

THE FAYETTE COUNTY PLANNING COMMISSION met on January 4, 2007 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
Douglas Powell
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Delores Harrison, Zoning Technician
Bill McNally, County Attorney
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Graw called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Election of a Chairman for 2007.

Al Gilbert nominated Doug Powell as Chairman for 2007. Bill Beckwith seconded the nomination. Al Gilbert made a motion to close the floor for nominations. The motion to close the floor for nominations was approved 4-0-1 with Doug Powell abstaining from the vote. The motion to appoint Doug Powell as Chairman for 2007 was passed 4-0-1 with Doug Powell abstaining from the vote.

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2. Election of a Vice-Chairman for 2007.

Jim Graw nominated Al Gilbert as Vice-Chairman for 2007. Chairman Powell seconded the nomination. Bill Beckwith made a motion to close the floor for nominations. The motion to close the floor for nominations was approved 4-0-1 with Al Gilbert abstaining from the vote. The motion to appoint Al Gilbert as Vice-Chairman for 2007 was passed 4-0-1 with Al Gilbert abstaining from the vote.

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3. Election of a Secretary for 2007.

Chairman Powell nominated Robyn Wilson as Secretary for 2007. Bill Beckwith seconded the nomination. Al Gilbert made a motion to close the floor for nominations. The motion to close the floor for nominations was unanimously passed 5-0. The motion to appoint Robyn Wilson as Secretary for 2007 was unanimously passed 5-0.

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4. Consideration of the Minutes of the meeting held on December 7, 2006.

Jim 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. Chairman Powell seconded the motion. The motion unanimously passed 5-0.

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5. **Consideration of the Public Meeting/Workshop Minutes of the meeting held on December 7, 2006.**

Jim Graw asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Chairman Powell made the motion to approve the Public Meeting/Workshop Minutes. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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

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4. **Consideration of Petition No. 1188-06, Peachstate Land Development, Inc., Owners, and Rod Wright, Agent, request to rezone 133.93 acres from A-R to EST to develop a single-family residential subdivision consisting of 24 lots. This property is located in Land Lots 36 and 61 of the 4th District and fronts on 85 Connector.**

The applicant requested to withdraw the petition via a fax.

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5. **Consideration of Petition No. 1189-06, Joseph D. Giovinco and 5335 Old National Partnership, Owners, and Richie Dearing, Agent, request to rezone 4.398 acres from C-C Conditional to C-C to develop Office and Retail Uses. This property is located in Land Lot 69 of the 7th-District and fronts on S.R. 54 West and Sumner Road.**

The applicant requested to withdraw the petition via a fax.

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6. **Consideration of Petition No. 1190-06, Arthur L. Cole, Owner, and Jerry Peterson, Agent, request to rezone 6.513 acres from A-R to R-45 to develop three (3) single-family dwelling lots. This property is located in Land Lot 89 of the 7th-District and fronts on Sims Road and Dogwood Trail.**

Jerry Peterson, Agent, requested to rezone 6.5 acres from A-R to R-45 located in the southeast corner of Sims Road and Dogwood Trail. He advised that Sims Road is paved for approximately the first 500 feet then it becomes a dirt road. He reported that Sims Road has been the problem with the subject property. He confirmed that Mr. Cole purchased the subject property last year and he relied on old legal descriptions which described the property to the edge of Sims Road, the Tax Maps which indicated a road, and others who told Mr. Cole there was a right-of-way on Sims Road. He was aware that he would be required to donate 15 feet of land, approximately .40 acres, for right-of-way to bring Sims Road up to 30 feet of right-of-way as measured from the centerline. Upon completion of the final survey plat, he stated that Mr. Cole discovered that there is no right-of-way, but only a prescriptive easement, which requires him to donate 30 feet, approximately .80 acres, of land as measured from the centerline of Sims Road. He confirmed that the donation of .80 acres would reduce the property to less than six (6) acres (approximately 5.7 acres). He stated that a 5.7 acres would not support three (3) two (2) acre lots which explains why the owner is requesting R-45 zoning. He noted that the owner is proposing three (3) lots which are average 1.89 acres each. He stressed that three (3) lots is very important to the owner.

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Mr. Peterson pointed out that the Staff's recommendation for R-70 would only yield the owner two (2) lots consisting of approximately 2.8 acres each. He confirmed that the R-45 zoning district requires a minimum of 1,800 square feet and the R-70 zoning district requires a minimum of 1,500 square feet. He said that he felt the R-45 square footage requirements would off-set the tenth of an acre in each lot, in value of what the neighbors would see. He reported that the subject property is high and dry with good soils and no floodplain or wetlands. He confirmed that County water is not available in the vicinity. He noted that access would be from Sims Road only.

Mr. Peterson stated that across Sims Road from the subject property is a one (1) acre lot and also one on Dogwood Trail. He commented that the end of Sims Road abuts the city limits of Peachtree City and there is a right-of-way to tie into Sims Road. He added that there is a subdivision at the end of Sims Road inside the city limits of Peachtree City consisting of one (1) acre lots. He said that one (1) acre lots are not something new for the area or for Sims Road.

Mr. Peterson confirmed that the Land Use Plan designates the subject property as Low Density Residential (1 unit/1 to 2 acres) and a lot size of 1.89 acres is between one (1) acre and two (2) acres which fits within the Land Use Plan. He stated that the owner could develop two (2) lots at a minimum of two (2) acres each and one (1) lot at a minimum of 1.7 acres. He reiterated that three (3) lots are very important to the property owner.

Mr. Peterson added that Mr. Cole is not a developer and relied on what he was told, review of the maps, and the old legal description which described to the edge of Sims Road. He asked the P.C. to take all of the information into consideration and give Mr. Cole a favorable recommendation.

Jim Graw asked if there was anyone to speak in favor or opposition of the petition.

James Borders stated he owned the first house on the right on Sims Road. He said his house sits on 1.3 acres. He explained that when the house was built, there was a five (5) acre minimum lot size requirement. He reported that the property was owned by John Q. Walker and Mr. Walker deeded five (5) acres to his daughter to allow construction of the house; however, after the house was built, a Quit Claim Deed for four (4) acres was deeded back to Mr. Walker. He stated he did not oppose the development of three (3) lots; however, he was in opposition to any size home less than his which was 2,700 square feet and was also in opposition to a minimum house size of 1,500 square feet.

Howell Turner stated he owned 17 acres at the end of Sims Road and was currently constructing a house over 4,500 square feet. He said he was not in opposition to two (2) lots with over a 2,000 square foot minimum but he was in objection to three (3) lots. He added that he had spoken with three (3) other neighbors who were also in opposition and would be attending the Board of Commissioners Public Hearing.

Bruce Schumacher stated he owned 7.7 acres at the end of Sims Road and was currently constructing a house over 4,500 square feet also. He said he was in opposition because the lots on Sims Road are larger lots with larger homes. He commented that he did not object to two (2) lots; however, anything more than that would decrease property values for everyone on Sims Road.

In rebuttal, Mr. Peterson stated that while the R-45 zoning district requires a minimum of 1,800 square feet, the owner plans to build larger homes including one (1) family house plus two (2) others. He confirmed that A-R requires a minimum house size of 1,200 square feet; R-70 requires a minimum house size of 1,500 square feet; and R-45 requires a minimum house size of 1,800 square feet. He added that the houses would be approximately a minimum of 2,500 square feet.

Howell Turner asked if Mr. Cole would be constructing the homes for his personal use or resale.

Jim Graw replied that whether the homes were for Mr. Cole's personal use or resale has nothing to do with the rezoning request; however, he could ask Mr. Cole after the public hearing.

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

Jim Graw pointed out that the area is either zoned R-70 or A-R. He said that one (1) acre zoning would set a precedent and the precedent has already been set for R-70 zoning which is a two (2) acre minimum. He confirmed that the R-70 complies with the Land Use Plan, as well as R-45; however, a two (2) acre precedent has already been established.

Tim Thoms concurred with Mr. Graw. He said there was concern expressed about the minimum house size. He pointed out that Staff had recommended denial of R-45, but approval of R-70. He asked if the P.C. should consider R-78, which requires a larger square footage. He confirmed that the subject property abuts R-70 zoning.

Jim Graw stated that whether the property is zoned R-70 or R-78, Mr. Peterson has stated that the home will be larger than 1,500 square feet. He added that R-78 would not accomplish much more than R-70.

Chairman Powell stated that the zoning districts require a minimum house size; however, larger homes can be constructed. He said that approximately 99% of the zoning in the vicinity is either R-70 or A-R and R-45 would be totally uncharacteristic for the area. He confirmed that the Land Use Plan designates the subject property for one (1) or two (2) acres, the R-45 is at the lower acceptable classification. He commented that he did not want to establish a precedent for R-45.

Jim Graw confirmed that the subject property abuts R-70 zoning.

Bill Beckwith said that the one (1) acre lot size is inconsistent with the area.

Chairman Powell made a motion to approve the subject property as R-70, subject to one (1) recommended condition regarding the dedication of 30 feet of right-of-way from the centerline of Sims Road.

Jim Graw asked if the motion has to state the denial of R-45 and the approval of R-70 or just approval as R-70.

Attorney Bill McNally replied that the motion can be made either way.

Bill Beckwith seconded the motion. The motion for approval as R-70 with one (1) recommended condition unanimously passed 5-0.

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7. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, B. S.R. 85 North Overlay Zone, and C. General State Route Overlay Zone as presented by the Planning & Zoning Department.

Jim Graw advised that the P.C. had discussed the proposed amendments at several Workshops/Public Meetings. He asked Pete Frisina if there had been any changes to the proposed amendments since the last Workshop/Public Meeting.

Mr. Frisina replied that there had been no changes made to the proposed amendments.

Jim Graw asked if there were any public comments. Hearing none, he closed the floor from public comments.

Tim Thoms made a motion to approve the proposed amendments as presented. Chairman Powell seconded the motion. The motion unanimously passed 5-0.

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Jim Graw asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, January 18, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

Chairman Powell thanked Jim Graw for his leadership as Chairman over the past three (3) years.

There being no further business, Bill Beckwith made the motion to adjourn the Public Hearing. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 7:28 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

ROBYN S. WILSON
SECRETARY