

**THE FAYETTE COUNTY PLANNING COMMISSION** met on April 3, 2003 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Al Gilbert, Vice-Chairman  
Bob Harbison  
Bill Beckwith  
Douglas Powell

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Kathy Zeitler, Director of Zoning/Zoning Administrator  
Chris Venice, Director of Planning  
Delores Harrison, Zoning Technician  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
Bill McNally, County Attorney  
Ali Cox, Assistant County Attorney  
Deputy Warren Chamberlin

**Welcome and Call to Order:**

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He advised that there would be a Workshop following the Public Hearing to discuss amendments to the Land Use Plan Map and an amendment to the A-R Zoning District.

Chairman Graw wished Robyn Wilson a Happy “29<sup>th</sup>” Birthday.

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**1. Consideration of the Minutes of the meeting held on March 6, 2003.**

Chairman Graw 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 unanimously passed 5-0.

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Chairman Graw advised that the P.C. was a recommending board who forwards their recommendation to the B.O.C. for a final vote. He further advised that the B.O.C. would consider the following petitions on April 24, 2003.

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

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**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON APRIL 3, 2003 AND BY THE BOARD OF COMMISSIONERS ON APRIL 24, 2003.**

**2. Consideration of Petition No. 1104-03, Tommy and Dianne Starkey and Gary and Tamara Roland, Owners, and Tommy Starkey, Agent, request to rezone 38.181 acres from R-40 to A-R to allow livestock on two (2) single-family dwelling lots. This property is located in Land Lots 223 and 224 of the 4<sup>th</sup> District and fronts on Carrolls Way.**

Tommy Starkey reminded the P.C. that he had requested to table said petition for 60 days because he did not have Staff's recommendation for approval. He said he went through some other procedures with the other land owners in the subdivision which he was in, and by doing so Staff is now recommending approval. He presented copies of a map showing surrounding properties which have been rezoned to A-R since 1980. He added that most of the properties were zoned R-40 prior to rezoning to A-R. He explained that the map also indicated all the current properties zoned A-R and one (1) parcel zoned R-70 with agricultural rights which was rezoned in 1987.

Chairman Graw 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 required, he closed the floor from public comments.

Doug Powell made a motion to approve the petition. Al Gilbert seconded the motion.

Bob Harbison asked if the purpose of rezoning the property to A-R was to allow chickens.

Mr. Starkey replied he would like to have chickens. He explained that when he purchased the property the disclosure stated that the property was zoned agricultural/A-R so he thought the property would allow his children to have chickens and a few farm animals. He said he owned 23 acres plus a two (2) acre tract. He discovered that his property was zoned R-40 when he applied for a building permit, which left him with either rezoning his property or suing the person based on the disclosure.

Mr. Harbison asked if Mr. Starkey would be able to raise and sell livestock in the A-R zoning district.

Kathy Zeitler replied yes.

Chairman Graw asked Mr. Starkey if he would be selling livestock.

Mr. Starkey replied that this is not the plan right now. He advised that under the current zoning he was allowed to have 20 horses but not one (1) chicken. He said his current plans do not include selling cows, however he wouldn't say he will never do that. He remarked that he has just built a single-family house approximately 600 feet from Carrolls Way.

Chairman Graw asked if there were any plans for any other livestock beside chickens.

Mr. Starkey commented that horses and cows are not planned for right now but maybe a goat.

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

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**3. Consideration of Petition No. RP-022-03, Charles W. and Debra D. Freeman, Owners/ Agents, request approval of the revision of a recorded plat, Tunis Trace, to allow the subdivision of Lot 38 consisting of 15.4 acres into two (2) single-family dwelling lots. This property is located in Land Lot 55 of the 5<sup>th</sup> District, fronts on Marron Road, and is zoned R-20.**

Charles Freeman stated that he had a 15 acre lot in Tunis Trace which he would like to subdivide into two (2) lots. He confirmed that one (1) lot would consist of five (5) acres with an existing single-family dwelling. He added that he would sell the ten (10) acre lot.

Chairman Graw 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 required, he closed the floor from public comments.

Al Gilbert asked why the plat shows 13.8 acres but the final plat shows 15 acres.

Mr. Freeman explained that when he originally purchased the property from Peachtree Bank that there was a planned 60 foot right-of-way which the previous owners had purchased from the developers. He reported that at that time they could not get a clear title to it because they needed a Quit Claim deed from The Woodlands.

Bob Harbison made a motion to approve the petition. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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**4. Consideration of Petition No. 1107-03, Ernest M. and Marilyn Adams, Owners, and Joe Ard and Shawn Saylor, Agents, request to rezone 11.691 acres from A-R to O-I to develop a Care Home. This property is located in Land Lot 8 of the 7<sup>th</sup> District and fronts on S.R. 54 West.**

Shawn Saylor, Agent advised that they are not exactly asking for a care home but a senior citizens independent living community. He said it would not have assisted care but would have on-site medical and therapeutical services, but basically it will be a community for retired persons. He stated that he had spoken with Kathy Zeitler who gave them a list of concerns. He commented that the proposed development is a good fit based on what is around it, and its favorable impact on the community. He remarked that the proposed development will increase the tax base, the residents of the facility will be spending monies locally, will favorably impact the medical arts building and Emory Clinic, and will not impact schools, crime, or traffic.

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

Don Cobb stated that he was a Fayette County resident since 1984 and that he was the President of Cobb & Associates Architects in Peachtree City. He said he was the architect of record for this project. He remarked that his firm had successfully completed projects in Fayette County including the Fayetteville Amphitheater, Southern Community Bank, Heritage Bank, Fayetteville Church of Christ, Joseph Sams School, Peachtree City Police Headquarters, Emory Clinic, and many others. He reported his charge was to provide a design in keeping with the buildings of architectural influence in this area. He went on to say that his previous designs demonstrate their ability to deliver a project which will be a source of pride for the County. He remarked that this facility is 115,000 square feet, which is a corrected total from the 120,000 reported on the earlier petition and indicated on the Concept Plan. He confirmed that there would be 115 units on two (2) floors, a 14,000 square foot wellness center with two (2) indoor pools, one (1) being ADA accessible, and various types of exercise equipment, spas, and dressing facilities. He pointed out that the proposed site is a large site but this is by design and for good reason. He explained that the total proposed site area is 11.7 acres, however 7.4 acres is softscape and includes landscape buffers, gardens, and proposed nature walks. He commented that the total area could be smaller but they wanted to provide a pleasant setting for the senior citizens. Mr. Cobb remarked that this project is proper for this location along S.R. 54 West corridor because it already includes the hospital, numerous medical centers, and an assisted living complex. He added that the proposed development would quickly become a necessity as the baby boomers enter their golden years.

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

Randy Haynes of Stonebriar Subdivision, stated that his property was adjacent to petitions 1107-03 and 1108-03. He expressed concern about the traffic study which accompanied the proposal. He said that the increased traffic flow would have no direct turn-in coming from 54 West into the proposed site. He remarked that as a resident of Stonebriar that he had heard numerous concerns of egress off of Huiet Road onto Hwy 54 with no stop light there and also with traffic coming into Old Norton Road from 54 West at that light. He reported that he does have some traffic concerns on

Hwy. 54 going into and out of the entrance way of Stonebriar. He added that this also includes the subdivisions of Magnolia Ridge and the future subdivision, Beaver Brook Estates by Jeff Betsill. He also expressed concern about the higher density that R-70 would allow on both of these petitions. He stressed that he is suspect to the intent of the home for the aged with Phoenix House. He reported that there is a home for the aged, a nursing facility, Dogwood Terrace directly next door so he is suspect to the usage of the facilities.

In rebuttal, Mr. Saylor stated that Mrs. Zeitler also submitted a report which included concerns about traffic. He said that this was a legitimate concern. He advised that Petition No. 1108-03 was going to be withdrawn. He concurred with Mr. Cobb that it was their intention to keep that area a natural area with a nature walk around the pond site. He added that petition No. 1108-03 would not impact traffic because it was only going to be seven (7) sites. He commented that after they had some information returned back to them they had Wolverton & Associates give them a traffic study. He advised that based on the information presented they concluded that the proposed development would not generate sufficient vehicular traffic to adversely affect any of the arterial streets such as S.R. 54. He said the amount of additional traffic is extremely small in comparison to the traffic carrying capacity of S.R. 54 which is approximately 4,000 vehicles per hour in each direction. He remarked that the proposed project will actually have a daily traffic count in and out of 124 based on the project size.

Mr. Saylor concurred that Dogwood Terrace is an assisted living community, however it is not the same type nor will it offer the same services. He said that they are shooting for independent living for the senior citizens to have a good convenient upscale facility that they can reside in. He reported that Dogwood was full but they are not interested in a similar facility. He confirmed that they did go right out and have a traffic study conducted and it shows no impact. He added that there would be no impact on the school system or utilities.

Chairman Graw confirmed that petition no.1108-03 was going to be withdrawn.

Mr. Saylor replied yes sir. He said that they had gone back and decided that it does not make good business sense and it would be a better benefit to the project to leave it A-R and develop it as garden and nature areas as opposed to seven (7) single-family houses.

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

Chairman Graw recognized Mr. Haynes.

Mr. Haynes stated that the intent was the Phoenix House. He said that once the property is rezoned to R-70 with the higher density and Phoenix House comes in...

Chairman Graw stopped Mr. Haynes and advised that he had already mentioned that, and secondly if the property is rezoned there are several uses which can be applied to the property. He said that if they chose to put in assisted living care facility or drug treatment facility that it would be permitted under the zoning district and there are a lot of districts. He confirmed that the comments were done.

Bob Harbison expressed concern and asked the petitioner to address the u-turns which would be taking place by west bound traffic going back to the facility. He said he noticed a purchase for future office and asked if this parcel was Mr. Saylor's parcel.

Mr. Saylor replied no sir, however it was originally the same property owner and he was involved in that transaction. He said that they have an understanding from the group which purchased the property of what their intent was. He remarked that there was a comment from Staff about the impact on the neighboring property. He pointed out that there is an existing single-family residence which is rental property and not occupied by the owner. He commented that he purchased the property to develop a medical office.

Mr. Harbison referenced the curb cut in front of that piece of property and wondered if they had given any thought about connecting their entrance to that cut through.

Mr. Saylor replied that they have spoken to him on a number of occasions and he has voiced some interest.

Chairman Graw asked Mr. Saylor if there intention was to not bring up the second phase again.

Mr. Saylor replied not to his knowledge. He said that the plan now is to have gardens which will better support that particular community. He remarked that they are paying a good bit of money for the property and to drop a single-family residence in there would not make a good business plan and just isn't going to work.

Chairman Graw expressed concern about the intensity with the two (2) story building and the homes. He said that they are now saying that they will withdraw Petition No. 1108-03, and if the P.C. made a motion to recommend approval based on the withdrawal, and then you came back later and asked to put the homes in, that the P.C. would be very disappointed.

Mr. Saylor replied that he understood, and that was not their intent. He said that they were going to withdraw and focus on the front parcel being discussed now and they would not apply later for seven (7) residences. He added that he understood their concern.

Al Gilbert confirmed that the P.C. does not have the right to tell a petitioner what they can and can't come forward and present and he did not want that implied from everybody. He added that it was their right to always request a rezoning but it doesn't mean it will be approved.

Mr. Saylor said he understood.

Bill Beckwith stated that the request is in the S.R. 54 West Overlay Zone and that the intent is for any properties over five (5) acres that about 54 can request to be changed to O-I with the idea being that if there is a home or building there that it would often be changed to an O-I use and asked Mrs. Zeitler if this was always the case.

Mrs. Zeitler replied that this was the intent of the overlay but she was unsure that it has always been the case. She said that there have been vacant properties which have been rezoned with something built later on them for O-I and there have been properties a little bit over five (5) acres which were rezoned, but the intent was to allow special consideration for some properties if they met certain criteria to be considered for rezoning, but it does not guarantee O-I for everything fronting 54 West.

Mr. Beckwith said that due to the architectural standards which are applied that he keeps thinking of the building on the corner of Ebenezer Road and S.R. 54 which is a very attractive building. He added that he thought that the property was vacant when rezoned to O-I.

Bob Harbison made a motion to approve the petition. Bill Beckwith seconded the motion.

Mr. Harbison recommended to the petitioner but in no way can the P.C. consider this as part of the zoning but one (1) of the issues is the turn around and if there is a possibility that they can connect their drive to the cut through it would be a better situation for the County.

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

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5. Consideration of Petition No. 1108-03, Ernest M. and Marilyn Adams, Owners, and Joe Ard and Shawn Saylor, Agents, request to rezone 19.912 acres from A-R to R-70 to develop a single-family residential subdivision consisting of 6 lots. This property is located in Land Lot 8 of the 7<sup>th</sup> District and fronts on a proposed 60 foot right-of-way from S.R. 54 West.

Chairman Graw stated that Shawn Saylor had said that he was going to withdraw said petition. He asked Mr. Saylor if this was correct.

Mr. Saylor replied yes sir.

Chairman Graw said he was unsure if the P.C. needed to take a vote but that they could do it anyway.

Attorney McNally advised that the petitioner has the right to withdraw.

Chairman Graw advised that the petition was withdrawn.

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Chairman Graw asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled immediately following the Public Hearing.

Mrs. Zeitler advised that there were no applications received for the May Public Hearing.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:39 P.M.

**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**SECRETARY**