

THE FAYETTE COUNTY PLANNING COMMISSION met on May 3, 2001 at 7:05 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 (Arrived 7:25 P.M.)
Al Gilbert
Bob Harbison
Jim Graw

MEMBERS ABSENT: None

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Ron Salmons, County Engineer
Delores Harrison, Zoning Department Secretary
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.

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1. Consideration of the Minutes of the meeting held on April 5, 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 to approve the Minutes as circulated passed unanimously 4-0. Bill Beckwith was absent at this time.

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THE FOLLOWING ITEM WILL BE CONSIDERED ONLY BY THE PLANNING COMMISSION ON MAY 3, 2001.

2. Consideration of a Preliminary Plat, Centennial Subdivision, John Wieland Homes and Neighborhoods, Owners, and Jerry Martin, Agent. This property consists of 80.65 acres with 14 single-family dwelling lots, is located in Land Lot 164 of the 7th District, fronts on MacDuff Parkway, and is zoned R-75.

Jerry Martin of John Wieland Homes and Neighborhoods commented Staff had recommended approval of the preliminary plat.

Chairman Bowen advised the recommendation of approval was conditional.

Mr. Martin replied that one (1) condition was a required traffic study for MacDuff Parkway to see how the property to the north would affect the site. He said the County had approved the site north of the proposed development which does not have an existing connection to MacDuff Parkway.

Chairman Bowen advised there were two (2) other conditions.

Bob Harbison pointed out that the two (2) remaining conditions were in regard to the subdivision and street

names and a variance for the maximum street length of MacDuff Parkway.

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Kathy Zeitler stated she did not understand the statement made by Mr. Martin regarding the property to the north of the subject property. She advised that the property to the north had been rezoned but a preliminary plat had not been submitted or approved at this time.

Mr. Martin said he had picked up a plan from the Zoning Department dated February, 2000 which had been approved.

Mrs. Zeitler advised that the plan was a Concept Plan submitted with the rezoning application, and was not a preliminary plat, and that only a rezoning of the property had been approved.

Mr. Martin noted he would be glad to work with the County Engineer regarding the required traffic study.

Mrs. Zeitler further advised that a 267 foot variance was needed for MacDuff Parkway since it exceeded the maximum street length allowed. She added that there were no other alternatives for a connection at this time.

Chairman Bowen opened the floor for technical aspects relating to the preliminary plat. Hearing none, he closed the floor from public comments.

Mr. Harbison asked for Mrs. Zeitler for clarification of the condition requiring a traffic study.

Mrs. Zeitler explained that the traffic study was being required by the County Engineer and deferred further clarification to Ron Salmons.

Ron Salmons explained that the concern was regarding the number of lanes which may be required for now and the future. He advised that MacDuff Parkway would eventually extend from S.R. 54 to S.R. 74 which may require MacDuff Parkway to be a four-lane street. He said the traffic study would allow for the ability, in the future if necessary, to widen MacDuff Parkway into four lanes and would also address traffic devices. He advised the current regulations require a five (5) year traffic projection. He added that the traffic study is also a desire from the Peachtree City Engineer.

Bob Harbison made the motion to approve the 267 foot Variance regarding the maximum length of MacDuff Parkway. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent at this time.

Bob Harbison made the motion to approve the preliminary plat subject to the conditions. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent at this time.

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

Chairman Bowen reiterated the requirement regarding the tabling of a petition due to the lack of a full board at this time.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 3, 2001 AND BY THE BOARD OF COMMISSIONERS ON MAY 24, 2001.

3. **Consideration of Petition No. 1078-01, Frances A. Loyd, c/oRebecca Cook, Owner, and Becky B. Morris, L.A., Agent, request to rezone 4.585 acres from A-R to O-I to develop an Office Park (offices and bank) consisting of four (4) lots. This property is located in Land Lot 58 of the 7th District and fronts S.R. 54 West and Flat Creek Trail.**

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Becky Morris stated that the subject property, consisting of a 4.5 acre lot, was located at the intersection of S.R. 54 West and Flat Creek Trail. She advised that the site would be subdivided into three (3)1-acre tracts with offices and one (1)1.5-acre tract with a bank. She noted there would be one (1) curb cut from S.R. 54 West which the D.O.T. has required to be located to the eastern most part of the tract. She added this curb cut would be a right in/right out turn only. She further noted that the property would have two (2) shared entrances from Flat Creek Trail rather than four (4) individual entrances.

