

THE FAYETTE COUNTY PLANNING COMMISSION met on April 7, 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
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wheeler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
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. He welcomed new P.C. member Tim Thoms.

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1. Oath of Office administered to Tim Thoms.

County Attorney Bill McNally administered the Oath of Office to Tim Thoms.

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2. Consideration of the Minutes of the meeting held on March 3, 2005.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Doug Powell seconded the motion. The motion passed 4-0-1 with Tim Thoms abstaining as he was not on the P.C. board at the time of the Public Hearing.

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3. Consideration of the Workshop Minutes of the meeting held on March 17, 2005.

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 passed 3-0-2. Chairman Graw abstained as he was absent from the Workshop. Tim Thoms abstained as he was not on the P.C. board at the time of the Workshop.

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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.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON APRIL 7, 2005 AND BY THE BOARD OF COMMISSIONERS ON APRIL 28, 2005.

4. Consideration of Petition No. RP-033-05 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 three (3) 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.

Chairman Graw reminded the P.C. that the applicant had petitioned to subdivide the subject property into four (4) lots in January and the P.C. had recommended approval, however the B.O.C. denied the petition.

Carl Christensen requested to subdivide Lot 17 into three (3) single-family dwelling lots consisting of a minimum of two (2) acres per lot. He stated he planned to construct three (3) single-family dwellings.

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.

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

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

Mr. Christensen replied yes.

The motion unanimously passed 5-0.

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5. Consideration of Petition No. 1140-05, Susan and Ronald May, Owners/Agents, request to rezone 0.973 acres from R-40 to O-I to develop Office Uses. This property is located in Land Lot 199 of the 13th District and fronts on S.R. 138, Old Highway 138, and Highland Drive.

Ronald May requested to rezone 0.973 acres from R-40 to O-I to develop his wife's medical practice. He confirmed that the request complies with the land use designation for the subject property.

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. May if he agreed to the one (1) recommended condition. He pointed out that the Engineering Department had requested access to be located from Highland Drive, however there are two (2) existing curb cuts on S.R. 138 and one (1) on Highland Drive.

Mr. May replied that if there is an issue with the curb cuts on S.R. 138 and access to Highland Drive could be utilized, however the subject property could be accessed with one (1) curb cut on S.R. 138 instead of two (2) curb cuts.

Aaron Wheeler stated that access was desired to be from Highland Drive.

Bill Beckwith asked if any communication was required with Clayton County.

Mr. Wheeler replied that Clayton County did not submit any comments.

Susan May said that the access to Highland Drive is feasible but it was not their original way of thinking. She pointed out that the two (2) curb cuts on S.R. 138 would provide for one (1) entrance and one (1) exit. She added that there is a turning lane on S.R. 138.

Tim Thoms asked Staff if the one (1) entrance and one (1) exit on S.R. 138 could be a condition of zoning.

Mr. Wheeler replied that the P.C. is reviewing a Concept Plan but the Site Plan could be approved with the one (1) entrance and one (1) exit on S.R. 138.

Chairman Graw asked if the Department of Transportation (D.O.T.) would be reviewing and approving the curb cuts.

Mr. Wheeler replied yes and that D.O.T. could require upgrading the existing curb cuts.

Mr. Thoms pointed out that by requiring the access on Highland Drive that it would increase the traffic where there are residences across the street.

Mr. Wheeler replied that there are existing medical offices which currently access Highland Drive.

The P.C. concurred that they did not have a problem with the subject property accessing S.R. 138, however it would require D.O.T. approval.

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

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6. Consideration of Petition No. 1141-05, Robert and Donna Price, Owners, and Carl Lange and Melissa Harris, Agents, request to rezone 5.6381 acres from A-R to O-I to develop Office Uses. This property is located in Land Lot 18 of the 6th District and fronts on S.R. 74 South.

Carl Lange stated that he had reviewed the recommended condition and they are acceptable, however he expressed concern about the future widening of S.R. 74 South. He said that should the Site Plan be approved by the County and construction has begun and then the Department of Transportation (D.O.T.) request additional right-of-way that the required parking or building would not have to be relocated. He read the following statement: "Should Fayette County adjust setbacks to the property, subsequent to its approval of developments plans to the property, it will not require the owner/developer to remove/move these approved improvements on the property, unless specifically required by the Georgia Department of Transportation." He requested that the statement be made a part of the rezoning petition.

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.

Aaron Wheeler explained that once a Site Plan is approved that the County would not require changes should D.O.T. require additional right-of-way. He confirmed that the purpose of the recommended condition is to put the applicant on notice that D.O.T. may require additional right-of-way. He said that should the D.O.T. require additional right-of-way after construction has begun or is finished that this would be a matter between the owner and the D.O.T. He added that the County would not require the Site Plan to be revised should this occur, however any new development would be required to comply with the ordinances in effect at that time.

Chairman Graw asked Staff what was the fax from the D.O.T.

Mr. Wheeler confirmed that when the P.C. packages were mailed the D.O.T. had not sent in their comments to the Zoning Department. He reported that the fax was received in the Zoning Department late this afternoon. He pointed out that D.O.T. currently has 100 feet of right-of-way which is what is required for S.R. 74 South which is an Arterial road and that they did not request any additional right-of-way per the fax from D.O.T.

Chairman Graw clarified that the existing right-of-way is 100 feet, however the D.O.T. could request additional right-of-way. He said that the recommended condition should remain even though there is not a specific amount of additional right-of-way.

Mr. Wheeler replied that should a Site Plan not be approved soon after the approval of the rezoning, D.O.T. may require additional right-of-way and the recommended condition would apply. He reiterated that should the Site Plan be approved by the County and construction has begun and then D.O.T. request additional right-of-way that the County would not require relocation of the required parking or the structure.

Doug Powell asked Mr. Lange if he was aware that inter-parcel access would be required with the adjacent properties.

Mr. Lange replied yes and added that he did not see a problem with providing inter-parcel access with the current layout.

Bill Beckwith asked if the property abuts Peachtree City city limits.

Mr. Wheeler replied that there is a small section of land between the city limits and the subject property which is currently zoned A-R.

Mr. Lange advised that the small section was approximately 50 feet in width.

Mr. Beckwith asked if Peachtree City was contacted about the rezoning petition.

Mr. Wheeler replied that no comments were received from Peachtree City.

Chairman Graw asked Mr. Lange what would be the facade of the proposed structure.

Mr. Lange replied brick.

Chairman Graw stated that the rezoning request complies with the Land Use Plan.

Doug Powell made a motion to recommend approval of the petition subject to the recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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7. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, 7-1.,B. Conditional Uses Allowed, 3. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs as presented by the Zoning Department.

Aaron Wheeler commented that the proposed amendment had been discussed at a previous Workshop. He reminded the P.C. that the Zoning Ordinance had been amended several months ago and auto repair uses were split up between the C-H and M-1 zoning districts. He explained that for light repairs or retail uses such as oil changes, tire, brakes, mufflers and items of this nature are allowed in the C-H zoning district as Permitted Uses and all other auto repairs not specifically listed

in C-H are allowed in the M-1 zoning district as Permitted Uses. He said that it was brought to Staff's attention that auto sales as a Conditional Use in C-H allows repairs. He stated that the proposed amendment would regulate heavier uses such as removal of an engine.

Mr. Wheeler reported that there was a considerable amount of discussion at the Workshop regarding requiring overhead doors to be located at the rear of a building. He stated that after reviewing the proposed amendment and the statements made at the Workshop that he had changed the ordinance to state: "All overhead doors must face the side and/or rear yard or be screened from view from the street." He added that requiring that the overhead doors be required to be screened from view as suggested by Al Gilbert would make it less obtrusive to motorist and residential or nonresidential uses in the area.

Doug Powell confirmed that the proposed change covers all the bases without limiting the configuration of the building.

Chairman Graw asked if there was anyone public comments. Hearing none, he closed the floor from public comments. He asked what type screening would be required.

Mr. Wheeler replied that the screening should be of a vegetative nature, however Section 5-19. of the Zoning Ordinance addresses screening utilizing a fence/wall or vegetation in combination with a fence/wall in the C-H zoning district.

Bill Beckwith stated that this would give the owner an option as to the type of screening to be utilized.

Mr. Wheeler suggested revising the proposed amendment to state: "All overhead doors must face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, Section 5-19. Screening Standards of the Fayette County Zoning Ordinance or utilizing vegetative materials."

Mr. Powell read Section 5-19. Screening Standards aloud.

Tim Thoms stated that screening is important especially for outside storage and also aesthetics.

Bill Beckwith made a motion to approve the proposed amendments subject to Mr. Wheeler's suggestion. Al Gilbert 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. that the Workshop scheduled for Thursday April 21, 2005 had been rescheduled to Tuesday, April 19, 2005 and would be held in the Public Meeting Room at 7:00 P.M. He stated that there would Engineering Department and Zoning Department items for discussion.

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

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY