

THE FAYETTE COUNTY PLANNING COMMISSION met on August 2, 2007 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Delores Harrison, Zoning Technician
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Powell called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff. He stated a quorum was present; however, he added there was no legal representation.

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1. Consideration of the Minutes of the meeting held on July 5, 2007.

Chairman Powell 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 unanimously passed 5-0.

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2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on July 19, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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

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Chairman Powell explained to the audience that a Preliminary Plat was 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 ON AUGUST 2, 2007.

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3. **Consideration of a Preliminary Plat, Woodhaven Subdivision, Fred Cannon and Brad Cannon, Owners/Agents. This property consists of 15.14 acres with 3 single-family dwelling lots. This property is located in Land Lot 121 of the 4th-District, fronts on Friendship Church Road, and is zoned A-R.** *Staff recommended approval.*

Brad Canon requested approval of the preliminary plat as approved by Staff.

Chairman Powell asked if there were any public comments. Hearing none, he closed the floor from public comments.

Tim Thoms confirmed that Trinity Lane would be a short paved cul-de-sac street, built to county standards, which would be developed off of Friendship Church Road. He also confirmed that right-of-way would be dedicated from Friendship Church Road. He questioned the notes on the preliminary plat regarding the improvement of site distance by cutting the existing bank and lowering the existing road crest.

Dennis Dutton advised the P.C. this was a requirement of the Engineering Department.

Chairman Powell confirmed that there would be three (3) individual driveways accessing Trinity Lane.

Hearing no further comments, Al Gilbert made a motion to approve the preliminary plat. Jim Graw seconded the motion. The motion was unanimously passed 5-0.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 2, 2007 AND BY THE BOARD OF COMMISSIONERS ON AUGUST 23, 2007.

4. **Consideration of Petition No. 1200-07, Scott McGregor of Kenwood Farm, LLC, Owner, and Randy M. Boyd, Agent, request to rezone 39.853 acres from A-R to R-45 to develop a proposed subdivision consisting of 22 single-family dwelling lots. This property is located in Land Lot 252 of the 5th-District and fronts on Kenwood Road and Thornton Lane.** *Staff recommended approval with four (4) recommended conditions.*

Randy Boyd requested to rezone 39 plus acres from A-R to R-45 to develop a subdivision consisting of 22 lots. He pointed out that the subject property is located at the intersection of Thornton Lane, an unimproved gravel road, and Kenwood Road. He advised that the Kenwood Elementary School was located across Thornton Road, zoned A-R, as well as, a subdivision zoned R-40; to the north is property zoned A-R; to the east is property zoned A-R; and to the south, across Kenwood Road, is a subdivision zoned R-40. He reported that Thornton Lane would be improved from Kenwood Road to the one (1) proposed entrance to the subdivision. He added that no lots would access Thornton Lane or Kenwood Road. He said that the net density is 1.36 acres per unit which is consistent with the Fayette County Comprehensive Plan. He confirmed that Staff had recommended approval. He requested approval from the P.C.

Chairman Powell 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.

The following people spoke in opposition:

Larry Whitten of 165 Thornton Lane, stated that he was very familiar with the subject property which contains a lot of natural wetlands. He reported that the property had been tested for a septic system many times, but has always failed. He said that all of the property owners on Thornton Lane objected to the rezoning and also the improvement of Thornton Lane. He commented that he lived

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on the outparcel and would be surrounded by the subdivision. He remarked that his house was built in 1971. He added that he had been a builder for 44 years and this subdivision is not a good idea.

Chairman Powell advised that if the property would not perc properly, then a building permit would not be issued; however, this does not affect the rezoning of the subject property.

Sean Sullivan of 180 Thornton Lane, stated that there was a working horse farm owned by Brenda Phillips at the end of Thornton Lane. He said that the increased traffic and construction noise would have an adverse effect on the existing horse farm. He commented that the rezoning approval of the subject property could have a "daisy chain effect" on the rest of the houses on Thornton Lane.

Alicia Diaz of 180 Thornton Lane, expressed concern about the potential loss of the 100 acre horse farm. She stated that there had been a problem with kids from the neighboring subdivisions shooting the horses with their bb guns. She said that the proposed subdivision would adversely affect the character of the community and would not be a neighborhood which was planned, or one in which to raise her children. She pointed out that the subject property is surrounded by A-R.

Susie Ferguson of 410 Thornton Lane, said she had lived at this location for 31 years and had raised her children here. She stated that the area had always been a quiet, safe, and peaceful place. She remarked that it was a safe area for children to walk down the road or for adults to walk their animals. She pointed out that the elementary school is already extremely crowded. She commented that the subdivision would be very detrimental to the area and would also change the character of the area. She expressed concern about increased traffic, speeders, and joy riders. She said that when Franklin Farms Subdivision was developed that a tree line was left along Thornton Lane. She stated objection to Thornton Lane being paved.

In rebuttal, Mr. Boyd advised that it was not legal to destroy wetlands. He also advised that a Level III Soil Analysis would be required at the time of the submittal of the preliminary plat. He pointed out that the proposed lot sizes were compatible with Mr. Whitten's lot. He added that approximately two-thirds of Ms. Phillips's property contains floodplain. He pointed out that when you look at the entire area that the area is inundated with R-40 and R-45 subdivision lots. He advised that Thornton Lane would only be improved up to the entrance of the subdivision with the required radius turnouts. He reported that his client was dedicating the entire 60 feet of required right-of-way for Thornton Lane to provide for future road improvements. He added that the subject request complies with the Fayette County Land Use Plan. He requested approval as submitted since the proposed use is a compatible use for the subject property. Mr. Boyd stated that he agreed to the four (4) recommended conditions.

Jim Graw read the following conditions to the audience:

1. The owner/developer shall dedicate, at no cost to Fayette County, an additional ten (10) feet of property to create a total of 50 feet of right-of-way as measured from the centerline of Kenwood Road.
2. The owner/developer shall dedicate, at no cost to Fayette County, sixty (60) feet of right-of-way to create a total of sixty (60) feet of right-of-way for Thornton Lane.
3. No lot shall have direct access to Thornton Lane and Kenwood Road.
4. The owner/developer shall improve Thornton Lane to County standards from Kenwood Road to the entrance of the proposed subdivision per approval by the Engineering Department and Department of Public Works.

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

Mr. Graw advised the audience that if the lots do not perc then a building permit will not be issued. He reported that once the Level III Soil Analysis is performed that there could be less than the proposed 22 lots.

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Tim Thoms confirmed that there was no access from Franklin Farms Subdivision to Thornton Lane and a tree line along Thornton Lane was retained. He stated that approximately 70% of the properties are zoned R-40 and R-45. He added that the proposed density complies with the Land Use Plan. He commented that Thornton Lane will only be paved to the entrance of the subdivision. He stated that the wetlands along with the newly adopted regulations will affect the lots and there may not be 22 lots.

Tim Thoms made a motion to approve the petition subject to the four (4) recommended conditions. Al Gilbert seconded the motion.

Chairman Powell commented that the Land Use Plan dictates how property is to be used and the subject petition is consistent with the Land Use Plan. He added that the owner of the property had the right to use the property consistent with the Land Use Plan.

Hearing no further comments, the motion was unanimously passed 5-0.

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Chairman Powell advised that a Workshop/Public Meeting would be held immediately following the Public Hearing tonight and asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, August 16, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Bill Beckwith made the motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 7:39 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**