

THE FAYETTE COUNTY PLANNING COMMISSION met on October 5, 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
Bill McNally, County Attorney
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

STAFF ABSENT: Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Phil Mallon, Director of Engineering
Delores Harrison, Zoning Technician

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. He announced that Delores Harrison is missing tonight and she thinks that because it is her birthday that she can have off tonight and she can do anything she wants. He wished Delores a happy “29th” birthday.

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1. Consideration of the Minutes of the meeting held on September 7, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated? Doug Powell made the motion to approve the revised Minutes. Al Gilbert seconded the motion. The motion passed 4-0-1. Chairman Graw abstained from the vote due to being absent at the public hearing.

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2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on September 21, 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. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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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 OCTOBER 5, 2006 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 26, 2006.

3. Consideration of Petition No. 1183-06 and Petition No. RP-039-06, John Alan and Jennifer S. Bell, Owners, and Rod Wright of Peachstate Land Development, Inc., Agent, request a change of use and to rezone 2.17 acres being Lot 17 and Lot 18 of Lakeview Estates from R-40 to O-I to develop Office Uses. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West and Lakeview Lane.

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Doug Powell announced that he would be abstaining from the vote due to a possible conflict of interest.

Rod Wright remarked that he had been a builder and developer in Fayette County for approximately 20 years. He commented that he has not negatively impacted the County in any way. He said his developments have had a positive effect in the County and he has always done what the County asked. He announced that he was relocating his personal business plus several other businesses to this location. He confirmed that he will abide and meet all regulations pertaining to the zoning of O-I. He noted that the setback from Lakeview Lane was 55 feet and the proposed buildings are 100 feet from the right-of-way.

Mr. Wright pointed out the three (3) factors of a previous rezoning which was denied: 1) a GDOT curb cut permit; 2) the building fronted Lakeview Lane instead of S.R. 54 West; and 3) the lot being part of a platted residential subdivision.

Mr. Wright advised that he had been issued a GDOT curb cut permit and presented a copy to the P.C. He also advised that the proposed structures would front S.R. 54 West and not Lakeview Lane. He noted that the existing structure would be removed. He reported that he would construct a decorative six (6) foot high brick wall with maintained landscaping strip along Lakeview Lane.

Mr. Wright pointed out that within a short distance from the subject property there were existing businesses on subdivision streets in either direction. He said there are no restrictive covenants for Lakeview Estates.

Mr. Wright remarked that the owner had spoken with several of the property owners in the subdivision who had no problem with the rezoning; however, it is hard to get people to speak in favor of something unlike when people are opposed to something. He confirmed that everyone has the right to protest something but it is not a right to illegally protest something by the placement of flyers on mailboxes. He pointed out that some of the people in protest have existing C-3 zoning abutting their property. He presented a letter in favor of the proposed rezoning from an adjoining property owner.

Mr. Wright said that he had contacted the Sheriff's Department and EMS and there have been no wrecks at the intersection of Lakeview Lane and S.R. 54 West. He commented that the proposed office buildings should not create noise or pollution.

Mr. Wright confirmed that he would develop the proposed property in a positive way and asked the P.C. for a recommendation of approval.

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

Alan Bell, owner of the subject property, stated that he was born and raised in Fayette County and still resides in the County. He added that his wife was also raised in Fayette County and grew up on the subject property which her father purchased in 1977. He said he appreciated the P.C.'s consideration of the request.

Randy Chancey stated that he owns two (2) business in Fayette County and plans to relocate both businesses to the subject property.

Hearing no further comments, he asked if there was anyone to speak in opposition of the petition.

Mrs. Stuart Barnes, 120 Lakeview Lane commented she has lived in this subdivision for 30 years. She confirmed that Lakeview Estates is a legally platted residential subdivision and she does not expect the rules to be changed now. She said that the subject property could be rented or sold. She stated that she had spoken with GDOT and they are going to request that the deceleration lane for Lakeview Estates be reduced to 150 feet. She commented that there is not enough frontage to give

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250 feet plus a 50 foot taper to the proposed development. She remarked that she is not anti-business because she owned a business for 20 years located off S.R. 85. She stressed that she did not want the character or the integrity of this residential neighborhood destroyed by allowing non-residential development.

Karen Amendola of 150 Lakeview Lane stated that she would like for the neighborhood to remain residential. She said that there are enough areas in Fayette County where this type development is allowed but it should not be allowed in a residential subdivision.

Tammy Lake Myers of 140 Lakeview Lane remarked that she has a deaf 15 year old child and the child gets on and off the school bus where the development is proposed. She said she was concerned about increased traffic and trucks making deliveries which will create both noise and pollution. She commented that she was not familiar with a business in a residential subdivision on a dead end street. She stated that while there had been no wrecks at the intersection of Lakeview Lane and S.R. 54 West, there has been wrecks at the u-turn on S.R. 54 West. She added that she thought that there were restrictive covenants for the subdivision.

Dr. Mona MacDonald of 135 Lakeview Lane stated she had purchased her home in a platted residential subdivision not a mixed use subdivision and the character and integrity of the residential neighborhood will change should the rezoning be approved. She said that if this property is rezoned it will open the door for commercialism in the residential subdivision. She stressed that she should not be forced into a neighborhood which she did not purchase because of someone else's business desire and who does not live in the subdivision. She reported that she had done research on several other subdivisions and this would be a most uncommon act to turn part of a residential subdivision lot into an office complex. She expressed safety concerns regarding increased traffic and congestion plus a 55 mph speed limit with drivers going even faster. She presented a petition in opposition to the P.C.

Tommy Long of 145 Lakeview Lane said he purchased his property for its serenity and quiet lifestyle which should be maintained. He stated that there had been disappearing rezoning signs. He added that there were restrictive covenants on the subdivision when it was developed.

Varner Holmes of 140 Old Mill Court in Crystal Lake Estates expressed concern about additional commercial traffic.

Carlos Moreira of 180 Lakeview Lane stated he was in opposition for the same reasons as everyone else.

In rebuttal, Mr. Wright commented that the proposed development will be better than what is there. He said that S.R. 54 West was a two-lane highway when the subdivision was developed but is now a four-lane highway. He pointed out that Lot 18 fronts S.R. 54 West and nobody wants to live on a four-lane highway. He remarked that he had considered developing Lot 18 only but it is not feasible when you apply the setbacks and buffers. He stated that he is renting down the street so the traffic will not be impacted because they are already traveling S.R. 54 West. He commented that he was spending extra money to build a wall with landscaping and utilization of large trees. He stressed that he has always done what he said he was going to do or what has been asked of him. He confirmed that Attorney Buck Murphy, a local attorney, had found no restrictive covenants on record. He reported that when the residents pull out of Lakeview Estates they can see commercial development. He reiterated that some of the lots in Lakeview Estates about C-3 zoning currently and that the proposed development would not utilize Lakeview Lane. He said that the person who moved the rezoning signs thought they were doing the right thing because one (1) sign should have been on Lot 18 and one (1) on Lot 17. He stated that a representative from the County met the owner on the subject property and the owner was correct that one (1) sign should have been on Lot 18 and one (1) on Lot 17. He added that after the owner moved the signs onto the correct locations that someone moved them again. He commented that his intentions are to develop the subject property in good taste. He pointed out that the office buildings will be clerical offices only with no storage or warehouse areas for pool supplies or construction materials.

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

Al Gilbert advised that the County has nothing to do with restrictive covenants. He asked if the parcel located in the City of Fayetteville was part of the subdivision.

Pete Frisina replied no.

Chairman Graw asked if Lot 17 and Lot 18 were part of the platted subdivision.

Mr. Frisina replied yes.

Tim Thoms remarked that he understands both Mr. Wright's and the residents' points; however, the proposed development is not in keeping with the S.R. 54 West Overlay requirements and the precedent of allowing O-I into the subdivision will impact Lakeview Estates in a negative manner.

Chairman Graw concurred with Mr. Thoms. He added that he was concerned about setting a precedent for the residential subdivision which appears to be spot zoning.

Mr. Gilbert stated that the homeowners have kind of been given a promise of how the subdivision will be developed and this is a major disruption and is not the proper request for the subject property.

Mr. Thoms concurred with Mr. Gilbert.

Chairman Graw announced that he has a petition signed by 11 of the residents in the area stating that they are opposed and letters from the following: Dr. Mona MacDonald and Mr. Charles E. MacDonald, Zena M. Martin, Elizabeth Barnes, and Stuart and Elizabeth Barnes. He added that there was a letter from Jan Trammel in favor of the rezoning request.

