

THE FAYETTE COUNTY PLANNING COMMISSION met on January 3, 2008, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell
Al Gilbert
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

STAFF ABSENT: Tom Williams, Assistant Director of Planning & Zoning
Delores Harrison, Zoning Technician
Phil Mallon, Director of Engineering

Welcome and Call to Order:

Doug Powell 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 2008.

Al Gilbert nominated Doug Powell as Chairman for 2008. Jim Graw seconded the nomination. Bill Beckwith made a motion to close the floor for nominations. Al Gilbert seconded the motion. The motion to appoint Doug Powell as Chairman for 2008 was unanimously passed 5-0.

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2. Election of a Vice-Chairman for 2008.

Chairman Powell nominated Al Gilbert as Vice-Chairman for 2008. Bill Beckwith seconded the nomination. Jim Graw made a motion to close the floor for nominations. Bill Beckwith seconded the motion. The motion to appoint Al Gilbert as Vice-Chairman for 2008 was unanimously passed 5-0.

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3. Election of a Secretary for 2008.

Al Gilbert nominated Robyn Wilson as Secretary for 2008. Bill Beckwith seconded the nomination. Tim Thoms made a motion to close the floor for nominations. Bill Beckwith seconded the motion. The motion to appoint Robyn Wilson as Secretary for 2008 was unanimously passed 5-0.

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4. Consideration of the Minutes of the meeting held on December 6, 2007.

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

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Dennis Dutton 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 JANUARY 3, 2008 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 24, 2008.

5. **Consideration of Petition No. 1204-07, Roza K. Adamczyk and Rosa E. Clemente, Owners, and Attorney Newton Galloway of Galloway & Lyndall, LLP, Agent, request to rezone 9.70 acres from A-R to O-I to develop a Medical Office Park. This property is located in Land Lots 7 and 8 of the 7th District and fronts on Huiet Road and Lester Road.** *Staff recommended denial.*

Attorney Newton Galloway presented a plat indicating the master plan of the hospital area. He made the following comments:

1. Owners purchased the property in 1994.
2. Owners petitioned to rezone the property in 1998.
3. Significant changes since 1998, include: the construction of the hospital, no development on S.R. 54 West, the development of WaterLace Subdivision, no development on the commercial property, which now consists of the Post Office and Convenience Store, the school was not constructed, and the churches had not been constructed or were just beginning to be constructed.
4. December of 2006, the owners learned that the County was reviewing the Hospital Study Area.
5. Request was made to meet with the study group to ask that the subject property be included in the Hospital Study Area.
6. Neck of property goes into the Hospital Study Area.
7. Land Use Plan was modified and there is almost a reverse mirror image across S.R. 54 West.
8. There are not residential uses along the north side of Lester Road.
9. A-R requires a five (5) acre minimum lot size, which renders that use impractical.
10. Dwellings in the mid \$400,000 range will not be built on such lots, as the cost of land renders such lot sizes equally impractical; therefore, A-R is not a viable alternative for the reasonable use of the property.
11. An Expert Planner was hired to review the policies and implementation of the policies. (See report prepared by Strategic Planning Initiatives, LLC)
12. Expert Planner stated that the Lester Road right-of-way forms a definitive boundary separating use classes and thereby buffering and creating a necessary transition that protects the neighborhood. Assignment of an R-40 zoning district of this property, flanked by potential commercial and existing institutional uses would be inconsistent with the viable policies of the Fayette County Comprehensive Plan. The Hospital Study Area extends further away from S.R. 54 West in the other direction than the Adamczyk and Clemente property. O-I is an acceptable class on the property.
13. A-R is not an appropriate class on the property.
14. A subdivision on the property would not be of a character or caliper that Fayette County wants to see or that would be consistent with what is at WaterLace Subdivision.

15. Land Use policies deal with transition and step-down from S.R. 54 West to the residential properties located south of Lester Road and all of those factors support the rezoning.
16. The proposed landscaping and buffer requirements exceed the required requirements and the design standards for office development. Elevations will be consistent with Fayette County aesthetics.
17. Fayette County has an obligation to give the doctors reasonable use of property and economic use of the property. A-R is not appropriate and would cause damage to the owners in WaterLace Subdivision. R-40 does not provide the development that Fayette County wants to see.
18. Can provide a development which limits ingress/egress by tying into the triangle area.

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19. Property to the north will develop commercially, probably as office property.
20. For purposes of tonight, the property should be considered as not being subject to acquisition for the West Fayetteville By-Pass. The zoning of the property will not impact the value of the property, if it is condemned for a four-lane highway.
21. When the application was filed, owners did not have knowledge that the road was considered to go through the tract.

Chairman Powell asked how much time was left.

Robyn Wilson replied that there was no time left.

Chairman Powell 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.

The following people spoke in opposition:

1. Jack Miller of 200 Heritage Farm Lane.
2. Wayne Maycumber of Heritage Farm Subdivision.
3. Joe Peavy of 210 Heritage Farm Lane.
4. Raissa Chandler of 197 Huiet Road.
5. Chesley Hanshew of 152 WaterLace Way.

The following are points/concerns made by those in opposition:

1. Homeowners have lived in the area for 25 years. This is a stable area of well kept homes.
2. S.R. 54 West corridor provides for commercial.
3. When you purchase property zoned A-R, you take pot luck.
4. Intersection cannot afford another area of zoning.
5. Property sets less than 100 feet from homes and residences. There are 43 residences across the street in one direction and there are residences in the other direction.
6. Acceleration at the crossroad of churches, a school, and school buses.
7. Property is located approximately 0.25 miles from S.R. 54 West.
8. Post Office and Convenience Store were developed.
9. Use of tractor-trailers and postal vehicles which hinder the traffic flow.
10. Lights shining into houses 24 hours per day.
11. Area is seeing an explosion of residential and community expansion.
12. School children walk down the streets.
13. Adams Farm, which is agricultural, is located west of the property.
14. In the past, the panel has seen fit to keep the area residential and it is greatly appreciated.
15. Residential development with half a million dollar homes.
16. Community activity, but no retail.
17. You can call O-I what you like, but it is retail.

18. Can make promises that it will be utilized for medical; however, it could be utilized for biomedical waste, which will be put in dumpsters, which you hear at 2:00 A.M.
19. Property will not be a secluded quiet neighborhood, but one of activity which is not conducive to schools, churches, or residences.
20. S.R. 54 West corridor has gone from agriculture to the hospital.
21. No need for development of property for medical offices. There are empty massive buildings available around hospital.
22. Concern about increased traffic.
23. Long term improvements need to be mandated as follows: utilities should be in place, including electrical, water, sewer, and telecommunications, plan for adequate storm sewer and drainage, acceleration/deceleration lanes should be constructed from the intersection of Lester Road and Huiet Road to S.R. 54 West, provide a turning radius for paved areas will allow for an 18-wheeler to turn around on the property, install side walks along Huiet Road and Lester Road, provide turning lanes, and install signalization at S.R. 54 and Huiet Road.

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24. Runoff goes straight to Heritage Farm Subdivision.
25. Children in area who are autistic.
26. Has to be a better way to use the property.

Chairman Powell asked how rebuttal would be handled since the time has been exhausted with the presentation.

Pete Frisina replied that according to the B.O.C.'s Policy, equal time is given for opposition and rebuttal.

At this time, Chairman Powell closed the floor from the public.

The P.C. made the following comments:

1. Churches and schools are permitted in the A-R zoning district.
2. Comprehensive Plan designates the property in the vicinity of Low Density Residential (1 unit/1 to 2 acres) and Office.
3. Area is residential not O-I.
4. Spot zoning is illegal.

Bill Beckwith recognized Attorney Galloway in order to hear his rebuttal. He added that he did not agree with the P.C.'s time limit but favored the B.O.C.'s time limit.

Al Gilbert advised that in the past, the P.C. has given each side five (5) extra minutes; therefore, if

Attorney Galloway is given extra time, those in opposition should be given extra time.

In rebuttal, Attorney Galloway stated the Camp Creek South and the Camp Creek West. He said that the reasons or the experiences which were conveyed to the P.C., by the opponents, show the reasons this is not residential subdivision property.

At this time, Chairman Powell opened the floor for those in opposition.

The following spoke in opposition:

1. Wayne Maycumber of Heritage Farm Subdivision.

The following are points/concerns made by those in opposition:

1. The reasons stated before are every reason to keep the property residential.
2. It is residential. It is all residential.
3. The property is not located on S.R. 54 West. It is off S.R. 54 West.
4. Homes can be built there.

At this time, Chairman Powell closed the floor from the public.

The P.C. made the following comments:

1. There are numerous uses under the A-R zoning district.
2. Property does not have to be developed as residential due to the other uses which are allowed.
3. Land Use Plan does not designate the property as O-I for this area.
4. O-I is an improper zoning for the property.
5. Would R-40 be a more appropriate zoning for the property?
6. Property is being considered for acquisition by the County to further increase the infrastructure by routing traffic in and around the City of Fayetteville. West Fayetteville By-Pass has been considered for many years.

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7. Property has been looked at for acquisition for the by-pass and it may not be prudent, at this point, to rezone the property in light of the fact that the County is looking at it for acquisition.

Jim Graw asked the names of the members who served on the committee for the Hospital Study Area.

Pete Frisina stated the members from the County consisted of: Chairman Greg Dunn, County Administrator Chris Venice, and Planner Pete Frisina.

He said that the members from the City of Fayetteville consisted of: Mayor Ken Steele, City Manager Joe Morton, and Planner Eldridge Gunn.

Mr. Frisina confirmed that the committee made a report to the Board of Commissioners and the City Council on December of 2006.

The P.C. made the following comments:

1. Properties along the S.R. 54 West corridor have been rezoned to O-I.
2. Most of O-I along the corridor was in support to the hospital area.
3. It may be beneficial to rezone the property to R-40 to keep it consistent with the surrounding neighborhood.
4. If the property is rezoned to R-40, some of the uses would be eliminated. There are uses allowed in the A-R zoning district which are more conducive to keeping the integrity of the community, which has been there 20 years or more.
5. Concerned about higher density.
6. Oppose O-I because it conflicts with the Land Use Plan.
7. There are future roads which are planned to tie into the bypass and the future school on the property across from S.R. 54 West.
8. O-I would impact existing neighborhoods and lead to a higher density and use.
9. The infrastructure is not yet in place to support O-I.

10. Buildings could be up to 40 feet in height.
11. One of the intents of the Land Use Plan is to protect the integrity and character of the established neighborhood.
12. A-R allows a church and a day care facility which tie into a neighborhood better than O-I.
13. The uses allowed in the corridor minimize the impact to the neighborhood. It was not intended for nonresidential development to extend toward Lester Road or down Huiet Road and away from the corridor.

Tim Thoms made a motion to deny the petition. Bill Beckwith seconded the motion. The motion for denial unanimously passed 5-0.

Al Gilbert asked Staff about the property being zoned R-40.

Pete Frisina advised that R-40 is in compliance with the Land Use Plan; however, final action had been taken on a motion.

Al Gilbert made a motion to approve the petition as R-40 since R-40 is prevalent in the area. Jim Graw seconded the motion.

Tim Thoms called for a point of order stating that action had been taken on the petition.

Mr. Frisina replied that action had been taken to deny the petition.

Motion died.

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Chairman Powell called for a break at 8:03 P.M. He reconvened the Public Hearing at 8:16 P.M.

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6. **Consideration of Petition No. RP-041-07, Case Estates Subdivision, Wanda C. Case, Owner/Agent, request to revise the Final Plat to subdivide Lot 2 into three (3) lots and to reduce the acreage of Lot 1. This property is located in Land Lots 44 and 45 of the 7th District, fronts on Sandy Creek Road, and is zoned R-70.** *Staff recommended approval with four (4) recommended conditions.*

Wanda Case stated that she would like to subdivide Lot 2 into three (3) lots and to also reduce the acreage of Lot 1. She said that she plans to construct her house on Lot 4. In regards to the recommended conditions, she remarked that she agreed with the dedication of right-of-way and the distance required for the individual sewage disposal system from the newly established property line. She commented that the Williams/Transcontinental Pipeline has the easement going across the proposed curb cut and not Colonial Pipeline. She confirmed that she has met with Williams/Transcontinental Pipeline at the subject property and they do not have a problem with the proposed curb cut; however, if heavy construction equipment crosses the easement then they will advise how much dirt must be on top of the pipeline. She reported that the existing power line can be relocated. She reiterated that she agreed to the recommended conditions. She added that the existing power line stops on Lot 4.

Chairman Powell 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.

The P.C. made the following comments:

1. Flag lot is not the best scenario.
2. Will approval set a precedent?
3. R-70 allows a two (2) acre minimum lot size.
4. Request complies with the Comprehensive Plan.

Al Gilbert made a motion to approve the petition subject to the four (4) recommended conditions with the owner's name of the pipeline easement being changed from Colonial Pipeline to the owner of the pipeline in Recommended Condition #3. Jim Graw seconded the motion.

Mr. Gilbert read the recommended conditions to the audience.

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

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7. Consideration of 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, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning & Zoning Department.

Dennis Dutton advised that the B.O.C. had concerns about the size of an addition which did not require compliance with the architectural standards. He stated that they had also requested the sunset provision be applied. He added that the proposed amendments had been reviewed by County Attorney Scott Bennett.

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

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Al Gilbert made a motion to approve the proposed amendments. Jim Graw seconded the motion. The motion unanimously passed 5-0.

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8. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions and Article V. General Provisions, Section 5-10. Accessory structures and Section 5-11. Guest House as presented by the Planning & Zoning Department.

Dennis Dutton advised that Staff had been working on the proposed amendments since April, 2007. He added that the proposed amendments had been reviewed by Attorney Don Comer and Attorney Scott Bennett.

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

Jim Graw made a motion to approve the proposed amendments. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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Chairman Powell asked if there was any further business.

Robyn Wilson advised that no applications were submitted for the February Public Hearing; however, there are four (4) pending preliminary plats.

Robyn Wilson reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, January 17, 2008, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

Chairman Powell asked that the procedures for the time limit should be discussed at the Public Meeting/Workshop.

There being no further business, Al Gilbert made the motion to adjourn the Public Meeting/Workshop. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 9:00 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

ROBYN S. WILSON
SECRETARY