

THE FAYETTE COUNTY PLANNING COMMISSION met on July 6, 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
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: Douglas Powell, Vice-Chairman

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Ali Cox, Assistant County Attorney
Deputy Shawn Albea

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.

The P.C. welcomed Dennis Dutton as the new Zoning Administrator.

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1. Consideration of the Minutes of the meeting held on June 1, 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. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on June 14, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Tim Thoms made the motion to approve the Public Meeting/Workshop Minutes. Al Gilbert seconded the motion. The motion passed 3-0-1 with Bill Beckwith abstaining from the vote. Doug Powell was absent.

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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.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JULY 6, 2006.

3. Consideration of a Preliminary Plat, Ballards Terrace, Janice Ballard and Charles Ballard, Owners, and Grey Ivey, Agent. This property consists of 83.75 acres with 36 single-family dwelling lots. This property is located in Land Lots 216 and 217 of the 4th District, fronts on Antioch Road, and is zoned C-S.

Greg Ivey requested approval of the preliminary plat stamped received 06/21/06.

Tim Thoms asked if the roundabout would be two-way with signage.

Mr. Ivey confirmed that the roundabout would be two-way with signage provided.

Al Gilbert made the motion to approve the preliminary plat. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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4. **Consideration of a Preliminary Plat, Lyons Crest Estates, McCar Homes, Owners, and Daniel Greene of Ashford Engineers South, LLC, Agent. This property consists of 211.22 acres with 130 single-family dwelling lots. This property is located in Land Lots 217, 218, 231, 232, and 249 of the 13th District, fronts on Helmer Road, and is zoned R-40.**

Dan Greene requested approval of the preliminary plat stamped received 06/07/06 subject to two (2) recommended conditions which he agreed to regarding the dedication of right-of-way and an existing county access easement which will be relocated on the Final Plat upon approval by the County Attorney.

Tim Thoms asked what lots would be served by the community master septic system.

Mr. Greene replied that approximately one-half of the lots north of the creek to the northeast corner will be served by the community master septic system in Phase II of the subdivision. He advised that the soils in this area would not perc properly to have standard septic systems. He reported that the community master septic system would be owned by the homeowners association or the County. He confirmed that Mallett & Associates are drafting standards for the County; however, they are not in place at this time. He remarked that he had met with the Engineering Department, Mr. Mallett, and Rick Fehr in the Environmental Health Department to ensure that the proposed community septic system would be in compliance with any standards adopted by the County. He added that the Final Plat for Phase II would not be submitted for approximately ten (10) to twelve (12) months and the proposed regulations should be adopted by that time.

Pete Frisina advised that the standards have not been adopted yet. He said that the Water System will become the owner of all community septic systems. He confirmed that the proposed community septic system must be approved by the State; however, the Environmental Health Department will oversee the design and installation as well.

Mr. Thoms asked if there were any specimen trees on the subject property.

Mr. Greene replied that there were two (2) specimen trees. He said that one (1) of the trees is falling down and will be removed; however, an arborist verified that the other tree was not a specimen tree and will be removed due to decay.

Mr. Thoms advised that he would have to abstain from the vote because he had done business with McCar Homes in the past.

Chairman Graw advised Mr. Greene that he would need three (3) affirmative votes to approve the preliminary plat and asked if he would like to proceed forward.

Attorney Ali Cox advised that due to the lack of a full board that Mr. Greene could request to table his preliminary plat.

Mr. Greene replied that he would like to proceed.

Bill Beckwith made the motion to approve the preliminary plat with two (2) conditions. Al Gilbert seconded the motion. The motion passed 3-0-1 with Tim Thoms abstaining from the vote. Doug Powell was absent.

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5. **Consideration of a Preliminary Plat, Edenton Estates, Nick McCullough and James McCullough, Owners, and Randy Boyd, Agent. This property consists of 19.84 acres with 8 single-family dwelling lots. This property is located in Land Lots 42 and 55 of the 7th District, fronts on Adams Road, and is zoned R-70.**

Randy Boyd requested approval of the preliminary plat stamped received 06/26/06.

Chairman Graw asked why only one (1) sign was indicated.

Mr. Boyd replied that he did not know.

Pete Frisina advised that the sign may be two-sided; however, two (2) signs could be indicated on the final plat should the developer desire to do so.

Tim Thoms asked about the location of the driveway and easement on Lot 2.

Mr. Boyd replied that the exact location of the driveway and easement on Lot 2 will be verified on the final plat.

Tim Thoms made the motion to approve the preliminary plat. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JULY 6, 2006 AND BY THE BOARD OF COMMISSIONERS ON JULY 27, 2006.

6. **Consideration of Petition No. 1178-06, Shelton B. Sykes, Owner, and Andre L. Sykes, Agent, request to rezone 5.094 acres from A-R to R-75 to develop two (2) single-family dwelling lots. This property is located in Land Lot 225 of the 13th District and fronts on Wagonwheel Trail.**

Chairman Graw asked Mr. Andre Sykes if he would like to proceed tonight or table the petition due to the lack of a full board.

Mr. Sykes replied that he would like to proceed.

Mr. Sykes stated he was requesting to rezone 5 acres from A-R to R-75 to develop two (2) single-family dwelling lots. He added that he agreed to the recommended condition regarding the dedication of right-of-way.

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

John Pell of 373 Westbridge Road stated he owned five (5) acres which is zoned A-R. He said that Mr. Sykes knew the zoning of the subject property was A-R. He expressed concern about traffic on Wagonwheel Trail which is a dirt road. He remarked that approval of the rezoning would set a precedent for the area. He also expressed concern about an increase in taxes.

Rebecca Pell of 373 Westbridge Road expressed concern about the impact on the schools, fire protection, increased taxes, and traffic congestion due to Brierfield Subdivision. She reported that a new subdivision is being developed on Wagonwheel Trail. She pointed out that Wagonwheel Trail runs between Westbridge Road and S.R. 92 North and there is no signalization at either intersection. She commented that there were plenty of accidents and potential accidents at the intersection of Westbridge Road and S.R. 92 North. She advised that the signalization at S.R. 92 North and Rivers Road was only provided after two (2) children were killed and the rule is that there has to be two (2) deaths before signalization is provided at an intersection. She asked if the two (2) lots would share a common driveway and how would this affect the resale value.

In rebuttal, Mr. Sykes commented that he and his brother plan to build two (2) very nice homes comparable to the area.

At this time, Chairman Graw closed the floor from public comments. He explained to the audience that the petition is in compliance with the Land Use Plan which is designated for one (1) to two (2) acres and the proposed lots are 2.5 acres. He added that a two (2) acre minimum lot size would set a good precedent for the area since the property would not always remain A-R.

Bill Beckwith reiterated that the petition is in compliance with the Land Use Plan which is used as a guide when evaluating rezoning requests. He pointed out that there are other zonings such as R-50 and C-S on Wagonwheel Trail.

Tim Thoms concurred with Chairman Graw and Mr. Beckwith. He added that the C-S zoning which was approved in the past year has significantly changed the area. He reiterated that since the area will not remain A-R that a two (2) acre minimum lot size would set a precedent for the area and should not upset the character of the neighborhood or the atmosphere of the area. He advised the Pells to review and get involved in future amendments to the Land Use Plan.

Chairman Graw read the recommended condition regarding the dedication of right-of-way to the audience.

Mr. Sykes replied that he agreed to the recommended condition.

Bill Beckwith made a motion to approve the petition subject to one (1) recommended condition. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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7. **Consideration of Petition No. 1179-06 and Petition No. RP-038-06, Peachstate Land Development Corporation, Owners, and Rod Wright and Donald Brandenburg, Agents, request to rezone 28.87 acres from Unclassified Property to A-R and a revision of 30.55 acres to the final plat of Platinum Ridge Subdivision to develop three (3) additional lots. This property is located in Land Lot 64 of the 7th District and fronts on Diamond Pointe.**

Due to the absence of the Owner or Agent, Pete Frisina, Director of Planning & Zoning, advised that the subject property has been deannexed by Peachtree City; therefore, the property is located in Unincorporated Fayette County but currently has no zoning and is considered Unclassified Property. He stressed that the P.C. needed to take action on the rezoning petition since the property is unclassified. He pointed out that the second petition was to receive permission to add three (3) single-family dwelling lots to Platinum Ridge Subdivision.

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 stated that this is a good common sense zoning.

Chairman Graw said that he was very disappointed that the owner or agent was not present to present the petition and it appears that the owner or agent may not think that it is that important. He stated that it was not the County's responsibility to plead their case. He commented that he apologized to the owner or agent if their absence was unavoidable.

Al Gilbert made the motion to approve the rezoning petition 1179-06. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

Bill Beckwith made the motion to approve the revised final plat petition RP-038-06. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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8. Consideration of proposed amendments to the Fayette County Sign Ordinance regarding Division III. Non-Residential Districts, Section 5-32. Freestanding Signs, E. Temporary signage as presented by the Planning & Zoning Department.

Pete Frisina advised that the proposed amendment was basically a "housekeeping" item since the height requirement for a freestanding sign in a nonresidential zoning district was omitted from the Sign Ordinance.

Chairman Graw asked if there were any public comments. Hearing none from the one (1) person in the audience, he closed the floor from public comments.

Al Gilbert made the motion to approve the proposed amendment. Tim Thoms seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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9. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST, Estate Residential District as presented by the Planning & Zoning Department.

Pete Frisina explained that the proposed amendments to the EST zoning district are basically "housekeeping" items in order to make the EST zoning district consistent with the C-S zoning district. He noted the following changes: 1) "open space" was changed to "conservation area" throughout the ordinance; 2) Section E. Uses permitted within the Conservation Area - the impervious trails and paths are limited to five (5) percent of the conservation area and trails and paths must comply with the Watershed Protection Ordinance in terms of impervious surface requirements; and 3) Delete F. Conditional Uses Permitted with the Open Space Area.

Tim Thoms asked if a horse stable would be permitted.

Mr. Frisina replied that a horse stable is permitted in the C-S zoning district but not the EST zoning district. He remarked that this use will probably be deleted from the C-S zoning district because it is not passive enough to be in the conservation area. He added that a future amendment will include requiring the conservation area to completely surround the proposed development; however, the exact distance has not been established for the EST zoning district or the C-S zoning district.

Chairman Graw asked if there were any public comments. Hearing none from the one (1) person in the audience, he closed the floor from public comments.

Tim Thoms made the motion to approve the proposed amendments. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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Chairman Graw asked if there was any further business.

Pete Frisina advised that two (2) P.C. members were going to be absent from the July 20, 2006 Public Meeting/Workshop and asked if the P.C. would like to reschedule the Public Meeting/Workshop. The P.C. concurred to rescheduled the Thursday, July 20, 2006 Public Meeting/Worskhop to Wednesday, July 19, 2006 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Chairman Graw made the motion to adjourn the Public Hearing. Tim Thoms seconded the motion. The motion for adjournment unanimously passed 4-0. Doug Powell was absent. The Public Hearing was adjourned at 7:54 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY