

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 1, 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  
Delores Harrison, Zoning Technician  
Bill McNally, County Attorney  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
Deputy Shawn Albea/Sgt. Earl Williams

**Welcome and Call to Order:**

Chairman Graw called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

\* \* \* \* \*

**1. Consideration of the Minutes of the meeting held on May 4, 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.

\* \* \* \* \*

**2. Consideration of the Workshop Minutes of the meeting held on May 18, 2006.**

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

\* \* \* \* \*

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 JUNE 1, 2006 AND BY THE BOARD OF COMMISSIONERS ON JUNE 22, 2006.**

**3. Consideration of Petition No. 1174-06, Praveen Rastogi, MD, Owner, and Christy R. Jindra, Agent, request to rezone 0.608 acres from A-R to O-I to develop a Medical Facility. A Revised Final Plat of the Bank of Georgia Final Subdivision Plat will be required to add said acreage to Lot 2 consisting of 2.388 acres to create a total lot size of 2.996 acres. This property is located in Land Lot 128 of the 5th District and fronts on Hwy. 54 West.**

Mr. Christy Jindra requested to rezone 0.608 acres from A-R to O-I to develop a Medical Facility for Dr. Rastogi. He stated that the proposed square footage of the building was 23,400 square feet; however, he ran into a septic issue and considered the subject property to utilize for septic. He said

that the detention pond would be located on the subject property. He added that the subject property would be added to Lot 2 of the Final Plat of the Bank of Georgia.

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 condition to the audience.

Mr. Jindra stated that he agreed to the recommended condition.

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

\* \* \* \* \*

**4. Consideration of Petition No. 1175-06, James Abner Oakley and Claudine Banks Oakley, Owners, and Lester Road, LLC, Agent, request to rezone 28.29 acres from A-R to R-70 to develop a single-family residential subdivision. The subject property will be combined with the adjacent 20.5 acre tract zoned R-70. The total subdivision will consist of 48.79 acres with 20 lots. This property is located in Land Lot 255 of the 5th District off New Hope Road.**

Randy Boyd reminded the P.C. that the tract to the west had previously requested rezoning from A-R to R-45 which was approved by the P.C.; however, the B.O.C. denied the R-45 and approved the R-70. He said that he was requesting to rezone the subject property to R-70 which would leave the Oakley's with ten (10) acres.

Chairman Graw asked if there was anyone to speak in favor of the petition.

Abner Oakley stated that he owned the property and that he agreed with removing the existing building if it did not meet the setbacks; however, if the building complies with the setbacks, he would like to retain the building. He said that it would not be fair to remove a building which complies with the setbacks.

Chairman Graw 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.

Pete Frisina advised that Mr. Boyd thinks that the building is within the setbacks; however, once the ten (10) acre tract is surveyed and the building is found to be in compliance with the setbacks, it could remain. He explained that Mr. Oakley cannot create a nonconforming structure by subdividing the property.

Attorney Bill McNally suggested that the condition contain the phrase: "In the event the existing structure is found to be nonconforming".

Doug Powell read the revised recommended condition as follows: In the event that the existing agricultural building located on the remainder of the parent tract to the south of the subject property is found to be nonconforming, it must be removed prior to the approval of the Final Plat for the proposed subdivision.

Mr. Oakley agreed with the revised recommended condition.

Phil Mallon advised that the watershed buffers and setbacks may impact lot yield once the preliminary plat is submitted.

Mr. Boyd replied that this is only a Concept Plan and no soils analysis or wetland delineations has been prepared. He added that he was aware that the final design may change.

Tim Thoms referenced the planted buffer requirement which was a recommended condition on the previous rezoning petition.

Mr. Boyd advised that he had discussed the buffer with Pete Frisina and Robyn Wilson. He said that the buffer would be located on the east side of the Chastain property.

Mr. Frisina confirmed that the recommended condition regarding the buffer was stipulated on the previous Rezoning Resolution and would be required.

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

\* \* \* \* \*

**5. Consideration of Petition No. 1176-06, Dan T. Cathy, S. Truett Cathy, and George and Regina Larkin, Owners, and Scott Barnett of Barnett Land Company, LLC, Agent, request to rezone 124.512 acres from A-R and R-72 to R-50 to develop a single-family residential subdivision consisting of 59 lots. This property is located in Land Lots 35 and 36 of the 5th District and fronts on Redwine Road.**

Scott Barnett said that he was proposing to rezone 124.5 acres on Redwine Road from A-R and R-72 to R-50 for the purpose of developing a neighborhood. He pointed out that 119 acres is owned by the Cathy family and five (5) acres is owned by the Larkin family. He confirmed that the Cathy property consists of a single-family dwelling, stable, and two (2) outbuildings. He pointed out that the Larkin property fronts Redwine Road and is surrounded by the Cathy property. He advised that the Larkin property would be reconfigured. He remarked that there would be a lot adjacent to the Larkin property consisting of two (2) acres which he would offer to Mr. Larkin or Peggy Morris who lives adjacent to the subject lot. He commented that the Larkin property and the adjacent lot would have access to Redwine Road; however, the deed restrictions will not apply to these two (2) lots. He advised that a 30 foot buffer could be provided around the perimeter of the subject property similar to the buffer developed in Highgrove Subdivision and New Haven Subdivision. He added that the buffer would be planted where sparsely vegetated. He reported that the amenity area would consist of a pavilion, tennis courts, pool, sidewalks, nature trails, and street trees. He added that there was a roundabout planned for the subdivision similar to the roundabout he developed in New Haven Subdivision. He commented that the 45 acres of open space would be dedicated to the Homeowners Association. He remarked that the homes would be in the \$500,000 to \$700,000 price range and from 3,000 to 4,000 square feet. He pointed out that the West Fayetteville Bypass Alternative 2 runs across the rear of the subject property; therefore, the rear lots will not be built on until the County knows the exact location of the West Fayetteville Bypass. He confirmed that the gross density is 2.11 acres per unit and the net density if 1.46 acres per unit. He added that the request is in compliance with the Land Use Plan and the surrounding zonings of R-45 and R-40. He requested approval of the rezoning request.

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.

J.C. Lovette of 230 Horseshoe Circle stated that he had heard that the property doesn't perc; therefore, there is a possibility that the property would be annexed into the City of Fayetteville for sewage. He said he was confused about the lot size since Mr. Barnett had talked about 2.11 acres and the Planning & Zoning Staff had told him that the minimum lot size would be one (1) acre with County water. He added that he was also confused about the West Fayetteville Bypass since there are two (2) alternatives planned. He said that he was also confused about the ten (10) feet of additional right-of-way which is required to be dedicated. Mr. Lovette asked if he would be

compensated for his right-of-way. He asked what was the classification of Redwine Road. He expressed concern about increased traffic on Redwine Road which is already being used like a raceway. He asked if the taxpayers would be paying to have the water line run to the subject development.

Chairman Graw advised Mr. Lovette that there were three (3) other people who wished to speak and that he strictly enforced the 15 minute time limitation.

Richard Pearson of 135 Horseshoe Circle complimented Mr. Barnett on the subdivisions which he has previously developed which are absolutely excellent. He added that he appreciated someone of his caliber coming in if this development goes forward. He said that he could not find anyone with one (1) acre or one and one-half (1.5) acres in the area. He stated that the lot adjacent to Mr. Larkin will consists of two (2) acres. He suggested that the subject property be rezoned to a two (2) acre minimum instead of a one (1) acre minimum.

Nickie Jantzer of 1369 Redwine Road also expressed concern about the increased traffic. She stated that the Tour of Georgia would also be impacted by the increased traffic. She said that there was still confusion about the exact location of the West Fayetteville Bypass. She remarked that she would like for Mr. Cathy to consider a community benefit for the subject property instead of the development of a subdivision. She added that she purchased her property for the pastoral setting.

Z.B. Salter of 1259 Redwine Road stressed that Redwine Road needed to be four-laned. He said that the area did not need 59 more one (1) acre lots. He stated that lots in the area are at least two (2) acres; therefore, he would be in favor of a two (2) acre minimum lot size.

Chairman Graw advised Mr. Lovette that there were three (3) minutes remaining if he wished to continue.

Mr. Lovette stated he did not understand the reasoning behind the Larkin's requesting rezoning. He suggested that the Larkin property be removed from the rezoning request. He commented that per test should be required prior to approval of the rezoning request. He added that the minimum lot size should be two (2) acres. He said he would like to rezone his property and make himself a little cash because if one (1) acre lots are appropriate for Mr. Barnett then it should be appropriate for him.

In rebuttal, Mr. Barnett clarified that there are several neighborhoods with 1.5 to 2 acre lots; however, there is no greenspace provided. He said the proposed density is similar to the adjacent property since the number of homes is in keeping with the surrounding area. He said that several properties consist of one (1) acre lots under the R-45 zoning. He advised that a Level I Soil Analysis has been prepared and a Level III Soil Analysis is currently being prepared. He confirmed that the subject property would be connected to County water at the developer's expense. He reported that the Larkin property is surrounded by the Cathy property which is why they decided to be included in the rezoning. He added that Mr. Larkin had expressed an interest in purchasing the lot adjacent to his property or if he is not interested in purchasing the lot then it will be offered to Ms. Morris. He pointed out that there would actually be an addition of 57 lots because of the two (2) existing homes. He remarked that Mr. Frisina could better explain the West Fayetteville Bypass and the two (2) proposed alternatives.

Pete Frisina advised that the Transportation Plan was adopted in 2003 and a West Fayetteville Bypass was proposed by the utilization of existing roads and also new roads to create a loop which will go south down Lester Road and then connect to Harp Road. He said that there are two (2) alternatives: Alternative 1 is to take Lester Road south beyond Ebenezer Church Road and come around and connect to Harp Road crossing Redwine Road or Alternative 2 is to go to Lester Road and use Ebenezer Church Road and then bring a road straight across Redwine Road and loop down to Harp Road. He pointed out that the Public Works Director is in favor of Alternative 1 over Alternative 2. He said that the Public Works Director prefers Alternative 1 over Alternative 2 because Alternative 2 does not have a 90 degree angle coming off of Redwine Road. He added that

the West Fayetteville Bypass is at least six (6) to seven (7) years from finalizing.

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

Al Gilbert explained that the right-of-way will be dedicated by the developer to the County free of charge. He added that the right-of-way dedication will only be on the same side of the road as the proposed development. He said that the water line extension will also be paid for by the developer. In regards to the septic systems, he stated that the developer would be required to go through some major hurdles in regards to soil tests.

Chairman Graw stressed that all property owners have rights and it is the P.C.'s responsibility to decide if the request falls within the guidelines or not.

Doug Powell asked how Lots 58 and 59 would be accessed.

Mr. Barnett replied that the one (1) lot had road frontage on a proposed cul-de-sac and the other lot has road frontage from another proposed cul-de-sac. He added that he was having the floodway/floodzone studied to see if it is feasible to construct two (2) driveways over the creek.

Mr. Powell asked Mr. Barnett if he had considered rezoning to C-S.

Mr. Barnett explained that since the open space is located to the rear of the subject property rather than around the perimeter that C-S may not be feasible. He added that this is why he was providing a buffer around the perimeter.

Mr. Powell asked for clarification about why the Larkin property was included in the rezoning request.

Mr. Barnett explained that the Cathy property surrounded the Larkin property on three (3) sides. He stated that there is a land swap proposed once the property is rezoned.

Chairman Graw reminded everyone that they are making comments based on a Concept Plan and the Preliminary Plat could be totally configured different.

Tim Thoms asked Mr. Frisina if there was a problem creating a new lot on a minor arterial.

Mr. Frisina explained that Lots 56 and 55 are existing lots accessing Redwine Road and Lot 57 is a new lot which will access Redwine Road. He said that given the configuration of the subject property, there is really not much else he could do with the proposed layout.

Mr. Thoms asked if the barn will be removed.

Mr. Barnett replied that there is a stable which will be removed in the vicinity of the amenity area.

Mr. Powell asked if the property had been sold by the Cathy's.

Mr. Barnett replied that the property is under contract contingent upon rezoning.

Doug Powell read the recommended condition to the audience.

Mr. Barnett confirmed that he agreed with the recommended condition.

Tim Thoms made a motion to approve the petition subject to the recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

\* \* \* \* \*

June 1, 2006

6. **Consideration of Petition No. 1177-06, Richard F. Chambers, Owner, and Lawrence H. Davis, Jr., PE of Integrated Science and Engineering, Agent, request to rezone 5.32 acres from A-R to C-H to develop a Retail Center and Office Building. This property is located in Land Lot 70 of the 5th District and fronts on Hwy. 85 South and Ramah Road.**

Jerry Peterson requested to rezone 5.3 acres from A-R to C-H at the intersection of S.R. 85 South and Ramah Road to develop a retail and office complex. He pointed out that the subject property is surrounded by the City of Fayetteville on three (3) sides and abuts nonresidential zonings on all sides. He confirmed that the existing house and church will be removed. He added that the subject development would comply with the General State Route Overlay Zone.

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.

Al Gilbert remarked that the area has changed and this is the proper type zoning.

Doug Powell read the recommended condition to the audience.

Pete Frisina replied that the County Attorney's Office could find no clear title to the right-of-way; therefore, a Quit Claim Deed is being required.

Mr. Peterson replied that there is already 30 feet of right-of-way as measured from the centerline of Ramah Road; however, he agreed to the recommended condition.

Al Gilbert made a motion to approve the petition subject to the recommended condition. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

\* \* \* \* \*

Chairman Graw called for a break at 8:21 P.M. He reconvened the public hearing at 8:25 P.M.

\* \* \* \* \*

**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 1, 2006 AND BY THE BOARD OF COMMISSIONERS ON JUNE 7, 2006.**

7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zones and C. General State Route Overlay Zone as presented by the Planning & Zoning Department.**

Pete Frisina advised that the proposed amendments had been discussed at a previous Public Meeting/Workshop. He pointed out that there was one (1) housekeeping item which was to remove S.R. 74 South Overlay Zone from Section 7-6.,A. S.R. 54 West and S.R. 74 South Overlay Zones and place it under the General State Route Overlay.

Mr. Frisina referenced Section 7-6.,2.,b. which requires the principal structure on each lot developed as a nonresidential use shall be required to front S.R. 54 West or S.R. 74 South and stated that he was proposing to delete this requirement. He explained that there had been development on S.R. 54 West where a subdivision street was developed and the structures faced the interior street and also development on S.R. 54 West and Flat Creek Trail where the structures faced Flat Creek Trail. He added that there was another tract on S.R. 54 West with a planned subdivision street and those structures would face the interior subdivision street also. He stated that he was proposing the same

**June 1, 2006**

change for the General State Route Overlay as well.

Tim Thoms stated he was not in favor of deleting Section 7-6.,2.b.

Mr. Frisina explained that the major amendment was the architectural standards. He advised that there were two (2) recent instances which had prompted this proposed revision. He referenced renderings of a proposed structure being planned for S.R. 74 South in the vicinity of the Animal Shelter. The proposed structure has a mansard facade around the exterior of the building and does not have a pitched peaked roof. He said that if the building is over two (2) stories then a mansard facade would be allowed with this amendment. He commented that a pitched peaked roof would still be required for smaller, one-story structures. He remarked that if the structure was two (2) stories or more or if a pitched peaked roof exceeded the height limitation this amendment would allow a pitched mansard roof facade in that case. He added that he was proposing that the minimum height of the pitched mansard roof facade should be eight (8) feet and be around the entire perimeter of the structure which would allow for such items as air conditioning units to be located on the roof; however, they would not be visible.

Bill Beckwith asked if wide ribbed steel or metal roofs could be prohibited.

Mr. Frisina replied that verbiage could be added to address the materials on the mansard facade.

Al Gilbert advised that there were asphalt type products which looks like a terra cotta roof. He suggested to require the appearance of a residential type roofing material such as shingles or slate.

Mr. Frisina presented pictures of a church being proposed on S.R. 54 West. He stated that it was difficult to make a church look residential since a church usually has its own architectural character. He advised that he was proposing to exclude churches from the architectural standards. He pointed out that a church must have a decorative facade on the section of the building which faces the street or a residential zoning per the Conditional Use requirements.

Chairman Graw asked if it was necessary that the P.C. make a decision about churches tonight.

Mr. Frisina replied no; however, there are pending site plans.

Mr. Thoms stated that he would like to see churches comply with the standards and not be exempt.

Chairman Graw advised that he would prefer to discuss the church requirements at a future Public Meeting/Workshop.

Chairman Graw noted that there was no audience present for comments.

Bill Beckwith made the motion to approve the proposed amendments with the deletion of exempting churches. Al Gilbert seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition.

\* \* \* \* \*

Chairman Graw asked if there was any further business.

Phil Mallon advised the P.C. that the Public Meeting/Workshop scheduled immediately following the Public Hearing tonight is cancelled.

Pete Frisina reminded the P.C. about the Public Meeting/Workshop scheduled for Wednesday, June 14, 2006 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

**June 1, 2006**

There being no further business, Al Gilbert made the motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:54 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

---

**JIM GRAW  
CHAIRMAN**

---

**ROBYN S. WILSON  
SECRETARY**