

**THE FAYETTE COUNTY PLANNING COMMISSION** met on December 1, 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  
Bill Beckwith  
Al Gilbert  
Tim Thoms

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Aaron Wheeler, Zoning Administrator  
Pete Frisina, Director of Planning & Zoning  
Phil Mallon, Director of Engineering  
Delores Harrison, Zoning Technician  
Bill McNally, County Attorney  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
Deputy Shawn Albea

**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 Starrs Mill High School.

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**1. Consideration of the Public Hearing Minutes of the Planning Commission meeting held on November 3, 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. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Doug Powell abstaining from the vote.

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**2. Consideration of the Workshop Minutes of the Planning Commission meeting held on November 17, 2005.**

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Doug Powell made the motion to approve the Workshop Minutes. Tim Thoms 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 Plats could be addressed by the public.

**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON DECEMBER 1, 2005.**

**3. Consideration of Preliminary Plat, Bellfair Walk Preserve, Humber Construction, LLC, Owners, and Brad Humber, Agent. This property consists of 80.44 acres with 32 single-family dwelling lots. This property is located in Land Lots 229 and 252 of the 4th District, fronts on McBride Road, and is zoned R-70.**

Brad Humber requested approval of the preliminary plat of Bellfair Walk Preserve consisting of 80 acres with 32 single-family dwelling lots. He confirmed that he had a Level III Soil Survey prepared and the soils look good for conventional systems.

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

Tom Thoms questioned the sight distance of 350 feet on the sharp curve and hill.

Mr. Humber replied that David Hovey, the Project Engineer and Phil Mallon, the County Engineer have been to the site and the entrance is located in the best location and complies with the sight distance requirement. He added that with the curve and the 35 mph speed limit, that sight distance should not be a problem.

Mr. Thoms commented that he had looked at the sight distance very carefully and that he doesn't necessarily agree with the two (2) engineers's assessment. He remarked that he was very concerned about traffic coming out of the subdivision and the curve of McBride Road.

County Engineer Phil Mallon confirmed that he had looked at the sight distance several months ago and at Mr. Thoms' request, the engineering technicians were back on the site this afternoon, and the distance is right at the requirement. He said that the entrance appears to be in the best possible location. He added that at the construction design stage, additional warning signs, as well as, removing or cutting back the embankment in the right-of-way on the opposite side of the road.

Mr. Thoms agreed that cutting back of the embankment would help with sight distance.

Doug Powell asked what was the length of Bellfair Run, and if there were any specimen trees within 100 feet of the right-of-way since he did not see a Tree Protection Plan.

Mr. Humber replied that Bellfair Run was 2,900 feet long and that there are no specimen trees within 100 feet of the right-of-way.

Bill Beckwith made a motion to approve the preliminary plat. 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 DECEMBER 1, 2005 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 12, 2006.**

- 4. Consideration of Petition No. 1158-05, John Horney, Marc Heilweil, and Donald Keough, Owners, and Rod Wright of Peachstate Land Development, Inc., Agent, request to rezone 393.98 acres from A-R to EST to develop a proposed subdivision consisting of 61 lots. This property is located in Land Lots 139, 140, 141, 148, 149, and 150 of the 4th District and fronts on S.R. 92 South.**

Rod Wright advised that the proposed development surpasses the requirements of the EST zoning district. He added that if the rezoning is approved that he would extend the County water line to the proposed development; however, if the rezoning is denied then the development would utilize individual wells. He introduced Joe Robinson, Project Designer, who was present to answer any technical questions.

Chairman Graw asked if there was anyone who wished to speak in favor of the petition. Hearing none, he asked if there was anyone who wished to speak in opposition of the petition. Hearing none, and with no rebuttal required, he closed the floor from public comments.

Doug Powell read the recommended condition aloud to the audience.

Mr. Wright confirmed that he agreed to the recommended condition.

Mr. Powell questioned the 4.79 acre out parcel.

Mr. Wright replied that he owned the 4.79 acre out parcel which would be added to the adjacent property which he also owns.

Tim Thoms questioned the size of the proposed storm water facility.

Joe Robinson replied that the issue of storm water had been discussed with County Engineer Phil Mallon, and Mr. Mallon had come up with a surface area of five (5) acres. He stated that he did not agree with Mr. Mallon, however provisions will be made for the storm water. He added that a flood study may be prepared on the Flint River to see if the storm water could be released into the Flint River Basin without any adverse effects.

Al Gilbert made a motion to approve the petition subject to the one (1) recommended condition. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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5. **Consideration of Petition No. 1159-05, Dorothy Q. Reeves, Managing Member of Morning Creek, LLC, a Georgia Limited Liability Company, Owner, and Dan Fields, Vice President of John Wieland Homes, Agent, request to rezone 249.011 acres from R-70 to C-S to develop a proposed subdivision consisting of 97 lots. This property is located in Land Lots 223, 224, and 194 of the 5th District and fronts on S.R. 92 North and Eastin Road.**

And

6. **Consideration of Petition No. 1160-05, Dorothy Q. Reeves, Managing Member of Morning Creek, LLC, a Georgia Limited Liability Company, Owner, and Dan Fields, Vice President of John Wieland Homes, Agent, request to rezone 118.37 acres from R-70 to C-S to develop a proposed subdivision consisting of 45 lots. This property is located in Land Lots 223, 224, 225, and 226 of the 5th District and fronts on S.R. 92 North.**

Attorney Bill McNally advised the P.C. that Petition No. 1159-05 and Petition No. 1160-05 could be heard concurrently but would require two (2) separate motions and votes.

Attorney Brad Parrott stated that both petitions were requesting to rezone from R-70 to C-S. He pointed out that the C-S intentions and goals are as follows: 1) intended use is for properties land used as Rural Residential, 2) allows reduced lot sizes; 3) protects the natural habitat; 4) protects open space in perpetuity; 5) protects water quality; 6) protects historical and archeological resources and agricultural resources; 7) protects floodplain; and 8) provides for lower infrastructure costs, as well as, maintenance. He added that the two (2) developments are separated by Foxhall Farms Subdivision which is zoned R-45.

Attorney Parrott pointed out that Staff has recommended approval of both petitions. He stressed that approval of the petitions would not increase the density. He pointed out that the C-S benefits include: 1) fewer impervious surfaces which lead to less storm water; 2) fewer roads with less soil erosion and fewer trees removed; and 3) provide for protected areas in perpetuity.

Attorney Parrott verified that the proposed developments abut parcels zoned R-45, R-70, and A-R. He confirmed that the C-S is in keeping with the Land Use Plan and the surrounding zoning districts. He said that the proposed development will be of high quality with the sale prices of the dwellings being in the \$400,000 range. He requested approval of both petitions.

Chairman Graw asked if there was anyone to speak in favor of the petitions. Hearing none, he asked if there was anyone to speak in opposition of the petitions.

R. J. Glenn asked what school zone would the children be located in. He asked if Eastin Road would be opened to S.R. 92 North and would it be upgraded. He expressed concern about increased traffic and about future annexations.

Chairman Graw replied that Mr. Glenn would have to contact the School System to find out about school zones.

Adam Wilson expressed concern about the number and size of lots abutting his mother's property to the north of Petition No. 1160-05.

Tracey Childs Blander of Lot 11 Beverly Manor asked if there would be a buffer or fence provided between Beverly Manor and the proposed development due to the proposed walking trail to the lake.

In rebuttal, Dan Fields advised that a fence would not be provided, however greenspace would be provided along with walking trails on the west side of the lake.

Attorney Parrott confirmed that there would be a walking trail from the clubhouse to the lake. He stated that Eastin Road is a County road and the proposed development will tie into Eastin Road. He reported that the rezoning will not increase traffic because there is no increase in density. He added that the number of lots adjoining Ms. Wilson's property will not change due to the result of the rezoning.

Mr. Fields verified that the minimum house size would be 2,100 square feet.

Chairman Graw closed the floor from public comments.

Doug Powell read the recommended conditions for each petition.

Attorney Parrott advised that John Wieland does not object to the recommended condition for Petition No. 1159-05 or the recommended conditions for Petition No. 1160-05. He added that the dwelling located on the 118 acre tract contains one (1) of the oldest home in Fayette County and it will remain.

Tim Thoms asked how much the proposed street would exceed the 3,000 foot street length.

County Engineer Phil Mallon replied approximately 50-100 feet.

Mr. Thoms asked if the entrance relocation had been addressed.

Attorney Parrott replied that the Georgia Department of Transportation (GDOT) were requiring an accel/decel lane and turning lanes. He added that Mr. Wieland would comply with all GDOT requirements.

Mr. Fields added that his staff is working with GDOT on the entrance relocation, however, GDOT seems to be more concerned about turn lanes and decel/accel lanes.

Mr. Powell commented that he was concerned about access to the subdivision. He added that walking trails were a big plus to the proposed development.

Mr. Thoms asked what happens if the lots must be reconfigured due to the relocation of the subdivision entrance.

Chairman Graw replied that the number of lots could not be increased.

Attorney McNally added that the P.C. is granting a zoning and if GDOT requires relocation of the subdivision entrance then the developer would be required to submit a plan which is satisfactory to the Staff with no increase in density.

Bill Beckwith made a motion to approve petition number 1159-05 subject to the one (1) recommended condition. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

Bill Beckwith made a motion to approve petition number 1160-05 subject to the two (2) recommended conditions. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw and others signed agendas for the Starrs Mill High students from 7:48 P.M. to 7:49 P.M.

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7. **Consideration of proposed amendments to the Fayette County Subdivision Regulations regarding Section 6. Minimum Design Standards, 6-5.3 Street Length as presented by the Engineering Department.**

Phil Mallon advised that the proposed amendment was a “housekeeping item” to simply correct a reference to an incorrect section of the Zoning Ordinance.

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

Al Gilbert made a motion to approve the proposed amendments. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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8. **Consideration of proposed amendments to the Fayette County Development Regulations regarding Division 4. Flood Hazard Reduction, Section 8-154. Standards for subdivision proposals as presented by the Engineering Department.**

Phil Mallon stated that the proposed amendments are fairly substantial since it will require each new lot to have one (1) contiguous acre outside floodplain, state waters, wetlands, or watershed protection buffers and setbacks. He advised that the current ordinance requires each lot to have a minimum of one (1) acre or one-half (½) of the zoning district lot size, whichever is greater, outside the 100 year floodplain.

Mr. Mallon advised that the purpose of the proposed amendments is to help address a reoccurring problem of dealing with lots with insufficient buildable area for a dwelling, accessory structures, and septic systems. He reported that this will not guarantee that every lot will have adequate soils or suitable soils for septic, however this is a reasonable or practical first step in moving in that direction. He said he had spoken with some representatives from the development community who have some valid concerns and one (1) suggestion was to require a Level III Soil Survey at the preliminary plat stage which is a great idea. He remarked that he had spoke with Rick Fehr of the Environmental Health Department who supports this change, as well as, any other change which would provide lots with more potential area for septic systems. Mr. Fehr feels that more area provided on a lot will help

to minimize the chance of septic problems in the future.

Mr. Mallon pointed out that Coweta County requires 1.3 contiguous acres free and clear of State waters, wetlands, floodplain, and power line and gas easements. He confirmed that this change is in the Floodplain Management Ordinance which provides a variance option which is heard by the P.C. He added that the proposed amendments should also decrease drainage complaints, protect sensitive environments such as wetlands, buffers, and streams, and force designers to develop useful lots. He confirmed that section g. would be deleted in its entirety.

Chairman Graw asked if there was any public input.

Attorney Brad Parrott stated that you must consider someone's property rights with regulations that preserve the environment. He remarked that to adopt an ordinance which states that an acre is needed is a generalization which is non-applicable. He stressed that what is relevant is does the lot perc. He added that protecting the environment is in the interest of the citizenry. He asked that not only environmental concerns be considered but also the rights of property owners.

Randy Boyd stated he had met with Mr. Mallon and he had suggested to require soils on preliminary plats and also wetlands delineation. He commented that the one (1) acre requirement is not a great solution. He mentioned a design on Kenwood Road which consists of 80 acres with 49 lots and only one (1) buildable site after the completion of a Level I Soil Survey. He suggested applying the State minimum which is one-half (.50) acre for the septic system and alternate site. He requested that the proposed amendments be tabled to allow Staff, Developers, and Builders time to discuss various possible solutions.

Jeff Betsill, builder and developer, as well as, representative of the Midwest Georgia Home Owners Association consisting of 650 members and a State Director for the Georgia Home Builders Association consisting of 10,000 members asked if property owners would be compensated for the taking of their property. He added that he concurred with the previous speakers.

Cory Reeves expressed concern about a "one size fits all" type solution. He suggested that other possible solutions should be discussed. He added that property has been maintained for years and sacrifices have been made for the maintenance of the property and the ones who will suffer are the ones who have maintained their property all these years for their retirement; not the builders and developers.

Bob Dixon stated that he had been a developer/builder in Fayette County for 35 years. He concurred with the previous speakers. He suggested to table the proposed amendments for further discussion.

Chairman Graw closed the floor from public comments and added that the proposed amendments should be tabled to allow time for further public input.

Tim Thoms concurred and added that it would be helpful to consider other ideas.

Chairman Graw concurred. He added that he expected everyone who spoke tonight to be willing to provide their input.

Al Gilbert made a motion to table the proposed amendments until January 5, 2006 to allow time to receive input from the public at the December 12, 2005 Workshop. Bill Beckwith seconded the motion. He added that there were a number of people who served on the Tree Protection Ordinance Committee and felt the proposed amendments should be handled in the same manner. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business. He reminded the P.C. that the Workshop has been rescheduled for Monday, December 12, 2005 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, the meeting adjourned at 8:17 P.M.

**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**SECRETARY**