

THE FAYETTE COUNTY PLANNING COMMISSION met on July 5, 2001 at 7:10 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Vice-Chairman
Bob Harbison
Jim Graw

MEMBERS ABSENT: Al Gilbert

STAFF PRESENT: Bill McNally, County Attorney
Ron Salmons, County Engineer
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:

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

Delores Harrison explained the procedure that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

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1. Election of a Chairman for the remainder of 2001.

Bob Harbison nominated Bill Beckwith as Chairman for the remainder of 2001. Jim Graw seconded the nomination.

Bob Harbison made the motion to close the floor from nominations.

The motion to elect Bill Beckwith as Chairman for the remainder of 2001 passed 3-0. Al Gilbert was absent.

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2. Election of a Vice-Chairman for the remainder of 2001.

Jim Graw nominated Al Gilbert as Vice-Chairman for the remainder of 2001. Bob Harbison seconded the nomination.

Chairman Beckwith made the motion to close the floor from nominations.

The motion to elect Al Gilbert as Vice-Chairman for the remainder of 2001 passed 3-0. Al Gilbert was absent.

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3. Consideration of the Minutes of the meeting held on June 7, 2001.

Chairman Beckwith asked the Board Members if they had any comments or changes to the Minutes as circulated. Bob Harbison made the motion to approve the Minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Al Gilbert was absent.

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4. **Consideration of the Workshop Minutes of the meeting held on June 21, 2001.**

Chairman Beckwith 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 Workshop Minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Al Gilbert was absent.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON JULY 5, 2001 AND BY THE BOARD OF COMMISSIONERS ON JULY 26, 2001.

5. **Consideration of Petition No. 1082-01, Fayette Youth Protection Home, Inc., Owners, and Aston Peart, Agent, request to rezone 5.11 acres from C-C Conditional to C-C Conditional to revise a condition of approval to include a proposed Day Care use. This property is located in Land Lot 250 of the 5th District and fronts on S.R. 279 and Twiggs Way.**

Bob Harbison asked Mr. Aston Peart is he understood that he would need three (3) affirmative votes due to the lack of a full board.

Aston Peart replied that he understood needing three (3) affirmative votes and that he would like to proceed. He said that he was proposing to develop a day care facility in the existing Kenwood School building which is separate from the Fayette Youth Protection Home building. He advised that the site was currently zoned C-C with the condition that the use of the subject property be restricted to a children's home. He pointed out that the Fayette Youth Protection Home is currently located on the subject property and provides care for children in need. He requested that the condition be amended to include a day care facility.

Chairman Beckwith 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 asked if the day care facility was in conjunction with the Fayette Youth Protection Home or is it another use to the facility.

Mr. Peart replied that it was another use to the facility.

Jim Graw verified that approximately 4,000 square feet is planned as an addition to the existing 3,000 square foot former school building.

Mr. Peart replied that he would be making improvements to the existing building in order to comply with the code, as well as the requirements of the County for a day care facility. He said that the building would be expanded depending on the growth and future needs.

Mr. Graw asked if the day care facility was "for profit".

Mr. Peart replied yes but it would also provide assistant day care type needs.

Chairman Beckwith asked if the Fayette Youth Protection Home supported the request for the day care facility.

Mr. Peart replied yes.

Chairman Beckwith verified that it was his understanding that the subject property may be subdivided in the future.

Mr. Peart replied that was correct.

Chairman Beckwith asked if the conditional use would apply to the entire five (5) acre tract.

Attorney McNally explained that there is no connection between the Fayette Youth Protection Home and the proposed day care facility. He confirmed that all the P.C. is considering is amending the condition to allow a day care facility.

Mr. Graw questioned the condition which states: That use of the subject property shall be restricted to a children's home and/or day care facility. He stated that with this condition that the property could be developed as either a day care facility or youth protection home or both.

Attorney McNally replied that was correct.

Mr. Harbison stated that when the property was rezoned it was for the purpose of allowing a youth protection home and the Land Use Plan did not recognize this as a commercial area even though it is a commercial area. He remarked that he could support the change since there was an existing building which was previously a school even though it is done with some reluctance due to the commercial aspects.

Bob Harbison made the motion to approve the petition subject to the one (1) recommended condition. Chairman Beckwith seconded the motion.

Mr. Graw asked if the words "and/or" should be retained in the recommended condition.

Chairman Beckwith replied that the P.C. was only considering changing the condition to a 5.11 acre tract which has not been subdivided. He said that in order to allow a day care facility the original recommended condition must be amended.

Mr. Graw said that if the property was not going to be subdivided then he would have a problem with the words "and/or" because they could take the entire 5.11 acre tract and develop a day care facility which would increased the number of employees, traffic, and would cause a lot more problems.

At this time, Chairman Beckwith called the question. The motion unanimously passed 3-0. Al Gilbert was absent.

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6. Consideration of Petition No. 1083-01, Sarah Banister, Owner, and Billy Brundage, Agent, request to rezone 42.32 acres from A-R to R-75 to develop a single-family residential subdivision. This property is located in Land Lot 254 of the 5th District and fronts on New Hope Road.

Billy Brundage reminded the P.C. that this same piece of property had been considered for rezoning to one (1) acre lots over a year ago but was denied. He remarked that previously there was a recommendation for two (2) acre lots but the family did not want to accept two (2) acre zoning at that time. He said that the family had now decided to reapply and ask for the two (2) acre zoning. He pointed out that the proposed development is surrounded by A-R zoning but there is a great deal of one (1) acre zoning in this area of the County. He advised that the subject property is located on New Hope Road between Kenwood Road and S.R. 92 North. He noted that the majority of the lots would be approximately 550 feet deep which would provide a natural buffer of approximately 400 feet since the houses would be built toward the front of the lot.

Chairman Beckwith 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.

Charlie Reagan of 941 New Hope Road stated that he had lived at his current address since 1965 and his property is located west of the 250 foot Georgia Power easement which abuts the west side of the subject property. He said that he moved to this area because it was zoned A-R and was a rural area. He remarked that he was opposed to the rezoning. He referenced the B.C.C.'s public hearing in September when the applicant was requesting one (1) acre zoning. He reiterated items addressed by Commissioner Linda Wells: 1) Total of 500 acres zoned A-R which is a huge amount of property which will be impacted by the rezoning; 2) Approval of the one (1) acre zoning would set a precedent; 3) Approval of one (1) acre lots would create an island with greater density surrounded by lesser density and the County has always tried to avoid creating this; 4) The impact of one (1) acre lots would be so significant that it boggles the mind; 5) Impact on schools and impact on this County that we are not ready to address in this particular area; 6) Concerned about groundwater recharge area and septic tanks; 7) No way to support this particular property other than its current status. He added that the Chairman of the B.C.C. pointed out that this area is 100% agricultural so he would see this as "spot zoning" and could not support it and the motion was denied 5-0. He remarked that in view of these comments that the property should remain A-R.

In rebuttal, Mr. Brundage pointed out that the proposed development complies with the Land Use Plan on the low end of the recommended density for this area. He noted that the proposed density was .49 units per acre and the Land Use Plan allows .50 to 1 unit per acre.

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

Jim Graw made a motion to approve the petition subject to recommended condition #3. only. Bob Harbison seconded the motion.

Mr. Graw stated that recommended conditions #1. and #2. are already covered in the County's ordinances and #4. requires the developer to leave as much vegetation on site as possible and limits the clearing of vegetation which is covered by the Tree Retention ordinance.

Chairman Beckwith concurred and asked Ron Salmons to address the recommended conditions.

Ron Salmons stated that recommended condition #1. regarding the proposed ingress/egress was for safety reasons. He added that the location of the proposed curb cut was critical due to sight distance.

Chairman Beckwith asked if these requirements were already covered in the ordinance.

Mr. Salmons replied that sight distance was covered in the ordinance.

Mr. Harbison said that if there is a problem with the Development Regulations then they should be addressed and not be a part of conditions of rezoning. He added that recommended condition #1. and #2. are both covered by recent revisions to the Development Regulations. He stated that when the P.C. recommends rezoning a piece of property that this is all that should be addressed and anything in the development sense should be addressed by the Development Regulations.

Mr. Graw advised that he had recommended approval because two (2) acre development is appropriate there, even though there is a lot of A-R surrounding the subject property. He pointed out that the proposed development is just slightly under the Land Use Plan density. He said that he recalls prior comments being made for the first request that the P.C. would not have a problem with two (2) acres and it would be hypocritical to come back now and recommend denial.

At this time, Chairman Beckwith called for the vote. The motion unanimously passed 3-0. Al Gilbert was absent.

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7. **Consideration of proposed amendments to the Fayette County Development Regulations regarding Article III. Street Design Standards and Specifications by the Engineering Department.**

Ron Salmons stated that these proposed amendments had been discussed numerous times at numerous Workshops. He said that the proposed amendments as submitted contained all of the changes discussed at the previous Workshop. He pointed out that there were two (2) main purposes of the proposed amendments. He advised that the first purpose was to have the County officially adopt street standards for their own road construction which we currently do not have. He commented that should the County suffer a disaster and roads were destroyed that the County would have the ability to reconstruct the roads back to a higher standards than the standard which they currently exists. He remarked that without these proposed amendments that the County would only be able to reconstruct the roads back to what was pre-existing prior to the disaster. He added that the State and Federal Emergency Management Agencies would pay the total costs if the County has these standards in place. He advised that the second purpose was to address providing a better drainage system for the pavement structure itself. He added that he had also met the some of the developers and had addressed a letter from Mukut Gupta to address their concerns.

Mr. Salmons pointed out that he had made two (2) minor changes to the proposed amendments. He stated that he had deleted the name "Medec" for the wooden signs and changed the overlay thickness for street resurfacing on Type F to 1 1/2 inches.

Chairman Beckwith asked if there was anyone to speak in favor of the proposed amendments. Hearing none, he asked if there was anyone to speak in opposition of the proposed amendments. Hearing none, he closed the floor from public comments. (Dave Hambrick of the Fayette Citizen was the only person in the audience).

Chairman Beckwith commended Mr. Salmons and his department for all of their work. He also commended Mr. Salmons for meeting with the developers to try and address their concerns.

Bob Harbison also commended Mr. Salmons for his willingness to work with the developers and their concerns. He said that this speaks highly of his leadership.

Bob Harbison made the motion to approve the proposed amendments. Jim Graw seconded the motion. The motion unanimously passed 3-0. Al Gilbert was absent.

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8. **Consideration of proposed amendments to the Fayette County Development Regulations regarding Article VIII. Off-Street Parking and Service Requirements by the Engineering Department.**

Ron Salmons stated that the proposed amendment had been previously discussed at the Workshop. He advised that the proposed amendment was to increase the curb cut width from 30 feet to 50 feet for nonresidential development. He said that this amendment was necessary due to the Standard Design for Trucks (69 feet overall unit) which was adopted in 1982 and requires a 50 foot opening. He remarked that this would bring the County's requirement in line with government standards.

Chairman Beckwith asked if there was anyone to speak in favor of the proposed amendments. Hearing none, he asked if there was anyone to speak in opposition of the proposed amendments. Hearing none, he closed the floor from public comments. (Dave Hambrick of the Fayette Citizen

was the only person in the audience).

Jim Graw made the motion to approve the proposed amendment. Bob Harbison seconded the motion. The motion unanimously passed 3-0. Al Gilbert was absent.

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Chairman Beckwith said that the P.C. had recommended approval of the Tree Retention, Protection, and Replacement Ordinance, however there are some housekeeping items which need to be addressed.

Attorney McNally stated that he and Ron Salmons had reviewed the proposed ordinance and certain points needed to be clarified and others needed to be moved to the appropriate section of the ordinance. He pointed out the following changes:

Page 2

- O. Add “approved construction limits” and delete “buildable area”.
- Q. Remove items which explained the adequate steps taken to receive a Soil Erosion and Sediment Control Permit and defined what a Soil Erosion and Sediment Control Permit was.

Page 3

- S. Remove red cedar from understory tree because it is an overstory tree.
- U. Remove additional section regarding replacement trees.

Page 4

- 8-178. Delete “platted lot” and insert “tract of property”.
- 8-179. Delete “must” and insert “shall”.

Delete “advised” and insert “recommended”.

Add paragraph regarding a TPP/Site Plan which has been removed from another section.

Page 5

- 8-179. Shows where the TPP/Site Plan was removed.

Compliance Delete the explanation of reviewing the TPO by the Engineering Department.

Page 7

- 8-181.C. Remove the section from C. regarding the tunneled minimum depth of 24 inches because it is explained in D.
- D. Add “Reasonable efforts shall be made to save as many trees as possible”.
- E. Spells out that a performance bond must be provided that meets the requirements set forth in Section 8-163., “Buffer and Landscape Areas” and delete the remaining part of the sentence.

Page 9

- 8-182.B. Delete “This is not mandatory”.
- Delete “shall” and insert “should”.
- C. Add “If such trees are to be saved special attention should be given to the protection to reduce potential damage to the critical root zone.”

Page 10

- D. Delete “canopy” and insert “understory”.
- E. Add in its entirety. Removed from Section 8-183. Tree Replacement Requirements.
- F. Add in its entirety. Removed from Section 8-183. Tree Replacement Requirements.
- 8-183.B. Clarified bond requirement.
- Change “may” and insert “must”.
- C. Delete “maintenance agreement and a certified check”.

Page 11

- C. Insert “good” before health of the trees.
- F. Delete F. Inserted on page 9.
- G. Delete G. Inserted on page 9.
- 8-184. Delete “overstory” and insert “canopy”.

Page 14

- 8-185. Delete “platted lots” and insert “tracts of property”.
- C. Delete “timber stand to be harvested” and insert “property line”.
- Delete “on part or all the perimeter of the timber stand. All buffer waiver requests will be included in the timber harvesting plan and will be evaluated on a case by case basis.”
- F. Delete “and”.
- Delete “is” and insert “shall be”.
- Delete “Any proposed thinning operation that removes more than 50% of the forest canopy or more than 50 square feet of basal area per acre will be reviewed on a case by case basis.”

Mr. Harbison asked where the 25 foot buffer requirement was addressed along a street.

Mr. Salmons replied that for the purposes of this ordinance, “undeveloped property” is defined.

Attorney McNally advised that a road is considered “developed property”.

Chairman Beckwith thanked Attorney McNally and Mr. Salmons for their good job at clarifying the proposed ordinance.

Chairman Beckwith, Bob Harbison, and Jim Graw concurred that they had no problems with the minor revisions and that they should be forwarded to the B.C.C. Al Gilbert was absent.

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Chairman Beckwith asked if there was any further business.

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

Bob Harbison and Bill Beckwith remarked that they may be absent from the Workshop.

Attorney McNally advised that a Workshop needed to be held even with two (2) members absent due to proposed amendments requested by the B.C.C.

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 3-0. Al Gilbert was absent. The meeting adjourned at 8:35 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY