

**THE FAYETTE COUNTY PLANNING COMMISSION** met on May 1, 2008, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, B.O.C. Conference 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:** Tom Williams, Assistant Director of Planning & Zoning  
Dennis Dutton, Zoning Administrator  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
Sgt. Earl Williams

**STAFF ABSENT:** Pete Frisina, Director of Planning & Zoning  
Delores Harrison, Zoning Technician

**Welcome and Call to Order:**

Chairman Powell called the Public Meeting to order. He introduced the Board Members and Staff and confirmed there was a quorum present. He welcomed the high school students who were present and also the public.

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**1. Consideration of the Minutes of the meeting held on April 3, 2008.**

Chairman Powell asked the Board Members if they had any comments or changes to the Minutes. Al Gilbert made the motion to approve the Minutes. Tim Thoms 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 April 17, 2008.**

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Bill Beckwith made the motion to approve the Public Meeting/Workshop Minutes. Al Gilbert seconded the motion; however, he requested that the proposed amendments regarding permitting a church in the M-1 Zoning District be placed on the May 15, 2008, P.C. Public Meeting/Workshop to allow further discussion. The other P.C. members concurred. The motion passed 4-0-1 with Tim Thoms abstaining from the vote due to his absence from the Workshop.

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**3. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST Estate Residential District, to reduce the minimum house size required under Section F. Dimensional Requirements, Section 3. Floor Area as presented by the Planning & Zoning Department.**

## P.C. Public Hearing

Dennis Dutton that Staff was instructed by the B.O.C. to review reducing the minimum floor area of the EST Zoning District after a request was made by Rod Wright. He commented that the P.C. discussed the proposed amendment at the March 20, 2008, Workshop/Public Meeting. He confirmed that on April 2, 2008, the proposed amendment was presented to the B.O.C. He stated that the B.O.C. discussed reducing the minimum floor area from 3,000 square feet to 2,300 square feet.

Mr. Dutton presented the proposed amendments as follows:

Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

### **ARTICLE VI DISTRICT USE REQUIREMENTS**

F. Dimensional Requirements. The minimum dimensional requirements within the Residential Area in the Estate Residential Zoning District shall be as follows:

3. Floor area: ~~3,000~~ 2,300 square feet

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

Jim Graw presented a copy and read the following statement:

“A local builder approached the Planning and Zoning Department and asked if the Planning Commission could look at reducing the minimum square footage of the homes in the EST zoning category. He stated he had built three homes and was having a difficult time selling the three due to the economy and would very probably have a hard time selling any other homes he built with a minimum of 3,000 square feet. By the way, he has the only EST residential zoning category.

I would like to remind the Planning Commission that we should not be making decisions and recommendations to the BOC based on whether a developer is or is not making a profit on his plans. While I personally want to see people succeed in their business endeavors, their profitability should not be our concern. If we were to use this criteria in our decision making process, we would probably be adjusting setbacks, minimum lot size, minimum house size and lot width every few months.

I feel it is our job though to be proactive rather than reactive and periodically review zoning categories to determine whether the criteria we established is currently appropriate when compared to other zoning categories.

With that said, in my opinion, the 3,000 square foot minimum requirement for the EST residential zoning category may not be appropriate when compared to R-78 (2 acre, 3,000 square foot minimum house size) and the R-80 (3 acre, 2500 square foot minimum). The R-78 is the top of the 2 acre category and the R-80 is the bottom of the 3 acre category. The EST is a minimum 2.5 acre lot size.

Therefore, in my opinion, it would seem appropriate to slot the EST minimum house size at 2,500 square feet in order to make a consistent and logical transition from a two, to a two and one-half, to a three acre lot.

The proposed 2,300 square foot minimum house size for the EST is between R-50 and R-55, one acre zoning categories and R-72 and R-75, 2 acre zoning categories which seems to me inconsistent in relation to the house sizes and number of acres.

Currently, there are no 2,300 square foot minimum house size zoning categories. In order to be consistent with other zoning categories I propose we recommend a 2,500 square foot minimum to the BOC.”

Al Gilbert concurred; however, he expressed concern about the three (3) homes which remain unsold and added that the square footage should be reduced to the least amount possible.

Tim Thoms stated that the EST zoning district is a different category of zoning and the minimum floor area of 3,000 square feet is adequate. He said, by nature, the EST zoning district should have a much larger square footage for a house for a 2.5 acre lot.

Chairman Powell noted that the EST zoning district was adopted in 1998 as a five (5) acre minimum lot with a minimum floor area of 4,000 square feet; however, no rezoning applications were submitted. He further noted that the EST zoning district was revised to a minimum lot size of 2.5 acres with a minimum floor area of 3,000 square feet with required open space/conservation area, which is consistent with the rural character of the County. He pointed out that this is a zoning district which should be maintained; however, it has not been successful at 3,000 square feet. He concurred with reducing the minimum floor area from 3,000 square feet to 2,500 square feet. He added that this is only a minimum floor area and the floor area could be increased.

Bill Beckwith stressed that the P.C. has never considered the profitability of a builder. He said that profitability of a builder is not a criteria item to reduce the floor area. He noted that the evolving residential situation/real estate situation has to be recognized. He added that the 2,500 square foot minimum is appropriate.

Jim Graw made a motion to decrease the minimum floor area from 3,000 square feet to 2,500 square feet. Al Gilbert seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition and stating that the minimum floor area should remain at 3,000 square feet.

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4. **Consideration of proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District as presented by the Planning & Zoning Department.**

Tom Williams explained that the B.O.C. instructed Staff to begin review of the Ordinance on March 5, 2008. He stated that the P.C. held a Workshop on March 20, 2008, and the B.O.C. held a Workshop on April 2, 2008.

Mr. Williams presented the proposed amendments as follows:

Staff’s additions to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

**Transportation Corridors**

Over the next twenty years, a number of state routes in Fayette County are scheduled to be widened from a two-lane highway to a four-lane divided highway. These state routes are the connecting corridors for the incorporated municipalities in Fayette County and neighboring counties. With few exceptions, in the unincorporated areas of the county these roads traverse residential and/or agricultural land uses.

With the widening of these state routes comes the increased pressure for nonresidential development. The County is now in the position where it must balance this demand with its own growth and transportation policies. These state routes are first and foremost transportation corridors; the efficient flow of traffic must be maintained. Nonresidential land uses are indicated on the Land Use Plan Map where their location and intensity are most appropriate for the surrounding area.

In order to better facilitate the desired development along its transportation corridors, Fayette County has adopted an Overlay District on SR 54 and several Overlay Zones. The particular requirements pertaining to these transportation corridors are discussed below.

**SR 54 West Overlay District:** With the widening of SR 54 West, the Board of Commissioners adopted the SR 54 West Overlay District. This District identifies the county's goals and recommendations for the corridor and sets out the desired development pattern. SR 54 connects the communities of Fayetteville and Peachtree City, and serves as the only major east-west thoroughfare through the county. The following section defines the District.

**Existing Development:** Existing **residential development** is scattered along the SR 54 West Corridor. Residential tracts range in size from large agricultural tracts of as much as 200 acres down to minimum one (1) acre subdivisions. Large tracts are still used for agricultural purposes and may or may not contain a single-family residence. These tracts vary in size from approximately five (5) to 200 acres. The majority of the larger tracts are located between Sandy Creek and Tyrone Roads. Single-family residential development consists of smaller lots, varying in size from one (1) to five (5) acres, fronting on SR 54 West or within subdivisions which access SR 54 West. Three single-family residential subdivisions (Newton Estates, Fayette Villa, and The Landings) are developed in this area. These subdivisions are zoned for one (1) acre minimum lots. Fayette Villa and The Landings are located between Flat Creek Trail west to Sumner Road (north) on the north side of SR 54 West. Newton Estates is located west of Huiet Drive on the south side of SR 54 West. Existing **nonresidential development** consists of two commercial areas, one at Tyrone Road and one at Sumner Road (south).

**Future Development:** SR 54 West is first and foremost a transportation corridor. The efficient flow of traffic must be maintained. High intensity nonresidential uses should be targeted to the major intersection with Tyrone Road and SR 54 West. As one moves away from this node, the intensity of nonresidential development should decrease. The **goals** of the SR 54 West Overlay District are: (1) to maintain the efficient traffic flow of SR 54 West as the County's only major east-west thoroughfare; (2) to maintain a non-urban separation between Fayetteville and Peachtree City; and (3) to protect existing and future residential areas in the SR 54 West Corridor.

If lots, which front on SR 54 West are allowed to change from a residential use to a nonresidential use, care must be taken to protect existing or future residential property. This can be accomplished by requiring enhanced landscaping, buffers and berms to protect these residential areas.

**Recommendations:** The intent of the SR 54 West Overlay District is to offer existing tracts of five +/- acres the option to convert to office uses. Outside of the commercial designation at Tyrone Road and the commercial and office-institutional designation at Sumner Road (south), these parcels would be considered for the Office-Institutional Zoning District. Conditions should be placed on property at the time of rezoning to address unique situations **such as a lot adjacent to a residential subdivision where berms and fences could be required, as well as, an increase in the buffer.**

**In certain situations a change from a residential zoning to the Office-Institutional Zoning District should not be given consideration due to the impact on abutting residential property in platted and recorded subdivisions. These situations include, but are not limited to the following:**

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- **Parcels platted and recorded in a residential subdivision where the residential subdivision is oriented to and has access to SR54 from one or more internal**

streets as individuals purchased lots within these subdivisions with the assurance that it would remain a residential area;

- Any lot that is less than five (5) acres and is surrounded on side and rear lot lines by a platted and recorded residential subdivision or subdivisions. Parcels of at least five (5) acres could be considered in that additional setbacks and buffers could be required as a condition of zoning while leaving adequate area for development.

**Other Transportation Corridors:** Section 7-6 Transportation Corridor Overlay Zone of the Fayette County Zoning Ordinance establishes Overlay Zones on state highways that traverse Fayette County. Regardless of the underlining zoning, any new nonresidential development along these corridors must meet the requirements of the particular Overlay Zone. The Zoning Ordinance establishes Overlay Zones on SR 54 West and SR 74 South, SR 85 North, and a General State Route Overlay Zone on all other state routes.

Chairman Powell asked if there was any public input.

The following people spoke in opposition:

1. Alan Bell
2. Mona Williams
3. Randy Holt

The following were points of opposition:

1. All subdivisions with lots fronting on S.R. 54 West are not included.
2. Proposed amendments do not treat all property owners equally.
3. Covenants are the only way of providing assurance.
4. When a rezoning request has been denied, there is a six (6) month waiting period required before resubmittal. These properties should be “grandfathered”. If these proposed amendments are adopted, a rezoning request cannot be resubmitted.
5. Other property owners which will be affected by the proposed amendments may not be aware of these amendments.
6. It is impossible to market a piece of property fronting S.R. 54 West as residential?
7. Can a rezoning application be submitted for properties affected by the proposed amendments?
8. Everything from Fayetteville to Peachtree City is commercial, commercial, commercial.

Chairman Powell confirmed that a rezoning application could be submitted for properties affected by the proposed amendments; however, the Comprehensive Plan would not be in support of the rezoning request.

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

Jim Graw asked Staff how the proposed amendments would affect lots 1-4 of Ledgewood Subdivision.

Mr. Williams stated that the lots would be considered for O-I zoning because the subdivision accesses Old Norton Road.

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Chairman Powell presented a copy and read the following statement:

“Tonight we are being asked to consider a change to the County Comprehensive Plan. This change affects the landowners on Highway 54.

I respect my fellow Planning Commission member's thoughts concerning changing platted subdivisions. I too, feel that a land owner who purchases land in our County should not be surprised by changes that we cause to occur, after the landowner has purchased their property. So, to my fellow planning commissioners I say, I support your thoughts on the subject of maintaining the integrity of previously platted subdivisions.

My problem is we are being asked to change the comprehensive plan in a manner that is inconsistent in its treatment of the land owners we are here to represent. If approved, we will create a plan that I feel treats land owners, on the same road, and in some cases within a half mile of each other, differently. If approved, this treatment will be as inconsistent as the rulings we have previously made on petitions for rezoning Residential to Office uses within the Highway 54 corridor.

In the past, land owners have petitioned the County to rezone residential properties along Highway 54. These petitions were consistent with the intent of the Highway 54 West Overlay District, which states, "*To offer existing tracts ...the option to convert to office uses.*" To my knowledge, there have been three requests to rezone Residential to O-I. The County has not made consistent rulings: Petition 963-97 was approved. Petition 994-98 was denied; and most recently, Petition 1201-07, was denied, even though it received the planning staff's recommendation to approve.

So to correct this inconsistency, we were asked to look at the ordinance. We did, and the majority agreed that we should change the existing ordinance to accurately reflect the County's vision for growth on Highway 54. The majority felt that if a residential lot was in a platted subdivision, bordering on SR54, it should NOT be allowed to be rezoned O-I. However, the ordinance before us tonight does not treat all land owners equally on this matter.

As a case in point, compare Lot #18 of the Lakeview Estates subdivision to Lots 1, 2, 3 and 4 of the LedgeWood Subdivision. These parcels are located within ½ mile of each other, on opposite sides of SR 54.

- Lakeview Estates Lot 18 is a residential lot, in a platted subdivision, bordering on SR54. LedgeWood Lots 1, 2, 3 and 4 are residential lots, in a platted subdivision, bordering on SR54.
- Lakeview Estates Lot 18 is not accessible from any internal subdivision street. It is solely accessible via SR54. LedgeWood Lots 1, 2, 3 and 4 are not accessible from any internal subdivision street. They are solely accessible via SR54.

I do not comprehend the logic of making the main road access into a platted subdivision the distinguishing criteria. The main road access to the subdivision has absolutely no impact on any of these lots. I see these residential lots as being identical; however, this proposed ordinance before us tonight will treat them differently. It will allow the four residential lots, in the LedgeWood subdivision to be rezoned to O-I and at the same time, prohibits Lot 18 in the Lakeview Estates subdivision from being rezoned.

I have to ask, if the County wants to change the current comprehensive plan to be more in line with the way it votes on landowner petitions along the Highway 54 corridor, then why does it create a plan that continues to allow it? This plan is inconsistent. It will not treat land owners in Fayette County equally. It is not fair. I cannot support it.

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Tim Thoms stated that the problem is considering a rezoning request for a lot that is in a platted recorded subdivision; however, the P.C. has not been prone to change the zoning within a platted subdivision. He commented that the P.C. has to consider consistency. He said that he could see a difference between a subdivision accessing S.R. 54 West and a subdivision which didn't, even though both subdivisions may have lots with road frontage on S.R. 54 West. He remarked that a buyer knew that he was purchasing a lot in a platted subdivision with road frontage on S.R. 54 West;

however, no one knows what will happen in the future and when you get into something you better have a way out.”

Jim Graw stated that it makes no sense to treat one (1) subdivision one way and another subdivision another way just because of the subdivision street access/orientation.

Al Gilbert said that the lots fronting on S.R. 54 West located in a subdivision will not remain residential because as S.R. 54 West fully develops, the pressure to rezone to a nonresidential zoning district will increase.

Bill Beckwith remarked that he did not want the P.C. to make a hasty decision. He said he would like more time for review.

Jim Graw made a motion to table the proposed amendments until the P.C. Workshop scheduled for May 15, 2008, to allow further discussion and to hold the P.C. Public Hearing on June 5, 2008. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Powell asked if there was any further business. He reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, May 15, 2008, 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 Hearing. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 8:04 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**DOUG POWELL  
CHAIRMAN**

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**ROBYN S. WILSON  
SECRETARY**