

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 4, 2004 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Bill McNally, County Attorney  
Chris Venice, Acting Zoning Administrator/Director of Planning/  
Community Development Division Director  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He also welcomed the high school students.

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**1. Consideration of the Minutes of the meeting held on February 5, 2004.**

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated? Doug Powell advised that the Minutes needed to be amended to reflect him as the Vice-Chairman instead of Al Gilbert. Bob Harbison made the motion to approve the Minutes subject to the correction. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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**2. Consideration of the Workshop Minutes of the meeting held on February 19, 2004.**

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Doug Powell advised that the Workshop Minutes needed to be amended to reflect him as the Vice-Chairman instead of Al Gilbert. Al Gilbert made the motion to approve the Workshop Minutes subject to the correction. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw 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 ONLY ON MARCH 4, 2004.**

**3. Consideration of the preliminary plat, The Registry at Whitewater Creek, Cypress Development, Inc., Owner, and Clay Gilley, Agent. This property is located in Land Lot 225 of the 4th District and Land Lots 1 and 2 of the 6th District, fronts on Birkdale Drive, and is zoned PUD-PRD.**

Clay Gilley, Agent, requested approval of the preliminary plat stamped received 02/16/04.

Chairman Graw asked if there were any public comments regarding the technical aspects of the preliminary plat. Hearing none, he closed the floor from public comments.

Bob Harbison made a motion to approve the preliminary plat and a 450 foot variance for Wentworth Court to exceed the maximum 3,000 foot street length requirement. Doug Powell seconded the motion. The motion for approval unanimously passed 5-0.

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Chris Venice read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

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**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MARCH 4, 2004 AND BY THE BOARD OF COMMISSIONERS ON MARCH 25, 2004.**

4. **Consideration of Petition No. RP-027-04, Ramsey and Pam Walker, Owners/Agents, request to add density to George Daniel Subdivision by subdividing Tract II into two (2) lots consisting of 1.50 acres and 3.92 acres. This property is located in Land Lot 250 of the 4th District, fronts on Antioch Road and McBride Road, and is zoned R-40.**

Ramsey Walker requested to subdivide his 5.42 acre tract and create a 1.50 acre lot to sell and retain a 3.92 acre tract. He agreed to the recommended condition to dedicate right-of-way but did not agree to the recommended condition requiring a minimum lot size of 2.00 acres because the additional half acre would take the majority of the road frontage on Antioch Road where the driveway is located.

Chairman Graw 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.

Robert White of 390 McBride Road stated that he had lived in this area for approximately 20 years. He said that he found out that the subject property had been zoned R-40 for quite some time. He remarked that he had contacted a number of people on the street who have asked him to be the spokesperson for the group. He commented that he realized it would be difficult to get the petition denied since the zoning had been in place so long. He expressed concern about the lot sizes since the majority of the lots on the street are five (5) acres zoned A-R. He expressed further concern about the corner lot being rezoned to commercial in the future. He confirmed that Mr. Walker purchased a house located on 5.42 acres. He asked the P.C. to consider the current house sizes and acreage in the general vicinity.

William Johnson of 402 McBride Road stated that he only had four (4) acres and was required to purchase additional property in order to have a total of five (5) acres. He reported that the average lot size in the area is 14 acres. He commented that he was in opposition to the 1.50 acre lot.

In rebuttal, Mr. Walker confirmed that the property had been zoned R-40 for a long time and he was not requesting to change the zoning.

At this time, Chairman Graw closed the floor from public comments.

Bill Beckwith pointed out that there was property zoned R-45 across the street, however a minimum of two (2) acres is in compliance with the Land Use Plan.

Bill Beckwith made a motion to approve the petition subject to the two (2) recommended conditions as follows:

1. The owner/developer shall dedicate, at no cost to Fayette County, 10 feet of additional right-of-way to create a total of 30 feet of right-of-way, as measured from the centerline of McBride Road and must be indicated on the revised Final Plat.
2. That the subject property be limited to a minimum lot size of two (2) acres after the dedication of additional right-of-way.

Al Gilbert seconded the motion.

Bob Harbison expressed concern about the small amount of road frontage on Antioch Road. He asked Mr. Walker if he had plans on where the driveway would be located.

Mr. Walker replied that the driveway would be from McBride Road and not Antioch Road.

Chairman Graw asked Staff if this was a problem.

Chris Venice replied that the driveway would have to meet intersection setback requirements and would have to be located on McBride Road since it is the lower classification road.

Chairman Graw explained that the Land Use Plan voted on in the late 80's stipulated that the property be from two (2) to five (5) acres even though the property is zoned R-40 which is a minimum of one (1) acre. He advised that a two (2) acre lot would meet the Land Use Plan.

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

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At 7:28 P.M., Chairman Graw paused the meeting in order to sign the agendas for the high school students. He reconvened the meeting at 7:30 P.M.

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5. **Consideration of Petition No. 1124-04, J. H. Chandler, Owner, and Audrey Massey Agent, request to rezone 3.857 acres from R-70 to O-I to develop O-I uses. This property is located in Land Lot 128 of the 5th District and fronts on S.R. 54 West.**

Audrey Massey, Agent, introduced Mr. J. H. Chandler and advised that this property was located within the hospital district, fronts S.R. 54 West, and also abuts the city limits of the City of Fayetteville. She added that the results of the soil test had been submitted to the Environmental Health Department.

Chairman Graw 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.

Al Gilbert made a motion to approve the petition. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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6. **Consideration of Petition No. 1125-04, Ward and Mary Lynn Westbrooks, Owners, and Audrey Massey, Agent, request to rezone 0.67 acres from R-70 to O-I to develop O-I uses. This property is located in Land Lot 128 of the 5th District and fronts on Sandy Creek Road.**

Audrey Massey, Agent, introduced Mr. and Mrs. Ward Westbrooks, who agreed to the recommended condition. She advised that the subject property abuts the property approved in the previous rezoning request and added that the results of the soil test had been submitted to the Environmental Health Department.

Chairman Graw 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.

Bob Harbison made a motion to approve the petition subject to one (1) recommended condition as follows:

1. The property owner shall execute a Quit-Claim deed for 40 feet from the centerline of the old alignment of Sandy Creek Road at no cost to Fayette County.

Doug Powell seconded the motion. The motion unanimously passed 5-0.

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7. **Consideration of Petition No. 1126-04, Caroline L. Wilson, Owner, and Joe Simpson-Rich, Agent, request to rezone 4.4 acres from R-20 to R-40 to develop a single-family residential subdivision. This property is located in Land Lot 43 of the 5th District and fronts on Inman Road.**

Tom Daniel, Agent, reminded the P.C. that the subject R-20 property is part of a larger development consisting of a total of 29.4 acres, 25.1 acres zoned R-40. He said he was requesting to rezone 4.4 acres from R-20 to R-40 in order for the entire tract to have the same zoning district.

Chairman Graw 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.

Brad Paullin of 180 Cross Creek Trail said he opposed the rezoning because he opposed the proposed street. He stated that he was not contacted about a buffer between the subdivision and his property. He expressed concern about the location of the street in his back yard, the lights in his back yard from the street, and the way the cul-de-sac was drawn which is not perfectly round. He commented that he might as well put a driveway on his rear property line and go out the backyard because the proposed street would be closer. He remarked that he is not opposed to houses being built behind his property but he was concerned about the location of the proposed street which could be damaging to his property.

William Brown of 411 Inman Road stated that due to this rezoning approval, he is moving. He expressed concern about the entrance to the subdivision and the need for a deceleration lane on Inman Road.

In rebuttal, Mr. Daniel advised that when the rear half of the property was rezoned, a ten (10) foot buffer was required around the perimeter of the property. He added that the ten (10) foot buffer will also be applied to the subject petition. He said that once the soils were determined and the final layout of the subdivision was designed, he would contact the neighbors to talk about the road and the profile. He confirmed that he had meet with Phil Mallon at the site and a deceleration lane would be constructed.

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

Chairman Graw asked if the road would be closer to Inman Road or Cross Creek Trail.

Mr. Brown replied that the road would be closer to Cross Creek Trail.

Chris Venice advised the P.C. that the B.O.C. required a ten (10) foot buffer around the perimeter of the 25.1 acres previously rezoned from R-20 to R-40.

Chairman Graw asked if he had spoken with the adjacent property owners.

Mr. Daniel reported that he would speak to the adjacent property owners once the soils were determined.

Chairman Graw asked Mr. Daniel if he agreed to the recommended conditions.

Mr. Daniel nodded affirmatively.

Bob Harbison made a motion to approve the petition subject to the three (3) recommended conditions as follows:

1. The owner/developer shall dedicate, at no cost to Fayette County, ten (10) feet of right-of-way to create a total of 50 feet of right-of-way, as measured from the centerline of Inman Road.
2. The Owner/Developer shall provide a natural buffer at least ten (10) feet in depth along the perimeter of the subdivision. Existing vegetation within the buffer area shall not be disturbed except for approved access and utility crossings. Said buffer area shall be deeded as common area to the Home Owner's Association for maintenance purposes, and indicated on both the preliminary and final plat of the subdivision.
3. No lot shall have immediate vehicular access to Inman Road.

Al Gilbert seconded the motion. The motion for approval unanimously passed 5-0.

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**8. 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, B. S.R. 85 North Overlay Zone, 2. Dimensional Requirements, f. Gasoline Canopy.**

Chris Venice advised that the proposed amendment had been discussed at a previous workshop. She said that the proposal was to reduce the setback in the S.R. 85 North Overlay Zone corridor for gasoline canopies only from a minimum of 100 feet to a minimum of 85 feet from the right-of-way.

Chairman Graw asked what percent administrative variance could possibly be granted.

Mrs. Venice replied five percent (5%).

Chairman Graw asked if there was any public comments (only two people in the audience).

Thomas Wells, Director of Real Estate for QuikTrip, respectfully requested favorable consideration of the proposed amendments.

Bob Harbison made a motion to approved the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion for approval unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Chris Venice reminded the P.C. of the Workshop scheduled for March 18, 2004 in the Board of Commissioners Conference Room, Suite 100 at 7:00 P.M. She advised that the following items would be discussed: allowing for a percentage of commercial uses in O-I; allowing a portion(s) of the front landscape area in the overlay zones to be used for detention purposes; the definition of an accessory structure, including any inspection requirements; and the architectural standards for the Overlay Zones.

There being no further business, Doug Powell made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:50 P.M.

**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW**  
**CHAIRMAN**

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