ITEMS WILL BE CONSIDERED ON DECEMBER 5, 2002 BY THE PLANNING COMMISSION ONLY.**

**3. Consideration of a Preliminary Plat, Emerald Lakes Subdivision, Phase IV, Libby Griswell, Owner, and Mark Griswell, Agent, request to develop a single-family residential subdivision consisting of 7.501 acres with approximately 5 lots. This property is located in Land Lot 108 of the 5<sup>th</sup> District, fronts on Spring Lake Way, and is zoned R-20. (These lots will be a part of Emerald Lakes Subdivision consisting of 306 lots located in Clayton County.)**

Kathy Zeitler stated that the Applicant had requested to withdraw the Preliminary Plat request.

Doug Powell made the motion to approve the withdrawal of the Preliminary Plat as requested. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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**4. Consideration of a Preliminary Plat, Olivia Estates, Rod Wright of Peach State Land Development, Inc., Owner/Agent, request to develop a single-family residential subdivision consisting of 42.81 acres with approximately 8 lots. This property is located in Land Lot 230 of the 4<sup>th</sup> District, fronts on Goza Road, and is zoned A-R.**

Rod Wright of Peach State Land Development, Inc. requested approval for a Preliminary Plat of Olivia Estates. He advised that he plans to connect the proposed subdivision onto County water, even though it is not required due to the extensive distance from the nearest water line.

Chairman Beckwith requested Mr. Wright to remain available for questions later.

Bob Harbison made a motion to approve the Preliminary Plat of Olivia Estates stamped received 11/20/02. Jim Graw seconded the motion. The motion unanimously passed 5-0.

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**5. Consideration of a Preliminary Plat, Wrightsburg Estates, Rod Wright of Peach State Land Development, Inc., Owner/Agent, request to develop a single-family residential subdivision consisting of 115.42 acres with approximately 21 lots. This property is located in Land Lots 230, 231, 250, and 251 of the 4<sup>th</sup> District, fronts on Old Greenville Road, and is zoned A-R.**

Rod Wright of Peach State Land Development, Inc. requested approval for a Preliminary Plat of Wrightsburg Estates. He advised that he plans to connect the proposed subdivision onto County water, even though it is not required due to the extensive distance from the nearest water line. He stated he is having to run about 4,000 feet of water line down Goza Road from the Kiwanis property to the subdivision. He stated that he wanted some assurance that if he extended the water line and other property owners connected to that water line extension, that he would be reimbursed their tap fees which would help him recuperate some of the cost.

Al Gilbert asked Attorney McNally to explain the County's policy for developers running water lines.

Attorney McNally advised that the policy of the Water Committee is that if someone does extend the line that others may hook onto the water line. He further advised that there is a recoupment of additional fees if additional fees have been paid. He confirmed that Mr. Wright will need to check with Mr. Tony Parrott, Director of the Water System to see if he qualifies or not.

Al Gilbert made the motion to approve the Preliminary Plat of Wrightsburg Estates stamped received 11/20/02. Chairman Beckwith 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 ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON DECEMBER 5, 2002 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 9, 2003.**

**6. Consideration of Petition No. T-012-02, Lee and Renae Wright, Owners, and Lee Wright, Agent, request to increase the height of an existing monopole tower from 170 feet to 188 feet plus an 8 foot lightning rod. This property is located in Land Lot 186 of the 4<sup>th</sup> District, fronts on Chappell Road, and is zoned A-R.**

Attorney Grover C. Bailey stated that he was representing the property owners, Lee and Renae Wright. He explained that his clients are requesting approval to increase the height of the existing monopole tower from 170 feet to 188 feet plus an 8 foot lightning rod. He stated that the Staff Report is very complete and well considered. He commented that the objective of the ordinance regarding towers is to encourage co-location and thereby reduce the proliferation of more towers. He added that we all recognize that towers are a way of life these days.

Attorney Bailey went on to say that the purpose of this request is increase the height of this tower so it can be more fully utilized, which would take away the need for a new tower so that others could co-locate their equipment on this tower. He stated that this tower is not located topographically as favorable as some other towers. He explained that the base of the tower is at 862 feet as compared to others in the area. He compared the Applicant's tower (ground elevation 862 feet) with other towers in the area: the McBride Road tower (ground elevation of 884 feet) and the Mask Road tower (ground elevation of 896 feet). He also noted that to the north the ground elevation increased to 904 feet and to the west it increased to 944 feet. He confirmed that these are some important factors to consider with this petition.

Attorney Bailey noted that this tower is located on a 15 acre tract of land. He commented that in riding around the area the tower was not noticed much and could only be seen from a few angles. He confirmed that the tower is difficult to see from the road way in the summer when the trees are full of foliage. He reported that the tower can not be further utilized without this increase and requested approval with conditions as recommended by Staff. He added that Mr. and Mrs. Wright are aware of and are willing to accept the recommended conditions.

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 to the petition.

Jim Coffman of Lynn Drive expressed his concern regarding visual aspect of the tower since he felt that the trees were not going to get any taller. He wanted confirmation that there could be no co-locators along the lightning rod. He also expressed concern about additional repeaters being attached to such a long lightning rod. He went on to say that he is in the explosives industry and believed that the NFPA780, the governing body for lightning protection in the United States, required only a two (2) foot lightning rod to protect any mast, based on the 100 foot arc rolling radius theory. He commented that the homes in this area had appreciated to around the \$300,000 range and people that buy homes in that price range don't want to look out and see a tower in their back yard. He added that he believed this would affect property values in the area.

Mr. Coffman expressed concern regarding the effects of what is known as EMR (Electric Magnetic Radiation), and that he was not sure of what the EMR output is on this tower was, and would like to see documentation for this as well.

Marshall Green of Lynn Drive stated that the lack of visibility of the tower is not true. He reported that he can see the tower very clearly from his back yard and the trees in the area aren't going to get any taller. He said that he is not pleased about this request for an increased tower height.

Rod Wright said he lives in the area, and hopefully by adding height to this tower they can get better signals and avoid erecting any more towers in the area.

Chairman Beckwith advised Attorney Bailey and Mr. Wright that they had the right to rebut the comments.

Lee Wright stated that most towers in the County have 15 foot lightning rods. He explained that the purpose of him going with the 8 foot lightning rod is to avoid having to add lights because towers over 199 feet are required by the F.A.A. to be lit. He reported that each tower is only capable of handling a two (2) to four (4) mile radius which is why there is a need for signals to relay to the Chappell Road tower.

Attorney Bailey commented that no additional equipment can be added to the lightning rod which is a 5/8 inch galvanized rod and is shown on the drawings submitted.

Chairman Beckwith asked for clarification regarding the lighting of towers.

Mr. Wright advised that the F.A.A. requires lighting on any tower over 199 feet in height.

Attorney Bailey stated the tower may be taller, but the nearest house to this tower is 774 feet away, and he compared the Morgan Road pre-existing tower which is 641 feet from the nearest residence.

Jim Graw asked Mr. Wright if he built the tower, and when it was completed. He also asked how the increased height would help him, and who would be co-locating, and if he would be able to accommodate 3 additional carriers on the tower with the added height.

Mr. Wright replied that the tower was completed in July 2001 and will never exceed 188 feet plus the lightning rod. He confirmed that the tower will never be increased again and this can be put in writing since the tower can not structurally support any more height above what he had requested. He added that the taller tower would be able to accommodate three (3) more users.

Bob Harbison asked what type antenna will be used on top of the tower.

Mr. Wright replied that it would either be an Omni Antenna or a Pal Antenna and will be on top but will not extend beyond 188 feet.

Doug Powell asked if there were any requirements for a study to determine the EMR output and if so has any study been done.

Mr. Wright stated that the EMR is controlled by the government and done before the tower is built.

Mr. Powell asked if any radiation was emitted and how far.

Mr. Wright advised that T-Mobile is responsible for that as the user on tower right now, as would any other user that locates on tower.

Mr. Graw asked what was the purpose of the conditions.

Kathy Zeitler advised that the conditions would restrict the tower to a specific height, and prohibit other requests for an increase in the tower height.

Mr. Graw said he was not comfortable with the conditions.

Mrs. Zeitler advised that the recommended conditions were similar to conditions used in previous public hearing tower petitions and that they were used for consistency.

Mr. Powell asked Staff if information was received regarding radiation.

Attorney McNally advised that per the Telecommunications Act, radiation (EMR) is one area that Boards are not allowed to consider in making a decision, since EMR is regulated by Federal Law and not an issue to be considered by any local agency for approval or disapproval of a tower request.

Mrs. Zeitler stated for the record that radiation is regulated by the F.C.C. and it is not something that local government regulate.

Bob Harbison made the motion to approve the petition subject to the recommended conditions. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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7. **Consideration of Petition No. 1100-02, Michael L. and Kathie L. Graves, Owners/Agents, request to rezone 5.047 acres from R-70 to R-85 to develop one (1) single-family dwelling lot. This property is located in Land Lot 193 of the 5<sup>th</sup> District and fronts on Eastin Road.**

Michael Graves stated he would like to build a house on the property in question and requested approval of the petition.

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

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

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8. **Consideration of Petition No. 1101-02, Ashok K. Nagrani, Owner/Agent, request to rezone 3.00 acre from C-H Conditional to C-H Conditional to delete one condition regarding use restrictions. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on S.R. 85 North.**

Ashok K. Nagrani, Owner, confirmed that he had owned the property called the Rainbow Center since 1998. He explained that the Center comprised of 2 lots. He explained that one lot was built on in 1987 and rezoned to Highway Commercial, but at that time use restrictions were placed allowing only retail, office, and minor automobile repair. He stated that two years later two more buildings were added on that lot. He stated that in 1989 the other lot to the south was rezoned and approved without any restrictions. He advised that now when a rezoning is approved that use restrictions are not placed on properties because of the list of permitted uses. Mr. Nagrani requested that use restrictions be removed so he can compete with other properties zoned the same.

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

Jim Graw made the motion to approve petition as recommended by Staff to remove all conditions. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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9. **Consideration of Petition No. 1102-02, J.D. Holmes of PTC Properties, Inc., Owner/Agent, request to rezone 3.55 acres from C-H to O-I to allow massage use at an existing Health Club/Fitness Center. This property is located in Land Lot 69 of the 7<sup>th</sup> District and fronts on S.R. 54 West.**

J. D. Holmes, Owner PTC Properties, Inc., requested approval for rezoning, stating that the staff report is accurate and expressed his request better than he could explain it.

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

Doug Powell asked when the zoning district changed saying that a fitness center is not allowed in O-I .

Mrs. Zeitler stated that the fitness center is a permitted use in the O-I zoning district but massage is not a permitted use in the C-H zoning district, which is the current zoning of the property.

Bill McNally explained that the property was originally zoned O-I and Mr. Holmes changed to C-H unaware that he was putting himself in a zone where he would not be allowed massage therapy and now the property owner is asking for O-I zoning to make himself legal.

Mr. Powell asked if Mr. Holmes was permitted to have a fitness center when he requested the C-H Zoning.

Mr. McNally advised at that time a fitness center was a permitted use in the C-H zoning district and explained that usually if something is permitted in a more intensive zoning district, then it is acceptable to be located in a less intensive zoning district.

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

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler advised that the Workshop scheduled for December 19, 2002 may be postponed by Planning, but she would check and advise them by e-mail. She also reported that no rezoning requests or preliminary plat requests were received by the deadline for the January Hearing, so there would not be a January Planning Commission public hearing.

Mrs. Zeitler also advised that she would notify them about the Workshop date in January.

There being no further business, Jim Graw made the motion to adjourn the meeting. Doug Powell seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:02 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**BILL BECKWITH  
CHAIRMAN**

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**DELORES HARRISON  
ZONING TECHNICIAN**