

THE FAYETTE COUNTY PLANNING COMMISSION met on October 7, 2004 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Douglas Powell, Vice-Chairman
Bob Harbison
Bill Beckwith
Al Gilbert

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wheeler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Bill McNally, County Attorney
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He welcomed the students from Fayette County High School and Boy Scouts Troop #74.

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1. Consideration of the Minutes of the meeting held on September 2, 2004.

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

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2. Consideration of the Workshop Minutes of the meeting held on September 2, 2004.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Bob Harbison made the motion to approve the Workshop Minutes. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw 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 Plat could be addressed by the public.

THE FOLLOWING ITEM WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON OCTOBER 7, 2004.

3. Consideration of a Preliminary Plat, Woodhaven Subdivision, Fred Cannon, Brad Cannon and John Blalock, Owners/Agents. This property consists of 15.5 acres with three (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. Table to November 4, 2004 per applicant's request.

Aaron Wheeler explained that the applicant had requested to table the preliminary plat until November 4, 2004 to allow additional time to resolve some right-of-way issues.

Bob Harbison made the motion to approve the request to table the preliminary plat until November 4, 2004. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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4. **Consideration of a Preliminary Plat, Westside Park Subdivision, Gramm Representatives, Inc., Owners, and Mike Byrd, Agent. This property consists of 40.55 acres with 16 single-family dwelling lots. This property is located in Land Lot 164 of the 5th District, fronts on S.R. 92 North, and is zoned R-40. Table to November 4, 2004 per applicant's request.**

Aaron Wheeler explained that the applicant had requested to table the preliminary plat until November 4, 2004 to allow additional time to resolve some right-of-way issues.

Doug Powell made the motion to approve the request to table the preliminary plat until November 4, 2004. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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5. **Consideration of a Preliminary Plat, Mayland Farms Subdivision, ARC Enterprises, Owners, and Scarbrough and Rolader Development, Agent. This property consists of 26.39 acres with 12 single-family dwelling lots. This property is located in Land Lot 21 of the 7th District, fronts on Sandy Creek Road and Eastin Road, and is zoned C-S.**

Donna Black requested approval of the preliminary plat dated September 21, 2004 as approved by Staff which consists of 26.39 acres with 12 single-family dwelling lots, contains 10 plus acres of greenspace, and was rezoned to C-S. She added that Level III Soil Studies are currently being performed.

Chairman Graw asked if there were any public comments regarding the technical aspects of the preliminary plat.

Tom Waller of Sandy Creek Road remarked that his a part of his property borders the greenspace of the proposed development. He asked who would own the greenspace; how would the tax base be calculated; and who would handle issues which might arise.

Attorney Bill McNally replied that the greenspace would be deeded to the home owners association and that the Board of Tax Assessors would assess the property and the taxes would be paid by the home owners association.

Mr. Waller asked if there was a separate level of taxation for greenspace vs. a regular home.

Chairman Graw advised that taxation is not a technical aspect of the preliminary plat.

Mr. Waller asked at what point would he address the other issues.

Bob Harbison replied that tax questions should be directed to the Tax Commissioners Office.

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

Doug Powell asked who would own the detention area.

Attorney McNally advised that Note #20. indicated that the detention area would be deeded to and maintained by the home owners association.

Bob Harbison made the motion to approve the preliminary plat stamped received September 21, 2004. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON OCTOBER 7, 2004 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 28, 2004.

6. **Consideration of Petition No. 1131-04, Dorothy Price, Owner, and Jason Walls, P.E. of Integrated Science and Engineering, Agent, request to rezone 2.77 acres from A-R to C-H to develop a convenience store with gasoline sales and a retail building. This property is located in Land Lot 70 of the 5th District and fronts on S.R. 85 South and Price Road. Withdraw per applicant's request.**

Aaron Wheeler explained that the applicant had requested to withdraw the rezoning application. He confirmed that the applicant had requested to withdraw to allow time to pursue a meeting with the Georgia Department of Transportation and the County Engineering Department regarding the issuance of obtaining a curb cut on S.R. 85 South.

Doug Powell made the motion to accept the request withdraw the rezoning application. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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7. **Consideration of Petition No. 1132-04, Myrtle Cooper Wilson, Owner, and Douglas F. Fields, Agent, request to rezone 2.026 acres from A-R to R-40 to develop one (1) single-family dwelling lot. This property is located in Land Lot 70 of the 5th District and fronts on S.R. 85 South.**

Doug Fields stated that the subject property had been in the family for three (3) generations and his son wanted to construct a single-family dwelling on the lot.

Chairman Graw 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. Hearing none and with no rebuttal required, he closed the floor from public comments.

Doug Powell asked Ms. Myrtle Cooper Wilson if she realized that there was property across S.R. 85 South zoned commercial.

Ms. Wilson replied yes.

Al Gilbert stated that the subject property was designated on the Land Use Plan as commercial. He said that he had a problem with the request because if the subject property were designated as residential and there was a petition to rezone the property to commercial that the public meeting room would be packed. He added that he had a problem intruding on potential commercial property with residential development because there is not a lot of commercial properties in the County so in essence we are stopping a large tract from potentially going commercial or the proposed single-family dwelling lot could become surrounded by commercial development. He commented that residential development should not be in a commercial land use area.

Chairman Graw pointed out that the property is currently surrounded by A-R zoning with commercial across the street, however the subject property is designated commercial on the Land Use Plan Map.

Bill Beckwith concurred.

Doug Powell stated that he liked how Staff had utilized the subject property as a demarcation line where the commercial stops and the residential starts.

Chairman Graw concurred.

Bill Beckwith made a motion to approve the rezoning petition. Doug Powell seconded the motion.

Bob Harbison asked if the motion included the one (1) recommended condition.

Bill Beckwith amended the motion to approve the rezoning petition subject to the one (1) recommended condition. Doug Powell seconded the amended motion.

Mr. Powell asked the applicant if he agreed to the one (1) recommended condition.

Mr. Fields replied yes. He added that the proposed single-family dwelling would be located approximately 200 feet from S.R. 85 South.

Mr. Beckwith asked what was the lot width along S.R. 85 South.

Mr. Fields replied 161 feet.

Mr. Beckwith confirmed that the subject property could not be subdivided due to the required road frontage of 100 feet per lot.

Chairman Graw called for the vote. The motion passed 4-1 with Al Gilbert voting in opposition.

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8. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District, D. Dimensional Requirements, 7. Height limit.

Aaron Wheeler advised that this item had been discussed at a previous Workshop. He said that this item was brought to Staff's attention via a request to place a church in the A-R zoning district. He pointed out that the A-R zoning district allows structures to be increased in height provided the setbacks are increased. He added that the Fire Marshal wanted to ensure that all of the zoning districts set the maximum height limit at 35 feet.

Doug Powell reported that the County does not have a ladder truck and therefore this amendment will also ensure safety.

Chairman Graw concurred.

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

Bob Harbison made a motion to approve the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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9. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, F. Dimensional Requirements, 7. Height limit, a. and b.

Aaron Wheeler advised that this item had been discussed at a previous Workshop. He said that upon review of all of the zoning districts that the height limit in O-I also needed to be amended. He added that the Fire Marshal wanted to ensure that all of the zoning districts set the maximum height limit at 35 feet.

Doug Powell reported that the County does not have a ladder truck and therefore this amendment will also ensure safety.

Chairman Graw concurred.

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

Al Gilbert made a motion to approve the proposed amendments as submitted. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Aaron Wheeler reminded the P.C. of the Workshop scheduled for October 21, 2004 in the Board of Commissioners Conference Room, Suite 100 at 7:00 P.M.

Chairman Graw advised that he would be absent at the October 21, 2004 Workshop.

There being no further business, Doug Powell made the motion to adjourn the meeting. Bob Harbison seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:38 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY

