

THE FAYETTE COUNTY PLANNING COMMISSION met on March 2, 2006, 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: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Phil Mallon, Director of Engineering
Ali Cox, Assistant County Attorney
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Deputy Travis Caldwell

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.

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1. Consideration of the Minutes of the meeting held on February 2, 2006.

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. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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2. Consideration of the Workshop Minutes of the meeting held on February 16, 2006.

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. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw advised the audience that Petition No. 1169-06 and Petition No. 1170-06 would not be heard tonight.

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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 ONLY ON MARCH 2, 2006.

3. Consideration of a Revised Preliminary Plat, The Lakes of Wintergreen, Harold Turner, Raymond Turner, Larry Turner, and George Long, Owners, and Kevin Becker and Carl Christensen, Agent. This property consists of 70.3 acres with 27 single-family dwelling lots. This property is located in Land Lot 256 of the 5th District, fronts on S.R. 92 North, and is zoned R-70.

Kevin Becker requested approval of the preliminary plat stamped received 02/17/06.

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

Doug Powell commented that the setbacks on lots 3 and 4 are not correctly depicted and that lot 27 had a peculiar configuration.

Pete Frisina stated that lots 3 and 4 could be corrected at the time of final plat and that lot 27 might be able to be reconfigured at the time of final plat if the developer finds that the proposed detention area can be reduced.

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

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Pete Frisina requested a break at 7:09 P.M. due to difficulties with the recording device.

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Chairman Graw called the meeting back to order at 7:17 P.M.

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4. Consideration of a Preliminary Plat, Rocky Fork, Loren F. Ivie, Jr., Owner, and Randy M. Boyd, Agent. This property consists of 160.415 acres with 52 single-family dwelling lots. This property is located in Land Lots 139, 140, 149, 150, 171, and 172 of the 5th District, fronts on McDonough Road, and is zoned R-50.

Randy Boyd requested approval of the preliminary plat stamped received 02/22/06. He also requested approval of a 350 foot variance to the maximum 3,000 foot street length requirement. He added that the Engineering Department was in support of the variance to the street length.

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

Tim Thoms made a motion to approve the preliminary plat; however, he withdrew the motion.

Bill Beckwith made a motion to approve the preliminary plat. Doug Powell seconded the motion. The motion passed 4-0-1 with Al Gilbert abstaining from the vote.

Bill Beckwith made a motion to approve the 350 foot variance to the maximum 3,000 foot street length. Tim Thoms seconded the motion. The motion passed 4-0-1 with Al Gilbert abstaining from the vote.

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Pete Frisina 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 MARCH 2, 2006 AND BY THE BOARD OF COMMISSIONERS ON MARCH 23, 2006.

5. **Consideration of Petition No. T-016-06, Fayette Presbyterian Church, Inc., Owners, and Southeast Towers, LLC, Agent, request to construct a 195 foot Monopole Telecommunications Tower plus a four (4) foot lightning rod. This property is located in Land Lots 189 and 190 of the 5th District, consists of 20.69 acres, fronts on S.R. 92 North, and is zoned R-20. Proposed tower does not comply with the 1,000 foot setback from thirteen (13) off-site residences.**

Thad Gilliam of Southeast Towers stated that he was requesting to construct a 195 foot monopole tower plus a four (4) foot lightning rod which would be structurally designed for five (5) carriers. He advised that the subject property is zoned R-20. He presented a diagram showing the separation distance between the existing towers and the proposed tower. He reported that the tower was needed to provide better coverage in the area and it could create a hardship if the tower could not be constructed on the subject property since this parcel is the only logical choice. He stated that the subject property complies with all the requirements except the distance from off-site residences. He added that there is not a parcel in the area that is 1,000 feet from all residential lots.

Mr. Gilliam remarked that a community meeting was held on February 28, 2006, to hear the property owners' concerns. He commented that there was approximately 10 to 12 attendees. He said that the main concern was health issues. He presented a binder with articles regarding health issues. He pointed out an engineering study with a table showing the power produced by antennas with the maximum exposure indicated. He said that the study found the radiation levels at 500 feet were indicated 0.04% of the FCC limit.

Bill Beckwith asked if the 13 off-site residences included homes in the New Hope Landing Subdivision.

Mr. Gilliam replied that the survey was prepared approximately one (1) month ago. He added that the proposed tower facility was pushed to the back of the subject property closer to the Georgia Power easement.

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.

Walt Hanley of 200 Madison Place, expressed concern about children sleeping less than 500 feet away from the proposed tower and the microwave waves associated with the tower. He said that there is a health risk using cell phones which show an increase of leukemia and brain tumors. He remarked that the distance from off-site residence was being proposed at less than half of the required 1,000 foot distance required by the ordinance. He commented that the Zoning Ordinance was developed for safety and even prohibits placement of tower on lots with daycare facilities and schools. He expressed concern about the playground and youth building on the subject property. He stated that the church would profit and the adjacent property values would decrease due to the tower being unsightly. He stated that the houses in Woodsong Subdivision were not indicated on the tower plans and the distances from the tower to the existing houses may be incorrect.

Robert Elton Johnson, Jr. of 180 Madison Place, presented a petition with 25 names. He advised that there are 20 homes in Madison Estates whose residents are unanimously opposed to the proposed tower. He expressed concern about health issues and presented a package regarding health concerns where fire fighters had demanded that towers be taken off of fire stations. He added that there are also health concerns regarding phone radiation and brain tumors. He pointed out that many homes are within 1,000 feet of the proposed tower. He said that the County guidelines do not allow a daycare facility within 1,000 feet of a tower.

Joe Olvera of 170 Madison Place, requested that the tower company and church sign a document claiming liability for illness and any diseases.

In rebuttal, Mr. Gilliam stated that several surveys had been prepared by a registered land surveyor to determine the number of homes located within 1,000 feet of the proposed tower. He pointed out that there had been a law suit filed regarding a link between cell phones and cancer; however, the lawsuit was dismissed. He said that the ordinance does not prohibit a tower containing a daycare facility. He commented that the survey is complete and accurate. He remarked that a professor of radiation oncology had indicated that there are no health hazards of cell phones unless it is using one while driving. He reiterated that the proposed tower complies with all County criteria except the 1,000 foot distance from 13 off-site residences. He added that denial of the proposed tower would create a hardship for the providers.

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

Doug Powell read the recommended conditions to the audience.

Chairman Graw asked Mr. Gilliam if he agreed to the recommended conditions.

Mr. Gilliam replied that he agreed to the recommended conditions.

Mr. Beckwith expressed concern that all of the existing residences may not be indicated on the plat especially those across S.R. 92 North and those in New Hope Landing. He stated that the health hazards are unknown. He added that the proposed tower was an invasion of numerous homes. He suggested that a better location could be found. He added that he could not support the petition.

Chairman Graw advised that three (3) of the five (5) P.C. members were involved in writing the telecommunications tower ordinance. He stated that the members did consider health issues in the initial drafting; however, there is no solid evidence either way so it was left out of the ordinance. He remarked that the 1,000 foot requirement from an off-site residence was included too due to aesthetics. He added that the proposed tower is too close to 13 residences and 13 variances are required to be granted so he could not support the petition.

Tim Thoms asked if the tower would be lighted.

Chairman Graw replied no unless required to do so by the F.A.A.

Mr. Powell asked if consideration had been given to raising the height of an existing tower.

Mr. Gilliam replied that raising the height of an existing tower had not be examined.

Al Gilbert made a motion to deny the petition. Bill Beckwith seconded the motion. The motion for denial unanimously passed 5-0.

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6. Consideration of Petition No. 1167-06, Thomas M. Owen, Owner, and Timothy P. Harper, Agent, request to rezone 9.00 acres from R-70 to O-I to develop a Medical and Related Office Park. This property is located in Land Lot 129 of the 5th District and fronts on Sandy Creek Road.

Tom Sellmer stated he was the acting agent for Mr. Owen and Mr. Harper. He said he was requesting to rezone 9.00 acres from R-70 to O-I to develop a professional office park. He added that he agreed with the recommended conditions regarding the dedication of additional right-of-way and constructing the proposed structures to maintain a residential character.

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 read the recommended conditions to the audience. He asked Mr. Sellmer if the existing house was going to remain and become part of the park.

Mr. Sellmer replied yes it was.

Chairman Graw asked if each building would be served by an individual septic system.

Mr. Sellmer replied that there are other options available; however, he would like to install a central system. He stated that the offices would have very low water usages. He advised that the park would be a fee simple condominium development. He reported that the buildings will range in size from 3,000 square feet to 5,000 square feet. He added that the number of buildings may be less once the soil testing is prepared.

Chairman Graw expressed concern about the density of 12 buildings on nine (9) acres.

Mr. Sellmer stated that the proposed development would be similar to Sycamore Grove in Tyrone.

Tim Thoms concurred with Chairman Graw in regards to density. He pointed out that there were other issues to be addressed such as floodplain and wetlands. He confirmed that the property was land used for office and was located directly across the street from the hospital.

Bill Beckwith stated that the recommended conditions are similar to those required under the S.R. 54 West Overlay Zone.

Pete Frisina advised that the subject property is not located on S.R. 54 West and not subject to the S.R. 54 West Overlay. He explained that the land use plan was amended about two (2) years ago to surround the hospital with office/medical uses. He said that he recommended conditions for the subject property based the S.R. 54 West Overlay limiting the amount of impervious surface to 50 percent and maintaining a residential character for the buildings including a pitched roof.

Al Gilbert stated that the recommended conditions would require a residential appearance down Sandy Creek Road which would help to protect the property owners.

Mr. Powell said that the area is land used for office. He remarked that the recommended conditions would require a residential character and would be in keeping with the neighborhood. He added that this is a good use for the area.

Hearing no further comments, Chairman Graw called for the vote. The motion passed 4-1 with Chairman Graw voting in opposition.

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7. **Consideration of Petition No. 1168-06, Richard Love, Owner, and Pamela Young, Agent, request to rezone 4.84 acres from A-R to R-70 to develop two (2) single-family dwelling lots. This property is located in Land Lot 226 of the 5th District and fronts on New Hope Road.**

Pamela Young requested to rezone 4.84 acres from A-R to R-70 to develop two (2) single-family dwelling lots. She added that she agreed to the recommended conditions regarding the dedication of additional right-of-way and the removal of all existing structures.

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 made a motion to approve the petition subject to the recommended conditions. Al Gilbert seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition.

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8. Consideration of proposed amendments to the Fayette County Subdivision Regulations regarding Section 5. The Subdivision Plat and Section 6. Minimum Design Standards as presented by the Engineering Department. *This item was sent back to the February 16, 2006 Workshop for further discussion from the February 2, 2006 Public Hearing.*

Phil Mallon advised that the major sections which had been amended were:

- 5-1.8 State Waters. The preliminary plat shall show all state waters within the subdivision and around the property that have associated floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision.
- 5-1.9 Wetlands. The preliminary plat shall show the delineation of all jurisdictional wetlands and shall require a certification statement signed by the Wetland Delineator.
- 5-1.10 Soils. The preliminary plat shall indicate and delineate the classification of soils across the property and requires a Level III Soil Survey with a certification statement signed by a Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer.
- 5-1.11 Checklist. The preliminary plat shall satisfy all the requirements listed on the Fayette County Preliminary Plat Checklist, available in the Planning & Zoning Department.
- 5-2.7 Wetlands. The final plat shall show all jurisdictional wetlands on the subject properties, identify the source of the wetland delineation, and contain the following statement, if applicable: Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without property authorization.
- 6-3.3 Contiguous Areas. Each residential lot shall have a minimum contiguous area that is free and clear of zoning buffers and setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

Chairman Graw asked if there were any public comments.

Randy Boyd thanked the P.C. and Mr. Mallon for all the work required on the development of the ordinance. He stated that the proposed amendments were a good product which were fair to design engineers.

Chairman Graw thanked Mr. Boyd for his input in the development of the proposed amendments.

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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Chairman Graw asked if there was any further business.

Pete Frisina reminded the P.C. of the Workshop scheduled for Thursday, March 16, 2006, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

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There being no further business, Doug Powell made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:31 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY

(Due to technical difficulty, no audio is available. The subject Minutes are typed from notes only.)