

**These Minutes were prepared from the log notes only as the audio did not record.**

**THE FAYETTE COUNTY PLANNING COMMISSION** met on May 7, 2009, at 7:18 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

**MEMBERS PRESENT:** Douglas Powell, Chairman  
Tim Thoms, Vice-Chairman  
Bill Beckwith  
Jim Graw  
Al Gilbert

**MEMBERS ABSENT:** None

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

**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 Workshop/Public Meeting Minutes of the meeting held on March 19, 2009.**

Chairman Powell asked the Board Members if they had any comments or changes to the Workshop/Public Meeting 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 Minutes of the meeting held on April 2, 2009.**

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

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**3. Consideration of the Workshop/Public Meeting Minutes of the meeting held on April 16, 2009.**

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Jim Graw 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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Chairman Powell advised that Petition No. 1213-09 would be relocated to the last item on the agenda due to technical difficulties.

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**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 7, 2009, AND THE BOARD OF COMMISSIONERS ON MAY 28, 2009.**

**5. Consideration of Petition No. RP-044-09, Jerald Reid, Owner/Agent, request to revise the Final Plat of Fieldway Subdivision to add an additional lot to the subdivision by adding 3.99 acres to Lot 1 (3.00 acres) to create a 4.783 acre lot and a 2.212 acre lot. This property is located in Land Lot 21 of the 7th District, fronts on Sandy Creek Road, and is zoned R-70.**

Jerald Reid, Owner/Agent, said the request was to revise the recorded Final Plat for Fieldway Subdivision by adding 3.99 acres to allow Lot 1, which currently consist of 3.00 acres, to be subdivided into a 4.783 acre lot and a 2.212 acre lot. He said this lot would be for his daughter.

Chairman Powell said by adding 3.99 acres to Lot 1 and then subdividing to create a new lot, the number of lots in the subdivision would increase from three (3) to four (4) lots.

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.

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Chairman Powell read the following conditions to the audience:

1. The owner/developer shall dedicate, at no cost to Fayette County, ten (10) feet of additional right-of-way to create a total of 50 feet of right-of-way as measured from the centerline of Sandy Creek Road.
2. The block shed labeled “to be removed” indicated on the proposed Lot 1 shall be removed prior to the submittal of the Revised Final Plat.

Mr. Reid asked what was the purpose of dedicated right-of-way.

Pete Frisina replied that Sandy Creek Road required 100 feet and there needed to be ten (10) feet of additional right-of-way to create a total of 50 feet of right-of-way as measured from the centerline of Sandy Creek Road.

Chairman Powell said this was a requirement of the Development Regulations.

Jim Graw asked Mr. Reid how many lots were currently in the subdivision.

Mr. Reid replied that there were three (3) existing lots.

Al Gilbert made a motion to approve the petition subject to the two (2) recommended conditions. Tim Thoms seconded the motion, discussion followed.

Tim Thoms asked Mr. Reid if he would be responsible for relocating the utility lines, fire hydrant, and driveways and Mr. Reid replied yes that he would agree to that.

Jim Graw asked Mr. Reid if this would affect the other lots in the subdivision and Mr. Reid replied no it would not.

Hearing no further comments, Chairman Powell called for the vote. The motion for approval subject to the recommended conditions unanimously passed 5-0.

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6. **Consideration of Petition No. 1214-09, Dan V. Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 17.938 acres from R-40 to O-I for Office Institutional Uses. This property is located in Land Lot 39 of the 7th District and fronts on SR 54 West and Huiet Drive.**

Randy Boyd, Agent for Dan Stinchcomb, remarked that this request was to rezone 17.938 acres from R-40 to O-I for Office Institutional Uses with the property fronting on SR 54 West and Huiet Drive. He pointed out that the applicant was proposing to develop an office-institutional subdivision consisting of ten (10) lots.

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.

A.E. (Edsel) Martin of 200 Huiet Drive stated that he lived across Huiet Drive from the subject property and he was concerned about the entrance on Huiet Drive.

Chairman Powell responded that there would be one (1) entrance from Huiet Drive to help reduce accidents onto SR 54 West and it would be located at a minimum of 300 feet from SR 54 West.

Mr. Martin said he was not allowed to have a curb cut on Huiet Drive from the C-H tract he owns at the corner of SR 54 West and Huiet Drive.

Chairman Powell said this would ensure unrestricted traffic flow on SR 54 West, as well as, prevent U-turns.

Mr. Martin said he has no problem with this request if the proposed street on Huiet Drive would be 300 feet from SR 54 West.

In rebuttal, Mr. Boyd stated that the street on Huiet Drive was based on comments from the Engineering Department. He said there was a minimum of 300 feet required from SR 54 West. He said he had met with the Planning and Zoning staff, the Sheriff, Fire/EMS, and the Engineering/Public Works Departments.

Chairman Powell pointed out that staff had recommended reduction of the area to 700 feet along Huiet Drive from SR 54 West; however, he was unsure of the acreage. He said that the 700 feet proposal was a result of commercial property across Huiet Drive from the subject property; however, the property was rezoned to commercial prior to the adoption of the Transportation Corridor Overlay Zone. He reported that the intent of the Comprehensive Plan is to offer existing five (5) +/- acre lots to convert to office uses. He added that the Comprehensive Plan also provides for nonurban separation between Fayetteville and Peachtree City. He confirmed that there were eight (8) acres rezoned across SR 54 West and if the five (5) acre rule existed, it was not applied. He said he could consider five (5) acres which would conform with the Comprehensive Plan.

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

Chairman Powell read the recommend conditions to the audience:

1. That the subject property be zoned O-I to a depth of 700 feet along Huiet Drive as measured from the right-of-way of SR 54 West terminating the O-I zoning at a line perpendicular to Huiet Drive. A revised legal description and revised survey must be submitted prior to the submittal of a Preliminary Plat, Final Plat, or Site Plan, as applicable.
2. Any subdivision type development where a new public road will be constructed to provide access to lots within the subject property shall comply with the following:
  - a. Provide a street access on Huiet Drive located at least 300 feet south of the SR 54 West right-of-way.
  - b. No lot shall have an individual driveway cut on SR 54 West or Huiet Drive.
3. The existing well on the subject property shall be filled in by a State Licensed Well Driller prior to the approval of a Site Plan and shall be indicated on the Site Plan.

Tim Thoms made a motion to deny the petition. Jim Graw seconded the motion, discussion followed.

Al Gilbert remarked that with R-40 to the rear of the subject property, O-I was a natural stepdown. He said he preferred O-I instead of commercial adjacent to R-40. He remarked that the overlay allows property owners to convert their homes to O-I and keep the good traffic flow.

Jim Graw said he supported stepdown zoning but felt Huiet Drive should be the natural boundary to separate the zoning districts with houses to the East and West of the subject property. He said he was not comfortable with O-I due to the residential area. He also noted that this proposal was not in compliance with the Comprehensive Plan.

Bill Beckwith agreed that the property should be in concert with the Comprehensive Plan.

Chairman Powell said he understood the stepdown concept and wanted to protect existing residential from commercial. He said the Zoning Ordinance protects this with the inclusion of berms. He said he had discussed this with staff and noted that the area was heavily vegetated. He said a berm would require removal of vegetation and suggested a privacy fence. He expressed concern with residents in R-40 to the West. He remarked he was not comfortable with over five (5) acres along SR 54 West as O-I.

Tim Thoms pointed out that Huiet Drive was a local road. He said this road had been paved within the last ten (10) years, and was not upgraded to a collector street. He said he had a problem with the size of the development with SR 54 West overlay, in that they could have one-half acre lots. He noted that there was an eight (8) acre office park across SR 54 West zoned O-I with an existing residence. He said there were also Nubs Produce and an existing residence there which had been removed. He felt this proposal would harm the intent of the overlay by rezoning larger tracts and he could not support it. He noted that the Georgia Department of Transportation comments came in late. He preferred the street to be 400 to 500 feet down Huiet Drive.

Chairman Powell remarked that the subject property would affect eight (8) lots in the adjacent subdivision to the West, but if the subject property was reduced to five (5) acres, fewer lots would be affected.

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

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4. **Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC, Owners, and Billy Brundage of Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a new maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road.**

Billy Brundage, Agent for Johnie Williams, remarked that the subject property was adjacent to Dixieland Fun Park which was zoned C-H and M-1. He said the immediate plan was to build a maintenance building to serve the fun park which was not allowed in A-R zoning. He noted that the long term plan was to expand the park. He said the immediate plan was to bring traffic from SR 85 North through the subject property and exit on Corinth Road. He noted that SR 85 North has a narrow median. He said he had checked with the Sheriff's Department and remarked that there had been a few traffic accidents with a lot of cars turning left at closing time. He said he had spoken with the Georgia Department of Transportation and this would meet their technical requirements. He said there was concern about peak hours and increased traffic on SR 85 North. He noted that Corinth Road was a major arterial, but noted there was a traffic light planned for 85 North and Corinth Road. He presented an exhibit of surrounding property within one-half (0.50) mile of the subject property indicating industrial, commercial, residential, and properties located in Clayton County. He said the Fayette County Comprehensive Plan was designated low density residential with Clayton County zoned for one-fourth acre lots or high density residential. He pointed out that the subject property was surrounded by industrial, commercial, high density in Clayton County, and the East Bypass. He said

the expansion of the park would be good for the tax base. He said safety concerns would be addressed.

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

Johnie Williams remarked that he was the owner of the subject property. He pointed out that there was almost no value as A-R. He said last year the property taxes were almost \$100,000 and the County had a short fall in revenue.

Chairman Powell remarked that the PC did not look at taxes.

Johnie Williams said the average car had three (3) kids and there needed to be a change in the exit on 85 North because there was going to be a fatality there.

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

The following people spoke in opposition:

Don Allen said he owned the property adjacent to the North. He said he appreciated staff's analysis consisting of 11 pages. He said this proposal did not comply with the Comprehensive Plan dated 2004 to 2025, and pointed out that this area was also designated as conservation area. He said noise from Dixieland Fun Park can be heard on Curved Road, Morning Creek Drive, and Corinth Road. Lights can be seen especially during the winter months. He expressed concern about the increased traffic on Corinth Road. He said approval of this proposal would set a precedent. He pointed out that it was difficult to exit the park, but may be easier than exiting Corinth Road due to more sight distance. He said he had read an article that the East Bypass had been killed. He noted that two (2) churches are on Corinth Road with activities throughout the week and weekend. He expressed concern on property values. He noted that there was a cemetery to the North. He noted that most of property in Clayton County was already developed. He provided a copy of his comments to Sergeant Williams to be made part of these minutes.

Larry Wilson of 141 Morning Creek Road said his property adjoins the Dixieland Fun Park. He said there were five (5) to six (6) houses on Morning Creek Road and it was especially noisy on the weekends. He asked why 37.08 acres needed to be zoned and pointed out that there were already 12 acres zoned. He said there would be increased noise and the East Bypass would also add traffic. He noted that M-1 zoning would allow for heavy industrial businesses. He asked what a buffer would consist of.

Chairman Powell asked how large the buffer would be and Pete Frisina replied 75 feet.

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Mr. Wilson asked if there would also be 25 feet for the setback from the buffer and Chairman Powell replied yes.

Mr. Wilson questioned a privacy fence and Chairman Powell said that portion of the property was not part of this rezoning request.

Mr. Wilson interjected that Johnie Williams proceeds with property changes and then asks for permission. He said his main concern was with increased traffic and noise.

Marlene Raphael of 146 Morning Creek Drive remarked that she was concerned with the increased traffic, kids, noise, and late night activities. She said she purchased his property for peace and quiet and now property values would decrease. She said the existing privacy fence was an eyesore and pointed out that Curved Road was a dirt road.

Chairman Powell remarked that the proposed road to Corinth Road was on the north side of the subject property.

In rebuttal, Billy Brundage remarked that the traffic would increase on Corinth Road, but pointed out that it was a major arterial and a traffic light at Corinth Road and SR 85 North would be make this better. He noted that there was still a substantial amount of property remaining on Corinth Road that was not developed. He said the current plans were to expand parking and separate parking from amusement area to keep cars away from kids.

Chairman Powell remarked that the portion of Dixieland Fun Park, south of Curved Road, is currently being used for storage and asked how much unused property was left.

Mr. Brundage stated that the watershed protection buffered covered a large percentage of the area and the unused portion of this area is where future parking will be located.

Chairman Powell read the recommended conditions to the audience as follows:

1. The owner/developer shall dedicate, at no cost to Fayette County, per the Public Works Director, as follows: Dedication of right-of-way for Corinth Road is required to provide 50 feet of right-of-way as measured from the road centerline. Dedication of right-of-way along Curved Road is required to provide 30 feet of right-of-way as measured from the road centerline.
2. The subject property shall not have access to Curved Road.

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3. An approved site plan and/or traffic study will be required by the County prior to construction of a curb cut and driveway that connects Corinth Road with the Dixieland Fun Park.



Chairman Powell asked Mr. Brundage if he had any objection to these conditions.

Mr. Brundage replied that he had no objections.

Chairman Powell asked if there was any further public comment and hearing none, closed the floor from public comments.

Chairman Powell remarked that safety was a big issue and Corinth Road might not be the answer. He said to increase the safety on SR 85 North might require traffic signalization. He noted that low density housing would increase pedestrian traffic to the park. He said traffic would affect the higher density housing and he wanted to protect existing residential properties. He felt light and noise would be upsetting. He said the Comprehensive Plan designates the area as low density residential and the area requested for M-1 zoning was too large.

Bill Beckwith remarked that any future sale of the property would allow manufacturing uses in a residential area should the subject property be rezoned to M-1. He said this petition did not comply with the Comprehensive Plan and he could not support this petition.

Al Gilbert said M-1 was one (1) of the most intense zoning classifications. He said if properties sell then various businesses would be allowed. He said there were residential areas along Corinth Road.

Jim Graw stated there were 20 acres of A-R and they may request to rezone to M-1. He said he would be in favor of the property owner expanding, however existing residences already have noise concerns.

Bill Beckwith remarked that a reduction of acreage may be more acceptable to residents in the area.

Tim Thoms remarked that the adjacent land owners could utilize their property based on the Comprehensive Plan but might want to rezone part of their property as well if this rezoning is approved. He said the fun park is an intense use of the property and he could not support the petition.

Tim Thoms made a motion to deny the petition. Jim Graw seconded the motion.

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Hearing no further comments, Chairman Powell called for the vote. The motion for denial unanimously passed 5-0.

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Chairman Powell asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, May 21, 2009, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Jim Graw made the motion to adjourn the Public Hearing. The motion for adjournment unanimously passed 5-0. The Public Hearing adjourned at 8:52 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**DOUG POWELL  
CHAIRMAN**

**ATTEST:**

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**KAREN MORLEY, CHIEF DEPUTY CLERK  
FOR ROBYN S. WILSON, SECRETARY**