

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 30, 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:** Bill McNally, County Attorney  
Kathy Zeitler, Director of Zoning/Zoning Administrator  
Delores Harrison, Zoning Technician  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator  
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.

\* \* \* \* \*

**1. Consideration of the Minutes of the meeting held on June 5, 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. Doug Powell seconded the motion. The motion unanimously passed 5-0.

\* \* \* \* \*

**2. Consideration of the Workshop Minutes of the meeting held on June 19, 2003.**

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Doug Powell made the motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 4-0-1. Bob Harbison abstained from the vote due to being absent from the Workshop.

\* \* \* \* \*

Chairman Graw explained to the audience that the Preliminary Plats on the agenda were to address the technical aspects of the subdivision of property which was already zoned, and only the technical aspects of the Preliminary Plats could be addressed by the public.

**THE FOLLOWING ITEM WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON JUNE 30, 2003.**

**3. Consideration of a Preliminary Plat, Platinum Ridge, Peach State Land Development, Inc., Owner, and Rod Wright, Agent. This property consists of 77.80 acres with 14 proposed single-family dwelling lots. This property is located in Land Lot 62 of the 7th District, fronts on Spear Road, and is zoned A-R.**

Rod Wright, Agent requested approval of the Preliminary Plat as submitted on 06/16/03.

Chairman Graw asked if there were any comments regarding the technical aspects of the preliminary plat.

Hearing none, he closed the floor from public comments.

Al Gilbert made a motion to approve the preliminary plat dated 06/16/03. Bob Harbison seconded the motion. The motion for approval unanimously passed 5-0.

\* \* \* \* \*

Kathy Zeitler read 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 JUNE 30, 2003 AND BY THE BOARD OF COMMISSIONERS ON JULY 24, 2003.**

4. **Consideration of Petition No. 1110-03, Dorothy Smith and Hall Cook of V.B. Smith Distributors, Inc., John W. Bonner of CBW Investments, LLC, Gordon MacFarlane, Charles Griffin, James Jackson on behalf of the Estate of Annette Jackson, Owners, and Josh Bonner of Southeast Properties, Inc., Agent, request to rezone 9.8681 acres from A-R and C-C to C-H to develop commercial uses ranging from retail to office, including a restaurant and convenience store with gasoline sales. This property is located in Land Lots 25 and 26 of the 7<sup>th</sup> District and fronts on S.R. 54 West and Tyrone Road.**

Bill Bonner, Agent, presented the P.C. with a Constitutional Challenge in order to reserve his rights.

Chairman Graw read the Constitutional Challenge to the audience.

Mr. Bonner advised that he owned part of the property and the other property was under contract. He said that by rezoning the property to what it is designated on the Land Use Plan would provide a valuable opportunity for this area for both the residents and the future O-I as support for services and products and goods which would be allowed in the zoning district, especially being located on Hwy. 54 West at the intersection of Tyrone Road. He confirmed that Tyrone Road is designated as an Arterial Road with the dedication of right-of-way. He reserved the remainder of his time since the P.C. had a copy of the Concept Plan with the appropriate supporting material.

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.

Jan Trammel Hutto stated that she lives on and owns the land adjacent to the subject property on Tyrone Road (approximately .25 miles) and her 88 year old mother owns the land adjacent to the subject property on Hwy. 54 West. She reported that Fayette County Board of Education had purchased 60 acres from the Lesters, right across Tyrone Road, and they will have access and easements to Hwy. 54 West and Tyrone Road. She confirmed that her property is in a blind curve in front of the Bonner property, and the proposed high school across the street will generate even more traffic on Tyrone Road. She said she did not have any objection to the corner piece at the intersection being rezoned but the last piece adjacent to her property contains a home and she would like to see it stay that way. She pointed out that there is a lake on her mother's property and they propose to develop lake lots since her family has owned the property for over 100 years. She begged the P.C. not to put more traffic on Tyrone Road. She added that there is already a gas station/convenience store on the corner of Tyrone Road and Hwy. 54 West. She remarked that there is not a need for another convenience store. She commented that these were an old taxpayer's wishes.

In rebuttal, Mr. Bonner referenced the Staff Analysis, item #1. which states that all of the uses proposed by the Applicant are also uses permitted under the C-C zoning district. He stated that they really are not permitted in C-C, because to have a gas station/convenience store of this size requires C-H zoning, which is why they had requested C-H, and the most natural zoning for this property on a four-laned highway on an Arterial Road would be C-H zoning.

Mr. Bonner referenced item #2. in the Staff Report which states that the property may adversely affect existing uses, however he does not see this happening. He pointed out that there is already C-H zoning existing in the node and, having the benefit of insight since he was a Commissioner when the land use plan was approved designating this as a commercial node, mainly for the benefit of supporting the O-I zoning in the area. He said that there was already existing C-H such as across Tyrone Road plus the adjacent tract, across Hwy. 54, and both up and down Hwy. 54 such as the clothing store, furniture store, and the Postal Distribution Center. He reiterated that the C-H should benefit the residents and the O-I activity planned for the corridor. He pointed out that some of the negative uses allowed in C-H already existed in the area such as an Ambulance/Rescue Squad or Fire Station right up the road; pest control; manufactured home sales, as there are manufactured home resales across Hwy. 54 West; and automobile, truck, farm equipment sales, as there is a golf cart sales and repair business on Hwy. 54 West. He added that he did not think that any of these uses were planned, because his need for the C-H zoning is mainly for the proposed gas station on the corner.

Mr. Bonner referenced item #3. in the Staff Report which states that C-H may result in a burdensome use of road based on more intensive uses causing more traffic. He said that the latest traffic count available from G.D.O.T. is dated January 2001 on Hwy. 54 West which is only 14,800 cars per day, but that four laned highway can handle at least 2.5 times the traffic, so it is not really burdened that much right now anyway. He confirmed that they will be donating right-of-way for Tyrone Road and the County will be looking at the tract for the high school, and Tyrone Road will probably be widened at the intersection anyway. He remarked that anything they proposed would not be increasing the traffic to be burdensome.

Mr. Bonner stated that the second subject in item #3. mentions the environmental characteristics which do not have anything to do with the zoning, but relate to development of the property and the Development Regulations, which they will adhere to.

Mr. Bonner referenced item #4. in the Staff Report which states that the existing conditions in the area include limited commercial uses and the area's continuing development per the S.R. 54 West Overlay is predominantly less intensive O-I. He said he would like this particular node to be a service area for the O-I which will be developing in the area. He remarked that the area between this node and Fayetteville will probably be zoned O-I and will need support services as intended.

Mr. Bonner presented the Concept Plan indicating the proposed Gas Station/Convenience Store at the intersection which is modeled after a Quik Trip. He stated that the benefit of Quik Trip at this location is to provide gas at the least possible cost since they are able to buy in volume. He pointed out that west of the gas station/convenience store is a proposed restaurant, but it could also be a bank site. He said that the remainder of the site would be developed with supporting retail. He remarked that they had proposed the buildings as indicated to provide proper orientation to Hwy. 54 West and Tyrone Road.

To address Mrs. Trammel's concerns, Mr. Bonner said that the existing house would probably be removed and trees planted in the area.

In conclusion, Mr. Bonner went on to say that this is probably the best utilization of the property based on the size, configuration, and the environmental concerns.

Chairman Graw questioned why C-C would prohibit the development of a gas station/convenience store on the corner of the subject property.

Mr. Bonner replied that it was his understanding that size had something to do with it.

Kathy Zeitler advised that the regulations for C-C and C-H are identical as far as that particular conditional use.

Mr. Bonner asked if a gas station/convenience store was a conditional use.

Mrs. Zeitler replied that it is a conditional use in both the C-C and C-H zoning districts. She said that she pointed out in her Analysis that the C-C would allow all the uses proposed on the Concept Plan.

Mr. Bonner apologized and stated that he misread the Analysis.

Mr. Bonner asked for clarification regarding what constituted a drive-in restaurant, and he thought it would be like GTO's.

Mrs. Zeitler replied that the drive-in restaurant use includes fast food type restaurants with a drive-in/drive-up service or a fast food window.

Mr. Bonner asked if the C-C zoning would eliminate a restaurant with a pick-up window.

Mrs. Zeitler replied yes, a pick-up window that you drive up to is considered fast food.

Mr. Bonner asked if the C-C zoning would eliminate a Papa Johns with a pick-up window.

Mrs. Zeitler replied that it would prohibit any place where you order from a drive-up menu board or you drive up to a window to get the food, that would be considered a fast food restaurant. She added that the C-C zoning would allow a sit down restaurant.

Mr. Bonner asked if Papa Johns could have a pick up window so someone could call ahead and place their order and pick up their food.

Mrs. Zeitler reiterated that the pick up window would not be allowed for something that is a drive up.

Mr. Bonner asked if this included a dry cleaners with a drive thru window.

Mrs. Zeitler replied that C-C allows a dry cleaners with a pick up window, but not a fast food restaurant.

Mr. Bonner advised that if they could have a gas station/convenience store of this size under the C-C zoning then C-C zoning is acceptable.

Bob Harbison asked Mrs. Zeitler what portion of the tract was A-R and what portion was C-C.

Mrs. Zeitler advised that the existing C-C is a square directly at the intersection of Tyrone Road and Hwy. 54 West which is approximately 200 feet by 200 feet, and the remainder of the property is zoned A-R.

Mr. Harbison remarked that at the recent Workshops the P.C. had discussed this node and their intention was to do some type of commercial venture in this area, however the P.C. did talk about their concerns about how far down Tyrone Road the commercial area would be extended. He stated that his only concern was the depth of proposed commercial down Tyrone Road.

Mrs. Zeitler advised that the boundaries of the subject property match exactly the parcels on the Study Area on the Land Use Plan which are designated Commercial, however the P.C. needed to recognize that the area is changing especially with the proposed high school. She added that this situation is similar to the situation at Hwy. 74 South and Redwine Road which was granted C-C zoning because of some of the uses which could be allowed in C-H and how that could affect the school children.

Bill Beckwith made a motion to approve C-C zoning. Doug Powell seconded the motion.

Mr. Harbison stated that he was trying to figure out a way to support C-C because he was concerned about the depth down Tyrone Road. He asked Mr. Bonner what his plans were for the existing yellow house and would it be used for a buffer.

Mr. Bonner stated that a 50 foot buffer was required adjacent to residential and that this area is designated for the septic system for all the proposed development since it contains the best soils on the subject property and it is also the least desirable from a commercial standpoint because of the distance from the intersection.

Chairman Graw said that the B.O.C. were very concerned about the Hwy. 54 West corridor and adopted an Overlay Zone. He stated that there had been a lot of talk about what would be developed in the corridor. He remarked that when they are looking at recommending a rezoning to the B.O.C., that they had to look at a Concept Plan which could change. He commented that the corner piece of property is already zoned to allow the development of a gas station/convenience store. He advised that the County had at one time considered developing a fire station at this intersection but the soils were too poor. He expressed concern about developing a gas station in an area of poor soils, where there is a significant groundwater recharge area, floodplain in close proximity, and wetlands and watershed protection. He also expressed concern about intense lighting affecting the residents in the area, which is unfair, due to the size of the gas station with 12 pump islands and an 11,000 square foot canopy. He added that he was uncomfortable with both C-C zoning and C-H zoning on the corner and he could not support the motion.

Al Gilbert stated that this property has been Land Used Commercial for 15 years because he had served on the P.C. for that length of time. He said that recently the P.C. revisited the intersection and it was agreed that it was a commercial node. He expressed concern that you cannot continually direct all traffic into Peachtree City and Fayetteville because there have got to be commercial nodes in areas to support the area and the overlay zone needs commercial support. He remarked that lunch hour traffic and afternoon traffic did not need to be increased. He reported that the new gas tanks are double lined and he did not have any environmental concerns. He added that he thought the C-C zoning was the best for the property and the residents of the area.

Mr. Harbison asked how far the overlay zone extended from Hwy. 54 West.

Mrs. Zeitler replied that there is the Zoning Ordinance does not specify an exact amount of how far into properties the Overlay extends, however it applies to properties with frontage on Hwy. 54 West. She said that only the existing lots with frontage on Hwy. 54 West would be considered in the Overlay, but it also depended on if all the lots were combined or how it would be subdivided and developed as to whether all of it would be subject to the overlay or not.

Bill Beckwith asked Chairman Graw to call the question.

Chairman Graw asked if there was any further discussion. Hearing none, the motion for approval as C-C was passed 4-1. Chairman Graw voted in opposition.

\* \* \* \* \*

5. Consideration of a proposed amendment to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-12. Building Height. This proposed amendment was advertised to be heard by the Board of Commissioners on July 10, 2003, however the Board of Commissioners Public Hearing for July 10, 2003 has been canceled, therefore this proposed amendment will be heard by the Board of Commissioners on July 24, 2003.

Kathy Zeitler advised that Staff is proposing to revise the definition of Building Height and how it is measured, and no revision was proposed to the maximum building height for any zoning district. She confirmed that the proposed amendment would better coincide with how the Building Code measures building height. She read the current ordinance and the proposed amendment. She pointed out that there are examples of elevations indicating how the measurements are obtained using the current requirement and the proposed amendment. She added that the proposed amendment would allow buildings which are currently nonconforming to building height due to the way that it was measured in the Building Code, to become conforming to the maximum building height of 35 feet or become less nonconforming. She confirmed that several Workshops had been held and she had also met with the Fire Marshal and the Building Official.

Bill Beckwith asked about the previous term used which was “occupiable space”.

Mrs. Zeitler replied that she met with the Fire Marshal after the Workshop and he found some loopholes such as people saying the space was not occupied therefore it is not occupiable space so the wording was changed. She added that she e-mailed the P.C. with the change, plus did a mail out to allow for their input.

Mr. Beckwith asked if an attic with a plywood floor with unoccupiable space would be considered the highest floor level.

Mrs. Zeitler replied yes if there was a floor, and it was to determine midpoint.

Chairman Graw asked if there was a 10 foot difference in elevation between the upper entrance level and the lower level, then the measurement of average elevation would start 5 feet up from the lower level.

Mrs. Zeitler replied that was correct. She referenced the second illustration for an example.

Bob Harbison asked what was the difference between measuring from the average grade elevation and the highest roof surface.

Mrs. Zeitler explained that the average grade elevation is where you start measuring, and the highest roof surface is one of the points where the midpoint is measured, from the ceiling joist to the highest roof point to determine what the midpoint, because the measurement is from the average elevation at the ground to the midpoint of the highest roof.

Chairman Graw asked if there were any public comments.

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

Bill Beckwith made a motion to approve the proposed amendment. Al Gilbert seconded the motion. The motion for approval was unanimously passed 5-0.

\* \* \* \* \*

Chairman Graw asked if there was any further business.

**Page 7**  
**June 30, 2003**

Kathy Zeitler reminded the P.C. of the Workshop scheduled for July 17, 2003 in the Board of Commissioners Conference Room, Suite 100 at 7:00 P.M.

There being no further business, Doug Powell made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:48 P.M.

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

**ATTEST:**

---

**JIM GRAW**  
**CHAIRMAN**

---

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