

THE FAYETTE COUNTY PLANNING COMMISSION met on November 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: Aaron Wheeler, Director of Zoning/Zoning Administrator
Chris Venice, Director of Planning/Community Development Division
Director
Ron Salmons, County Engineer
Phil Mallon, Assistant County Engineer
Delores Harrison, Zoning Technician
Dennis Davenport, Assistant County Attorney
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Sgt. Earl Williams

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 welcomed the students from Fayette County High School.

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1. Consideration of the Minutes of the meeting held on October 7, 2004.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated? Bob Harbison made the motion to approve the Minutes. 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 October 21, 2004.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Al Gilbert made the motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Chairman Graw abstaining from the vote due to being absent from the Workshop.

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Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and would be addressed by the P.C. only and there would be no public input.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON NOVEMBER 4, 2004.

3. Consideration of a Preliminary Plat, Woodhaven Subdivision, Fred Cannon, Brad Cannon and John Blalock, Owners/Agents. This property consists of 15.5 acres with three (3) single-family dwelling lots. This property is located in Land Lot 121 of the 4th District, fronts on Friendship Church Road, and is zoned A-R. The applicant requested to withdraw the preliminary plat due to right-of-way issues.

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Doug Powell made a motion to accept the withdrawal request. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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4. **Consideration of a Preliminary Plat, Westside Park Subdivision, Gramm Representatives, Inc., Owners, and Mike Byrd, Agent. This property consists of 40.55 acres with 16 single-family dwelling lots. This property is located in Land Lot 164 of the 5th District, fronts on S.R. 92 North, and is zoned R-40. The applicant requested to withdraw the preliminary plat due to G.D.OT. right-of-way issues.**

Doug Powell made a motion to accept the withdrawal request. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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5. **Consideration of a Preliminary Plat, Woodbridge Farm at Matthews Plantation Subdivision, Jackie L. Mask, Owner, and Mike Daughtry of Woodbridge Farm Dev., LLC, Agent. This property consists of 270.753 acres with 43 proposed single-family dwelling lots. This property is located in Land Lots 132, 133, and 156 of the 4th District, fronts on Huckaby Road and Rising Star Road, and is zoned A-R.**

Dan Langford, a partner of Woodbridge Farm Development, LLC requested approval of the preliminary plat stamped received 10/28/04.

Doug Powell referenced the T.R.C. Minutes and stated that the plat needs to have a note stating that Lots 20 and 22 must access on Woodbridge Trail only, however he could not find the information on the preliminary plat. He added that Lots 1, 3, 4, 6, 14, and 16 could also be reconfigured to have access by internal roads as opposed to Huckaby Road or Rising Star Road.

Mr. Langford said he was unfamiliar with the situation and had not heard anything about it.

Aaron Wheeler confirmed that the note not being on the preliminary plat was an oversight.

Mr. Langford asked if he could approach the P.C. and review the plat.

Bob Harbison stated that requiring Lots 20 and 22 to access Woodbridge Trail only is a valid statement, however the other lots are flag lots and would access Rising Star Road or Huckaby Road.

Al Gilbert stated that the houses would face Huckaby Road until Lot 20 and Staff is telling Lot 20 to place the back of the house in Lot 19's back yard.

Mr. Harbison replied that the note was regarding access and not the placement of the house. He expressed concern about constructing a driveway at the entrance due to traffic flow problems.

Bob Harbison made a motion to approve the preliminary plat stamped received 10/28/04 with the required note indicated on the Final Plat. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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Aaron Wheeler 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 NOVEMBER 4, 2004 AND BY THE BOARD OF COMMISSIONERS ON DECEMBER 9, 2004.

6. **Consideration of Petition No. 1133-04, Reese Developers, Inc., Owners, and Tom Reese, Agent, request to rezone 20.66 acres from A-R to O-I to develop an Office Park consisting of 22 lots. This property is located in Land Lot 253 of the 4th District and fronts on S.R. 85 South and McBride Road.**

Tom Reese of Reese Developers stated that the area is already pretty much an office institutional area. He confirmed that there is some commercial in the area. He said that even though there are properties zoned agricultural that there are a lot of areas which are institutional with uses such as churches and schools. He presented a plat and pointed out the subject property, the residential property, the existing schools and churches, and the BP Station.

Mr. Reese reported that the design of the proposed development included greenspace as a buffer. He stated that office-institutional was a good classification for the area since it is located on S.R. 85 South, which is a main thoroughfare, that lends itself to this type development. He pointed out that there is commercial development at the intersection of Bernhard and S.R. 85 South. He said that the proposed development would protect the area and keep the area in an environment suitable for the area. He confirmed that the buildings would be brick, glass, and/or limestone which will enhance the area tremendously. He commented that the School Board was concerned about congestion and retail space, however there will be no retail space, only offices. He remarked that each lot would contain a separate office building and there should be no adverse affects on the schools. He concluded by saying he would be glad to answer any questions.

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.

Scott Gilbert of 591 McBride Road stated that he and his family lived on McBride Road. He confirmed that he was not related to Planning Commission Member Al Gilbert. He noted that it is impossible to make a left turn off of Harp Road or McBride Road. He stressed his concern about increased traffic. He said that McBride Road is utilized as a cut-thru. He stated that having access onto McBride Road is a disaster waiting to happen. He commented that with the city limits coming closer that congestion is already there. He report that it takes him 20 minutes to go from his house to the Courthouse. He stressed that traffic issues need to be resolved. He added that he was also concerned about safety issued. He requested the P.C. to deny the request.

Prettina Johnson of 185 Shamrock Drive stated that she did not want to see buildings out of her backyard. She said that her two (2) boys play on the subject property. She commented that it is very hard to turn left from Shamrock Drive onto S.R. 85 South. She expressed concern about traffic congestion and safety.

Ann Daniel of 740 McBride Road presented a petition in opposition to the rezoning with 38 signatures. She stated that she already had a retention pond in her back yard due to the school. She said that at night there are flood lights from the school shining in her yard. She commented that the sewage from the proposed development would be right at her driveway. She stressed that she did not purchase her property to be run out of the County. She remarked that there would be new drivers in the area due to the high school. She said that you must think about the children since they are our future. She noted that she pays taxes and yet her children had to go to schools in trailers. She stated that there would be 22 4-story buildings which is not needed. She added that she has a well and that the water is fed from under McBride Road. She said that she was unsure of how the proposed development would affect her well water. She requested the P.C. to deny the petition.

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Mike Gregory of 125 Cedar Creek Court stated that the high school only has freshmen and sophomore students so what will happen when there are junior and senior students. He said that it took him 30 minutes to drive his son to school which is less than one (1) mile. He stressed that the roads are not meant for this type traffic. He added that the infrastructure such as roads and sewer systems are not in place to support more development. He requested that the area remain as is.

Kim Apodaca of 1502 S.R. 85 South stated that she lives next to the proposed driveway for the development. She said that a 30 foot buffer is not sufficient. She commented that she has a horse and that there are deer in the area. She remarked that she does not want to see this type of development everyday from her home. She requested that the P.C. oppose the petition.

Davita DeLaught of 740 McBride Road expressed concern about how the proposed development will affect the existing wells in the area. She asked if there had been a study on the environmental impact for the proposed development. She stated that there are many animals and trees in the area.

Tim Thoms of 625 McBride Road stated that the subject property is zoned A-R which allows plenty of uses and that O-I is not compatible with the area. He said that he purchased land in the country and this type development is not wanted in the neighborhood. He remarked that he would appreciate the P.C. denying the petition.

Tony Giordano of 165 Shamrock Drive said that the proposed buildings would be located in his back yard so he is thoroughly opposed to the development. He stated that he purchased the property in July and he could watch the deer and birds. He commented that he purchased two (2) lots, one of which was for his daughter, however the lot would not perc for a septic tank. He asked how 22 buildings could be developed when the adjacent property would not perc for one (1) house. He remarked that there is a stream in the front of his property running from S.R. 85. He stressed that he was opposed to the development completely and thoroughly.

Rick Ivey of 200 Shamrock Drive stated that he needs to replace his septic system at a cost of over \$20,000 because the land will not perc even though it was fine in 1976. He asked the P.C. to consider this in their decision.

In rebuttal, Mr. Reese said that he did leave greenspace bordering the residential properties and a greenspace park in the middle. He stated that anytime there is development, whether residential or O-I, there will be an increase in traffic. He commented that office-institutional is certainly a better category than retail. He remarked that there is not a major difference between these type offices and residential. He confirmed that it is his intent to construct 1-2 story buildings even though the zoning would allow 4-story buildings. He confirmed that the buildings will be very attractive and blend in with the area and that there would be no vinyl. He stressed that the buildings would be first class, brick, limestone, architectural concrete, and natural stone which will be very pleasing to look at. He reported that a soil report by a registered engineer had been prepared and the soils are fine for septic. He added that he also had a complete soils report and analysis prepared before he purchased the property. He said that the soils were suitable to support the proposed system without any problems whatsoever and the area has been designated for the proposed system. He stated that he would be required to meet all of the stormwater requirements of the County and the State to ensure that the water is controlled which is a part of the engineering and construction plans. He said that there are no streams on the subject property flowing to someone else's property. He confirmed that an environmental study was prepared to make sure that it is not contaminated and the property was given a clean bill of health. He stated that he wanted to be a good neighbor because there are a lot of ties here. He remarked that because of what is in the area already that the proposed development would be a natural progression for the area. He commented that he would protect the area and that there would be attractive buildings. He said that the proposed development would be a good development for the area. He went on to say that he was not opposed to doing some additional buffering if that would make the adjacent property owners more comfortable. He said that the proposed development would not be a tremendous amount of difference than a residential development. He stated that the proposed development does fit into the area really well with what

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is already developed.

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

Al Gilbert advised the public that the Board of Commissioners do not zone for schools. He stressed that the School Board and School System have the authority to place schools wherever they want to.

Bob Harbison asked Mr. Reese to explain the community septic system concept.

Mr. Reese replied that the community septic system concept is basically a small public sewer because all the buildings feed to a sewer line and then a particular system designed by a registered engineer that is approved by the State Environmental Department. He said that recently the State Environmental Department have encouraged community septic systems. He stated that he attended a seminar approximately 8-10 months ago and the Federal Environmental Department was there also so this is a system they are recommending more and more instead of private individual septic systems. He reported that it meets all the criteria. He went on to say that you show them your plans, your office buildings, the square footage, and the soils and topo and then an engineer designs the system and the State Environmental Department has to approve the system.

Mr. Harbison stated that A-R is thought of as residential yet there are schools. He said he would not want to buy a house next to a school, however the subject property is not land used for office-institutional development. He added that this is the main problem he has with the request. He remarked that he knew Mr. Reese was capable of quality development which is not an issue. He commented that the request was not in compliance with the Land Use Plan and this is what he is having the most problem with.

Chairman Graw concurred. He said that one (1) person had stated that they just recently purchased their property with open land behind his house. He remarked that he did not feel comfortable with the request. He stated that the request could be considered "spot zoning" even with commercial on S.R. 85 which is also "spot zoning". He added that the request does not meet the Land Use Plan. He commented that he would like to see business come into Fayette County but this is the wrong location. He said that there is plenty of land in the County zoned O-I where a beautiful development could be located. He also expressed concern about the traffic which would be generated. He said that the proposed development may generate less traffic than if the property was zoned residential with 100 homes.

Bill Beckwith confirmed that O-I allows a minimum lot size of one-half acre with a community septic system and water.

Aaron Wheeler replied yes.

Mr. Beckwith asked if the community sewage system meets the criteria.

Mr. Wheeler replied yes.

Mr. Beckwith expressed concern about the proposed development not complying with the Land Use Plan. He said that the right of the land owner is to request a rezoning if he feels strongly enough, however, the Land Use Plan is there for a purpose. He stated that the subject property is zoned A-R and he had a problem since the request does not meet the Land Use Plan and the land can be developed under the A-R zoning district. He added that he could not support the request.

Doug Powell made a motion to deny the petition. Bill Beckwith seconded the motion.

Mr. Gilbert stated that there were several comments about deer on the subject property, however this is someone's property which he pays taxes on and the property will be developed at some point in time. He said that he has been on the P.C. for 16 years and a shopping center was proposed for the subject property several years ago. He commented that vacant property will usually not remain

vacant property. He added that he was also concerned that the request did not comply with the Land Use Plan.

Mr. Harbison stated that if the land use had been different that he would have supported the request due to the location of the subject property and the existing/proposed schools. He said that no one wants to purchase property in the school's front door. He commented that he had to support the Land Use Plan which was his only reason for voting in opposition.

Chairman Graw concurred. He asked what would be more appropriate on S.R. 85 South, homes or businesses, unfortunately the Land Use Plan designates this area as residential. He added that if the Land Use Plan was different that he would have considered the request.

At this time, Chairman Graw called for the vote. The motion for denial unanimously passed 5-0.

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Chairman Graw called for a break at 7:57 P.M. He reconvened the public hearing at 8:04 P.M.

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7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance, Article III. Definitions, Section 3-43. Family.**

Aaron Wheeler advised that the proposed amendment was previously discussed at a Workshop.

Chairman Graw suggested that a comma be placed after "(4)" and after "persons" and a period after the word "unit", cross out the word "though" and start a new sentence with a capital "T" as follows: Family. One or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

Chairman Graw asked if there was any public comments. Hearing none, he closed the floor from public comments.

Bob Harbison 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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Chairman Graw asked if there was any further business.

Aaron Wheeler reminded the P.C. of the Workshop immediately following the Public Hearing.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Doug Powell seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:09 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY