

THE FAYETTE COUNTY PLANNING COMMISSION met on February 3, 2005 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
Deputy Travis Caldwell
Deputy Ben Thiel

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 Fayette County High School students.

* * * * *

1. Consideration of the Minutes of the meeting held on January 6, 2005.

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. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

* * * * *

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 Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON FEBRUARY 3, 2005.

2. Consideration of a preliminary plat, Westside Park, M & M Communities, Inc., Owner, and Raymond Stiles, Agent. This property consists of 18 single-family dwelling lots on 44.81 acres. This property is located in Land Lot 164 of the 5th District, fronts on Stanley Road, and is zoned R-40. This item will be tabled until March 3, 2005 to allow time for corrections to be made as requested by Staff.

Doug Powell made a motion to table the preliminary plat until March 3, 2005. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

* * * * *

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 FEBRUARY 3, 2005 AND BY THE BOARD OF COMMISSIONERS ON FEBRUARY 24, 2005.

3. **Consideration of Petition No. RP-032-05 for a Revised Final Plat, McClenny Estates, Chris England, Owner/Agent. The request is to subdivide Lot 3-C/4-C (which was combined as one tract on 08/09/82) and add property from Lot 5-C/6-C (which was also combined as one tract) to create three (3) single-family dwelling lots consisting of the following: 1.067 acres for Lot 3-C, 1.014 acres for Lot 4-C, and 1.898 acres for Lot 5-C/6-C. This property is located in Land Lot 16 of the 7th District, fronts on West Lake Drive and Lakeside Drive, and is zoned R-40.**

Chris England stated he had purchased the subject property from a County tax sale and he thought he was purchasing two (2) lots. He said the lots were combined in 1982 into one (1) lot. He reported that when he had the lots surveyed that they were less than one (1) acre each. He confirmed he owned the adjacent lot and was taking property from his lot and adding it to the other two (2) lots to bring them up to one (1) acre each.

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.

Bob Harbison made a motion to approve the petition with the recommended condition. Doug Powell seconded the motion.

Chairman Graw asked Mr. England if he agreed to the recommended condition regarding dedication of additional right-of-way.

Mr. England agreed to the recommended condition.

Attorney McNally advised that the subdivision was developed with 50 feet of right-of-way so therefore no additional right-of-way would be necessary.

Bob Harbison amended his motion to approve the petition without the recommended condition. Doug Powell seconded the amended motion. The motion was unanimously passed 5-0.

* * * * *

4. **Consideration of Petition No. T-014-05, Donald W. and Jane Smith, Owners, and Harry R. Stamper of Sprint PCS, Inc., Agent, request to construct a 180 foot Monopole Telecommunications Tower plus a 12 foot lightning rod. This property is located in Land Lot 33 of the 7th District, consists of 34.5 acres, fronts on Ebenezer Road, and is zoned A-R. Proposed tower does not comply with the 2 mile separation between tower facilities.**

Sean Cash read the following: Good evening and thank you for hearing our request this evening. Member of the board, I am Sean Cash with Group EMF. We are located at 6 Braemore Drive, Atlanta, Georgia 30328. I am here this evening representing Sprint PCS. This is a request for a 180 foot 4 carrier multi-tenant Monopole style tower. The proposed tower is to be located at 767 Ebenezer Road, Fayetteville, Georgia 30215 on an approximate 34.5 acre tract of land zoned A-R and owned by Donald and Jane Smith.

At this time, Mr. Sean presented plats of the proposed site with the tower facility located on the subject property with the distances to the surrounding houses and the subject property lines. He explained that the tower facility met the setback requirements to the property lines and the 1,000 foot setback from adjacent houses. He confirmed that the proposed tower facility was 1.7 miles from the closest tower facility. He explained that the proposed tower facility could not go further back on the subject property due to environmental concerns/issues such as floodplain, wetlands, and a lake.