Tim Thoms made a motion to deny Petition No: 1183-06. Al Gilbert seconded the motion. The motion passed 4-0-1 with Doug Powell abstaining from the vote.

Tim Thoms made a motion to deny Petition No: RP-039-06. Al Gilbert seconded the motion. The motion passed 4-0-1 with Doug Powell abstaining from the vote.

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4. Consideration of proposed amendments to the Fayette County Sign Ordinance regarding Article I. In General, Section 1-3. Definitions; Article II. Permitting, Section 2-3. Inspection and Section 2-5. Prohibited Signs and Devices; Article III. Enforcement, Section 3-3. Removal of Unlawful or Dangerous Signs; Article IV. Measurement; Construction and Maintenance Standards, Section 4-2. Measurement of Sign Area; and Article V. Restrictions Based on Location, Division II. Residential Districts, Section 5-22. Residential Freestanding Signs; Division III. Non-Residential Districts, Section 5-32. Freestanding Signs and Section 5-33. Wall Signs as presented by the Planning & Zoning Department.

Pete Frisina stated that he would also like to present some "housekeeping" items tonight along with the proposed amendments. He said that he would like to discuss the size of temporary signs which are restricted to six (6) square feet in residential and nonresidential zoning districts. He commented that he went out and did some research and presented the P.C. pictures of various temporary signs in a nonresidential zoning district. He confirmed that the pictures represent temporary signs which are 16 square feet. He also presented pictures of examples of a double-face sign constructed in the form of a "V".

Mr. Frisina presented foam boards demonstrating nine (9) square feet, 12 square feet, and 16 square feet. He said that 12 square feet is reasonable. He explained that the new Sign Ordinance addresses a permanent sign and a temporary sign based solely on how it is mounted to the ground and has nothing to do with duration.

Attorney Bill McNally advised the P.C. that they should concentrate on size and height because no time limitation can be set and there is not sufficient personnel to permit all temporary signs. He stressed that you must be across the board because what you allow for some people you have to allow for other people and there should be no exceptions.

After a lengthy discussion, the P.C. concurred on 12 square feet for a temporary sign in a nonresidential zoning district.

Mr. Frisina pointed out the following amendments:

Section 1-3. Additional definitions added. Permitting Changeable Copy Signs is the major change. Decorative Wall is a freestanding wall not part of a building. Definition of sign face was added.

Bill Beckwith suggested to add “once” under animated sign which is prohibited.

Section 2-3. The deletion of the entire section. A sign in violation or that is a danger to the public may be removed. This function can be handled by Section 3-3.

Section 2-5. Remove the prohibition on “Changeable copy signs”.

Section 3-3. Clarification that the “property owner” is responsible for any sign in violation.

Section 4-2. Clarification of “sign face area”.

Section 5-22. These amendments address requirements for a sign or sign structure attached to a Decorative Wall or fence including illumination, requirements for sign structure heights, requirements for signs located at the entrance of a residential subdivision, and requirements for signs located on multi-family property. Add “unless otherwise provided for herein” to A., B., and C. Add “Such signs shall not be internally illuminated.” to C.

Section 5-32. These amendments address an increase in size from six (6) square feet to 12 square feet for temporary signs in nonresidential zoning districts, requirements for sign structure heights and requirements for signs located at the entrance of a nonresidential subdivision, and requirements for the illumination of signs. Add “unless otherwise provided for herein” to A., B., E., and F. Add “Such signs shall be internally or externally illuminated.” to A., B., D. and F. Delete C. in its entirety. Add “A permit shall be required.” to A., B., and F. Add “Such signs shall not be illuminated.” to E.

Tim Thoms stated that temporary signs should not be illuminated.

Al Gilbert stated that there may be feedback from charity groups regarding no illumination.

Section 5-33. Increase a wall sign area from one (1) square foot to two (2) square feet per linear of the front length of the building or portion thereof occupied. This will allow wall signs similar in size as was allowed under the previous ordinance where a wall sign was equal to ten percent (10%) of the building facade.

There being no public present for public comments, Chairman Graw called for a motion.

Tim Thoms made a motion to approve the proposed amendments with the changes as discussed tonight. Bill Beckwith 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 Public Meeting/Workshop scheduled for Thursday, October 19, 2006 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Doug Powell made the motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:35 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**JIM GRAW
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**