

THE FAYETTE COUNTY PLANNING COMMISSION met on November 5, 2009, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

MEMBERS ABSENT: Douglas Powell, Chairman

STAFF PRESENT: Pete Frisina, Director of Community Development
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

Welcome and Call to Order:

Vice-Chairman Thoms called the Public Meeting to order. He requested everyone to stand for a moment of silence for the victims of Fort Hood. He then 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 Public Hearing held on October 1, 2009.

Vice-Chairman Thoms asked the Board Members if they had any comments or changes to the Minutes. Bill Beckwith made the motion to approve the Minutes. Tim Thoms seconded the motion. The motion passed 3-0-1 with Jim Graw abstaining from the vote. Chairman Powell was absent.

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2. Consideration of the Minutes of the Public Meeting/Workshop held on October 15, 2009.

Vice-Chairman Thoms asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Bill Beckwith seconded the motion. The motion passed 3-0-1 with Jim Graw abstaining from the vote. Chairman Powell was absent.

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

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON NOVEMBER 5, 2009, AND THE BOARD OF COMMISSIONERS ON DECEMBER 10, 2009.

3. **Consideration of Petition No. 1216-09 and Petition No. RP-046-09, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates consisting of 1.03 acres from R-40 to O-I to develop Office Institutional Uses and request to Change the Use of Lot 18 from single-family residential to office-institutional. This property is located in Land Lot 127 of the 5th District and fronts on SR 54 West.** *Staff recommended approval subject to three (3) recommended conditions.*

Vice-Chairman Thoms asked Mr. Bell if he would like to table or proceed forward and Mr. Bell replied he would like to proceed forward tonight.

Alan Bell said he was asking for Lot 18 of Lakeview Estates to be rezoned to O-I which is the highest and best use. He stated he had Staff's recommendation of approval which he had also had in the past. He commented the BOC had requested a consistent plan be put in place; however, the BOC did not adopt Staff's recommendation. He remarked that almost immediately following this decision, lots 1-4 of Ledgewood Subdivision, platted lots in a residential subdivision, were rezoned to O-I. He noted the vote by the BOC was 3-0-1. He said if consistency was what the BOC was asking for, he is requesting the same. He remarked a lot in a residential platted subdivision was platted in 1997. In comparison, he said the lots in Ledgewood were platted lots in a residential subdivision with road frontage on SR 54 West only and so is lot 18. He noted the Ledgewood lots were within one-quarter of a mile from lot 18. He said lots in platted residential subdivisions have been rezoned to O-I from both directions from lot 18. He stated the lots in Ledgewood and lot 18 are both designated as low density residential on the Land Use Plan. He asked to be treated fairly, equally, and consistently.

Vice-Chairman Thoms 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.

Tommy Long of 145 Lakeview Lane stated he had reviewed the Fayette County Comprehensive Plan and he was presently surprised to see how many times “protecting existing residential areas” was addressed. He said the goals state: Land use should be consistent with the County’s Land Use Plan protecting an orderly mix of residential, commercial/industrial facilities, and open spaces without compromising the existing residential development. He said the Land Use Element section states: Growth and development should be consistent with the County’s Land Use Plan and protect a mix of residential, commercial, and/or industrial facilities, and open space without compromise for existing residential development. He commented the Land Use Pattern states: It is a policy of the Fayette County Board of Commissioners that the County’s residential neighborhoods are the cornerstone of the community, as such, every effort must be made to ensure that these neighborhoods are protected from the negative aspects of growth and development. He pointed out the Objectivity states: The County’s land use pattern protects, enhances, and/or maintains stability in established residential neighborhoods. He noted Policy A states: Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use. He added Policy B states: Prevent the encroachment of incompatible land uses, both residential and nonresidential, into established or designated land use areas. He said a lot of emphasis was placed on the SR 54 West Overlay District. He noted the goals of the SR 54 West Overlay District was to maintain the efficient traffic flow of SR 54 West as the County’s only major east-west thoroughfare; to maintain a non-urban separation between Fayetteville and Peachtree City; and to protect existing and future residential areas in the SR 54 West corridor. He remarked the recommendation for the SR 54 West Overlay District is to offer existing tracts of 5 +/- acres the option to convert to office uses. He pointed out 1.03 acres does not meet the intent of 5 +/- acres. He noted the Ledgewood lots were part of the Hospital Land Use Plan Area; however, the Lakeview lot is not. He asked the PC to consider these facts and deny the request.

Mrs. Stuart Barnes of 120 Lakeview Court stated she was against the rezoning completely. She said she had lived in Lakeview Subdivision for 32 years. She pointed out there was signalization for the houses at Ledgewood Subdivision; however, Lakeview Estates only has a deceleration lane from SR 54 with cars going faster than 55 mph. She stated a deceleration lane would be required for lot 18 by the DOT which would cut into the existing deceleration lane. She said there was no comparison to the lots 1-4 in Ledgewood and lot 18. She pointed out the adjacent lot to lot 18 was in the city limits of Fayetteville, owned by a real estate agent, and currently for sale. She noted if lot 18 was rezoned commercial taxes would have to be paid. She explained the reason the two (2) lots in Burch’s Deep Forest Subdivision were rezoned is because they were required to be combined into one (1) lot and already had a curb cut onto SR 54 West. She asked the PC to vote against the rezoning petition.

In rebuttal, Mr. Bell stated if the people would have been at the meeting regarding the proposal by Staff then they would know this had already been discussed about how they entered from the highway. He said there is not signalization for lots 1-4. He confirmed he had a DOT curb cut and the ordinance requires 200 feet from a street before you can have a curb cut which he has. He

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reported lot 18 had been up for sale for quite some time as residential and there are about 20 years of residential lots available right now. He requested approval of the highest and best use for his property. He reiterated Staff has recommended approval. He said he did not want to be treated differently. He stated he grew up in Fayette County and had lived here all his life and he appreciated the County. He said what is fair is fair. He commented the County did not want to set a precedent but had approved O-I one-quarter mile away. He remarked denial of the rezoning petition would not be treating him fairly. He stated he was a Fayette County citizen and wanted to be treated fairly. He requested to be treated fairly.

Al Gilbert read the recommended conditions to the audience.

Vice-Chairman Thoms asked Mr. Bell if he agreed to the recommended conditions.

Mr. Bell said he agreed to the recommended conditions and added Mrs. Barnes property abuts commercially zoned property currently. He presented a signed petition of those in favor of the rezoning petition.

Hearing no further comments, Vice-Chairman Thoms closed the floor from public comments. He advised the PC had copies of letters and a signed petition in opposition to the rezoning application.

Jim Graw asked what was the land use designation of the lots in Ledgewood Subdivision at the time they were rezoned?

Pete Frisina replied Low Density Residential and the SR 54 West Overlay Zone.

Vice-Chairman Thoms asked the acreage of the four (4) lots combined in Ledgewood Subdivision.

Mr. Frisina replied 3.74 acres.

Vice-Chairman Thoms said it was not the intention to rezone a one (1) acre lot.

Mr. Graw stated he did not support the rezoning petitions in the past and he did not see any changes to convince him to support the rezoning petition.

Jim Graw made a motion to deny the rezoning petition. Vice-Chairman Thoms seconded the motion.

Al Gilbert said if he lived in the subdivision he would be opposing the request; however, the adjacent lot is zoned nonresidential and will affect what happens to lot 18 in the future. He stated the

Ledgewood lots and lot 18 are very similar. He commented a precedent had been set. He remarked the proposed plan was not totally acceptable to the BOC.

Hearing no further comments, Vice-Chairman Thoms called for the vote.

The vote was 2-2 with Al Gilbert and Bill Beckwith voting in opposition. Chairman Powell was absent. Due to the lack of three (3) affirmative votes, no recommendation resulted.

Mr. Gilbert asked if a motion was needed for RP-046-09.

Mr. Frisina replied a motion could be made for the record.

Jim Graw made a motion to deny the revised final plat application. Vice-Chairman Thoms seconded the motion. The motion for denial passed 3-1 with Al Gilbert voting in opposition. Chairman Powell was absent.

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Vice-Chairman Thoms called for a break at 7:43 pm to allow time to clear the public meeting room. He reconvened the public hearing at 7:45 pm.

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4. **Consideration of Petition No. 1218-09, Southern Pine Plantations Commercial Group, LLC, Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses and consideration of Petition No. 1219-09, Southern Pine Plantations Commercial Group, LLC, Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 5.37 acres from O-I, A-R, and C-C to O-I to develop Office Uses. This property is located in Land Lots 17 and 18 of the 6th District and fronts on SR 74 South.**

Staff recommended approval of Petition No. 1218-09 subject to two (2) recommended conditions.

Staff recommended approval of Petition No. 1219-09 subject to one (1) recommended condition.

Attorney Carl Westmoreland stated he was representing Jim Huffstetler of Southern Pine and Southern Pine. He presented the Concept Plan for the 2000 rezoning. He noted Southern Pine owns approximately 80 acres and in 2000, 22 acres was rezoned to C-C and 5.5 acres was zoned to O-I

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with the balance remaining A-R. He said Starr's Mill Professional Center was annexed into the City of Peachtree City along with other property. He added property to the west of Meade Fields also began the zoning process in the City of Peachtree City at the same time. He noted the City of Peachtree City needed to provide these properties with sewer. He presented the current Concept Plan for the proposed development, as well as, proposed development in the City of Peachtree City. He said it was obvious to place the sewer lines in the creek along Meade Fields. He stated in order to run the sewer lines, the property had to be annexed into the City of Peachtree City. He commented the City, the County, the Water and Sewer Authority, and other property owners met and worked out a solution over a series of meetings. He remarked 18 acres on the western side of the Southern Pine property would be annexed into the City of Peachtree City. He said two (2) office buildings were proposed along SR 74 South consisting of four (4) acres and the remaining acreage would be Open Space and ultimately would be utilized by the City of Peachtree City in their recreational complex. He noted the proposed rezonings slightly expand the property due to the taking of 2.2 acres of property for the expansion of SR 74 South and the on-site detention ponds; however, the size of the development has been dramatically reduced. He reported a public road would be constructed to provide access to the remaining property to the rear of the subject property. He confirmed he was in agreement to the recommended conditions. He said he was scheduled to appear before the City of Peachtree City Planning Commission on Monday and the annexation would be finalized prior to the rezoning being heard by the Board of Commissioners. He commented he and Mr. Huffstetler would be happy to answer any questions.

Vice-Chairman Thoms 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.

Lynda Wojcik of 412 Taberon Road said she felt the rezonings are based on the assumption that the City of Peachtree City is going to grant the sewer connection. She stated the rezonings should not be approved on an assumption. She asked how long the rear property would remain A-R. She remarked she had heard the A-R property was going to be dedicated to the County. She requested the PC to table the petitions until the property was going to be annexed or deny the petitions at this time.

In rebuttal, Attorney Westmoreland replied if the annexation was denied, he would withdraw his rezoning applications. He said the proposal has been discussed for a couple of years. He stated the City of Peachtree City's Planning Commission wanted to annex the entire commercial tract into the city; however, the County is not agreeable to that proposal. He commented the proposed plan only works if sewer is available. He remarked the A-R property would be donated to the County and he had discussed this process with County Attorney Scott Bennett. He noted there is a series of events which must fall into place.

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Al Gilbert read the recommended conditions of both rezoning applications to the audience.

Attorney Westmoreland reiterated he was in agreement to all of the recommended conditions for both rezoning petitions.

Hearing no further comments, Vice-Chairman Thoms closed the floor from public comments.

Jim Graw suggested adding a recommended condition that the City of Peachtree City has to provide sewer to the development or the rezonings would be null and void.

Bill Beckwith stated the PC could not make a condition for another government.

Al Gilbert said they would either have sewer or not when they appear before the BOC who will make the final decision.

Mr. Beckwith concurred.

Pete Frisina advised the PC that the BOC had addressed the proposed annexation and the consensus of the BOC was not to object to the annexation request.

Al Gilbert made a motion to approve Petition No. 1218-09 subject to the two (2) recommended conditions. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

Jim Graw made a motion to approve Petition No. 1219-09 subject to the one (1) recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent.

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Vice-Chairman Thoms asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meetings/Workshops scheduled for Thursday, November 19, 2009, December 3, 2009, and December 17, 2009, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M. He advised the PC would be receiving the Revised Zoning Ordinance in its entirety.

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There being no further business, Jim Graw made the motion to adjourn the Public Hearing. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 4-0. Chairman Powell was absent. The Public Hearing adjourned at 8:11 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
VICE-CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**