

THE FAYETTE COUNTY PLANNING COMMISSION met on October 2, 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
Chris Venice, Director of Planning/Director of Community Development Division
Pete Frisina, Senior Planner
Kathy Zeitler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Lt. Earl Williams

PRESS: Cindy Morley

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 welcomed the high school students and advised them that Lt. Williams would stamp their agendas following discussion of agenda item #5.

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1. Consideration of the Minutes of the Planning Commission Public Hearing held on September 4, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated. Doug Powell made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion passed 4-0-1. Chairman Graw abstained from the vote due to being absent from the September 4, 2003 Public Hearing.

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2. Consideration of the Minutes of the Planning Commission Workshop held on September 4, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Al Gilbert made the motion to approve the Workshop Minutes. Bob Harbison seconded the motion. The motion passed 4-0-1. Chairman Graw abstained from the vote due to being absent from the September 4, 2003 Workshop.

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3. Consideration of the Minutes of the Planning Commission Workshop held on September 18, 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 passed 4-0-1. Bob Harbison abstained from the vote due to being absent from the Workshop.

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THE FOLLOWING ITEM WILL BE CONSIDERED ON OCTOBER 2, 2003 BY THE PLANNING COMMISSION ONLY.

Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and only the technical aspects of the Preliminary Plat could be addressed by the public.

4. **Consideration of a Revised Preliminary Plat, Malone Forest Subdivision, Robert A. Coker and Robert L. Coker, Owners/Agents. This property consists of 34.3621 acres with 6 proposed single-family dwelling lots. This property is located in Land Lot 137 of the 4th District, fronts on Malone Road, and is zoned A-R.**

Robert A. Coker requested approval of the Preliminary Plat submitted on September 15, 2003.

Chairman Graw asked if there were any comments from the public regarding the technical aspects of the Preliminary Plat. Hearing none, he closed the floor from public comments.

Bob Harbison made the motion to approve the Preliminary Plat submitted on September 15, 2003. Al Gilbert seconded the motion. The motion for approval was unanimously passed 5-0.

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Chairman Graw explained that the Pre-Recommendation Meeting was for discussion between the P.C. and the Applicant only. He advised that public input would be taken at the public hearing.

5. **Pre-Recommendation Meeting for discussion of the Development Plan for a proposed PUD, Petition No. 1115-03, Dan T. and Rhonda P. Cathy, Owners, and Todd Hill of PBS&J, Agent, request to rezone 67.63 acres from A-R to PUD-PRL (Planned Retreat or Lodge). The PUD-PRL consists of the existing A-R uses (residence, pool, and barns) and proposed uses (guesthouse, lodge, and outdoor auditorium). This property is located in Land Lot 172 of the 4th District and fronts on Peeples Road.**

Todd Hill, Agent and Civil Engineer for Mr. Cathy, explained that Mr. Cathy is currently building a house and he would like to build a pool/guesthouse but a pool/guesthouse is limited to 700 square feet and his plans are for a 1,200 square foot pool/guesthouse. He advised that he had several meetings with Staff to discuss Mr. Cathy's options. He said that it was suggested that the PUD-PRL would allow construction of the proposed pool/guesthouse and any other future development. He commented that the lodge would contain two (2) families maximum which are friends or family coming for an extended stay who want to visit and have a nice quiet retreat. He stressed that no employees would be waiting on the guests. He confirmed that the outside auditorium would be utilized for a church gathering. He added that both the lodge and outside auditorium would be utilized for occasional use. He reported that Mr. Cathy would like to preserve the integrity of his land and wants it to stay in the current confines of how he is using it now for A-R zoning. He said that Mr. Cathy wants to have his property as a conservation area and be used for farming and wildlife preservation while not changing the demographics of the area. He stressed that the development would not be utilized for commercial use. He went on to say that as Mr. Cathy's children grow up and want to visit for an extended stay, then there would be a guesthouse or lodge for them to stay in and be close by, without being right under the Cathy's feet and feeling like they are imposing on their family or any other family members or close friends. He added that there are no definite sizes set for the lodge or outdoor auditorium because it is for future development. He said that he would be happy to answer any questions.

Chairman Graw stated that the requirements of the PUD must be very specific and include parking, square footage, number of rooms in the lodge, number of seats in the auditorium, and other related items. He advised that the proposed development plan does not have this specific information and the request is very premature. He added that the only item the P.C. could discuss is the 1,200 square

foot pool/guesthouse. He suggested that a development plan with specific information of the proposed development be submitted.

Bob Harbison said that the true purpose of the subject property seems to be an oversized pool/guesthouse. He stated that without an outdoor auditorium or a lodge open to the public that he did not see the plan as a PUD. He expressed concern about an outdoor auditorium and had no problems with the residential use of the property. He suggested that possibly the property could be subdivided for residential lots.

Chairman Graw advised that a variance could be filed for consideration by the Z.B.A. for the oversized pool/guesthouse.

Mr. Harbison stated that he was not sure if a variance approval was capable of being done.

Attorney Bill McNally advised that the subdivision of the property will not work because of the setback requirements between the lots which make the pool/guesthouse further away from the main dwelling than Mr. Cathy wants it to be. He added that there is no hardship for a variance to the setback requirements.

Chairman Graw requested that a revised specific development plan be submitted but at the current time, the request is premature.

Mr. Harbison advised that whatever development plan is submitted with a PUD is the final plan for the project and must be specific, otherwise, any change to the approved development plan would require public hearings.

Al Gilbert stressed the important of specific information such as the exact location be included on the development plan.

Chairman Graw stated that he hoped the P.C. had given him some guidance.

Mr. Todd replied that the P.C. had given him some guidance and he would meet with Staff to try to come to a direction in order to proceed.

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Chairman Graw called for a break at 7:28 P.M. in order to allow Lt. Williams time to stamp the agendas for the high school students. He called the meeting back to order at 7:30 P.M.

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

Chairman Graw stressed that due to the number of agenda items that the fifteen (15) minute time limitation would be strictly adhered to. He advised the audience that the P.C. was a recommending board which send their recommendation to the Board of Commissioners for their final decision on October 23, 2003.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON OCTOBER 2, 2003 AND BY THE BOARD OF COMMISSIONERS ON OCTOBER 23, 2003.

6. Consideration of Petition No. RP-023-03, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to revise a recorded Final Plat, Yates Crossing, Phase I, an existing residential subdivision, to add density and to change the use of 20.76 acres from

Recreation/Open Space to a single-family residential lot. This property is located in Land Lot 13 of the 7th District, fronts on Lucky Leaf Place and Eastin Road, and is zoned R-45 Conditional.

Randy Boyd, Agent, stated that he was representing Dan Stinchcomb in his request to revise the recorded Final Plat of Yates Crossing, Phase I. He pointed out that the subject property is a 20.76 acre tract shown indicated on the recorded Final Plat as Recreation/Open Space. He advised that Dan Stinchcomb and Ned Walker developed the subdivision in the late 1980's and the recreation area has been in existence since that time but nothing has been developed on the lot. He remarked that Mr. Stinchcomb pays the taxes on the lot and he would like to revise the Final Plat to make the lot a single-family dwelling lot in order to construct one (1) house.

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.

Tim Cash of 140 Lucky Leaf Place stated that he was three (3) doors away from the subject property. He said that squeezing a house in on this lot approximately ten (10) years after the last house was built on this cul-de-sac would result in a condition that would be totally out of the character for the neighborhood. He reported that the subject property has only 39 feet of road frontage on the cul-de-sac and it is a long, narrow approach to the building part of the lot of which at least 20% is located within the 100 year floodplain. He added that the remainder of the lot is low lying and at times, is wet and swampy, even though it is not in the 100 year floodplain. He advised that this lot was designated as Open Space ten (10) years ago when the lots on the cul-de-sac were purchased. He remarked that the property owners understood that the subject property would remain open space and that there were no intentions of a house being constructed on the property. He commented that the real estate agent assured the property owners that the lot was for open space only. He said that if a house is built on the lot that essentially it would not even be a part of the neighborhood because the house would be setback approximately 200 feet from the road and the front yard would really consist of a driveway. He also expressed concern about an entrance from Eastin Road. He asked that the petition be denied and added that, should the petition be approved, the lot be subject to the same restrictive covenants of Yates Crossing.

Mike Driscall of 180 Lucky Leaf Place stated he was told that the subject property would be utilized for common use and would not contain a building. He advised that the road frontage to the lot has a steep incline and backs around his property which would mean a driveway to another property within 30-35 feet of his house adjacent to his back yard. He added that half of the property lies within the 100 year floodplain. He remarked that this proposal is not a good idea for the neighborhood.

Hearing no further comments, Chairman Graw closed the floor from public comments.

In rebuttal, Mr. Boyd confirmed that half of the property is within the floodplain, however there is 10 acres behind the existing lots which is outside of the floodplain and would be conducive for a house. He also confirmed that there would be one (1) driveway on the 39 feet of road frontage on Lucky Leaf Place and added that an entrance from Eastin Road would not be permitted since a driveway must be from the lowest classified road. He added that the development would meet the required setbacks and would also comply with the restrictive covenants.

Hearing no further comments, Chairman Graw closed the floor from public comments.

Bob Harbison made a motion to deny the petition. Doug Powell seconded the motion.

Mr. Harbison explained that the Final Plat designates the lot as Recreation/Open Space and the residents expect the lot to be utilized as such.

Mr. Powell concurred.

Chairman Graw called for the vote. The motion for denial unanimously passed 5-0.

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7. **Consideration of Petition No. 1113-03, Louise D. Kirby and Geraldine Bramblett as Power of Attorney for Dwight F. Kirby, Geraldine K. and Marcus L. Bramblett, Sr., and Dottie M. and Freeman G. Kirby, Owners, and John E. Ryckley, Agent, request to rezone 185.49 acres from R-70 to C-S to develop a proposed subdivision consisting of 76 single-family dwelling lots. This property is located in Land Lots 22, 23, 42, and 43 of the 7th District and fronts on Flat Creek Trail.**

John Ryckley, Agent, presented two (2) illustrations of the subject property: one scenario (Yield Plan) which indicated how the property would be subdivided as it is currently zoned with 76 minimum two (2) acre lots, and another scenario (Conservation Subdivision Development Plan) which indicated how the property would be subdivided if it was rezoned to C-S with 76 minimum one (1) acre lots. He explained that the big difference was the number of trees that would be removed. He noted that the property owners consisted of families that had originally purchased the property in 1941 and most family members live around the subject property. He pointed out that the conservation area would buffer them from the subdivision. He remarked that the C-S zoning district is good because it preserves greenspace. He commented that the proposed development would include an 82 acre park/conservation area with walking trails, two (2) lakes, open fields, a preserved pecan grove, a proposed gazebo and picnic area, and 2.33 miles of sidewalks in front of the homes. He confirmed that the restrictive covenants would require the square footage of the houses to be increased to 2,400 square feet for a ranch and 2,800 square feet for a two-story. He added that he was also requiring 30 additional trees/shrubs to be planted per residential lot for landscaping purposes. He explained that the smaller yards on minimum one-acre lots would be more manageable than two acre lots, and will reduce the amount of chemical runoff from fertilizing the lawns.

Mr. Ryckley advised that he prepared a Yield Plan based on a two (2) acre R-70 development which established 76 lots. He further advised that he then prepared his C-S Development Plan based on a one (1) acre development also consisting of 76 lots. He added that the land left over from the one (1) acre development, which consists of approximately 82 acres, would go into a permanent conservation area.

Chairman Graw asked if the public had reviewed the proposed development. He allowed the public 2-3 minutes to come forward and review the proposed development.

Kathy Zeitler explained that the plan on the right was the Yield Plan which was how the property could be developed as it is currently zoned with preliminary and final plat approval. She added that the plan on the left indicates the Development Plan for the C-S zoning district.

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

Greg Smith of 120 Grey Fox Point stated that this proposed development would benefit the greenspace program, with fewer shorter paved streets, will increase water protection, flood protection, and wetland protection, will reduce erosion, increase passive recreation, and increase control over pollution. He said that the C-S zoning represents an excellent opportunity to get the best of both worlds while the County can still reach its goal of 20% greenspace while not having to purchase the property, which either comes from grants or the general fund. He remarked that the County should take a serious look at preserving 82 acres which the County does not have to spend tax dollars on.

Val Akins of 195 Mt. Laurel Lane said that he lived in a similar development in Nashville, Tennessee. He remarked that the development in Nashville had a lot of greenspace, gazebo, walking trails, and it backed up to a lake. He commented that they had a lot of community gatherings which provided an opportunity to get to know your neighbors within the community. He stated that the

proposed development should increase property values based on the increased square footage of the proposed houses. He went on to say that less yard area to be maintained, and subsequently property owners tend to do a better job which maintains the beautification of the neighborhood. He added that he currently lives in a John Ryckley development and the restrictive covenants require greenspace and preservation of trees. He said that the C-S zoning as opposed to two (2) acre lots should be more appealing to the community.

Marcus Bramlett of 566 Sandy Creek Road remarked that he represented the family which he had been a part of for 48 years out of the 62 years which they have been on the farm. He commented that selling the property had been painful because four (4) generations of the family have their roots in the subject property and they are still living there. He stressed that they had a very important interest on how the land should be developed and they had tried to exercise a responsible stewardship so that they could do right by the community and realize a fair return for the heirs of the estate. He said the proposed development had been well planned and asked the P.C. for a favorable recommendation in saving 82 acres for permanent open space while providing homes for people that will live in Fayette County for years to come.

Joe Marshall of 493 Flat Creek Trail stated that he had originally written a letter to his neighbors in opposition to the rezoning. He explained that at the time he only had sketchy details about what was going to happen. He said that he knew the family loved the land and would never want to see it destroyed. He confirmed that he was premature in his opposition and would like to retract his opposition and added that he was in support of the proposed development.

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

Tom Waller of 639 Sandy Creek Road stated that the plan shows 886 feet which is common to him on the north side. He said that his family had been in the area since the late 1960's and they have been paying taxes on it since then. He remarked that they had sold for two (2) subdivisions around him and both were zoned R-70 which was part of their commitment to community. He commented that if you are going to live this far from Atlanta you don't want a postage stamp size lot. He expressed concern about the 82 acre conservation use which will be taxed and paid by the homeowners association. He added that the taxes on the conservation use will be assessed low but increased on the other lots per the Fayette County Tax Assessors Office. He said that this made the homeowners association become a quasi-government entity in that it will be collecting and paying taxes. He stressed that there is enough bureaucracy already. Mr. Waller also expressed concern about the lakes being an attractive nuisance. He said that the Kirbys do not allow anyone to use the lake and it was controlled, but with the lake being part of a park for the community, it could become a problem area for policing or conduct in the area that needs to be straightened out. He stated that his recourse would be to go to the home owners association rather than one (1) or two (2) homeowners. He remarked that he would prefer to go to a home owner who would be more responsible. He added that there is no fence around the lakes, which is a danger for the children in the community. He requested denial of the petition.

George Von Walthansen of 150 Flat Creek Court said that he opposed the petition because it violates the Land Use Plan and the neutral density concept which is key to the C-S zoning as indicated on page 2-8 of the Staff Analysis. He stated that the Yield Plan for R-70 equals a net density of .47 dwelling units per acre and this density is in compliance with the Land Use Plan, however the development for the C-S zoning yields a net density of .79 which is not in compliance. He also opposed the petition because it adversely impacts existing citizens and property owners throughout the County because Sandy Creek feeds Whitewater Creek which is the County's water supply. He referenced page 60 of the Land Use Plan which states that the entire watershed is zoned R-70 as a means of maintaining a low density for protecting the water quality of Whitewater Creek. He said that the C-S zoning maximizes wetland protection by including nearly half of the watershed protection areas but page 60 of the Land Use Plan does not say anything about half way protecting. Additionally, he stated that the C-S development plan includes "an elevated walkway across the watershed area" and asked how an elevated walkway could be built without disturbing the wetland.

He pointed out that the proposed development would also cause a burdensome use on existing roads. He referenced Traffic Trips on page 2-6. of the Staff Analysis and said it was only half the story and read the following: It is important to note that if the subject property were developed in current R-70 there would be greater number of average daily trips generated compared to the C-S zoning district. He reported that this is true but what is more important to note is that if the subject property were developed as C-S zoning the number of traffic trips would increase in direct proportion to the number of dwelling units in the Flat Creek Trail corridor. He pointed out that the Flat Creek Trail corridor between Tyrone Road and Sandy Creek Road currently has 63 housing units and rezoning to C-S will cause a 117% increase in housing units plus a corresponding 117% increase in traffic trips on a road with alarming safety impediments such as sight distance, blind hills and curves, and unenforced speed limit. Additionally, he reported that Flat Creek Trail is not in compliance with the collector designation in that it lacks 20 feet of right-of-way. He asked when, how, and at who's cost will the County decide to acquire and designate needed right-of-way.

David Millican of 468 Flat Creek Trail addressed the southwest entrance to the proposed subdivision which is on a rise on a hill which has cause many accidents because of the way the hill has laid out. He said that at the top of the hill the lanes shift a little bit and there have been two (2) deaths on the hill in the past 18 years. He reported that the traffic on the road is a little fast and people who do not know the road come very close to an accident because of the lane shift. He remarked that the entrance is a blind drive. He commented that Mr. & Mrs. Adams, who live at the top of the hill, have to be extremely careful when they pull out of their driveway and as soon as they do, they have to really step on the gas just in case something is coming. He said that there is such a blind spot that whoever pulls out better be hard on the gas because it would be detrimental to their health at that point. He went on to say that a one (1) entrance subdivision would be much better than having an entrance on the hill. He stressed that there are approximately six (6) streams feeding into the area that eventually run into Morning Creek which is a concern of all of the residents of Fayette County. He added that he was not against the development of the proposed subdivision.

Robin Dix of 155 Flat Creek Court expressed concern about setting a precedent for one (1) acre development since there is other land in the area that will be coming up for sale including the property owned by Jan Trammell across the road. She said that the property owners in the area had purchased their land with a two (2) acre lot minimum with the understanding that the zoning would be R-70. She stated that they felt strongly about the area remaining a minimum of two (2) acres. She commented that they had purchased land in the country to live in the country and people who want one (1) acre minimum should located in Fayetteville, Tyrone, or Peachtree City.

In rebuttal, Mr. Ryckley advised that individual property owners who own lots which go into wetlands are policed to ensure that undisturbed natural buffers are maintained. He said that most of the lots have been pulled out of the wetland areas and the proposed layout should protect the water recharge area. He stated that there would be 1,200 linear feet less of streets developed per the proposed development which will decrease runoff and will not be disturbed. He commented that the money saved from the streets would be spent on improving the development with sidewalks and mulch walking trails. He explained that approval of rezoning the property to C-S would not set a precedent for one (1) acre lots, but would set a precedent for C-S zoning in the area which is a big plus for the County. He confirmed that he tabled the petition from last month to reevaluate sight distance and revise the location of one proposed entrance, and there is more than 350 feet of sight distance which is what is required for a collector street with a speed limit of 45 miles per hour. He also presented a map showing existing lots under two (2) acres in the area.

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

Bob Harbison asked how many lots could be developed for the current R-70 zoning district.

Mr. Ryckley replied 76 lots.

Mr. Harbison asked how many lots were proposed under the C-S zoning district.

Mr. Ryckeley replied 76 lots.

Doug Powell asked how many linear feet of paved road is there under the existing R-70 zoning and under the proposed C-S zoning.

Mr. Ryckeley replied that there is a difference of 1,220 feet less which is less land disturbance and less maintenance eventually for the County, and less water runoff. He said he was adding back in 2.33 miles of sidewalks and mulch walking trails through the park which will be pervious paths but if desired, he would not be opposed to some impervious paths for bicycles and jogging. He stated that he would not be opposed to a 20 foot natural buffer along Flat Creek Trail. He went on to say that there are a good many trees and you can almost not see into the property except down by the creek. He added that he would not want the 20 foot natural buffer on the corner point-of-entry lots as he provides an upscale entrance. He stressed that the tax revenue should be increased since the homes would be in the \$400,000 to \$700,000 range similar to Horsemen's Run Subdivision.

Chairman Graw made a motion to approve the petition subject to the following self-induced conditions (items 2. thru 5 as addressed in a letter to the P.C. and B.O.C. dated 09-04-03):

1. Provide a 20 foot natural buffer along Flat Creek Trail with the exception of the point-of-entry lots.
2. Conservation lands shown on the Conservation Subdivision (C-S) rezoning plat are to be utilized as a park to include approximately 85,000 linear foot of walking trails, a gazebo in a picnic area, and an elevated walkway out of treated lumber which will connect the two parcels, all of which will be placed in permanent conservation and will be owned and maintained by the three C-S permitted entities.
3. Sidewalks will be installed on both side of all interior streets in order to easily access park areas and walking trails.
4. Two existing lakes located on the property, the majority of a pecan orchard and treed area will be located in the park. Because the majority of home sites will be existing open areas of the property, the covenants for the community will require the addition of 30 trees and/or shrubs for each home landscaping plan.
5. The community will have a set of covenants and restrictions, and will be set up similar to Ashley Forest subdivision, which will include an initiation fee upon the transfer of properties and association dues in order to fund the on going maintenance of the park and other common areas of the community. The covenants and restrictions will contain similar architectural controls and square foot requirements as those found in the Woodlands Lake Community.

Al Gilbert seconded the motion.

Mr. Ryckeley stated that he agreed to all the conditions.

Mr. Harbison explained that one of the purposes that the County considered the C-S zoning district was the desire for the State and the County to preserve greenspace. He said that one of the issues was not to increase the density. He stressed that the proposed development would have to comply with all County rules and regulations.

Mr. Powell said that the conservation area will be deeded over to the homeowner association in perpetuity which means it is going to stay there forever and the County will not see a petition 10 years from now trying to put houses on it, unlike the previous petition. He stressed that the purpose of the C-S zoning district was to increase the amount of greenspace in the County.

Chairman Graw explained that if the County does not increase the greenspace in this manner that the County will have to purchase greenspace.

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Chairman Graw called for the vote. The motion for approval subject to the self-induced conditions was passed 5-0.

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Chairman Graw called for a break at 8:25 P.M. He called the meeting back to order at 8:37 P.M.

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8. **Consideration of Petition No. 1114-03, S.C. Butler, Owner, and Audrey Massey of Remax, Agent, request to rezone 0.502 acres from A-R to O-I to allow an existing residential use to convert to office-institutional uses. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West.**

Audrey Massey, agent for Steve Butler, requested to change the zoning of the subject property from A-R to O-I. She advised that Mr. Butler had purchased his home in 1975 but the character of the area had changed due to the widening of S.R. 54 West into four lanes.

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

Chairman Graw asked if there were any plans to join the adjacent lot with the subject property.

Mrs. Massey replied that no written agreement had been made at the current time, however it may be a possibility to combine the subject property with the adjacent .80 acre lot that was zoned O-I.

Chairman Graw called for the vote. The motion for approval unanimously passed 5-0.

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9. **Consideration of Petition No. RP-025-03, Dan & Cynthia Smith, John & Vickie Hendershot, and Rungrata McVey, Owners, and Brad Barnard of E.C. & A.L., Inc., Agent, request to revise the recorded plat of Busbin Road Properties, an existing residential subdivision, to extend and cul-de-sac Laura Lane, to add property (28.762 acres) and add density (4 proposed lots) to the subdivision. This property is located in Land Lots 223 and 226 of the 4th District, fronts on Laura Lane, and is zoned A-R.**

Brad Barnard, Agent, stated that two (2) of the parties, the Hendershots and the McVeys, owned the last two (2) houses at the end of Laura Lane. He advised that the County has a ditch to ditch prescriptive easement up to where the asphalt stops on Laura Lane. He explained that he was purchasing 30 feet from each party so Laura Lane can be extended with a cul-de-sac. He reported that the four (4) additional houses would be in the \$500,000 plus range. He confirmed that the proposed extension of Laura Lane would not access Bernhard Road due to the two (2) existing lakes between the proposed subdivision and Bernhard Road. He added that the Road Department, School Board, and E.M.S. were very much in support of the extension of Laura Lane with a cul-de-sac.

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.

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

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10. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-20. L-C Limited-Commercial District and Article VII. Conditional Uses, Exceptions, and Modifications, Section 12. Convenience Commercial Establishment.

Chairman Graw advised that this item has been tabled to the October 16, 2003 P.C. Workshop for further discussion and would be advertised for a future public hearing.

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11. Consideration of proposed amendments to the Fayette County Sign Ordinance regarding Article II. Administration and Enforcement, Sec. 1-11. Powers and Duties of Personnel, B.1.

Kathy Zeitler advised that the proposed amendment to the Sign Ordinance was requested and written by the County Attorney's office. She explained that the provision specifies a limit of 30 days from the receipt of an application for a sign permit to a decision either to approve or deny the application, and if the sign permit is not processed within 30 days then it is automatically approved. She added that this provision is similar to language currently in the Subdivision Regulations regarding plats which are submitted and 30 days is given for a response. She confirmed that this provision is necessary for the Sign Ordinance to withstand challenges.

Mrs. Zeitler remarked that it was brought to her attention earlier that in case the Zoning Administrator was not available to respond and 30 days went by and nothing was done, an application could possibly be approved that shouldn't be approved so language should be added to include the Zoning Administrator or his/her designee. She advised that it is not necessary since there is already a definition of Zoning Administrator included in the Sign Ordinance which includes his/her designee.

Attorney McNally stressed that Staff has always turned around sign applications in a timely manner but this revision needed to be added to the Sign Ordinance.

Chairman Graw asked if there was any public input. Hearing none, he closed the floor from public comments.

Doug Powell asked if Staff stamped the submittal date on the sign application and expressed concern about a sign application being lost.

Mrs. Zeitler advised that in the past Staff has not stamped the submittal date on the sign application because the sign application is usually approved or denied while the customer is waiting, however, Staff will be instructed to begin stamping sign applications with a submittal/received date.

Al Gilbert made a motion to approve the proposed amendments as written. Bob Harbison seconded the motion. The motion for approval unanimously passed 5-0.

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12. Consideration of the adoption of a Resolution to submit the Fayette County Comprehensive Plan to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review and approval.

Chairman Graw noted for the record that the only public present for this item was Dennis Chase.

Chris Venice advised that she is requesting approval of a Resolution to submit the Fayette County Comprehensive Plan to the ARC and DCA for their review and approval. She remarked that Staff and the P.C. had been working on the Plan for the past 18 months and numerous workshops had been

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held. She reported that Staff had held a Public Input Meeting, however only Bill Beckwith and Chairman Dunn attended the meeting. She stated that due to the lack of public in attendance she would only address the major decision which needed to be addressed which is in regard to areas designated commercial. She noted that there are two (2) options for consideration, Option A. which leaves the intersection of S.R. 54 East and Corinth Road and the intersection of S.R. 85 South and Bernhard Road intersection land used commercial as they currently are on the Land Use Plan, or Option B. which designates all four (4) corners of these intersections as commercial. She advised that the P.C. needed to recommend one (1) of these options to the B.O.C. for their consideration.

Chairman Graw asked if there was any public input. Hearing none, he closed the floor from public comments.

Chairman Graw went through each section of the Plan and asked if there were any comments.

Bob Harbison addressed the Land Use section of the Plan and asked if Staff and the P.C. were in agreement regarding the commercial areas.

Mrs. Venice replied that Staff did not have a strong favor for one or the other. She stressed that it is important to evaluate both options. She advised both options have their strong points and draw backs. She said that at this point for the County that it is a matter of timing and intensity. She pointed out that if the County is ready for the additional commercial development then it should be indicated on the Land Use Plan Map, but if the County is not ready for the additional commercial development then the Land Use Plan should remain like it is currently.

Mr. Harbison asked if both options would be submitted to the B.O.C.

Mrs. Venice replied that both options will go forward along with the P.C.'s recommendation for one of the options.

Chairman Graw stated that the two (2) intersections being discussed were designated as convenience commercial. He asked where the community commercial was designated.

Mrs. Venice replied S.R. 138/S.R. 314 and S.R. 92 North/Rivers Road. She advised that there were three (3) commercial designations: community commercial, neighborhood convenience, and nonresidential corridors. She explained that the neighborhood convenience was designated at Bernhard Road/S.R. 85 South and Corinth Road/S.R. 54 East.

Chairman Graw remarked that the northwest corner of Bernhard Road/S.R. 85 South contains a lake and asked if this corner should remain residential.

Bill Beckwith pointed out that there is a house on the corner lot and it could become commercial property.

All of the P.C. members with the exception of Doug Powell, stated that all the corners should be designated commercial.

Mr. Harbison asked if the south side of S.R. 54 East/Corinth Road was land used as commercial.

Mrs. Venice replied that only the north side was land used commercial. She added that S.R. 54 East is the dividing line.

Chairman Graw suggested that the P.C. should submit a letter to the B.O.C. with their recommendation outlining their reasons for Option B.

Bill Beckwith made a motion to approve the Land Use Plan Text and Map Option B. Al Gilbert seconded the motion. The motion passed 4-1 with Doug Powell voting in opposition.

Bob Harbison made a motion for approval of a Resolution to submit the Fayette County Comprehensive Plan to the ARC and DCA for review and approval. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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THE FOLLOWING ITEM WILL BE CONSIDERED ON OCTOBER 2, 2003 BY THE PLANNING COMMISSION ONLY.

13. Consideration to reschedule the Thursday, January 1, 2004 Public Hearing to Monday, January 5, 2004 due to the New Years Day Holiday.

Al Gilbert made the motion to reschedule the Thursday, January 1, 2004 Public Hearing to Monday, January 5, 2004 due to the New Years Day Holiday. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled for October 16, 2003 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Chairman Graw made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 9:09 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY