

THE FAYETTE COUNTY PLANNING COMMISSION met on June 5, 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, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Community Development
Tom Williams, Asst. Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

STAFF ABSENT: Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman 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. Consideration of the Minutes of the meeting held on May 1, 2008.

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

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2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on May 15, 2008.

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

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Chairman Powell 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 Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 5, 2008.

3. Consideration of a Preliminary Plat, Family Affair Estates, Deena Kendrick, Owner, and Grant Shepherd & Associates, Agent. This property consists of 31.93 acres with 12 single-family dwelling lots. This property is located in Land Lots 8 and 16 of the 6th District, fronts on S.R. 85 South, and is zoned R-78. Staff recommended Approval.

Michael Buff of Grant Shepherd & Associates, requested approval of the preliminary plat stamped received 04/15/08. He advised that the subject property contains a stream buffer, floodplain, and wetlands; however, there will be no impact to the wetlands. He pointed out that the road would cross

the stream buffer. He confirmed that the Soil Scientist has flagged and surveyed the wetlands. He said that there should be sufficient area for a septic system on Lots 3 and 4 for a 50' X 50' dwelling. He stated that he has revised the curb cut because of sight distance as requested by GDOT. He added that the developer will be a resident of the subdivision.

Chairman Powell asked if there were any public comments regarding the technical aspects of the Preliminary Plat.

Hearing none, he closed the floor from public comments.

Jim Graw pointed out that the Engineer certified that she inspected the plat but did not list the name of the subdivision.

Pete Frisina said that this was not a problem and pointed out that there was a field delineation of the wetlands indicated on the plat.

Mr. Graw asked if each individual lot would perc.

Mr. Frisina replied that the individual lots are tested when a builder/owner applies for a building permit.

Mr. Buff commented that a Level III Soil Study has been performed; however, the number of lots could decrease depending on the soil perc tests.

Chairman Powell pointed out that the vicinity map listed S.R. 85 South as S.R. 85/74.

Tim Thoms made a motion to approve the Preliminary Plat stamped received 04/15/08. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Powell explained the procedures that would be followed.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 5, 2008 AND THE BOARD OF COMMISSIONERS ON JUNE 26, 2008.

- This is a land exchange of 1.03 acres between Heron's Landing Homeowners Association, Inc. and Jamie Oden. This land exchange will involve a rezoning from C-S to A-R; a rezoning from A-R to C-S; and a Revised Development Plan and a Revised Final Plat, both to remove 1.03 acres and to add 1.03 acres.**

Consideration of Petition No. 1209-08, Heron's Landing Homeowners Association, Inc., Owners, and Eddie Wilkerson, Agent, request to rezone 1.03 acres from C-S to A-R to add to an adjacent lot zoned A-R and Petition No. 1210-08, Jamie Oden, Owner, and Eddie Wilkerson, Agent, request to rezone 1.03 acres from A-R to C-S to add as Conservation Area to Heron's Landing Subdivision. These properties are located in Land Lot 29 of the 5th District and fronts on Old Senoia Road. And, consideration of Petition No. RP-042-08 and Petition No. RDP-009-08, Heron's Landing Homeowners Association, Inc., Owners, and Eddie Wilkerson, Agent, request to revise the Recorded Final Plat and the approved Development Plan of Heron's Landing Subdivision to remove 1.03 acres and to add 1.03 acres to Heron's Landing Subdivision. These properties are located in Land Lots 4 and 29 of the 5th District and fronts on Old Senoia Road. Staff recommended Approval subject to two (2) Recommended Conditions.

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Chairman Powell explained that the individual petitions will not work independently of each other so all four (4) petitions will need to be approved or all four (4) petitions will need to be denied. He stated that he would entertain a single motion for all four (4) petitions.

Eddie Wilkerson thanked Staff for all of their assistance with the four (4) petitions. He commented that while the transaction is a simple land exchange, it had generated four (4) separate petitions. He stated he was constructing a house for Ms. Oden which will be approximately 7,000 to 8,000 square feet and approximately 130 feet long from side to side. He said he approached the Homeowner Association for approval of the 1.03 land exchange which would make the Oden property wider. He confirmed that he got all of the property owners in Heron's Landing subdivision to agree and sign the paperwork, as well as, the Revised Final Plat. He pointed out that the required acreage for the Heron's Landing conservation area would remain the same.

Chairman Powell asked if there was anyone to speak in favor of the petitions. Hearing none, he asked if there was anyone to speak in opposition of the petitions. Hearing none and with no rebuttal required, he closed the floor from public comments.

Al Gilbert read the recommended conditions to the audience and asked Mr. Wilkerson if he agreed to the recommended conditions.

Mr. Wilkerson agreed to the recommended conditions.

Tim Thoms advised that the C-S zoning district has very strict guidelines and cautioned the P.C. about not setting a precedent. He pointed out that while this request is for an even acreage land exchange, future petitions should be reviewed closely and should have to stand on their own merits.

Mr. Thoms asked if a yield plan would apply.

Mr. Frisina explained that a yield plan determined the number of lots. He said that the land exchange was not changing the number of lots or the acreage in the conservation area. He stated that there is nothing to be gained by preparing a yield plan because the subdivision has been developed. He added that the Revised Development Plan is one (1) of the petitions being considered tonight.

Mr. Gilbert commented that a C-S Development Plan is similar to a PUD and there have been petitions for revisions in the past which were reviewed and approved on their own merits.

Al Gilbert made a motion to approve all four (4) petitions subject to the two (2) recommended conditions. Jim Graw seconded the motion. The motion unanimously passed 5-0.

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5. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Carport and Porte Cochere and Article V. General Provisions, Section 5-9. Single family dwelling, B. Carport and Porte Cochere as presented by the Planning & Zoning Department. Instructed by BOC on 03/05/08 to begin review.

Pete Frisina reminded the P.C. that the proposed amendments had been discussed at previous Workshops. He commented that the proposed amendments came about when it was discovered that a builder had basically added a carport looking structure attached to a breezeway from the front of a single-family dwelling. He pointed out that a porte cochere would be an extension of the roof over a driveway at an entrance of a building.

Mr. Frisina presented the proposed amendments as follows:

Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*. Strikethrough indicates deletion.

ARTICLE III DEFINITIONS

Carport, attached. A roofed open-sided motor vehicle shelter formed by extension of a roof from the side of a building in a residential zoning district.

Carport, detached. *A roofed open-sided motor vehicle shelter in a residential zoning district.*

Porte Cochere. *An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch.*

ARTICLE V GENERAL PROVISIONS

5-9. Single family dwelling. Single family dwellings are permitted uses in A-R and all residential zoning districts.

B. Porte Cochere. *A porte cochere shall be attached at an entrance of a single-family dwelling and shall meet the following standards:*

1. Shall consist of a singular roof line that is consistent with the single-family dwelling roof design, and supported by posts/columns and shall remain open on the remaining three (3) sides;

2. Shall be consistent with the architectural character/facade of the single-family dwelling; and

3. A porte cochere shall not be utilized as a carport, garage, storage building, open storage, or living area.

Chairman Powell asked if there were any public comments.

Eddie Wilkerson stated he had constructed a 12,000 square foot house with a separate garage with a pergola.

Pete Frisina said that the garage would be detached with the connection of a pergola. He added that a pergola and a porte cochere are not the same.

Hearing no further comments, he closed the floor from public comments.

Jim Graw made a motion to approve the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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6. Consideration of proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District as presented by the Planning & Zoning Department. *Instructed by BOC on 03/05/08 to begin review.*

Chairman Powell advised that the P.C. had held several Workshops to discuss the proposed amendments. He added that the proposed amendments had been discussed at a Public Hearing; however, the P.C. decided to table the vote to allow further discussion.

Pete Frisina stated that the proposed amendments had been discussed by the BOC. He confirmed that there had been three (3) rezonings of properties on S.R. 54 West in a residential platted subdivision; however, one (1) was approved and two (2) were denied. He said that Staff needed to clarify the policy since there were inconsistencies. He stated that there was discussion about rezoning lots in a platted residential subdivision and lots surrounded by platted residential subdivisions. He reported that the BOC also wanted policies that a berm, fencing, or an increased buffer could be required as a condition of zoning when a lot adjacent to a platted residential subdivision petitions to rezone to a nonresidential zoning.

The proposed amendments are as follows:

**PROPOSED AMENDMENTS TO THE
FAYETTE COUNTY COMPREHENSIVE PLAN
REGARDING THE S.R. 54 WEST OVERLAY DISTRICT**

Transportation Corridors

Over the next twenty years, a number of state routes in Fayette County are scheduled to be widened from two-lane highways to four-lane divided highways. These state routes are the connecting corridors for the incorporated municipalities in Fayette County and neighboring counties. With few exceptions, in the unincorporated areas of the county, these roads traverse residential and/or agricultural land uses.

With the widening of these state routes comes the increased pressure for nonresidential development. The County is now in the position where it must balance this demand with its own growth and transportation policies. These state routes are first and foremost transportation corridors; the efficient flow of traffic must be maintained. Nonresidential land uses are indicated on the Land Use Plan Map where their location and intensity are most appropriate for the surrounding area.

In order to better facilitate the desired development along its transportation corridors, Fayette County has adopted an Overlay District on SR 54 and several Overlay Zones. The particular requirements pertaining to these transportation corridors are discussed below.

SR 54 West Overlay District: With the widening of SR 54 West, the Board of Commissioners adopted the SR 54 West Overlay District. This District identifies the county's goals and recommendations for the corridor and sets out the desired development pattern. SR 54 connects the communities of Fayetteville and Peachtree City, and serves as the only major east-west thoroughfare through the county. The following section defines the District.

Existing Development: Existing **residential development** is scattered along the SR 54 West Corridor. Residential tracts range in size from large agricultural tracts of as much as 200 acres down to minimum one (1) acre subdivisions. Large tracts are still used for agricultural purposes and may or may not contain a single-family residence. These tracts vary in size from approximately five (5) to 200 acres. The majority of the larger tracts are located between Sandy Creek and Tyrone Roads. Single-family residential development consists of smaller lots, varying in size from one (1) to five (5) acres, fronting on SR 54 West or within subdivisions which access SR 54 West. Three single-family residential subdivisions (Newton Estates, Fayette Villa, and The Landings) are developed in this area. These subdivisions are zoned for one (1) acre minimum lots. Fayette Villa and The Landings are located between Flat Creek Trail west to Sumner Road (north) on the north side of SR 54 West. Newton Estates is located west of Huiet Drive on the south side of SR 54 West. Existing **nonresidential development** consists of two commercial areas, one at Tyrone Road and one at Sumner Road (south).

Future Development: SR 54 West is first and foremost a transportation corridor. The efficient flow

of traffic must be maintained. High intensity nonresidential uses should be targeted to the major intersection with Tyrone Road and SR 54 West. As one moves away from this node, the intensity of nonresidential development should decrease. The **goals** of the SR 54 West Overlay District are: (1) to maintain the efficient traffic flow of SR 54 West as the County's only major east-west thoroughfare; (2) to maintain a non-urban separation between Fayetteville and Peachtree City; and (3) to protect existing and future residential areas in the SR 54 West Corridor.

If lots, which front on SR 54 West, are allowed to change from a residential use to a nonresidential use, care must be taken to protect existing or future residential property. This can be accomplished by requiring enhanced landscaping, buffers and berms to protect these residential areas.

Recommendations: The intent of the SR 54 West Overlay District is to offer existing tracts of five +/- acres the option to convert to office uses. Outside of the commercial designation at Tyrone Road and the commercial and office-institutional designation at Sumner Road (south), these parcels would be considered for the Office-Institutional Zoning District. Conditions should be placed on property at the time of rezoning to address unique situations *such as a lot adjacent to a residential subdivision where berms and fences could be required, as well as, an increase in the buffer.*

In certain situations a change from a residential zoning to the Office-Institutional Zoning District should not be given consideration due to the impact on abutting residential property in platted and recorded subdivisions. These situations include, but are not limited to the following:

1. *Parcels platted and recorded in a residential subdivision where the residential subdivision is oriented to and has access to SR54 from one or more internal streets.*
2. *Any lot that is less than five (5) acres and is surrounded on side and rear lot lines by a platted and recorded residential subdivision or subdivisions. Parcels of at least five (5) acres could be considered, in that additional setbacks and buffers could be required as a condition of zoning, while leaving adequate area for development.*

Other Transportation Corridors: Section 7-6 Transportation Corridor Overlay Zone of the Fayette County Zoning Ordinance establishes Overlay Zones on state highways that traverse Fayette County. Regardless of the underlying zoning, any new nonresidential development along these corridors must meet the requirements of the particular Overlay Zone. The Zoning Ordinance establishes Overlay Zones on SR 54 West and SR 74 South, SR 85 North, and a General State Route Overlay Zone on all other state routes.

Chairman Powell asked if there were any comments from the public. Hearing none, he closed the floor from public comments. He confirmed that there would be separate votes on both of the recommendations. He requested that the following statement be made a part of the Minutes:

“Tonight we are being asked to consider a change to the County Comprehensive Plan. This change affects the landowners on Highway 54.

I respect my fellow Planning Commission member's thoughts concerning changing platted subdivisions. I too, feel that a land owner who purchases land in our County should not be surprised by changes that we cause to occur, after the landowner has purchased their property. So, to my fellow planning commissioners I say, I support your thoughts on the subject of maintaining the integrity of previously platted subdivisions.

My problem is we are being asked to change the comprehensive plan in a manner that is inconsistent in its treatment of the land owners we are here to represent. If approved, we will create a plan that I feel treats land owners, on the same road, and in some cases within a half mile of each other,

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differently. If approved, this treatment will be as inconsistent as the rulings we have previously made on petitions for rezoning Residential to Office uses within the Highway 54 corridor.

In the past, land owners have petitioned the County to rezone residential properties along Highway 54. These petitions were consistent with the intent of the Highway 54 West Overlay District, which states, "To offer existing tracts ...the option to convert to office uses." To my knowledge, there have been three requests to rezone Residential to O-I. The County has not made consistent rulings: Petition 963-97 was approved. Petition 994-98 was denied; and most recently, Petition 1201-07, was denied, even though it received the planning staff's recommendation to approve.

So to correct this inconsistency, we were asked to look at the ordinance. We did, and the majority agreed that we should change the existing ordinance to accurately reflect the County's vision for growth on Highway 54. The majority felt that if a residential lot was in a platted subdivision, bordering on SR54, it should NOT be allowed to be rezoned O-I. However, the ordinance before us tonight does not treat all land owners equally on this matter.

As a case in point, compare Lot #18 of the Lakeview Estates subdivision to Lots 1, 2, 3 and 4 of the Ledgewood Subdivision. These parcels are located within ½ mile of each other, on opposite sides of SR 54.

- Lakeview Estates Lot 18 is a residential lot, in a platted subdivision, bordering on SR54. Ledgewood Lots 1, 2, 3 and 4 are residential lots, in a platted subdivision, bordering on SR54.
- Lakeview Estates Lot 18 is not accessible from any internal subdivision street. It is solely accessible via SR54. Ledgewood Lots 1, 2, 3 and 4 are not accessible from any internal subdivision street. They are solely accessible via SR54.

I do not comprehend the logic of making the main road access into a platted subdivision the distinguishing criteria. The main road access to the subdivision has absolutely no impact on any of these lots. I see these residential lots as being identical; however, this proposed ordinance before us tonight will treat them differently. It will allow the four residential lots, in the Ledgewood subdivision to be rezoned to O-I and at the same time, prohibits Lot 18 in the Lakeview Estates subdivision from being rezoned.

I have to ask, if the County wants to change the current comprehensive plan to be more in line with the way it votes on landowner petitions along the Highway 54 corridor, then why does it create a plan that continues to allow it? This plan is inconsistent. It will not treat land owners in Fayette County equally. It is not fair. I cannot support it."

Chairman Powell made a motion to amend Recommendation #1 as follows:

1. **Parcels platted and recorded in a residential subdivision where the residential subdivision is oriented to and has access to borders SR54. from one or more internal streets.**

Jim Graw stated that he had previously asked for the paragraph above Recommendation #1 be amended as follows:

In certain situations a change from a residential zoning to the Office-Institutional Zoning District should will not be given consideration due to the impact on abutting residential property in platted and recorded subdivisions. These situations include, but are not limited to the following:

Jim Graw seconded the motion.

Tim Thoms asked if the motion included the change in the paragraph above Recommendation #1.

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Chairman Powell amended his motion to also include the change in the paragraph above Recommendation #1 and also the change to Recommendation #1 as follows:

In certain situations a change from a residential zoning to the Office-Institutional Zoning District

should will not be given consideration due to the impact on abutting residential property in platted and recorded subdivisions. These situations include, but are not limited to the following:

1. **Parcels platted and recorded in a residential subdivision where the residential subdivision is oriented to and has access to borders SR54. from one or more internal streets.**

Jim Graw seconded the amended motion.

Al Gilbert stated that S.R. 54 West has the strictest regulations of any area in the County. He said that Staff is trying to find a way to allow some development. He commented that he could see similarities and differences in the lots on S.R. 54 West. He remarked that this has not been an easy process.

Chairman Powell remarked that the Staff's recommendation does not achieve consistency while the P.C.'s recommendation does achieve consistency.

Hearing no further comments, Chairman Powell called for the vote. The motion passed 4-1 with Al Gilbert voting in opposition.

Chairman Powell read Recommendation #2 to the audience.

Al Gilbert said that the strict overlay requirements should handle these type situations.

Chairman Powell concurred.

Tim Thoms commented that, as proposed, it would predispose a recommendation for denial to a lot that meets the verbiage when there may be circumstances that it should be permitted even though the lot may be less than five (5) acres. He added that the overlay requirements will apply.

Tim Thoms made a motion to delete #2. in its entirety as follows:

2. **Any lot that is less than five (5) acres and is surrounded on side and rear lot lines by a platted and recorded residential subdivision or subdivisions. Parcels of at least five (5) acres could be considered in that additional setbacks and buffers could be required as a condition of zoning while leaving adequate area for development.**

Chairman Powell seconded the motion. He said that a rezoning decision from residential to nonresidential would be based on the Staff Analysis, Land Use Plan, the proximity of the property to residential, and the S.R. 54 West Overlay District. The motion unanimously passed 5-0.

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Chairman Powell asked if there was any further business.

Chairman Powell reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, June 19, 2008, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M. He reminded the P.C. of the July Public Hearing which had been rescheduled to Wednesday, July 2, 2008, due to the 4th of July Holiday; however, no rezoning applications were received, but the proposed amendments will be advertised for Walls and Fences. He requested that the proposed amendments for Walls and Fences be added to the June 19, 2008, Workshop Agenda.

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Chairman Powell advised the P.C. that the January 1, 2009, Public Hearing had been rescheduled to January 7, 2009, due to January 1st being New Year's Day. He asked the P.C. to mark their calendars accordingly for July and January.

Chairman Powell advised that the minimum square footage for the EST Zoning District was reduced from 3,000 square feet to 2,500 square feet.

There being no further business, Jim Graw made the motion to adjourn the Public Hearing. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 8:26 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

ROBYN S. WILSON
SECRETARY