Mrs. Morris presented a model of the proposed offices and a rendering of the proposed development. She advised that the buildings would be constructed with red brick and have a residential appearance. She remarked that the property would be sodded and irrigated. She commented that the majority of the parking was proposed to the rear of the buildings and not along the streets. She pointed out that there would be a shared detention area. She confirmed that the subject property consisted of Cecil soils which would be good for the development and that there are no watershed protection issues.

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 made the motion to approve the petition. Jim Graw seconded the motion.

Jim Graw asked if all of the buildings would be just like the model.

Mrs. Morris replied that the three (3) office buildings would be just like the model but the bank be a little different and would have a drive-thru window.

Mr. Graw asked why a curb cut was necessary from S.R. 54 West.

Mrs. Morris explained that vehicles traveling from Fayetteville would have a right in/right out from S.R. 54 West which should allow better traffic flow. She pointed out on the plan how the traffic would circulate from S.R. 54 West through the development onto Flat Creek Trail.

Mr. Harbison said that the plan indicates an acceleration lane along S.R. 54 West and asked if there was a deceleration lane for Flat Creek Trail. He stated he was concerned about an acceleration lane from the curb cut onto S.R. 54 West and then a deceleration lane from S.R. 54 West onto Flat Creek Trail.

Mrs. Morris replied that a full D.O.T. curb cut permit would be required and they would have to meet their specifications.

Hearing no further comments, Chairman Bowen called for the vote. The motion unanimously passed 5-0.

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4. **Consideration of Petition No. 1079-01, Mark Wurster, Owner/Agent, request to rezone 1.01 acres from M-1 Conditional to M-1 to develop Indoor Recreation. This property is located in Land Lot 217 of the 5th District and fronts on Walter Way.**

Mark Wurster advised that the subject property was a single lot in Kenwood Business Park zoned M-1 Conditional. He stated he had acquired the lot in 1993 or 1994 and was unaware of the conditional zoning. He noted that approximately 113 to 115 out of the 125 lots within the business park are currently zoned M-1. He confirmed that a few of the lots were zoned C-H prior to the park being acquired. He said he had a tenant interested in the building. He added that he spoke with the adjacent property owners who only wanted to know what was proposed and they had no objections.

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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.

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

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5. Consideration of Petition No. 1080-01, Mary Katherine Reid, Owner, and John Profit, Agent, request to rezone 0.51 acres from A-R to R-70 to add said property to 1.54 acres to develop one (1) single-family dwelling lot. This property is located in Land Lot 72 of the 7th District and fronts on Dogwood Trail.

John Profit requested to rezone 0.51 acres which would add 75 feet of frontage along Dogwood Trail to a lot currently zoned R-70. He confirmed that he agreed to the recommended condition requiring a 20 foot buffer and had indicated the buffer on the final plat.

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.

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

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6. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article VI. Tree Retention, Protection, and Replacement by the Engineering Department.

Chairman Bowen advised that a letter from the Georgia Forestry Association had been received offering their support and encouragement of timber harvesting. He added that this item had been discussed for approximately six (6) months and a lot of public input had been received.

Ron Salmons stated that Fayette County was in transition from a rural county to a suburban county. He said his department had received numerous complaints from residents in residential areas adjacent to a timbering operation and their main concern was the negative aesthetics associated with a piece of property which has been timbered. He remarked that timber is a very valuable industry in Georgia. He stressed that the ordinance attempts to balance an individual's rights versus the community at large.

Mr. Salmons explained that there are two (2) primary changes to the existing ordinance. He referenced Section 8-181 and 8-182 which separated the mandatory regulations from the guidelines. He said the other major change was creating provisions for a timber harvesting operation which only applied to platted lots

consisting of five (5) acres or more for commercial timbering operations.

Mr. Salmons advised that there were three (3) primary objectives:

1. Provide a screening buffer around the perimeter of the property to reduce the negative impact of timbering onto adjacent properties.
2. Provide better sediment and erosion control.
3. Provide for some type of forest regeneration.

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Mr. Salmons further advised that the major revisions consist of the following:

1. Require a plan prepared by a registered forester which can be someone in private business or the Georgia Forestry Commission. The Georgia Forestry Commission will prepare the plan for the land owner at no cost.
2. Require the operation to follow the Georgia Forestry Commission's Best Management Practices (BMP) for forestry. The BMP's are not mandatory by the State but is a requirement in Fayette County.
3. A 50 foot buffer is required around the perimeter of the property lines which is consistent with the Zoning Ordinance buffer requirement for a commercial site which abuts residential property. The owner may manage the buffer by removing dead, diseased, insect infested, or damaged trees. No more than fifty percent (50%) of the canopy trees may be removed from the buffer which must be selected by a registered forester. The idea is to promote improved growth of the overstory trees which actually provide screening and to provide for healthier trees remaining in the buffer.
4. Require a 20 foot by 100 foot gravel entrance.
5. Forestry regeneration requirement by either natural or artificial reforestation. Natural reforestation is the proposed method. Trees must be selected and marked by a registered forester prior to the operation beginning.

Mr. Salmons remarked that the County had worked closely with the Georgia Forestry Commission regarding the proposed amendments and they are comfortable with the ordinance as proposed. He added a good part of the proposed amendments resulted from their input. He reiterated that the basic interests are balance, provision of better erosion and sediment control, and reforestation.

Chairman Bowen commented that the workshops are informal work sessions between staff and the Planning Commission, which are open to the public to attend, and the P.C. has not declined to listen to input at workshops, but this hearing tonight is the formal public input for comments and questions. He opened the floor for public comments.

Gerald Woolsey of Brooks stated he owned timber land in Fayette County and he wanted to address three (3) difficulties of the proposed ordinance. He referenced Section 8-185.c. which addresses the 50 foot buffer requirement. He said as written the ordinance requires buffers along all property lines.

He presented the following scenario: There is a large stand of marketable timber with each owner having his own tract and they agree to sell the marketable trees to the same buyer at the same time. He added that each owner would have to make separate application for a permit. He pointed out that the ordinance would require 100 foot wide strips along the land lines of the two (2) adjacent owners. He suggested that this would be a taking without compensation for the value of the timber in the buffered areas. He remarked that if a 200 acre tract would lose a large amount of its value to the heirs under this ordinance, and they can be expected to claim relief and insist on compensation. He commented that the ordinance could be improved by requiring a buffer around the boundary of the cut under the permit even if individual property owners work in concert to have the timber cut. He added that this would help to relieve this burden on the land owner.

Mr. Woolsey referenced Section 8-185.e. which addresses forest regeneration. He said this paragraph portrays a poor understanding of a very common forest practice to which few people object to, which is thinning cuts. He gave the following example: Last year in another county he sold half the trees on 75 acres in order to leave room for the remaining timber to grow but no regeneration was involved in the cut. This was about 15,000 stumps. Per the ordinance, a forester would have to mark 15,000 trees to be left standing before the permit was issued. This is no benefit to the public and exorbitant cost to the land owner.

Mr. Woolsey advised that these are two (2) specific outstanding defects which would probably never have gotten this far along in the process if the P.C. had listened to comments at the workshops. He said the P.C. did not listen to any comments at the workshop he attended. He suggested the P.C. provide for public input to be allowed at the workshops. He asked that the ordinance be revised to

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address these difficulties.

Mr. Salmons stated that the marking of the trees in a thinning operation had not be considered. He said this could be a deficiency which should be addressed. He added he did not have a problem with requiring the buffer around the timbered area but was unsure of the proper wording. He stressed that the intent was to provide a buffer around the timbered area.

Jim Graw commented that he did not have a problem with an interior buffer of twenty-five feet if two (2) adjacent properties are being timbered at the same time. He added that the whole idea of the buffer was to buffer from sight.

Bob Harbison suggested that if multiple owners wanted to timber their property as one (1) business transaction that they apply and sign for a joint permit, and the buffer apply to the permit with no internal buffer but only a perimeter buffer around the timbered area.

Mr. Salmons replied that if this could be worded in the ordinance so everyone could understand it that the problem could be resolved. He added that the intent of the ordinance was not to create hardships but provide a buffer from adjacent properties.

Mr. Harbison suggested that the ordinance should probably define “thinning” operation vs. “clearing” operation.

Mr. Salmons replied that the Forestry Commission could help him with the wording. He suggested that a “thinning” operation could be defined to allow the removal of up to 50% of the canopy trees of the timbered tract.

Mr. Harbison asked if the 50 foot buffer lived on after the timbering operation.

Mr. Salmons replied that it was the intent for the 50 foot buffer to remain until there is regeneration.

Bill Beckwith referenced the property on Longview Road where the property contained a destructive timbering operation which is very unsightly. He said he did not have a problem with the removal of a buffer should the use change but would like to see the buffer remain if the property retained its timbering operation.

Attorney McNally advised that as long as the lot remains intact the 50 foot buffer would remain, however should the property have a different use then the buffer could be removed. He added that the property would be subject to the zoning requirements and approved site plan.

Steve Porter of 180 Brookclear Lane stated he had resided in Fayette County since 1948 and he

appreciated the work involved with the tree ordinance. He advised that two (2) words the P.C. were looking for to be a part of the ordinance were “select cut” which deals with the harvesting of a few trees. He suggested the ordinance require all of the cut part of the trees to be placed in the harvested area, which may fall within the 50 foot buffer or cut down within the 50 foot buffer.

Bill Gibbs of 709 Avalon Way stated he was employed by a saw mill company in Greenville which processes lumber. He added that they also have a paper board mill which processes paper board packaging. He referenced 8-185.c. and asked when a more restrictive buffer would be required.

Mrs. Zeitler replied that a more restrictive buffer would be required where industrial zoned property abuts a residential or A-R zoning district.

Mr. Gibbs asked if the more restrictive buffer requirement would be at the discretion of the Engineering Department.

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Attorney McNally advised that when the Zoning Ordinance requires a greater buffer than the tree ordinance then the Zoning Ordinance requirement will prevail.

Mr. Gibbs expressed concern about the cost to the land owner. He said the Forestry Commission does a great job but they only have so much time. He commented that the value of the timber could be virtually worthless by the time you consider all of the field work such as marking trees. He remarked that due to the burn ban season now that the cut down trees would have to be mulched, grinded, or sent to a landfill. He went on to say that it is not as simple as calling the Forestry Commission and having them come out and making an assessment. He confirmed that there was a lot of work involved and they really do not have adequate Staff, especially when you consider all of the property in the County. He said that an operation has to be economically feasible to timber a site. He added that this ordinance was greatly improved over the previous ordinance. He further added that he was glad the County had consulted with the Forestry Commission.

William P. Pitts of Georgia Pacific Forestry Company attested that he worked for the Forestry Commission for five (5) years. He confirmed that they did have limited staff which could create timely holdups which, in turn, could affect the marketability of the project.

Hearing no further comments, he closed the floor from public comments.

Chairman Bowen asked for comments from the P.C.

Mr. Harbison stated that he was not ready to vote tonight and that the citizen input taken tonight should be considered. He requested that Section 8-181.c. and 8-181.d. also be amended to read: “a minimum depth of 24 inches”. He explained that without the word “minimum” it would be a violation of the National Electrical Safety Code.

Mr. Salmons replied that he would make those changes.

Chairman Bowen stressed that the previous ordinance had worked reasonably well but to refine it now and improve it only strengthens the proposed ordinance.

Bob Harbison made the motion to table the proposed amendments to be discussed further at the Workshop scheduled for May 17, 2001 at 7:00 P.M. in Suite 202A and to vote on the proposed amendments at the June 7, 2001 Public Hearing. Jim Graw seconded the motion. The motion unanimously passed 5-0.

Chairman Bowen thanked the public for their input.

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Chairman Bowen asked if there was any further business. Hearing none, Bob Harbison made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:15 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**FRED BOWEN
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**