

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2001 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Fred Bowen, Chairman
Bill Beckwith, Vice-Chairman
Al Gilbert
Bob Harbison
Jim Graw

MEMBERS ABSENT: None

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Bowen called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff.

Kathy Zeitler explained the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

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1. Consideration of the Minutes of the meeting held on January 4, 2001.

Chairman Bowen asked the Board Members if they had any comments or changes to the Minutes as circulated? Bob Harbison made a motion to approve the Minutes. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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2. Consideration of the Workshop Minutes of the meeting held on January 18, 2001.

Chairman Bowen asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Jim Graw made a motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON FEBRUARY 1, 2001.

3. Consideration of a Preliminary Plat, Murphy Creek Landing Subdivision, Crown Development, Owner, and Mukut Gupta, Agent. This property consists of 37.872 acres with approximately 29 single-family dwelling lots. This property is located in Land Lot 56 of the 5th District, fronts on Hilo Road, and is zoned R-40.

Chairman Bowen opened the floor for public input regarding the technical review of the preliminary plat. Hearing none, he closed the floor from public comments.

Al Gilbert made a motion to approve the preliminary plat as submitted. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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4. **Consideration of a Preliminary Plat, Vickery Lane Subdivision, Brent Scarbrough, Owner, and Bob Rolader, Agent. This property consist of 20.44 acres with approximately 17 single-family dwelling lots. This property is located in Land Lot 108 of the 5th District, fronts on County Line Road, and is zoned R-20.**

Billy Brundage, Agent requested approval of the preliminary plat as submitted.

Chairman Bowen opened the floor for public input regarding the technical review of the preliminary plat. Hearing none, he closed the floor from public comments.

Jim Graw made a motion to approve the preliminary plat as submitted. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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5. **Consideration of a Preliminary Plat, Oakley Estates Subdivision, James Abner Oakley, Owner/Agent. This property consist of 171.4 acres with approximately 24 single-family dwelling lots. This property is located in Land Lots 235 and 236 of the 4th District, fronts S.R. 92 South, and is zoned A-R.**

Rod Wright, Agent, requested approval of the preliminary plat as submitted. He also requested approval of a 128 foot Variance to increase the maximum length of a cul-de-sac from 3,000 feet to a maximum of 3,128 feet. He added he had worked with the Engineering Department on reducing the length of the cul-de-sac and they were in favor of the variance.

Chairman Bowen opened the floor for public input regarding the technical review of the preliminary plat. Hearing none, he closed the floor from public comments.

Jim Graw asked for clarification regarding noted stating "existing drive is to be removed" for the house located on Lot 23 and the note regarding "access from Riveroak Drive only this lot" on Lot 1.

Mr. Wright explained that the existing house indicated on Lot 23 would be required to access Riveroak Drive. He further explained that the proposed house for Lot 1 would also be required to access Riveroak Drive. He added that no lots would be permitted to access S.R. 92 South.

Bob Harbison made a motion to approve the preliminary plat as submitted and the 128 foot variance for the cul-de-sac length. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ON FEBRUARY 1, 2001 AND BY THE BOARD OF COMMISSIONERS ON FEBRUARY 22, 2001.

6. **Consideration of Petition No. 1069-01, Dean Fryer, Owner/Agent, request to rezone 1.027 acres from R-40 to O-I to develop Professional, Medical, and Law Offices. This property is located in Land Lot 70 of the 7th District and fronts Sumner Road.**

Dear Fryer, Owner/Agent, presented four (4) aerial views of the subject property. He said the subject property had been in his family since the early 60's. He commented the existing house was built by a family member. He remarked his son and family currently reside in the existing house but want to build a larger house. He advised the property had been appraised on two (2) different occasions. He went on to say that both of the appraisers had suggested to have the property rezoned to O-I, because they believed that O-I is the best and highest use for the property. He pointed out that the subject property is too close to S.R. 54 West to utilize for residential use.

Mr. Fryer raised the following points:

1. There is one neighbor which abuts the subject property to the rear. Their lot is deep and also abuts the Coweta Fayette E.M.C. property. All neighbors have been contacted and no one objects to the rezoning.
2. The subject property abuts Coweta Fayette E.M.C. and is across the street on Sumner Road from a clinic.
3. The architectural standards will be residential in nature. Both lots will be re-landscaped.
4. O-I will not impact the neighborhood. The distance from the subject property to S.R. 54 West is approximately 200 feet. All eight (8) of the County Departments have stated to either approve the petition or they have no objections to the rezoning.
5. Self-impose the S.R. 54 West Overlay requirements to make the subject property as tasteful and attractive as possible.

Chairman Bowen 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.

Carrie Price asked what assurances did the community have that the proposed development would blend with the surrounding properties. She commented taste was a matter of opinion. She asked if the subject property was definitely going to be utilized as a doctors office, or could it be a 7-11 convenience store.

Jim Graw advised the audience that Mr. Fryer had volunteered to self-impose the S.R. 54 West Overlay requirements on the subject property. He explained the overlay regulations require the structure to be residential in nature.

Kathy Zeitler noted for the record that Mr. Fryer was not locked into developing a medical or professional office. She advised that should the property be rezoned that any of the permitted or conditional uses listed in the O-I zoning could be developed. She added that the uses could be a bank, fitness center, etc.

In rebuttal, Mr. Fryer stated he would also self-impose restricting the use of the subject property to professional uses with no retail uses. He said his family lives next door to the subject property. He commented there should be low traffic generated with approximately 10-12 parking spaces for the proposed 3,000 square foot building. He added he would also increase the required landscaping. He went on to say the impact to the neighborhood should be low.

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

Mr. Graw asked Mr. Fryer if he was aware that a portion of the property was previously requested to be rezoned to O-I.

Mr. Fryer replied yes sir.

Mr. Graw asked Mr. Fryer why he did not request O-I when he rezoned the property in 1998.

Mr. Fryer replied that the property at that time was actually two (2) pieces of property. In 1998, he requested to rezone the property to R-40 in order to develop the property. He commented that his surveyor had advised him to subdivide the subject property into two (2) lots but he did not see the potential or advantage at that time. He added that he was also not considering O-I at the time.

Mr. Graw asked what was adjacent to the subject property to the west.

Mr. Fryer replied three (3) single-family dwelling lots with houses consisting of one (1) acre each.

Bob Harbison made a motion to approve the petition for discussion purposes. Jim Graw seconded the motion.

Mr. Harbison said the P.C. had been cautious about the Land Use Plan but due to the lack of opposition and the proximity of the subject property to S.R. 54 West, O-I is an appropriate zoning.

Mr. Graw remarked the subject property was adjacent to the Coweta Fayette E.M.C. building and across the street from an office building. He went on to say he was unsure about residential development on the subject property.

Bill Beckwith pointed out the request is to remove a tract of land from a residential subdivision and rezone it to O-I. He advised that the subject property does not lie within the S.R. 54 West Overlay Zone. He said if the property is recommended to be rezoned to O-I beyond the designated overlay zone that it could be stepping on some treacherous ground. He added he could not support the petition.

Al Gilbert concurred with Mr. Beckwith. He said this was about the third similar request within the S.R. 54 West corridor. He commented he felt sorry for the residential areas which had been affected by the widening of S.R. 54 West. He stressed the Land Use Plan had an established starting and ending point but if it starts creeping, then where do you stop the creeping. He added he had some problems with the petition.

Chairman Bowen advised that the P.C. had been faced with similar requests off of S.R. 54 West that were not on an arterial street and were located in a residential neighborhood. He said the rights of the residential neighborhood had been respected in the past. He commented this petition requires a lot of thought since it is located in a residential area and does not access S.R. 54 West. He remarked he would have a hard time wavering at this point.

At this time, Chairman Bowen called for the vote.

The motion for approval was 1-4 with Chairman Bowen, Al Gilbert, Bill Beckwith, and Jim Graw voting in opposition of the motion. Due to the lack of three (3) affirmative votes, the motion failed.

Attorney McNally advised the P.C. that another motion was required.

Bill Beckwith made a motion to deny the petition. Al Gilbert seconded the motion. The motion for denial passed 4-1 with Bob Harbison voting in opposition.

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7. Consideration of Petition No. RP-017-01, Dean Fryer, Owner/Agent, request to revise Lot 4 of Madelyn Place Subdivision, into two (2) lots (one lot zoned R-40 and one lot requested to be rezoned to O-I, see Petition No. 1069-01). This property is located in Land Lot 70 of the 7th District, consists of 2.027 acres, and fronts on Sumner Road.

Dean Fryer, Owner/Agent, requested to subdivide Lot 4 into two (2) lots regardless of whether or not the property was rezoned to O-I as previously requested. He advised each lot would consist of a minimum of one (1) acre each. He added that the clinic across from the subject property does not access S.R. 54 West but rather accesses Sumner Road.

Attorney McNally advised the subject lot is zoned R-40 and the P.C. needs to consider the request to revise the plat to indicate one (1) additional lot.

Chairman Bowen 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, he closed the floor from public comments.

Al Gilbert clarified that if approved, there would be two (2) lots consisting of a minimum of one (1) acre each.

Bill Beckwith clarified that the request was for one (1) lot to be R-40 and the other lot to be O-I but since the O-I rezoning was recommended for denial, he is now modifying his request to two (2) R-40 lots.

Chairman Bowen replied the request had been revised.

Jim Graw made a motion to approve Lot 4 to be subdivided into two (2) lots, consisting of one (1) acre each, both zoned R-40. Al Gilbert seconded the motion.

Bob Harbison said he could not support the change of use from R-40 to O-I within a residential subdivision but he could support an additional R-40 lot.

Mr. Graw advised two (2) previous requests on S.R. 54 West where houses were requested to be rezoned to O-I which were located in a subdivision. He said the P.C. would be setting a precedent by approving Mr. Dean's request and not the other two (2) requests.

At this time, Chairman Bowen called for the vote.

The motion unanimously passed 5-0.

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8. Consideration of Petition No. 1070-01, Billy M. Floyd, Owner, Flint River Resources, Inc. Agent, request to rezone 24.295 acres from R-40 to A-R to develop a Human Cemetery and Mausoleum. This property is located in Land Lots 231 and 250 of the 13th District and fronts on S.R. 314, S.R. 279, and Helmer Road.

Jim Crist, President of Flint River Resources, stated the petition is an unusual petition. He pointed out the subject property was approximately 24 acres and was utilized for grazing cattle. He said the proposed zoning being requested was A-R. He noted the subject property would be utilized for a cemetery consisting of 12,500 spaces at single depth. He confirmed that the subject property was bounded by S.R. 279, S.R. 314, and Helmer Road. He added there was a new fire station on S.R. 279 currently under construction. He went on to say that the cemetery would have a primary access on S.R. 279 and a secondary access on Helmer Road. He commented there was a pond in the middle of the site close to the garden.

Mr. Crist noted the 1980 population of Fayette County was 29,043 but today the population is over 100,000 and is growing every day. He said during this time there were no new cemetery facilities developed. He confirmed there were three (3) private cemeteries in Fayette County currently: Camp Memorial Park which opened in the late 1950's, Westminster Memorial Gardens with the first burial in 1972, and Sharon Memorial Gardens located in Tyrone. In addition, he went on to say that the individual church cemeteries have maintained the communities needs. However, he remarked the availability in these facilities is limited to member and they are filling up, therefore there is a basic need. He said the location of the property at the intersection of two (2) major highways is compatible even though it is different from the O-I land use designation.

Mr. Crist stated when a cemetery is planned that churches are contacted in the area. He commented he had met with Liberty Baptist Church which is immediately north and joining the property, Redemption Fellowship Church which is immediately south, Covenant Church of God, Olivet Baptist Church of Christ, Friendship United Methodist, and Community Christian Church. He added he had received a tremendous amount of enthusiasm and support.

Mr. Crist explained funerals are very standard and are usually held between the hours of 10:00 A.M. to 4:00 P.M. Monday thru Saturday. He added it is a rare exception for a funeral to be held on Sunday. He confirmed large funerals have traffic control police escorts. He pointed out the interior roads should provide adequate traffic flow and parking spaces. He said he would like to reserve the remaining time for rebuttal.

Chairman Bowen 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. He read letters from the following:

1. Florence B. Mitchem of 1556 Helmer Road forwarded a letter of opposition stating she strongly opposed the rezoning.
2. Estelle F. Griswell of 1544 Helmer Road forwarded a letter of opposition stating the rezoning would devalue her property, did not want to see a cemetery every day nor deal with the depression it would bring.

In rebuttal, Mr. Crist advised there was an old inactive cemetery consisting of approximately 0.75 acres on Helmer Road which has been there since the 1800's. He noted if his request is approved that this cemetery will be refurbished and maintained by the proposed cemetery as a gesture to bring the cemetery up to a garden type condition.

Chairman Bowen asked if there was an existing buffer along Helmer Road.

Mr. Crist replied there was an existing buffer around the periphery of the cemetery. He said the home belonging to the person in opposition sits back a great distance from Helmer Road. He added if the homeowner was concerned about the cemetery that he was willing to increase the buffer along Helmer Road.

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

Jim Graw asked if the markers would be flat or monument type markers.

Mr. Crist replied that 90% of the markers would be flat. He added that economically families are not interested in the monument type markers anymore.

Mr. Graw pointed out the Land Use Plan for the area is designated O-I and the homeowners in opposition could end up with a much worse use than a cemetery.

Bill Beckwith asked Mr. Crist if a crematorium was planned for the subject property.

Mr. Crist replied no.

Mr. Beckwith asked Staff if a crematorium could be placed on the subject property.

Kathy Zeitler replied a crematorium was permitted, however due to the setbacks required that there is only a very small area for placement of a crematorium.

Mr. Crist advised a crematorium is usually in conjunction with a funeral home. He confirmed there were no plans for a crematorium at this time.

Al Gilbert made the motion to approve the petition. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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Chairman Bowen asked if there was any further business.

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Kathy Zeitler reminded the P.C. of the Workshop scheduled for February 15, 2001 in Suite 202A at 7:00 P.M.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Jim Graw seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:00 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

FRED BOWEN
CHAIRMAN

ROBYN S. WILSON
SECRETARY