

THE FAYETTE COUNTY PLANNING COMMISSION met on October 4, 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: Dennis Dutton, Zoning Administrator
Delores Harrison, Zoning Technician
Sgt. Earl Williams

STAFF ABSENT: Pete Frisina, Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

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 and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on September 6, 2007.

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

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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 OCTOBER 4, 2007.

2. Consideration of a Revised Preliminary Plat, Stillbrook Estates (formerly Lyons Crest), McCar Homes, Owners, and Daniel Greene of Ashford Engineers South, LLC, Agent. This property consists of 210.44 acres with 130 single-family dwelling lots, fronts on Helmer Road, and is zoned R-40.

Dan Greene requested approval of the revised preliminary plat stamped received 09/25/07 as approved by Staff. He explained that the State rejected the master septic system and the only recourse was to redesign the preliminary plat in order to utilize the property where the master septic system was planned to be located.

Chairman Powell reminded the P.C. that the tree protection plan was previously approved by the Engineering Department. He added that Lot 47 needed to be numbered.

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

Al Gilbert made the motion to approve the preliminary plat. Jim Graw seconded the motion. The motion unanimously passed 5-0.

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October 4, 2007
P.C. Public Hearing

Chairman Powell briefly explained 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 OCTOBER 4, 2007 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 25, 2007.

3. **Consideration of Petition No.1201-07, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates Subdivision consisting of 1.03 acres from R-40 to O-I to develop office-institutional uses. Consideration of Petition No. RP-040-07, John Alan Bell, Owner/ Agent, request to revise the Final Plat of Lakeview Estates Subdivision to change the use of said lot from Single-Family Residential to Office Uses. This property is located in Land Lot 127 of the 5th-District and fronts on S.R. 54 West.**

Chairman Powell stated that he would be abstaining from the vote since he knew the petitioner; however, he would be exercising his right to speak in regards to the petition.

Alan Bell requested to rezone 1.03 acres from R-40 to O-I. He stated that he had three (3) letters in support of his petition, Dave Edmondson (real estate agent), Jan Trammell (real estate agent), and Jerry Flury (Clayton Appliance). He explained that he could build a house on the subject property now; however, he is concerned about the traffic situation on S.R. 54 West. He advised that the property was rezoned 34 years ago, when S.R. 54 West was a two-lane highway and not a major thoroughfare. He said that the O-I zoning district was a good transition from C-3 in the City and the existing residential zoning district in the County. He pointed out that no houses have been built on S.R. 54 West in the last 10 to 15 years; instead, they are tearing them down.

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. He advised that there are two (2) letters on record in opposition from E.O. or E.J. Barnes.

Tommy Long of 145 Lakeview Lane said he would hate to see the subdivision change because it is a safe and secure area. He pointed out that the request does not meet the threshold developments for the regional impact establishment. He stated that Section 7-6.,A.,1.c. indicates the purpose of the overlay zone is to protect the aesthetics of existing and future residential areas along the S.R. 54 West corridor. He commented that O-I zoning would not protect the existing residential area and requested the P.C. to decline the petition. He asked what criteria the Staff used to recommend approval.

Chairman Powell explained that the S.R. 54 West Overlay Zone was developed to take pieces of residential property and allow them to be rezoned to O-I. He said that many of the properties along the corridor had been rezoned to O-I. He commented that Staff has also stated the following: The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The subject property lies adjacent to commercial zoning to the east in the City of Fayetteville. The O-I zoning district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses. Therefore, the O-I zoning district would provide a transition between commercially zoned property to the east and residentially zoned property to the west. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools. Existing conditions and the area's continuing development as a single-family residential district and an office/institutional district support this petition.

P.C. Public Hearing

Bill Beckwith explained that Staff takes a strict view of the ordinances as it applies to the subject property. He stated that they review the land use plan on a technical ordinance review and this is how they make their recommendation. He said that the P.C. listens to the public, in addition to what the Staff provides and then the P.C. makes their recommendation which is forwarded to the B.O.C.

Mr. Long asked if other lots in the subdivision request to be rezoned.

Chairman Powell replied that the subject property only accesses S.R. 54 West and not the interior subdivision street.

Mr. Long asked when a Final Plat was final.

Chairman Powell advised that a Final Plat can always be revised if it is approved and meets the criteria of the zoning district.

Stuart Barnes of 120 Lakeview Court stated that removing a lot from the subdivision for a nonresidential use would set a bad precedent. He asked what would prevent Lot 17 from being rezoned or even annexed if the subject property, Lot 18, was rezoned or annexed. He reported that the P.C. recommended denial a few months ago for Lot 17 and Lot 18. He also reported that a few years ago, the owner of Lot 1 was denied a rezoning request and then filed suit against the County and lost. He commented that nonresidential zoning in the residential subdivision would be detrimental to every resident of the subdivision. He asked the P.C. to protect their subdivision and deny the rezoning request.

Mona McDonough of Lakeview Lane stated that she strongly objected to the rezoning for the following reasons: purchased their home to live out their senior years in a residential platted subdivision and not a mixed use subdivision; area was quiet and near conveniences; rezoning to O-I would change the character and integrity of the neighborhood; open the door for future nonresidential requests within the subdivision and how would you deny the next request; safety concerns with increased traffic and congestion especially when exiting the subdivision onto a four-lane highway due to drivers exceeding the 55 mph speed limit; and a house could be constructed on the subject property with a side door entrance.

J. D. Holmes of 140 Old Mill Court stated that the subject property was purchased as an investment which is always a risk. He pointed out that one (1) of the letters in favor of the rezoning was from a real estate agent.

Chairman Powell stated that Ms. Trammell stated in her letter that she owned the adjacent property within the City.

Carlton Williams asked Chairman Powell to step down and let someone else chair the meeting because of an unfair influence on the other P.C. members. Others in the audience concurred aloud.

Sgt. Earl Williams called the audience back to order.

Chairman Powell reiterated that he was not going to vote. He turned the meeting over to Vice-Chairman Al Gilbert.

Carlton Williams of 120 Lakeview Lane said that Mr. Bell owns the first house on the right in the subdivision; however, its appearance shows his lack of respect for the neighborhood.

In rebuttal, Mr. Bell said that his wife grew up in the existing house built in 1973 and he had purchased the house from his father-in-law. He stated that he pulled the first petition for Lot 17 containing a house and Lot 18 which is vacant because he did not want to argue with the property owners in the subdivision. He commented that no one wants to build a house and live on a four-lane

highway. He pointed out that the C-3 zoning touches more lots than just his. He noted that Lot 1 accessed the interior subdivision street and not S.R. 54 West. He remarked that he has a letter from the G.D.O.T. permitting a curb cut onto S.R. 54 West.

Hearing no further comments, Vice-Chairman Gilbert closed the floor from public comments. He stated that Chairman Powell's obligation was to run the meeting. He stressed that Chairman Powell has no intent to influence any of the P.C. members.

Tim Thoms concurred with Vice-Chairman Gilbert. He clarified that Lot 18 is part of Lakeview Estates.

Dennis Dutton replied, "Yes sir".

Mr. Thoms expressed concern about setting a precedent. He said that it was tough to change the use on a platted lot within a platted subdivision, which had been established for such a long time. He pointed out that the request was not in compliance with the land use plan.

Jim Graw advised that the P.C. has no control over the adjacent City zoning. He concurred with Mr. Thoms since the subject property is in a platted lot in a platted subdivision. He said that the property owners purchased their lots in a platted subdivision and it is unfair to throw a curve to those property owners.

Mr. Beckwith asked if a Revised Final Plat to remove the subject property had to be approved by all of the property owners.

Mr. Dutton replied no.

Mr. Beckwith noted that the subject property can be developed as a residential lot.

Vice-Chairman Gilbert concurred with all of the previous comments made by the other P.C. members. He said that the S.R. 54 West corridor needs time to develop. He stated that there would be more pressure to rezone lots in platted subdivisions fronting S.R. 54 West as properties along S.R. 54 West are developed.

Jim Graw made a motion to deny the petition. Bill Beckwith seconded the motion. The motion for denial passed 4-0-1 with Chairman Powell abstaining from the vote.

Vice-Chairman Gilbert asked if a vote was necessary on the Revised Final Plat application since the rezoning request was denied.

Mr. Dutton replied that it was a moot point.

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Chairman Powell asked if there was any further business.

Delores Harrison reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, October 18, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Tim Thoms made the motion to adjourn the Public Meeting/Workshop. The Public Hearing adjourned at 7:56 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

AL GILBERT
VICE-CHAIRMAN

DELORES HARRISON
ZONING TECHNICIAN FOR
ROBYN S. WILSON
SECRETARY