

THE FAYETTE COUNTY PLANNING COMMISSION met on January 6, 2005 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
Delores Harrison, Zoning Technician
Phil Mallon, Assistant County Engineer
Bill McNally, 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.

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1. Election of a Chairman for 2005.

Al Gilbert nominated Jim Graw as Chairman for 2005. Bill Beckwith seconded the nomination. Al Gilbert made a motion to close the floor for nominations. Doug Powell seconded the motion. The motion to appoint Jim Graw as Chairman for 2005 was passed 4-0-1 with Jim Graw abstaining from the vote.

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2. Election of a Vice-Chairman for 2005.

Bill Beckwith nominated Doug Powell as Vice-Chairman for 2005. Al Gilbert seconded the nomination. Bill Beckwith made a motion to close the floor for nominations. Al Gilbert seconded the motion. The motion to appoint Doug Powell as Vice-Chairman for 2005 was passed 4-0-1 with Doug Powell abstaining from the vote.

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3. Election of a Secretary for 2005.

Doug Powell nominated Robyn Wilson as Secretary for 2005. Al Gilbert seconded the nomination. Doug Powell made a motion to close the floor for nominations. Bill Beckwith seconded the motion. The motion to appoint Robyn Wilson as Secretary for 2005 was unanimously passed 5-0.

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4. Consideration of the Minutes of the meeting held on December 2, 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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5. Consideration of the Workshop Minutes of the meeting held on December 2, 2004.

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

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JANUARY 6, 2005 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 27, 2005.

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

6. Consideration of Petition No. RP-029-05 for a Revised Final Plat, Lee's Mill Farms Subdivision, Joseph Linn and Carol B. Evitts, Sr. and David C. and Janet E. Roberts, Owners/Agents. The request is to add 1.045 acres to Lot 12 which consists of 2.332 acres for a total lot size of 3.377 acres. This property is located in Land Lot 18 of the 7th District, fronts on Farm Lane and Buckeye Road, and is zoned R-70.

David and Janet Roberts both approached the podium. Mr. Roberts stated that about the middle of last year he became aware that his pool was in violation of the rear property line setback. He reported that he filed a variance application, however the Z.B.A. denied the petition due to other available remedies. He confirmed that his neighbors, Joseph and Carol Evitts, Sr. had agreed to sell a portion of their property to him and his wife. He asked the P.C. to approve this additional property to their lot. He commented that he had spoke with some of the adjacent neighbors who had signed a statement in favor of the petition and also photographs of the subject property which was presented to the P.C. for their review.

Chairman Graw read the statement from the neighbors aloud to the audience.

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 subject to the two (2) recommended conditions. Bill Beckwith seconded the motion.

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

Mr. Roberts replied that he had not seen the recommended conditions and stated he would like to read them. He read the recommended conditions and stated that he agreed to them.

Bill Beckwith clarified that a Revised Final Plat would be required.

Aaron Wheeler replied that a Revised Final Plat would be required but only for the subject lot.

Chairman Graw asked for clarification regarding the encroachment of the pool.

Mr. Roberts stated that the pool company permitted the pool showing the pool outside of the rear yard setback, however it was constructed incorrectly and he understands that ultimately it is the property owners responsibility.

Doug Powell clarified that the Evitts are willing sellers.

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Mr. Roberts replied that they are.

At this time, Chairman Graw called for the vote.

The motion unanimously passed 5-0.

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7. **Consideration of Petition No. 1136-05, Gin-Jer Investments, LLC, Owner, and Edwin Koons, P.E. of Hamilton Engineering & Design Co., LLC, Agent, request to rezone 0.799 acres from A-R to O-I to develop office/training space. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West.**

Ed Koons stated that he was looking to rezone an existing residence which was approximately 40 years old. He advised that the residential structure would be converted into an office and small training center. He said that he agreed to the recommended condition regarding the Department of Transportation. At this time, he introduced the owner/developer, Gerald Chandler.

Gerald Chandler stated that he had approached the adjacent neighbor, Attorney Christy Dunkleberger who rezoned two(2) lots to O-I, regarding access to the subject property. He said that he would like to widen the existing driveway and construct an exit lane in front of Attorney Dunkleberger's property in the right-of-way and she had no problem with the proposal. He reported that there would be a 24 foot wide driveway with parking to the front of the structure for six (6) vehicles, one (1) of which would be handicap. He pointed out that the property is on a curve and sight distance was limited. He added that the landscaping would be brought into County compliance. He explained that the business operated from the structure would be Quality Heating and Air's home office. He remarked that the business would be a "one-stop shopping concept" for people wanting to build a quality home. He commented that a home builder could meet with a HVAC, electrician, plumber, and builder all at one location. He went on to say that plans would be developed and a custom, quality home would be built on the homeowners property. He reported that a showroom would be provided to display rug and tile samples.

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 pointed out an error in the recommended condition and asked Staff to read the correct recommended condition.

Aaron Wheeler replied that the additional right-of-way should be measured from the centerline of S.R. 54 West and must be indicated on the Site Plan.

Al Gilbert made a motion to approve the petition subject to the one (1) recommended condition. Doug Powell seconded the motion.

Chairman Graw asked for clarification of the comments from the Environmental Health Department regarding the septic system serving the subject property.

Mr. Koons explained that the street address has changed over a period of times so four (4) possible schemes were produced when the Environmental Health Department checked their records, however it was determined that the existing septic system is located on the left rear side of the subject property and added that this would be verified. He said that the sewage discharge should be less for the proposed business than a single-family dwelling.

Chairman Graw asked if a recommended condition was necessary regarding the septic system.

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Attorney McNally replied that the septic system is not part of a rezoning, however a septic permit would be required prior to approval of a site plan.

At this time, Chairman Graw called for the vote.

The motion unanimously passed 5-0.

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8. Consideration of Petition No. RP-030-05 for a Revised Final Plat, Tunis Trace Subdivision, Vincent Crow, Owner, and Carl Christensen, Agent. The request is to subdivide Lot 17 which consists of 7.84 acres into four (4) single-family dwelling lots. This property is located in Land Lot 54 of the 5th District, fronts on Marron Road and Inman Road, and is zoned R-20.

Carl Christensen stated that he wanted to subdivide the subject property into four (4) single-family dwelling lots with lot sizes ranging from 1.5 acres to 2.236 acres. He said he is planning to construct spec homes in the \$250,000 to \$300,000 range.

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 asked Mr. Christensen if he agreed to the recommended condition.

Mr. Christensen replied that he agreed to the recommended condition.

Bob Harbison made a motion to approve the petition subject to the recommended condition. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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9. Consideration of Petition No. 1137-05, Community Fellowship Christian Church and Family Life Center, Owners, Darien Sykes of Sykes Consulting, Inc., Agent, request to rezone 7.31 acres from C-H and R-40 to O-I to develop a Daycare Facility. This property is located in Land Lot 199 of the 13th District and fronts on S.R. 314.

Darien Sykes stated that the church would like to renovate an existing home into a daycare facility. He explained that the subject property had two (2) zoning districts.

Pastor Jerome Rules reported that the church has been in the community approximately ten (10) years and the church is very community oriented. He said that the church wants to put something back into the community.

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

Marcia Jack requested the P.C. to approve the petition for the children. She said that the daycare would provide a place where the children could be loved, nurtured, taken care of, and be at peace. She stated that the school system is struggling and it is time for something positive to take place for the children

Chairman Graw 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. Sykes if he agreed to the recommended condition.

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Mr. Sykes replied yes sir.

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

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10. **Consideration of Petition No. RP-031-05 for a Revised Final Plat, Sunshine Farms Subdivision, Robert Lewis, Owner, and Piedmont Land Surveyors, Inc., Agent. The request is to subdivide Lot 2 which consists of 7.64 acres into two (2) single-family dwelling lots. This property is located in Land Lot 230 of the 13th District, fronts on S.R. 314 and S.R. 279, and is zoned R-40.**

Jason Rainwater of Piedmont Land Surveyors requested to subdivide Lot 2 into two (2) single-family dwelling lots. He added that the client agrees to the recommended conditions.

Bill Beckwith asked if the property could be further subdivided.

Aaron Wheeler replied that the property could be further subdivided provided the property meets the County's requirements and a petition is approved by the Board of Commissioners in a public hearing.

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

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11. **Consideration of proposed amendments to the Fayette County Zoning Ordinance, Article V. General Provisions regarding Section 5-9. Single-Family Dwelling, A. Additions To A Single-Family Structure presented by the Zoning Department.**

Aaron Wheeler advised that through interpretation, additions to a single-family dwelling which are to be a part of the single-family dwelling and not an accessory to the single-family dwelling be through a heated/cooled corridor. He stated that the proposed amendment basically transforms the interpretation into writing for the Zoning Ordinance. He added that the proposed amendment had been previously discussed at three (3) Workshops.

Chairman Graw asked if there was any public comment (only one person in the audience). Hearing none, he closed the floor from public comments.

Al Gilbert made a motion to approve the proposed amendments as submitted. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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12. **Consideration of proposed amendments to the Fayette County Development Regulations regarding Article XII. Illicit Discharge and Illegal Connection Ordinance presented by the Engineering Department.**

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Phil Mallon stated that the proposed amendments had been previously discussed at two (2) Workshops. He explained that there were basically three (3) points of the proposed amendments: 1) primary goal is to protect public health, safety, and the environment by regulating spills and proper dumping and connections to the County separate storm sewer system; 2) proposed regulations are largely based on a model ordinance prepared by the Atlanta Regional Commission and the North Georgia Water Planning District; and 3) adoption of this ordinance, or a very similar one, is required as part of the County's general Storm Water Permit and ultimately mandated by the Federal Clean Water Act.

Chairman Graw asked if there was any public comment (only one person in the audience). 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.

Bob Harbison thanked Mr. Mallon and the Engineering Staff for working with the P.C. on the proposed ordinance.

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Chairman Graw asked if there was any further business.

Robyn Wilson advised the P.C. that she would notify the P.C. whether or not the Engineering Department was going to be ready to hold a Workshop on January 20, 2005 since their item was the only item for the Workshop.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Jim Graw seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:55 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**JIM GRAW
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**