

THE FAYETTE COUNTY PLANNING COMMISSION met on April 5, 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
Delores Harrison, Zoning Department Secretary
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

STAFF ABSENT: Kathy Zeitler, Director of Zoning/Zoning Administrator

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.

* * * * *

1. Consideration of the Minutes of the meeting held on March 1, 2001.

Chairman Bowen 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. Bob Harbison seconded the motion. The motion passed 4-0-1. Chairman Bowen abstained from the vote due to being absent at said meeting.

* * * * *

2. Consideration of the Workshop Minutes of the meeting held on March 15, 2001.

Chairman Bowen asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated.

Bob Harbison made the motion to approve the Minutes. Chairman Bowen seconded the motion. The motion unanimously passed 5-0.

* * * * *

Delores Harrison explained 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 APRIL 5, 2001 AND BY THE BOARD OF COMMISSIONERS ON APRIL 26, 2001.

Chairman Bowen confirmed that Petition No. RDP-002-01 and Petition No. 1071-01 would be discussed at the same time but a separate vote would be made for each petition. He advised the audience that these two (2) petitions were discussed at the March public hearing as a Pre-Recommendation Meeting item and the applicant was advised of the P.C.'s recommendations and suggestions.

3. **Consideration of Petition No. RDP-002-01 to revise a Development Plan to add land area and density (60 lots and 16.84 acres of open space) to an existing Planned Unit Development, Whitewater Creek Community. This property is located in Land Lot 3 of the 6th District and Land Lot 224 of the 4th District and fronts on Redwine Road, Bernhard Road, and Troon Drive.**

AND

4. **Consideration of Petition No. 1071-01, Robert H. Brooks, Owner, and Integrated Science and Engineering, Agent, request to rezone 127.459 acres from A-R to PUD-PRD to develop a single-family residential subdivision consisting of 60 additional single-family dwelling lots to Whitewater Creek Community. This property is located in Land Lot 3 of the 6th District and Land Lot 224 of the 4th District and fronts on Redwine Road, Bernhard Road, and Troon Drive.**

Attorney Carl Westmoreland, Agent for Cypress Development Company, said the recommendations made by the P.C. last month have been incorporated into the plan. He advised the property consisted of 127 acres located at the intersection of Redwine Road and Bernhard Road. He noted the property was north across Bernhard Road from the Heritage Christian Church and the Whitewater Creek Community is adjacent. He remarked the proposed subdivision wishes to join the Whitewater Creek Community.

Attorney Westmoreland advised the proposed subdivision consisted of 60 lots which is down three (3) lots from the previous proposal. He noted the density of 0.67 is identical to Whitewater Creek Community. He confirmed there is 30 acres of floodplain primarily to the rear of the subdivision. He pointed out there would be 3.4 acres of open space required by the ordinance, however the proposal is 16.84 acres which is over five (5) times the amount required by the ordinance. He said the open areas would contain picnic tables and trails plus a lake. In addition, he commented that the proposed development would have the opportunity to join the Whitewater Club which would give access to the golf course and other amenities at Whitewater.

Attorney Westmoreland pointed out there was a proposed buffer of almost 100 feet in width running along Bernhard Road and Redwine Road. He said access to the proposed development was provided partially through the existing Whitewater development with additional access from Bernhard Road. He noted the minimum house size would be 3,200 square feet. He confirmed the application complies with all other requirements of the ordinance in terms of the PUD requirements. He said the developer plans to install a fence, similar to the existing fence, along Bernhard Road and Redwine Road. He added there would be a gated entry on Bernhard Road. He noted the development would also have access to Troon Drive and Redwine Road.

Attorney Westmoreland advised he had a letter from the Whitewater Creek Community which indicates that they have taken a vote and are in support of the rezoning. He added that Clay Gilley with Cypress Development, who is also a resident of Whitewater is present along with Becky Morris of Integrated Science and Engineering.

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

Margaret Suggs of 195 Bel-Aire Loop stated she was the President of the Homeowners Association. She encouraged the P.C. to allow the development and to change the zoning. She said Cypress Development had done a great job and had presented a well thought out plan. She noted that she represented over 300 homeowners and when the vote was taken the majority ruled by far. She confirmed that Cypress Development had first contacted the homeowners who were most directly affected by the proposed development and who were in favor of the proposal. She remarked that he then contacted the Board of Directors to see what they would want and what the covenants required. She commented that the presentation was made to the homeowners. She said the additional 60 lots would enhance the neighborhood since the homes would start at \$500,000 and up. She stated it was

a win-win situation both for Whitewater Creek and the County. She asked the P.C. to recommend approval.

Chairman Bowen asked if there was anyone to speak in opposition of the petition.

Dan Carpenter of 130 Broadmoor Drive stated there was an issue which has to be resolved prior to approval or disapproval the proposed petition. He advised in 1985 the B.C.C. approved Whitewater Creek Community Subdivision, its golf course, and open space as a PUD. He said that since that time, an illegal subdivision of that PUD has occurred wherein the golf course, open space, and all the amenities used to qualify as a PUD was sold away from the PUD. He remarked that the PUD which the P.C. is being asked to add additional land to is not a valid PUD. He commented that per the County's internal memorandums describing one of the aspects of a PUD is that each residence will have 2,500 square feet of open space to qualify as a PUD. He pointed out that the current Whitewater Subdivision has no open space. He said that the property owner, in that same internal memorandum, is required to deed all of the open space as common areas to the homeowners association. He noted that the current association which is the qualifying PUD has no amenities and no open space but the internal memorandum says there was a question when the PUD documents were examined which said the golf course which was approved as the required open space for Whitewater Creek PUD and required to be deeded to the homeowners association as common area is now under private ownership. He pointed out the golf course, all of the open space, and all of the amenities were gone so how can you say that a qualifying PUD exists to which you wish to add this additional 127 acres.

In rebuttal, Attorney Westmoreland said that Mr. Carpenter's comments obviously go toward the validity or the noncompliance since the initial approval 16 years ago by the County as a PUD. He stated he is not very familiar with who owns what at Whitewater since this County has not brought this issue to their attention. He commented that the 127 acres for the proposed development could stand on its own as a PUD. He remarked that the Whitewater Community thinks it is a substantial benefit to them. He pointed out that by adding this development to Whitewater that the homeowners know what will happen on this corner and how it will be developed, provides substantial additional funds for maintenance of infrastructure, and members will help with the cost of the golf club. He added that the proposed development ensures compatibility with Whitewater. He remarked that Staff has recommended approval of both petitions and requested that the P.C. also recommend approval of both petitions to the B.C.C.

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

Jim Graw said that a month ago when this was discussed he had made a couple of suggestions which was to reduce some of the open space and increase the lot sizes and reduction of the number of lots to 50 to 55. He pointed out that the number of lots had reduced from 63 to 60 but the average lot size was reduced in the process. He stated that property lines were extended into the proposed open space to make the lots bigger. He added that a recreation area was also suggested and they did add a gazebo. He asked Becky Morris if lots 54 thru 60 were 1.5 acre lots.

Mrs. Morris replied that they were 1.5 acre lots. She pointed out that they had voluntarily left a green space buffer from the natural area.

Bob Harbison asked what was the average density of the existing Whitewater Creek.

Mrs. Morris replied that the existing net density of Whitewater Creek is 0.67 units/acre.

Mr. Harbison stated he had no problem with the property becoming a part of Whitewater Creek. He added he did have two (2) problems: 1) the land use plan does not call for the proposed density; and 2) the proposed development appears to be a regular subdivision which does not fit the intent or the written description of a PUD. He explained that a PUD should be something which you can't do under an ordinary zoning district which is the way the regulations are written. He said he was

struggling with the proposed density since it did not comply with the land use plan. He pointed out that there was 127 acres with 30 acres of floodplain minus streets which leaves roughly 100 acres of buildable area. He added that in a two (2) acre zoning that would be equivalent to about 50 homes. He reiterated that he was struggling with the petition since he did not really see it as a PUD.

Al Gilbert said he has sat on the P.C. for 13 years and even though he was not involved on the original zoning of Whitewater, he has seen many changes with that PUD. He stated that every time he rides down Redwine, he takes a sense of pride in the quality of Whitewater and it is a real tribute to the homeowners, the developer, and the County. He remarked that he could probably take the request and nick-pick it apart but when he sees quality he wants to reach out and grab it. He commented he did not have a problem because he knew that the quality would continue since the homes would be expensive, beautiful, and bring in more quality people into the County.

Chairman Bowen said he remembered a recent request where there was a request to include a large piece of property to an existing PUD and the P.C. stressed that they would have to see a roadway connection and golf cart trails to see that it really was a part of the existing PUD. He stated that the proposed development did include a connecting road and a golf cart path. He remarked that he was not sure how these people will be included as a part of the golf course anymore than anyone else who would like to join the golf course but there will probably be some type of arrangement to make it preferable.

Bill Beckwith said that at the last meeting the P.C. had discussed important comments and suggestions. He stated the developers have done an incredible job in accommodating what the P.C. had suggested. He added that this development barely meets the PUD requirements and he could support the rezoning.

Chairman Bowen added that you could see what the homeowners association has done in the existing PUD and that this will be maintained in the proposed development. He said this gives him more confidence in the proposed development. He stated that their track record spoke for itself.

Mr. Harbison stated that he hoped nothing he said was taken or implied that he felt otherwise than Chairman Bowen and he agreed with his philosophy. He said that the only thing which kept coming back to him was how Horsemen's Run was developed. He remarked that Horsemen's Run was held to the density of the land use plan and they were allowed to develop some one (1) acre lots with parks which is what he sees as a PUD but the proposed development is a subdivision where there is increased density without the normal things considered for a PUD.

Mr. Graw pointed out that what was being proposed was exactly what you could do in any subdivision. He remarked that the proposed development should maintain the credibility of a PUD-PRD. He stated that he has not been shown what is different about this proposed development and what could be done in a regular subdivision. He said he tried to pull it out a month ago but he is still not getting the answers he wants. He commented that someone has to help him support voting for the proposed development but no one has helped him do that yet.

At this time, Chairman Bowen called for the question.

Al Gilbert made the motion to approve Petition No. 1071-01. Bill Beckwith seconded the motion. The motion passed 3-2 with Bob Harbison and Jim Graw voting in opposition.

Al Gilbert made the motion to approve Petition No. RDP-002-01. Bill Beckwith seconded the motion. The motion passed 3-2 with Bob Harbison and Jim Graw voting in opposition.

* * * * *

5. **Consideration of Petition No. 1074-01, Clayton O. Carmack, Owner, Mukut Gupta, Agent, request to rezone 40.55 acres from A-R to R-72 to develop a single-family residential subdivision consisting of 18 lots. This property is located in Land Lots 4 and 29 of the 5th District and fronts Old Senoia Road.**

Mukut Gupta, Agent, presented the P.C. with handouts of a plat indicating the zoning and land use plan in proximity to the subject property. He advised that in August of 1999, the subject property was considered for rezoning from A-R to R-55. He confirmed that the P.C. approved the petition, however it did not pass by the B.C.C. He said that at that time Staff had recommended R-72. He pointed out that they are now requesting R-72. He noted that the R-72 would be .482 units per acre which is approximately a two (2) acre lot. He advised that they would have a total of 18 lots. He confirmed that the recommended conditions are O.K. and if approved, they would be followed.

Mr. Gupta referenced the land use plan handout which recommends a Low Density 1-2 units/acre. He noted that the boundary for the land use plan is Harp Road. He confirmed that this request takes it to the maximum limit of the land use plan. At this time, he referenced the plat indicating the zoning districts. He said that the property across Old Senoia Road was zoned R-40 all the way to S.R. 85 South; going north and then going west is R-45 and R-40; immediately north is 83 acres zoned A-R; and immediately south is nonconforming lots zoned A-R ranging in size from 0.9 to 3.6 acres. He added that south of Harp Road is Rebecca Lakes Subdivision zoned R-45, one (1) acre lots. He said he was requesting approval to the fullest intent of the intended land use plan plus the actions which have been taken in the past to rezone the properties both on the north side, south side, and in front of the subject property. At this time, Mr. Gupta introduced Clayton Carmack, the owner of the subject property.

Clayton Carmack stated he was the owner of the subject property. He said he would like to focus on the Staff's Recommendations. He commented that eight (8) months ago, Staff recommended the property for R-72 zoning. However, he remarked that in the current Staff Report it states: There has been no changes to the area in the past six (6) months. He confirmed that Staff had recommended denial in the current Staff Report. He asked why if nothing has changed in the area why they did they change their recommendation. He said as you read the report this question is answered which is based on the popular opinion of the last round of these hearings. He pointed out that these kind of decisions can't be made based on popular decisions or there would not be any zoning anywhere because there is always opposition.

Mr. Carmack referenced the land use plan which is brush stroked in the report but this property complies with the land use plan. He said that Staff focuses a lot on the A-R areas but there is predominately R-40 and R-45 tracts in the area. He pointed out an A-R tract located to the west but beyond that is Surrey Park Subdivision which is zoned more densely than what is being requested. He stated that Harp Road has always been used as a line of demarcation between higher density and lower density zoning with the northern part being 1-2 acres. He remarked that the subject property is located to the north of Harp Road and they are asking for two (2) acre zoning which is well within the line of demarcation. He noted it was interesting that Rebecca Lakes Subdivision is south of the line of demarcation and it is zoned more densely at R-45 even though it is south of Harp Road.

Mr. Carmack said that one of the concerns he had heard, not necessarily in the Staff Report but at one of the hearings, was on the traffic issues in the area. He stated one of the areas was the intersection of S.R. 85 South and Harp Road. He commented he had heard over and over how dangerous this intersection was. He remarked that he did not live in Fayette County and this intersection may be dangerous but he stands by the belief that if it is dangerous then Fayette County or the D.O.T. would have, a long time ago, signalized the intersection. He added if there was data saying it was a dangerous intersection then they would have done something about it and people would not continue to be injured. He said that he was not sure that this concern is real.

Mr. Carmack said that the other concern was that there is too much traffic on Old Senoia Road but this is not because there are too many people living on Old Senoia Road causing this traffic problem

but that it is used as a cut through road. He stated that regardless of whether or not the property is developed or not has nothing to do with the traffic concerns on Old Senoia Road because it seems to be the results of other citizens not in the area using the road as a cut through so whether it is developed or not those concerns will be there.

Mr. Carmack remarked that the impact on the area may be a bit overstated in the Staff Report. He said the property is currently zoned A-R which would allow approximately seven (7) to eight (8) home sites so the net difference is ten (10) homes since the proposal is for 18 lots and a 0.7 acre for open space. He stated the impact in the Staff Report focuses on an 18 home impact when in reality the zoning change would be only a ten (10) home impact. He commented that the key is a ten (10) home impact would have a minimal impact on all the concerns in the area as opposed to a larger development of 50 to 100 homes. However, he pointed out that the inability to change the zoning from A-R to R-72 has a chilling affect on the economic viability of the property. He said that he thought that most people realize that you can't develop a subdivision as A-R which requires a minimum of five (5) acre lots.

In regard to the public concerns, Mr. Carmack said that a lot of the public concerns have to be taken with a grain of salt quite frankly. He stated that a lot of the local homeowners complaining themselves live on a lot more densely zoned tracts than the proposed R-72 so it is extremely disingenuous to come in here and complain about the density of this rezoning when they themselves live on more densely zoned property. He commented that he thought it is important to know that a lot of local residents would oppose any rezoning at all. He believes a lot of their real concern is not what is being done with the property like building a nice 18 home subdivision but the fact that they have enjoyed unfettered recreational use of the land for 15 to 20 years, since the passing of his grandfather. He reiterated that he did not live in Fayette County and frankly they have had a lot of reports of trespassing. He said that as a private citizen he is under no legal, contractual, or otherwise obligation to maintain land as "a public park" for the use of the local people and some of them being trespassers. He thanked the P.C. for their time.

Chairman Bowen asked if there was anyone to speak in opposition. The following people spoke in opposition:

James Baker of 275 Zelkova Drive stated that just today he had closed on 15 acres on Old Senoia Road. He said he was definitely interested in keeping the area A-R. He commented he had two (2) small children which both go to Fayette County schools. He noted that the school system is a real concern to the citizens of Fayette County. He confirmed that there are 24 trailers at the three (3) schools which they would be zoned to go to should be a real concern to everybody. He pointed out that the property all around there is zoned A-R which is its intended use and that it should stay that way. He remarked that this is spot zoning and that the infrastructure cannot support the development. He said that we would need to make some real changes like adding the schools which are needed and adding traffic signalization where needed. He noted that there are 143 acres behind this property, this property totals 135 acres, 20 acres owned by Dr. Sams family which has been donated for mitigated wetlands. He confirmed that he was planning on having a single-family residence on his 15 acres and added he just closed on the property today. In regard to traffic, he said it is a concern if you live here but if you didn't live here it would not be a concern. He added that a lot of the traffic comes from Kiwanis Field. He asked how the proposed subdivision would not impact Old Senoia Road and Harp Road. He reiterated that one of his main concerns is the school system. He said this would not bring in a whole lot of kids but asked how are you going to add more when you can't handle the ones you've got. He also reiterated that this is spot zoning and is not needed by Fayette County at this time.

John Davis of 524 Old Senoia Road (western side of the intersection of Old Senoia Road and Harp Road) said he had lived here for 21 years. He stated he was against the rezoning of the property to R-72 for the same reasons he was opposed to it before. He noted that the subject property is inconsistent with the surrounding lot sizes that border this property. He remarked that 27 of the lots in Whippoorwill Ridge on the east side are from two (2) to six (6) acres even though it has a

different zoning. He also remarked that five (5) of the eight (8) properties on the south side are better than two (2) acres. He pointed out that the property to west and north are zoned A-R with high acreage. He noted that 32 out of the 37 properties which border or face this property are more than two (2) acres which is about 86%. He said that even though this property lies within the low density designation of the land use plan, the surrounding property sizes should be the determining factor for zoning this property. He advised that this property has one (1) ingress/egress on Old Senoia Road which is already heavy with cut through traffic which has been stated before and hasn't gotten any better. He remarked that the school systems are more overcrowded now than the last time this property was petitioned for rezoning. He said that this is one (1) of the reasons that Staff has recommended denial. He commented that until there is a traffic light at the corner of S.R. 85 South and Harp Road, it will always be a dangerous intersection. He stressed that he lives at the corner of these roads and travels them everyday and he knows what the traffic is like there. He went on to say that 18 more houses on the southern end of Old Senoia Road is not going to do anything to help the situation. He confirmed that the B.C.C. denied the petition and over 100 people signed the petition for the property not to be rezoned and this time there will be more. He said the people are adamantly against a subdivision being put in this area. He noted that the property is zoned A-R and can be sold as A-R. He remarked that Mr. Roberts was a fine fellow and he would not want a subdivision stuck on this property. He added that his other sons that own the other two (2) pieces of property have no intentions of sticking subdivisions on their property.

Terry Durant of 511 Old Senoia Road stated her property was immediately adjacent to the subject property. She said her main concern is that the water table in this area has already been affected and surely will suffer should a large development as proposed by Crown Development be approved. She remarked that the land is quite swampy and when a County employee went to inspect it their truck got bogged down in the mud and had to be pulled out with a tractor. She showed the P.C. a plastic gallon jug of water drawn from her tap prior to attending the public hearing. (The water inside the plastic jug looked like muddy water). She went on to say that this was not a pretty sight. She said she took a shower before she came but feels like she is dirtier than before she took her shower. She went on to say that it is not going to help to add all of these families and all of their waste products to the underground water table.

Delores Crowden of 470 Old Senoia Road stated that her property was directly across the street from the proposed subdivision entrance. She said she agreed with everything that has been said previously. She commented that she was a City of Atlanta Police Officer and the intersection is dangerous. She remarked that she travels the intersection every day and has had many close calls. She noted that as a police officer she knew that you have many more fatalities at intersections and it takes years to get signalization installed no matter how many fatalities or injuries.

In rebuttal, Mr. Gupta said that County waterlines will be extended to the subject property so the current residents with wells will have the opportunity to connect to County water. He noted that the waterline is currently located on Harp Road. He stated that the zoning of the existing property to the front and south vs. the size of each individual is less material because today the R-40 zoning allows for additional lots. He remarked in his opinion the criteria has to be what is zoned but not the size of the lot today.

At this time, Chairman Bowen closed the floor from public comments. He advised that the P.C. really struggled with this in their prior deliberations and obviously there are a lot of factors which have to be taken into consideration. He reminded the audience that the P.C. makes a recommendation to the B.C.C. as explained in the opening speech. He stated that this was discussed at great length and the P.C. listened to both the petitioner and those in opposition at the previous hearing when the request was for one (1) acre lots. He noted that the surrounding areas were looked at and the majority of the adjacent property is A-R. He remarked that the P.C. struggled due to the R-40 and R-45 zoning which is adjacent or near. He went on to say that the request was not easy then nor would it be easy now.

Jim Graw stated he could not remember what happened eight (8) months ago. He said the petitioner makes a lot of sense if the Staff recommended R-72 eight (8) months ago and now they are asking for R-72 which is exactly what Staff recommended eight (8) months ago. He asked what has changed in the past eight (8) months for Staff to recommend denial. He also asked if the 0.7 acre open space was the petitioner's idea or Staff's idea.

Mr. Gupta replied that this was the petitioner's idea.

Jim Graw made the motion to approve the petition subject to the recommended conditions. Chairman Bowen seconded the motion for discussion.

Chairman Bowen reiterated that this was wrestled with at great lengths at the last review. He said the P.C. knew that Staff had recommended R-72 which was considered by the P.C. who went with the petitioner's request. He commented that in his mind this is a better proposal than the previous rezoning request. He stated it would be good to have step-up and step-down zoning to provide a buffer between lower and higher density. He went on to say that this request in many ways meets this as it provides a buffer from the one (1) acre zoning and a transitions from the five (5) acre zoning which is a plus. He added that the petitioner accepts the Staff's recommended conditions. He commented that for this particular area this is a reasonable request from the petitioner and it meets the land use plan.

Al Gilbert said that it is very critical when people live in an area and are looking to live in an area because of the land use in the area. He stated that A-R zoning is very misconstrued. He remarked that approximately 25 to 30 years ago when the Planning Department was set up and the initial land use plan was made, A-R wasn't just an intended forever zoning category and in many cases it was a holding pattern. He commented that the vast majority of property which is zoned in the County is A-R because it is the property which has basically been in a holding pattern. He pointed out that some of these properties were farm land and there is not much farming going on anymore. He stressed that the land use is such a critical criteria for anyone to look at and this request does meet the land use plan.

Bill Beckwith said that in some cases that the P.C. has seen there has been actual spot zoning but this more aligns itself with transitional zoning. He stated that this does meet the land use plan. He remarked that R-72 is appropriate for this particular piece of property. He commented that there is a lot of A-R in the area and there is also some R-40, R-45, and some R-72 in the area. He went on to say that this should not be a glaring piece of property which is going to be different. He noted that this would allow Mr. Carmack to use his property in a manner which the P.C. has done in the past.

Chairman Bowen clarified that spot zoning has never been approved from this particular board.

At this time, Chairman Bowen called for the vote. The motion unanimously passed 5-0.

* * * * *

6. Consideration of Petition No. 1075-01, 3D Properties, Owners, and Tony Davis, Agent, request to rezone 8.10 acres from A-R to O-I to develop a Medical Office. This property is located in Land Lot 39 of the 7th District and fronts on S.R. 54 West.

Rick Sewell, Agent, requested to rezone 8.10 acres from A-R to O-I to develop a Medical Office. He advised the development would comply with the S.R. 54 West Overlay Zone requirements. He said they planned to convert the existing single-family residence into an office facility. He added that the necessary traffic improvements required by the Georgia D.O.T. for acceleration/deceleration lanes would be developed. He noted the existing driveway would be upgraded to a 24 foot wide driveway. He confirmed that minor architectural modifications with architectural enhancements including the necessary A.D.A. modifications were proposed. He added the applicant hates the aspect of losing the produce stand but they plan to get creative with the landscaping.

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. Hearing none and with no rebuttal, he closed the floor from public comments.

Al Gilbert made the motion to approve the petition. Bob Harbison seconded the motion.

Bill Beckwith asked for clarification for a statement in the Staff Analysis which states: There is no density associated with the request for nonresidential use of the property. He asked if the minimum lot size for O-I was five (5) acres.

Robyn Wilson replied the O-I zoning district is a minimum of one (1) acre. She added the S.R. 54 West Overlay Zone's minimum lot size is per the zoning district.

Mr. Beckwith asked if there could be more than one (1) building on the subject property.

Mrs. Wilson replied that there could be more than one (1) building on the subject property and should the applicant decide to subdivide the property that the minimum lot size would be one (1) acre based on the O-I zoning district.

At this time, Chairman Bowen called for the vote.

The motion unanimously passed 5-0.

* * * * *

7. Consideration of Petition No. 1077-01, Lynn Fedor, Owner, and Thomas Fedor, Agent, request to rezone 0.63 acres from A-R to O-I to develop an Insurance/Financial Planning Office. This property is located in Land Lot 121 of the 5th District and fronts on S.R. 54 East and Plantation Drive.

Thomas Fedor, Agent, requested to rezone from A-R to O-I to develop an insurance office for his wife. He said she has been in the business for approximately 18 years. He noted the existing house would basically remain the same size with some modifications planned. He confirmed the modifications would include: bricking in the carport the same as the existing brick on the house; adding three (3) windows across the front; recess partition wall in the front by two (2) feet; add a front porch with handrails on the front; existing round arched portion in the front to be changed to rectangularly shaped with a gable; extend the porch to the right side of the house; and remove the existing roof and construct a new roof with dormers.

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. Hearing none and with no rebuttal, he closed the floor from public comments.

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

* * * * *

Chairman Bowen stated he was sorry that Greg Dunn, the Chairman of the Board of Commissioners escaped prior to being recognized by the P.C.

Chairman Bowen asked if there was any further business.

Robyn Wilson reminded the P.C. of the Workshop scheduled for April 19, 2001 in Suite 202A at 7:00 P.M.

Page 10
April 5, 2001

Chairman Bowen and the other P.C. members wished Robyn Wilson a "Happy Birthday".

Mrs. Wilson thanked the P.C. members.

There being no further business, Bill Beckwith made the motion to adjourn the meeting. Bob Harbison seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:35 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

FRED BOWEN
CHAIRMAN

ROBYN S. WILSON
SECRETARY