

THE FAYETTE COUNTY PLANNING COMMISSION met on July 1, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Arnold Martin, Vice-Chairman
John H. Culbreth
Brian Haren
Jim Oliver

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Plan & Zoning Coordinator

Welcome and Call to Order:

Chairman England called the Planning Commission meeting to order.

1. Consideration of the Minutes of the meeting held on June 3, 2021.

John Culbreth made a motion to approve the minutes of the meeting held on June 3, 2021. Arnold Martin seconded the motion. The motion passed 5-0.

NEW BUSINESS

2. Consideration of the Major Final Plat of the Enclave at Stonecrest Preserve. The property will consist of 36 lots zoned R-50 and is located in Land Lot 104 of the 7th District and front(s) on Dogwood Trail.

Trent Foster said we are here tonight to ask for the County's approval for the final plat as we have done everything to County specs and there are a few conditions on there that have actually been completed and we have asked the County to come out and inspect but I am not sure if they have done that yet. He added that we have gotten approval today from Bryan Keller for the letter of credit from Morgan Stanley Bank.

Arnold Martin said there are conditions.

Trent Foster said that when the County came out to do an inspection in early June we only had about an inch of grass and EMD wanted to see a little more grass before they would sign off on it and there were just a couple of minor things on the punch list.

Brain Haren asked if the conditions have been met.

Trent Foster said they have been met and we asked EMD to come out and re-inspect but we haven't gotten any response from them yet but everything has been met on our end.

Arnold Martin made a motion to approve the Minor Final Plat of the Enclave at Stonecrest Preserve with one condition. John Culbreth seconded the motion. The motion passed 5-0.

PUBLIC HEARING

- 3. Consideration of Petition No. 1311-21 A, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 9.88 acres from A-R to C-S to develop a conservation subdivision. This property is located Land Lots 223 of the 4th District and fronts on Bernhard Road.**

Chairman England said we have three rezoning items on the agenda. He stated each item has the same petitioner and technically they make up one case and since there are three properties it will require three motions but we will have one presentation, one round of public comments, and then three separate votes.

Steve Moore said with the three pieces of property the project is about 61 acres in size. He stated that the subject property is zoned A-R and is in the one unit per three acres land use designation. He added that the first step was to file a yield plan which is based on a three acre lot size layout and that determines the number of lots that can fit on the property and the approved yield plan yielded 14 lots. He said the request is to rezone to C-S for a conservation subdivision with 14 lots. He stated that each lot would be a minimum of 1.5 acres and 40 percent of the property is required to be set aside for a conservation area and we are setting aside about 54 percent. He added that there is one road proposed off of Bernhard Road to serve 13 lots and one lot will access Carrols Way. He stated that the project will be on individual septic systems and county water will be extended to the subdivision. He said they have done soil studies to determine suitability for septic systems and all of that came back positive. He added that they also have wetlands, state waters and flood studies as well. He said he believes this is the best design for the property for efficiency and the protection of the natural resources on the site in perpetuity with the conservation area. He stated the developer will be building homes starting at about 600 thousand dollars.

Chairman England asked if there was anyone one would wanted to speak in support of the rezoning. Hearing none he asked if there was anyone one would wanted to speak in opposition of the rezoning. Chairman England said before you get started I want to announce that we have received three emails from individuals who are opposed to the rezoning and those will became part of the record for this public hearing. He stated those emails were sent by Delana K. Bruce, Emily Berger and Ruby Fowler.

Harry Camp said he is an attorney that is here on behalf of Ron and Katie New who live on the lot along the southern boundary of the property which is a significant shared

property line. He added that they moved to this area of Fayette County about ten years ago from Peachtree City because of the low density pastoral area that it is and their primary concern is when you are talking about 1.5 acre lots is it is going to change the character of the area. He stated that 1.5 acre lots are inconsistent with all the lots in the area. He said the News felt strongly about this and were willing to put their money where their mouth was when this property went on the market and they put it under contract for purchase. He stated they hired engineers and were doing their due diligence and I will actually submit documents. He said that one document is actually a soils study and you can see that the far left northwest part of the property where the homes are proposed is the only portion of the property that is suitable for building. He added that they are not opposed to the concept of a conservation subdivision but it would appear here that the reason it is being done is because the other portion of the property is simply not buildable. He stated that with all the information they had they went to the County and the County assured them that the most homes that could be squeezed on the property was about seven homes and even under the three acre limit that would be 10 homes. He said at that point they were not opposed to any development and that was something they could live with, seven homes, so they allowed it to go back on the market and ultimately it was sold to the current applicant. He stated you can imagine their surprise when they saw the rezoning signs and learned that it was not seven homes but double that at 14 homes. He added given the analysis they had done obviously they are concerned about the density and they are very concerned that this site can actually support that density and that enough due diligence has been done in that regard. He said I have a picture of the area where lots 7, 8 and 14 are located and it shows water constantly standing and that will have to be dealt with. He stated that his clients ask that the Commission keep the current zoning and they have no problem with three acre lots which is smaller than many of the lots in the area but they think it sets a bad precedent for the area. He added that the project may not be feasible from an engineering standpoint. He said if the Commission were to approve the rezoning we would suggest a couple of conditions. He said lot 14 appears to be squeezed in as an afterthought and is the only parcel which fronts on and accesses Carrolls Way. He stated Lot 12 was slated to have access on Bernhard Road and a condition proposed by the traffic department is lot 12 feed into the new road and they would suggest the same for Lot 14 as it is not cohesive at all with the overall subdivision plans the way it is currently drawn with the access on Carrolls Way. He said second, along the southern portion of the property at least where the homes will be built, we ask for an increased buffer since it is such a significant density change to the A-R that they are in and we submit those for your consideration and we are happy to answer any questions. He stated that a lot of their neighbors have come out tonight so I am not going to be the attorney that takes up the full 20 minutes.

Arnold Martin asked what was your client's intention was when they were looking to purchase the property.

Harry Camp said it was clearly defensive move to have more of a buffer to their property. He added that they don't need it because they have significant property too.

Arnold Martin said so they weren't looking to develop the property.

Harry Camp said they weren't looking to develop the property.

Edward Rentz said I live 170 Shoal Creek Road which is in Whitewater Acres Subdivision off Carrolls Way and I am here tonight to oppose this project because we moved here because we liked the beautiful pastoral lands. He added that these 1.5 acre lots are not consistent with that and I have a copy of the C-S zoning and the whole purpose of this is to preserve wetlands and open space. He stated that it says a conservation subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space, this open space will be protected from development in perpetuity and will be utilized to protect water quality, water bodies, wetlands, riparian buffers, woodlands, archaeological resources, historic resources, agricultural areas and scenic areas. He said so what you have here, based on previous information mentioned by the neighbor down below, is this land is unusable and should never be developed because its wetlands and floodplain so it really doesn't need a conservation subdivision to protect it. He added that if you really want to protect the green space in this area than bigger lots would be the way to preserve the green space which would be consistent with all the land around it. He said the 1.5 acres with the questionable drainage for septic is just not consistent and if the goal is to preserve green space then make the lots bigger. He said he would prefer it stay three acres so if the goal of the County to preserve green space, water quality, wetlands and water bodies then this is not accomplishing the goal. He stated around us are large tracts of land and if this is approved it would be a gateway for other similar developments. He said he doesn't understand the C-S which says we are going to set aside land in perpetuity which would be good if it was good land that would otherwise be developed and allow smaller clusters but in this case this land is unusable and it is already conserved it doesn't need any special protection. He added that this is going in the opposite of protecting green space and the water because what you are going to have is a bunch of large houses with very little trees with grass and septic so they couldn't have trees anyway. He stated there are questions about run off from all these smaller lots. He added that these lots are not consistent with the area because everybody moved here for the nice quiet rural area and this is high density and contrary to the purpose of the conservation subdivision with green space preservation the County is trying to maintain.

Katie News said she grew up here so she knows this area very well and the agricultural areas are getting smaller and smaller and that is why we wanted to buy the property preserve it. She added that we are fine with three acre lots. She stated that it is zoned for three acre lots. She said their fear is that piece of Fayette County will change if the precedence is set.

Robert Bryant said I live at 135 Carrolls Way and I have two concerns. He stated that the first concern is Bernhard Road is a dangerous road and in the last two years there

have been three fatalities just after Carrolls Ways where there is a bridge and a bend in the road and with 14 more house you get more traffic on Bernhard Road. He said the second issue is septic and he is fighting septic issues on his property as he has 10 acres and he had to set aside two (2) acres for septic. He added that if they have 1.5 acres and there is a septic issue where they are going to go for more area. He said lastly I am concerned with more development and what that is going to do with the drainage in the area.

Ronnie Chance said I live at 245 Carrolls Way and I have concerns about traffic. He added that from 1978 to 1995 he lived at 225 Carrolls Way and my family had the opportunity to move back to where I grew up to raise my three daughters. He stated that his concern is setting precedence with 1.5 acre lots because we have density issues all over the County. He said he understands County budgets and the bottom line but this development is a wrong fit at a wrong time. He added that we have drainage issues, wetlands issues and a lot that has a flag pole coming out to Carrolls Way which makes absolutely no sense. He stated from the developer's standpoint for consistency and profit that lot and that driveway makes no sense as those people will have no access to the subdivision as they have to go back out on Carrolls Way. He said I implore you that you take a look around the room and look at these Fayette County voters and citizens and understand they took time out of their busy schedules to come here tonight to express their concerns.

Arnold Martin asked are you opposed to any type of development of this property.

Ronnie Chance said he is not opposed to any development of the property but he is concerned with 1.5 acre lots because it is not a good fit and sets a dangerous precedence. He added that he has six acres and what if I now come before you because I want 1.5 acre lots on my property and what is that going to do the integrity of the area as we don't even have stripes painted on our streets. He said this is rural south Fayette County and what does that do to the integrity of the infrastructure as we don't have underground utilities and we all have generators for when the power goes out. He added that this is a very close knit community and I am concerned with 1.5 acre lots on this property. He stated that this property was clear cut and the integrity of that land is destroyed when bulldozers start moving stuff as the topography changes and we don't know what the runoff will be like because when you have concrete out there it is not absorbing water so we are talking about flooding issues and disruption of wetlands. He said it is already a conservation area.

Sharon Burkingstock said she lives at 135 Shoal Creek Road and her concern is Shoal Creek as it goes behind my property and we have noticed there is a difference in the creek with flooding and it starts on this property and works its way down. She added that it goes over the roads and there will definitely be more of a problem with it.

Steve Moore said the majority of the good soils are in the northwestern portion of this property and that is what guided the design of this subdivision. He added however we

wouldn't have gotten a yield plan approved if there wasn't enough soils to support the 14 three acre lots that were laid out and three acre lots are consistent with the land use plan. He stated that the 14 lot yield plan layout utilized every square foot of the property and it would absolutely change the look of this property and the conservation approach would be a better option as you avoid using all of the property and a long road to reach all the lots going through wetlands and over creeks. He added that this is the more responsible approach by consolidating the lots in the best areas and preserving the rest of the property as you are not leaving it up to an individual lot owner. He stated the property has been clear cut and that was not done by my client but my client will clean up the property to make the lots desirable for 600 thousand dollar homes. He said the lots to the west of this property look to be two or three acre lots so this is not totally out of character with those lots. He added in terms of runoff when the property is developed the County has rules for the runoff to be controlled so that will improve water quality and quantity. He stated that they have studied the property and he has confidence in the soils scientists so the lots should be suitable for septic.

Brian Haren asked if the yield plan is consistent with the comprehensive plan.

Chanelle Blaine responded yes it is.

Arnold Martin asked if you could speak to the statements concerning the tree line buffer and can you speak to how large and how wide that would be and I know they were speaking about the southern border but I would like to hear about all the way around. .

Steve Moore said I don't know if the property was cleared all the way to the property lines.

Someone in the audience yelled it was cleared all the way to the property lines.

Steve Moore said they would be agreeable to a condition to plant a buffer back along the lots but I don't know what size it should be so maybe Pete or Chanelle could suggest that based on other cases.

Chairman England asked if there is a requirement for a buffer between C-S and A-R or R-40.

Chanelle Blaine responded that there is not a requirement for a buffer between residential uses but there is a requirement for a buffer between nonresidential and residential uses.

Chairman England said the zoning ordinance does not require a buffer between residential zonings so a condition for a buffer would be above and beyond the zoning code.

Arnold Martin said in the report it is stated that the development would be subject to the

tree protection ordinance.

Chanelle Blaine said tree protection is administered by the Environmental Management Department.

Pete Frisina said in the case of a residential subdivision, tree protection only applies to specimen trees within the right-of-way of the proposed streets.

Brian Haren said there is a lot of discussion about these lots being 1.5 acres and the property owners gives up a portion of the property for the conservation area. He added that if this development consisted of three acre lots it would be spread out over the whole property but the conservation subdivision concept allows them a smaller lot and the tradeoff is we get the conservation area that stays untouched. He stated that unless someone is going to come in on some of the other larger parcels that were mentioned tonight with a conservation subdivision the area is in a three acre area on the land use plan.

Chairman England said there were a lot of good points brought up tonight and they are points we hear on a lot of rezonings such as traffic and water runoff. He added that we have a traffic report in the staff report and it does not look like the development will have a big impact on traffic with a two percent increase on Bernhard Road. He stated that Mr. Moore mentioned that the water drainage issues are solved in the development process because the engineer is responsible to make sure that the water that is leaving the site and currently causing problems on other properties is not doing that anymore. He said the 1.5 acre C-S zoning was really created for lots like this that have wetland areas and water areas on the property that is undevelopable so we are still able to get a little something on there but not to level that we could if there were no lake or wetlands but that zoning was really made for this type of property. He said in terms of setting a precedence, the precedence has been set in other portions of the County were the C-S zoning has been used and there is one that is next door to me and I would rather it stayed wooded but that's how it goes. He added that this is in an area in the comprehensive plan where one unit per three acres is allowed, so while you guys are currently on larger pieces of property in the future this area is intended to be one house per three acres. He stated that is often the area where some of the concern comes is as most of you have always known this property as agricultural property and you want it to stay that way which is understandable. He added but the land use plan was updated in 2008 and this area is slated for one house per three acres.

Pete Frisina said the land use plan was updated in 2017 and prior to that this area was a one unit per two acre area so the density was decreased to one unit per three acres.

Chairman England said Mr. Chance mentioned that he had three daughters and he wanted to raise them in this area and if this rezoning is ultimately approved there would be 14 additional families that could enjoy this area.

Brian Haren said we are making a recommendation to the Board of Commissioners so this is not the final vote and all we are making is a recommendation on the rezoning.

Brian Haren made a motion to recommend approval of petition 1311-21 A with one condition. John Culbreth seconded the motion. The motion passed 4-1. Arnold Martin voted in opposition.

- 4. Consideration of Petition No. 1311-21 B, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 1.00 acre from A-R to C-S to develop a conservation subdivision. This property is located Land Lots 223 of the 4th District.**

Brian Haren made a motion to recommend approval of petition 1311-21 B with one condition. John Culbreth seconded the motion. The motion passed 4-1. Arnold Martin voted in opposition.

- 5. Consideration of Petition No. 1311-21 C, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 50.29 acre from A-R to C-S to develop a conservation subdivision. This property is located Land Lots 223 of the 4th District and fronts on Carrolls Way.**

Brian Haren made a motion to recommend approval of petition 1311-21 C with one condition. John Culbreth seconded the motion. The motion passed 4-1. Arnold Martin voted in opposition.

Arnold Martin made a motion to adjourn. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:30pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY


DANNY ENGLAND, CHAIRMAN

ATTEST:


HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY