

THE FAYETTE COUNTY PLANNING COMMISSION met on October 4, 2012 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners meeting Room, Suite 100, Fayetteville, Georgia.

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

STAFF PRESENT: Pete Frisina, Director of Community Development
Hank Derbyshire, Marshal

Welcome and Call to Order:

Chairman Thoms called the Planning Commission Meeting to order. Doug Powell gave the invocation. Chairman Thoms led the Pledge of Allegiance and introduced the Board Members, Staff, and Marshall.

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1. **Consideration of the Public Hearing Minutes held on September 6, 2012.**

Chairman Thoms asked the Planning Commission Members if they had any comments or changes to the minutes. Al Gilbert made a motion to approve the minutes. Doug Powell seconded the motion. The motion unanimously passed 5-0. Members voting in favor of approval were: Chairman Tim Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

2. **Consideration of the Public Meeting/Workshop Minutes held on September 20, 2012.**

Chairman Thoms asked the Planning Commission Members if they had any comments or changes to the minutes. Doug Powell made a motion to approve the minutes. Al Gilbert seconded the motion. The motion passed 3-0-2. Members voting in favor of approval were: Chairman Tim Thoms, Al Gilbert, and Doug Powell. Members abstaining from the vote due to absence from the meeting were: Bill Beckwith and Jim Graw.

NEW BUSINESS:

3. **Consideration of an Undue Hardship for Camp Southern Ground's Preliminary Plat, Spotty Merle, LLC, Developer/Owner, Russell and Donna Jordan, Owners, Ken Ward, Benko Construction Co., Inc. The purpose of the request is for relief of requirements for 2.0 acres of contiguous area for Lot 1. This property consists of 494.39 acres and is zoned PUD-PRL. This property is located in Land Lots1 and 32 of the 5th District, and Land Lots 1, 2, and 3 of the 7th District, fronts on Ebenezer Church Road, and Arnold Road.**

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Chairman Thoms stated that he had done a tree identification survey in Clayton County recently for a Integrated Science and Engineering (ISE) and the work was performed as part of his normal order of business activities and he would not be abstaining as he perceived no conflict with the Consideration for Undue Hardship variance or Preliminary Plat before the Planning Commission tonight for Camp Southern Ground.

Ken Ward stated that he is the agent for Camp Southern Ground and also with him tonight are Jason Walls with ISE and Ben Ferguson of Camp Southern Ground. Ken Ward said we are asking for a variance to the contiguous area as required under the Subdivision Regulations for Lot 1 and as you know the balance of the property will be considered in the Preliminary Plat later tonight, but the variance is for Lot 1 only. He explained that the lot contains an existing home, as indicated on the maps that the Marshal had distributed to the Planning Commission, and the handout shows the proposed road and lots as depicted on the original Development Plan and the proposed road and lots as depicted on the Preliminary Plat. He said the handout indicates that the road has been moved to the west further from the east property line. He explained that the movement of the road takes it out of the buffer and further away from adjacent residences to the east, provides better sight distance on Ebenezer Road and requires less land disturbance resulting in less environmental impacts and tree removal, however, the movement of the road has impacted Lot 1 and the contiguous area. He said due to these changes to improve the Camp Southern Ground PUD Development he is asking the Planning Commission to approve the variance for the contiguous area on Lot 1.

Jim Graw asked Ken Ward if he knew much contiguous area was on the original lot. Ken Ward stated that he thought the original lot had approximately 1.3 acres of contiguous area. Jim Graw said that he assumes that the contiguous area was not a requirement of the original lot. Pete Frisina confirmed that it was not a requirement when the original lot was created. Jim Graw asked if there was a way to acquire additional property to meet the contiguous area for Lot 1. Ken Ward replied no because that the adjacent property was an existing 11 acre residential lot.

Chairman Thoms asked for more explanation about the configuration of the original lots. Ken Ward said the original configuration was three (3) lots and the lot that contains the residence is a flag lot. Chairman Thoms asked if the flag lot had the required two (2) acres of contiguous area. Ken Ward replied that it did not have two (2) acres of contiguous area and he had the tax plat that showed the current configuration of the three (3) lots. The Marshal distributed the tax plats to the Planning Commission. Pete Frisina stated that the flag lots were created when only 25 feet of road frontage was required. Chairman Thoms stated that based on the tax plat he was looking at the lot where the existing residence is located does not appear to have two (2) acres of contiguous area.

Jim Graw asked if the proposed Lot 2 has two (2) acres of contiguous area. Ken Ward stated that proposed Lot 2 did have two (2) acres of contiguous area.

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Chairman Thoms asked Ken ward if any of the adjacent property owners had seen this proposed layout for Lots 1 and 2. Ken Ward stated that the adjacent property owners had not seen this layout, but that the property owner to the east had asked if the road could be moved to the west in an early meeting with camp.

Doug Powell asked how much additional sight distance was gained by moving the road. Ken Ward stated the sight distance was increased toward the curve to the east on Ebenezer Church Road. Ken

Ward added that the environmental impact is much less by moving the road to the west as it follows the existing driveway over the dam so no fill will be required to build the road.

Chairman Thoms asked if the movement of the road to the west will maintain trees along the ease property line. Ken Ward stated that the movement of the road does required less land disturbance and tree loss, however the required storm water improvements will make it necessary to clear some trees.

Jim Graw asked if the original layout of the road was below the level of the dam. Ken Ward stated that the original layout of the road was below the dam, but fill would have been required to raise the elevation of the road.

Doug Powell stated that he did not see any detrimental effects associated with the variance as it improves the overall development, moves the road further away from adjacent property owners, and improves the safety of traffic of getting in and out of Ebenezer Church Road.

Al Gilbert agreed that moving the road improves the development and lessens the impact on adjacent property owners and shows that the camp is working in the right direction. Ken Ward said he appreciates that.

Chairman Thoms said he didn't know if the request meets the definition of a hardship. Jim Graw stated the subdivision regulations don't define a hardship. Chairman Thoms said the Planning Commission had discussed criteria for a variance. Jim Graw said these requests are based on the Planning Commission's judgment. Chairman Thoms agreed the relocation of the road made for a better overall development. Jim Graw said it seems the lot with the residence did not have two (2) acres of contiguous area previously so it won't have two (2) now so he doesn't have a problem with the request.

Doug Powell made a motion to approve the Undue Hardship variance allowing the reduction of the contiguous area for Lot 1 from two (2) acres to .8 acres. Al Gilbert seconded the motion. The motion unanimously passed 5-0. Members voting in favor of approval were: Chairman Tim Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

- 4. Consideration of the Preliminary Plat for Camp Southern Ground, Spotty Merle, LLC, Developer/Owner, Russell and Donna Jordan, Owners, Ken Ward, Benko Construction Co., Inc. This property consists of 494.39 acres and is zoned PUD-PRL. This property is located in Land Lots 1 and 32 of the 5th District, and Land Lots 1, 2, and 3 of the 7th District, fronts on Ebenezer Church Road, and Arnold Road.**

Ken Ward stated that he is here to answer any questions the Planning Commission has tonight about the Preliminary Plat

Chairman Thoms clarified the variance needed for the pool will have to go before the Zoning Board of Appeals. Pete Frisina added a variance is also needed for the accessory structure located in the front yard.

Chairman Thoms asked Doug Powell to read the Condition of Preliminary Plat approval. Doug Powell read the following Condition:

The pool (located in the buffer) and the accessory structure (located in the front yard and front yard setback) on Lot 1 will need Variance approvals to remain or will have to be removed prior to Final Plat approval.

Chairman Thoms asked Ken Ward if he understood the Condition. Ken Ward said they understood and agreed to the Condition.

Jim Graw asked Ken Ward if the shed would be removed. Ken Ward stated that it had not been decided as of yet but the shed may be relocated.

Doug Powell made a motion to approve the Preliminary Plat for Camp Southern Ground with one (1) condition. Jim Graw seconded the motion. The motion unanimously passed 5-0. Members voting in favor of approval were: Chairman Tim Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

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Doug Powell said that the Planning and Zoning Department consists of just two people now and he thinks they are doing a good job. Al Gilbert stated that the minutes are well written and easy to understand and he appreciates that.

Al Gilbert asked Pete Frisina to fill in the Planning Commission regarding any direction from the Board of Commissioners given yesterday at their workshop. Pete Frisina reported that the Board of Commissioners gave staff direction to go to Public Hearings in November and December with the proposed amendments to the Comprehensive Plan and Zoning Ordinance concerning the SR 138 area and Animals.

He stated the issue of a broadcasting studio and potential broadcast tower was discussed in relation to the amendments for the SR 138 area and the BOC did not suggest that the use be removed from the proposed zoning district. He said Commissioner McCarty commented at the meeting that the area may be too close to the Atlanta airport to get a broadcast tower.

Pete Frisina said the amendments to the Zoning Ordinance for Animals in A-R will also be considered in Public Hearings in November and December. He added that there was some discussion about what constitutes a dog pen at the BOC meeting and he explained the intent was to regulate an open air enclosure where a dog is confined to a small area but a fenced in yard would not be considered a dog pen. He further explained he added language to the proposed ordinance that referred to the dog pen regulations in Article V. and similar open air animal enclosures and he would continue to give this issue some thought and if comes up with a improved clarification he will include it in the ordinance.

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Chairman Thoms asked if there was any further business. Hearing none, Jim Graw made a motion to adjourn the Meeting and Bill Beckwith seconded the motion. The motion unanimously passed 5-0. Members voting in favor of adjournment were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. The Meeting adjourned at 8:40 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



**TIM THOMS
CHAIRMAN**



PETER A. FRISINA