

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 4, 2009, 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  
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

**GUEST PRESENT:** Tim of Ultimate Security

**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.

\* \* \* \* \*

**1. Consideration of the Minutes of the meeting held on May 7, 2009.**

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. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

\* \* \* \* \*

**2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on May 21, 2009.**

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

\* \* \* \* \*

**June 4, 2009**  
**PC Public Hearing**

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 JUNE 4, 2009, AND THE BOARD OF COMMISSIONERS ON JUNE 25, 2009.**

3. **Consideration of Petition No.1215-09, Kenneth J. Lazarus of Southern Crescent Neurological Clinic, PC, Owner, and Randy Boyd, Agent, request to rezone Lots 1, 2, 3, and 4 of Ledgewood Subdivision consisting of 3.74 acres from R-40 to O-I to develop office-institutional uses and consideration of Petition No. RP-045-09, Kenneth J. Lazarus of Southern Crescent Neurological Clinic, PC, Owner, and Randy Boyd, Agent, request to revise the Final Plat of Ledgewood Subdivision to change the use of said lots from Single-Family Residential to Office Uses. Lots 1 thru 4 will be combined into one (1) lot. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West.** *Staff recommended APPROVAL with three (3) recommended conditions.*

Randy Boyd, representative for Kenneth J. Lazarus of Southern Crescent Neurological Clinic, requested to rezone 3.74 acres consisting of Lots 1 thru 4 of Ledgewood Subdivision from R-40 to O-I. He stated that if the rezoning was approved that a Revised Final Plat would be submitted to combine the four (4) lots into one (1) lot. He noted that Ledgewood Subdivision was developed in the late 1980's and recorded on February 13, 1981. He said that the subject lots have always been owned by the developer until they were sold to Mr. Lazarus. He reported that in 1989, additional right-of-way, consisting of approximately 1.5 acres, was taken for the widening of SR 54 West. He confirmed that the lots were buildable based on the soil survey and were conducive for septic tanks. He commented that the Concept Plan shows the combination of the four (4) lots, the reduction of the right-of-way, applicable setbacks and buffers, watershed protection buffers and setbacks, the proposed building, parking, and the entrance. He pointed out that the property to the east, west, and across SR 54 West is zoned O-I. He requested approval as submitted.

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

Bill Green, owner of Lot 5 in Ledgewood Subdivision, stated that when he purchased his lot he was not expecting houses to be built on the subject property. He said he was expecting the lots to be developed either commercial or O-I. He commented that when the adjacent five (5) acres were rezoned he thought that everything was going to be rezoned O-I except a one (1) acre tract adjacent to his lot. He said he later found out that there was no mention of the acre lot not being rezoned to O-I. He presented pictures of his view from his back deck and from his front yard. He complimented the Bank of Georgia building but expressed disappointment in the adjacent

## **PC Public Hearing**

unattractive building which has affected his property values. He remarked about the traffic noise from SR 54 West, the sirens from the ambulances at 2:30 am, and the garbage trucks at 3:38 am. He added that the proposed development would be an asset to the community.

Chairman Powell 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 asked Mr. Boyd if his client agreed to the recommended conditions.

Mr. Boyd replied that his client agreed to the recommended conditions; however, he requested that the following be added to recommended condition #2: That the fence or wall be constructed in conjunction with the construction of the main structure.

Pete Frisina advised that some of the recommended conditions were developed after a conversation with Mr. Green to address his concerns.

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

1. That the existing vegetation within the 30 foot buffer shall remain undisturbed.
2. That a six (6) foot fence or wall to create a 100 percent visual screen, be placed along the southern boundary of the subject property adjacent to lots 5, 6, 8 and 9 of Ledgewood Subdivision up to the point of the Watershed Protection setback. The fence or wall shall be limited to wood, brick, concrete, or concrete block covered with an architectural treatment and shall be a minimum one (1) foot from the property line of the subject property. The developer of this property shall confer with County staff to minimize the removal of vegetation in relation to the construction of the fence or wall.
3. Prior to the submittal of the Site Plan and/or building permits issued, a Revised Final Plat must be submitted to the Planning & Zoning Department, approved by all applicable county departments, and recorded in the Clerk of Superior Court's office.

Tim Thoms expressed concern about the requirement of a fence or wall due to the steep slope of the property. He said that a fence or wall would be of no benefit and would possibly disturb more of the existing vegetative buffer. He asked Mr. Boyd how the change of the elevation of the lot would be addressed.

Mr. Boyd replied that the GDOT will permit the slope of the driveway to be no greater than 6.25 percent; therefore, a retaining wall will be required. He said that a fence would be a good application but not a wall. He remarked that a fence would provide a screen.

Chairman Powell concurred and added that the fence will also assist to buffer the noise from SR 54 West. He said that he had visited the site today and there was constant traffic noise. He added that the fence would help buffer the view from SR 54 West, especially during the winter months.

Mr. Boyd pointed out that the east side of the lot could not be developed due to the watershed protection requirements and the front and rear yard setbacks intersect along the west side of the lot.

Jim Graw asked if a six (6) foot high fence or wall would provide a 100 percent visual screen.

Mr. Boyd replied that the fence would be constructed with the slats touching each other so you would not be able to see through the fence but you could see over the six (6) foot high fence.

Mr. Frisina advised that the 100 percent visual screen means a solid fence.

Mr. Thoms stated that while there is adjacent property zoned O-I and there doesn't appear to be any objections from the property owners within the subdivision, the lots were platted as part of the subdivision. He said garbage trucks and sirens going off at 2:00 am would affect the adjacent property use as previously stated by Mr. Green. He added that these negative impacts will probably be accentuated with the construction of a building on the subject property.

Chairman Powell concurred; however, the SR 54 West Overlay District permits consideration for rezoning the subject property to O-I. He said that there is no prohibition to restrict the subject property from being rezoned because it is platted as part of a subdivision. He pointed out that with Petition No. 1201-07, these concerns were expressed. He commented that if the subject property is not developed as O-I, it will probably not be developed residential and will remain vacant with no use. He added that the subject property was also a part of the Hospital Area Study.

Bill Beckwith concurred that if the property wasn't rezoned as O-I, there is not anything to be done with the piece of property. He added that he was in favor of approving the petition.

Bill Beckwith made a motion to approve Petition No. 1215-09 subject to the three (3) recommended conditions as previously amended.

Chairman Powell added that the motion should include the approval of Petition No. RP-045-09.

Mr. Beckwith amended his motion to include approval of Petition No. RP-045-09.

**Page 5**

**June 4, 2009**

**PC Public Hearing**

Al Gilbert seconded the amended motion.

Mr. Thoms reiterated that a fence or wall was unnecessary and asked Mr. Beckwith to consider amending his motion to delete recommended condition #2. He said that a fence or wall would not mitigate any potential impact on the existing subdivision. He commented that an increased buffer would be more effective than a wall or fence; however, it could interfere with the placement of a building on the lot. He suggested that maybe planting natural materials that would provide a more effective screen would also be better than a fence or wall.

Mr. Beckwith said that he was in favor of the requirement for a wall or fence and did not want to amend his motion.

Mr. Gilbert remarked that a fence or wall would be nice to have to provide an additional sound barrier.

Mr. Thoms confirmed that he had walked the property and a wall or fence will not be effective at all. He said a vegetative fence would be much more effective because of the size of the vegetation.

Mr. Graw said he would prefer to see a wall or fence instead of a berm because there would be less disturbance of the vegetative buffer.

Mr. Thoms reiterated that recommended condition #2 is very ineffective and may cause him to vote in opposition.

Hearing no further comments, Chairman Powell called for the vote.

The motion passed 3-2 in favor of the petitions with Tim Thoms and Jim Graw voting in opposition.

Mr. Gilbert asked if the Revised Final Plat would be considered by the PC.

Mr. Frisina replied that this Revised Final Plat would not be considered by the PC since there are no new streets involved and no new lots are created.

\* \* \* \* \*

Chairman Powell asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, June 18, 2009, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M. He advised that

the July Public Hearing scheduled for Wednesday, July 1, 2009, would be cancelled due to the lack of applications; however, he would like to hold a Workshop on Tuesday, June 30, 2009 and Thursday, July 16, 2009.

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 7:44 P.M.

**PLANNING COMMISSION**

**OF**

**FAYETTE COUNTY**

**ATTEST:**

---

**DOUG POWELL**  
**CHAIRMAN**

---

**ROBYN S. WILSON**  
**SECRETARY**