Mr. Sean continued by reading the following: This facility will be part of a wireless network to provide safe reliable and uninterrupted PCS service to this portion of Fayette County, Georgia. Once constructed, the facility will be unmanned. Only monthly site visits by a maintenance technician are anticipated. The facility will not use water or sewer services, and will not generate any noise or waste. We will require electricity and phone service, but only use about as much as a single-family residence. The facility will be located within a 125 foot by 80 lease area. An eight (8) foot high chain link fence plus three (3) strands of barb wire along the top for security purposes will be installed in an 80 foot by 60 foot area. The equipment to be used will consist of three (3) radio cabinets about the size of a refrigerator. The equipment will be placed on a reinforced concrete slab and the coaxial cable connecting the radio equipment to the tower will be via an ice bridge. The tower and the facility have been designed to support a minimum of four (4) each co-locations.

Mr. Sean presented plats indicating the coverage area with and without the proposed tower. He said that the proposed tower would cover from S.R. 54 West to S.R. 74 and up and down Ebenezer Road.

Mr. Sean concluded by reading the following: In closing, this tower facility is necessary to supply safe, reliable and uninterrupted PCS wireless service to the general public and emergency personnel in this portion of Fayette County, Georgia. We respectfully submit to the Board that this tower does not injure either the community or the intent or purpose of your Zoning Ordinance and complies with the requirements of the Fayette County, Georgia Zoning Ordinance with the exception of the two (2) mile separation between tower facilities. Because this request complies with your Zoning Ordinance with the exception of the two (2) mile separation between tower facilities, causes harm to no one or property, is concealed deep into a large wooded track of land, we respectfully request the approval of our application. We have received all State and Federal approvals including FAA and NEPA. In addition, we agree with all the conditions placed on the application by the Fayette County, Georgia Zoning Department. Again, my name is Sean Cash and I would be pleased to answer any questions the Board may have. Thank you.

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.

Richard Robinson of 507 Quarters Road said that he has been present over the past several years to speak about proposed towers. He stated that there has been three (3) tower requests within 1/10 of a mile from his house and all have been denied. He explained that the area is agricultural with livestock and is very rural and this would be a commercial business operating in an residential area. He commented that the tower would not help his property values. He asked if his property would be reassessed and his taxes lowered if the tower was to be constructed. He added that the proposed tower does not meet the two (2) mile separation requirement between tower facilities. He said he was tired of fighting this and it is a waste of his time.

Barbara Buckley of Ebenezer Road asked if the tower would be lighted. She also asked who would be responsible for disassembly of the tower. She pointed out that a ten (10) foot evergreen buffer is required by the ordinance. She advised that the subject property has been clear cut recently. She said she did not think her residence was 1,000 feet from the proposed tower facility. She commented that she had requested in 1989 that towers be removed from being allowed in the A-R zoning district. She remarked that there are too many homes next to the proposed tower facility.

Chairman Graw referenced a letter of opposition dated 02/02/05 from William R. and Suzan Jundra and made said letter a part of the record.

In rebuttal, Mr. Cash advised that there is a deficient of coverage in the area and a lot of the properties in the area are under conservation use so it is hard to comply with the two (2) mile separation. He said that due to the lack of coverage in the area, the tower is expected to fill up with the four (4) carriers rather quickly. He advised that the FAA was not requiring the tower to be lighted. He reported that he is Federally regulated to be bonded for disassembly of the proposed tower. He added that there would be a ten (10) foot landscape area around the eight (8) foot high

fence per County regulations.

At this time, Chairman Graw closed the floor from public comments.

Bill Beckwith asked Mr. Cash if the tower could be relocated to meet the two (2) mile separation requirement.

Mr. Cash said that the tower is proposed for 1.7 miles and could possibly be relocated to 1.8 miles but could not meet the two (2) miles due to floodplain and wetlands. He added that the proposed tower would be a monopole tower which would not be an eyesore and would be as unobtrusive as possible.

Al Gilbert asked if one (1) of the existing towers could be extended.

Mr. Cash said that they could not co-locate on the Crown Castle tower because the Radio Frequency Engineer ran coverage at 150 feet which would not provide adequate coverage.

Doug Powell asked if Crown Castle had been approached about making their tower higher.

Mr. Cash replied no.

Bob Harbison remarked that the Telecommunications Tower Ordinance was one of the toughest which he had been involved in because there are requirements by the Telecommunications Act that the carriers provide service so the ordinance was developed to be less obtrusive to the County residents. He stated that there is a need for cell phone coverage in this area. He added that he would not be opposed to tabling the petition to allow the petitioner time to approach Crown Castle about raising the height of their tower. He said that the County is going to need emergency service communications also.

Mr. Cash said he could have the Radio Frequency Engineer review the possibilities and requested to table the petition until March 3, 2005.

Bob Harbison made a motion to table the petition until March 3, 2005. Doug Powell seconded the motion.

Mr. Harbison asked Staff if a lightning rod was included in the calculation of the height of a tower.

Aaron Wheeler replied that a lighting rod is not included in the height of a tower.

Mr. Powell pointed out that Falcon Field Airport was requesting that the tower be lighted, however it is voluntary.

Mr. Cash replied that he preferred the tower not to be lighted since the neighbors don't want the light shining in their windows at night.

Hearing no further comments, he called for the vote. The vote to table the petition until March 3, 2005 was unanimously passed 5-0.

* * * * *

At 7:48 P.M., Chairman Graw asked the Fayette County High Students to come forward for the Marshal to stamp their agenda. He called the public hearing back to order at 7:49 P.M.

* * * * *

5. **Consideration of Petition No. 1138-05, Dan V. Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 18.75 acres from R-40 to C-H to develop a nonresidential subdivision consisting of ten (10) lots for commercial highway uses. This property is located in Land Lot 39 of the 7th District and fronts on S.R. 54 West and Huiet Drive.**

Randy Boyd, agent for Dan Stinchcomb, stated he would like to give a brief history of the subject property. He presented a topographic survey showing the entire piece of property owned by Mr. Stinchcomb. He pointed out that he was requesting commercial zoning at the corner of S.R. 54 West and Huiet Drive and the remainder north of Davis and south of Davis between Davis and Ebenezer Church Road is being requested as R-50 for a residential subdivision. He advised that the total tract of land is 872 acres and approximately 610 acres is zoned R-40.

Chairman Graw requested Mr. Boyd to direct his attention to the subject commercial request.

Mr. Boyd replied that he was trying to give the history of the subject property. He said he was requesting to rezone 18.75 acres from R-40 to C-H to develop a commercial subdivision at the northwest corner of S.R. 54 West and Huiet Drive.

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.

Chairman Graw asked about the 39 acre tract located south of the subject property.

Mr. Boyd replied that this is part of a survey prepared several years ago and indicates where the R-40 zoning is located.

Doug Powell stated that the petition does not comply with the Land Use Plan and he could not support the rezoning request.

Bob Harbison made a motion to deny the C-H zoning which does not comply with the Land Use Plan and approve the subject property as O-I zoning. Al Gilbert seconded the motion. The motion passed 4-1 with Doug Powell voting in opposition.

* * * * *

6. **Consideration of Petition No. 1139-05, Dan V. Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 268.05 acres from R-40 and A-R to R-50 to develop 182 single-family dwelling lots. This property is located in Land Lots 5, 28, 29, and 30 of the 7th District and fronts on Davis Road and Ebenezer Church Road.**

Randy Boyd, agent for Dan Stinchcomb, explained that the R-40 is part of the original 640 acres which was rezoned in the early 80's and the remainder is A-R. He said that he was requesting the continuation of the same size lots since the bulk of the property is zoned R-40 but increased the zoning classification from R-40 to R-50.

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. He asked for a show of hands of those who would be speaking in opposition of the petition and reminded them that the 15 minute time limitation would be strictly adhered to so they needed to appoint their spokespersons.

Terri Fopiano of 200 Hillred Drive stated she represented many of the homeowners who are in opposition to the petition. She said that the homeowners are not in opposition to the land being developed but it should be developed in a way to suit everyone's interest. She suggested that an alternative plan be developed which was in compliance with the Land Use Plan. She remarked that having varied lot sizes would be more diverse which would provide a broader market to many more

buyers and price ranges. She said this would keep diversity, offer higher quality, keep with zoning, and be a more win/win situation for everyone involved. She commented that five (5) acre lots do sale and Martha's Cove has 13 lots which sold like hot cakes when the subdivision was complete. She added that Platinum Ridge on Speer Road has 34 lots and 20 have already sold and it has just opened so there is a high demand for larger tracts. She challenged the owner to think bigger not in quantity but quality since the motto for Fayette County is "Where Quality is a Lifestyle". She said that people had fled other areas to move in the area because of the quality in Fayette County which should be preserved. She commented that the proposed development is too dense and will not benefit this area of Fayette County. She added that there is a natural berm and curve at the intersection of Hillred Drive and Ebenezer Church Road and it is hard to exit from Hillred Drive.

Marie Egan of 80 Country Trace reported that in the state of Georgia, a developer cannot be turned down for developing property if it affects the schools in a negative way. She said that Fayette County has wonderful schools and she is concerned how 182 new homes would affect the schools. She stated that fixing the schools after they are overcrowded is not the proper approach but growth should be planned.

George Burgess of Davis Road remarked that he owns five (5) acres which is what was required in order for him to build his house. He said that he was told that Davis Road, which is currently a gravel road, would be fixed, however this will increase traffic and increase taxes. He stated he has already donated additional right-of-way for improvements to Davis Road. He expressed concern about increased traffic on Davis Road, especially during the night due to the increased noise. He added that he liked the quality of life in the area and said he was opposed to the proposed development.

Mary Hannum of 100 Martha's Cove expressed concerns about environmental issues and the effect 182 septic tanks and wells would have on existing drainage problems which should not be increased. She asked what assurance the homeowners would have that the drainage problems won't become worse with the proposed density.

Chairman Graw cautioned the audience about withholding any applause since it is not necessary.

John Smith of 230 Davis Road commented that he had given his daughter five (5) acres of land and he did not request a rezoning because he thought more of his neighbors than that. He said that Mr. Fincher of 590 Davis Road had requested to rezone his property so his daughter could build a house and he was denied. He remarked that the applicant knew what the property was zoned when it was purchased and he should stand by the current zoning.

Al Agnone of 165 Hillred Drive stated that approval of the petition would create a traffic madhouse and would also cause the school districts to be reconfigured. He also expressed concern about property values and the ability to sell his property.

Trudy Whittington of 35 Country Trace said she enjoys the wildlife in the area if the property is developed the wildlife will relocate. She added that the subject property is covered with lady slippers which is on the endangered plant list and crucifixion ferns. She stated that she relocated to this area because of the space. She commented that thought and consideration should be given to the area plus a respect for nature. She reported that Lester Road has rows of houses but no creativity was taken in the development, just a bulldozer. She said that she read an article in the newspaper and Governor Perdue had stated that they will pay to keep pristine land in the state of Georgia. She added that the Georgia Forestry Commission has numerous reports about greenspace which Georgia is losing annually, more than any other state in the nation and Georgia used to have the most greenspace around. She stated that Fayette County is giving up greenspace year after year to the massive developments. She asked that Governor Perdue's recommendation to preserve some pristine land in Fayette County.

Steven Short of 180 Hillred Drive expressed concerns about the effects on his existing well due to the water table and the effects of the septic tanks.

Chairman Graw submitted two (2) letters in opposition as part of the Minutes, one dated 01/27/05 from Ronnie and Ivy Lockett and one dated 02/02/05 from Larry Duff.

In rebuttal, Mr. Boyd said that the lots would sell for approximately \$100,000 even the one (1) acre tracts and the houses would be in the \$400,000 plus range. He confirmed that the proposed development would be required to comply with all sight distance requirements. He stated that there are nice schools in the area which would make the proposed development a popular place to live. He presented his Concept Plan and stated that it complied with the 3,000 foot street length requirement. He said that Davis Road would be treated as a rear property line and would not be utilized because the proposed streets will be tied into Lester Road. He commented that the proposed development would also have to comply with the detention and water quality areas and added that a Level III Soils Analysis has not been prepared and is unsure about the final design of the proposed subdivision. He confirmed that the lots would be served by individual septic systems but would be connected to County water. He pointed out that the areas indicated in blue are lakes and would be open space and greenspace areas and the floodplain and creeks would be protected. He reported that development of the existing R-40 property will begin first and the applicant looks forward to continuing the development. He stated that there would be a nice recreation area at the north end of Lester Road. He said that this would be a nice quality area to live in.

At this time, Chairman Graw closed the floor from public comments. He asked Staff to clarify the land use for the subject property which was adopted on April 22, 2004.

Aaron Wheeler advised that the area north of Davis Road is classified as 1 unit per 1-2 acres and the area south of Davis Road is classified as 1 unit per 2-3 acres.

Doug Powell said that he driven in the areas a couple of times and the area has a rural atmosphere and the proposed zoning is not contiguous with any other zoning and doesn't seem to be the right fit for the area.

Chairman Graw concurred with Mr. Powell. He said he did not have a problem with 1-2 acres north of Davis Road but R-50 is not right for all of the property. He stated that the property south of Davis Road is surrounded by five (5) acres lots and the Land Use Plan indicates 2-3 acres and he would not have a problem allowing three (3) acre lots south of Davis Road but then comes the problem with Davis Road. He remarked that the applicant could not improve all of Davis Road but could improve the road along his property to the nearest major road at his own expense. He added that the Land Use Plan must be considered.

Bob Harbison said that he had considered three (3) acres on the south side of Davis Road and two (2) acres on the north side of Davis Road but since Davis Road is a gravel road that changes things. He stated that since Davis Road is a gravel road the timing is not right for high density development.

Bill Beckwith asked Mr. Boyd if they had any plans to pave Davis Road.

Mr. Boyd replied no sir. He reiterated that the plans for the existing R-40 development had not been finalized but why would someone use a gravel road to get to the schools when you could use paved roads within the proposed subdivision. He advised that there would be a street developed from Davis Road over to Huiet and up Huiet to Lester. He said that everyone is looking at the concept plan for the rezoning and not considering that the subject property will be tied into the proposed subdivision which will be developed prior to this area. He stated that if you improve Davis Road that you are begging people to utilize it and there will be all kinds of streets developed to this point so the paving of Davis Road is not an issue.

Al Gilbert expressed concern about Davis Road and said he could not support any rezoning on Davis Road. He also expressed concern that if some type of zoning is not given to the subject property that the City of Fayetteville will annex the subject property. He stressed that the County adopts a Land Use Plan and then it goes out the window due to annexations with smaller lots.

Chairman Graw stated that the P.C. should not make a decision based on what the City of Fayetteville may do but do what is right.

Bob Harbison made a motion to deny the petition. Doug Powell seconded the motion.

Chairman Graw stated that a condition could be added to require the applicant to bring Davis Road up to County standards. He added that the Land Use Plan does call for lesser density than required by the current zoning.

Mr. Powell replied that paving Davis Road would change the atmosphere of the area.

Mr. Beckwith pointed out that the subject property is already legally zoned.

At this time, Chairman Graw called for the vote. The motion to deny the petition passed 4-1 with Chairman Graw voting in opposition.

* * * * *

Chairman Graw asked if there was any further business.

Hearing none, Bob Harbison made the motion to adjourn the meeting. Doug Powell seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:34 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY