

THE FAYETTE COUNTY PLANNING COMMISSION met on October 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
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wheeler, Zoning Administrator
Delores Harrison, Zoning Technician
Phyllis Williamson, Administrative Secretary
Bill McNally, County Attorney
Deputy Shawn Albea

STAFF ABSENT: Pete Frisina, Director of Planning & Zoning
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.

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1. Consideration of the Minutes of the Meeting held on September 1, 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 to approve the Minutes unanimously passed 5-0.

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2. Consideration of the Workshop Minutes of the Meeting held on September 1, 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. Tim Thoms seconded the motion. The motion to approve the Workshop Minutes unanimously passed 5-0.

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3. Consideration of the Minutes of the Special Called Meeting held on September 15, 2005.

Chairman Graw asked the Board Members if they had any comments or changes to the Special Called Meeting Minutes as circulated. Doug Powell made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion to approve the Minutes for the Special Called Meeting 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.

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

4. Consideration of Petition No. 1147-05, Christine Parker Newton and Claudine Banks Oakley, Owners, and Thomas B. Chandler, Agent, request to rezone 38.92 acres from A-R to R-45 to develop 31 single-family dwelling lots. This property is located in Land Lots 226 and 255 of the 5th District and fronts on New Hope Road.

Larry Seabolt, Agent for the petitioner, stated that they were requesting 31 lots on 38.92 acres. He said there was nothing particularly unusual about the request, and the petitioner had no problems with the two (2) conditions: 1) Dedication of ten (10) feet of right-of-way as measured from the centerline of New Hope Road for a total of 100 feet of right-of-way and 2) no lot shall have immediate vehicular access to New Hope Road. He stated that the minimum house size would be 2,400 square foot. He added the existing buildings, barns, etc. will be removed. He said they planned to have a stormwater detention draw at New Hope Road, Lot 19, at the southwest corner and also back in the northeast corner. He continued by saying the majority of the water would drain up toward New Hope Road, with a small area draining off the northeast side and some to the east. He said they planned at least two (2) detention basins and water quality devices as well to address the issue.

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

Abner Oakley, an owner of the property, said he and his wife Claudine Oakley had lived there since 1956 and his wife was raised across the road. He stated the members of the P.C. know that change is inevitable. He said he was three (3) weeks from being 70 years of age and he had lived there since the road was dirt. He commented that at that time, you could count the number of houses on New Hope Road on both hands. He reported that the number of people working for Delta Airlines and living in Fayette County could be counted on both hands at that time also, and he was one (1) of them, but now there are thousands. He said churches, schools and the Pavilion had made the change already.

Mr. Oakley continued that pine beetles destroyed much of his forest and made a big change, and that he could get only about half of the timber and the County was standing there ready for their part when he got paid. He said clean up for that was more than he could afford, but the developer could clean it up and make it look good. He reported that he had known the developer a long time and thought he would do a good job. Mr. Oakley said they live just east of the subject property and they still intend to live there, at least for the time being, as changes never stop and he would appreciate the P.C.'s vote for this development.

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

Hearing none, Chairman Graw asked if there was anyone who would like to speak in opposition to the petition.

Judy Chastain of 1019 New Hope Road stated she had looked forward to speaking to the P.C. tonight and that she, her husband, and the neighboring community were not opposed to growth or progress. She said what they care about is good judgement with zoning and quality growth. She continued by saying she is much wiser now than when she spoke to the P.C. several weeks ago. She commented that it was not until she went to the Zoning Office and pulled a copy of the developer's proposal and blueprints, that she realized how gravely and adversely her home and community would be impacted by the petition. She remarked that there is also continued suspicion because of the illegal activity that was attached and exposed with the initial proposal. She reported that she had lived in Fayette County for 20 years and raised her family here and enjoyed a quality of life in the community that other counties envy. She continued by saying that Fayette County has been called a "Blue Chip Community" and she hoped the County could hold on to this. She stated that seven (7) years ago

she and her husband bought their home on New Hope Road with plans to retire there. She said they completely gutted the house and refurbished it on the inside and outside with their own hands and take great pride in it. She commented that their home and two (2) acres will be in the middle of the one (1) acre proposed subdivision development. She reminded everyone that this is wide open pasture land with no trees or buffers. She stated that if the petition is approved it will allow for the backyards of eight (8) new homes to surround three (3) sides of her family's existing home, all within 40 to 20 feet of her property line. She pointed out that the layout will be likened unto a horseshoe effect. She said she didn't think there was another home in Fayette County with a view of eight (8) different backyards within 40 to 20 feet of a property line. She said this proposal would have a grave impact on her family's quality of life and investment and it would devalue her property. Ms. Chastain added that the development resembled an eminent domain policy, under which owners can be forced to sell their property if officials say it is needed for roads, parks, or to bring greater revenue. She continued by saying that she thought this petition would promote bad development at the expense of property owners. She asked the P.C. to avoid having her property devalued and the quality of her family's life stolen to make space for this one (1) acre subdivision. She said nobody wants to see official's trampling on an individual's property rights to help developer's get richer. She added that this development would change the character of the area. She commented that in her opinion this was not quality growth, but if anything, it would be spot zoning because at the present time the surrounding areas are zoned A-R with the exception of the Breckenridge Sbddivision on S.R. 92 North. She would also like to remind the P.C. this land was rezoned ten (10) years ago and since that time and thanks to the Board of Commissioners, the history of the Board of Commissioners' decision making on rezonings reveal they have had the wisdom not to approve any additional one (1) acre zoning in this A-R District. She thought they didn't need to change that now. She added her husband worked for Delta also and their financial situation was tenuous. Ms. Chastain said the position they would be put in, if this was approved, would be that of strain with limited options. She said her home would be paid for within four (4) years and it would be difficult to replace that if they lose her husband's job. She reiterated to the P.C. that she was not opposed to growth, but she desired quality growth; therefore, she would ask the P.C. to deny the petition.

Chairman Graw asked if there was anyone else to speak in opposition to the petition.

Mr. Robert Farmer 120 Sagamore Court said that he did not object to growth as long as it was quality growth. He confirmed that he was a 27 year resident of Fayette County and he appreciates and is committed to maintaining the quality Fayette lifestyle everyone has enjoyed. He commented that for the past eleven (11) years he had lived in Breckenridge Subdivision, which backs up to the proposed site. He reported that the reason he bought there was for quality land with green space, low traffic, convenience, quietness, rural atmosphere, and property appreciation. He said he fully expects any growth to be of the same quality the Fayette citizens expect our County to maintain and promote. He remarked that he feels the proposed rezoning will, in certain ways, unnecessarily burden our existing infrastructure of streets, utilities, schools and county services. He said he had one (1) concern which he would like to discuss further and that was public safety. He stated he had 27 years experience in commercial highway transportation and he was very knowledgeable of highway usage and safety factors. He reported that this zoning would burden the road infrastructure and add significant additional and dangerous traffic congestion affecting public safety to the Hopewell Community and the north Fayette area. He said the County's own traffic study indicates that 300 car trips a day will be added and funneled onto New Hope Road and the Hopewell area, flowing through a single entrance/exit for the subdivision plus multiple daily school buses. He said New Hope Road was a small two (2) lane rural road not meant to handle large volumes of traffic, but is already heavily traveled now with the new development New Hope Landing. Mr. Farmer said it is also busy because it serves as a cut-through road from the North Fayette area to the Fayette Pavilion and Fayetteville area from Highway 92. He stated this subdivision would add significantly more traffic, further deteriorating this road and our safety. He added the proposed entrance/exit is below the crest of a hill requiring residents turning in or out to encounter fast moving westbound cars suddenly cresting the hill and being face to face to them, which could result in accidents and injuries.

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Mr. Farmer commented that the proposed subdivision street design also shows a single long drive in the entrance that would encourage people to speed since it's a long straight shot going downhill. He added that just a few hundred yards away from the subdivision entrance on New Hope Road is the dangerous intersection of Highway 92. He said he lived a few hundred yards directly off of Highway 92 and it was challenging, dangerous, and adds noise, truck traffic, and fast moving cars. He reported that his wife was involved in an automobile accident when she turned into her subdivision and was rear ended on Highway 92, totaling the car. He said this was due to a poor design of passing lanes, in proximity to the proposed subdivision. Mr. Farmer continued by saying that the Hopewell Community near the proposed subdivision has an average of three (3) events per week adding traffic to the proximity of the subdivision. He added that the two (2) proposed detention basins may also create a nuisance to kids, pets and people who may encounter standing water, odor, insects, disease and animals.

Chairman Graw asked Mr. Farmer if he would allow an additional petitioner to speak in the remaining time. He advised that there was one (1) minute remaining; however, he would allow several minutes if needed.

Mr. Vic Bolton of 140 Thorn Ridge Trail said he would like to take you back to the wisdom that your big Mama taught you when you were young; that right will always get wrong every time. He added there was not one (1) neighbor he was aware of who was in favor of the project except the two (2) who wish to sell this property. He said there is a scripture that says all things are lawful, but not everything is expedient, proper or correct. He stated the fact that it is legal to do it doesn't mean it's the right thing to do. He remarked that he would tell everyone that it's probably O.K. by law to put 31 septic tanks in close proximity to all of our ponds, but when the first one (1) ruptures, and everyone downstream in the aquifer feels the results, it's probably not the right thing to do. He commented that it's wrong to bury a neighbor inside of eight (8) backyards in land that is pasture, with no tree buffer to use as screening, so basically you get to watch your neighbors swimming pools, barbeque grills, or whatever is going on in their backyards. He said it's legal to build one (1) acre lots wrapped around the Chastain home, but he would submit it's the wrong thing to do. He continued by saying the biggest challenge he had was the trust challenge. He reminded the P.C. there was a fraudulent quit claim deed filed in an attempt to get the right-of-way to get this project done from the Hopewell Community Center, that has resulted in illegal activity, arrest and other things. He added that he has a challenge trying to trust someone who is going to build something in his backyard who has already tried to break the law to get it done, in spite of his neighbor's wishes.

Mr. Bolton reminded the P.C. of the abnormally large home on Gingercake Road that doesn't fit because it is about six (6) times larger than all the surrounding houses. He said it has been legally constructed, but anybody who drives down the road knows that it is wrong. He reiterated that while it might be legal to build the proposed subdivision, he would ask the P.C. to deny the petition on the basis that the net impact to this neighborhood is a negative.

Chairman Graw asked Mr. Bolton if he was Mr. James Robinson, since Mr. Bolton had submitted a letter from a Mr. James Robinson.

Mr. Bolton replied that Mr. Robinson was his neighbor and he was delivering Mr. Robinson's letter of opposition, because he couldn't be at the meeting.

Chairman Graw submitted a letter from Mr. James Robinson and an e-mail from Mr. Vic Bolton for the record. Said documents are attached hereto and made a part hereof.

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

In rebuttal, Thomas B. Chandler, Agent for the petitioner, stated that he had lived in the County all of his life, almost 70 years. He said he could not allow the comments that he may have had something to do with illegal activity to get something rezoned. He stressed that this is far from the

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real truth. He asked anyone to contact the Sheriff's Department or Real Estate Commission or anyone who has had association with this other than one (1) guy, and they will see that we had nothing whatsoever to do with this. He said when he found out something was wrong, he scheduled a meeting to notify the people handling the sale. He said the Estate Commission was notified and the guy was suspended from selling real estate for the rest of his life. Mr. Chandler said he did not do business that way, and he did not appreciate the insinuation that was the way he operates.

Chairman Graw assured Mr. Chandler that nobody on the P.C. takes that into consideration or even listens to something like that.

At this time, Chairman Graw closed the floor from public comments and asked the P.C. for their comments. He asked that the conditions be read into the minutes.

Doug Powell read the conditions aloud.

Chairman Graw asked the petitioner if he agreed to the recommended conditions.

Mr. Seabolt replied that the petitioner accepts the recommended conditions.

Chairman Graw asked the P.C. if they had any questions for the petitioner.

Tim Thoms asked if this was basically the same plan that had been reviewed before.

Mr. Seabolt stated it was basically the same plan with the access relocated and the road configuration changed accordingly.

Mr. Thoms said he had two (2) major concerns. He stated that one (1) was the major impact on surrounding properties. He commented that he understood the surrounding property owner's concerns. He asked if they had spoken to the neighbor about possible buffers that might lessen the impact of the eight (8) backyards that will be abutting Ms. Chastain's property.

Mr. Seabolt stated that Mr. Chandler had talked to them about tree buffers or a dirt mound or landscape mound, and that could be considered on the Preliminary Plat.

Mr. Thoms asked if the property was flat, providing no topographic relief?

Mr. Seabolt said there was some on the 20 acre tract to the east, that it dropped from high to low, then high again. He said the tract to the west rises to the top of the hill then drops to the back some. He added that the houses to the north were not visible from the back of the subject property.

Mr. Thoms stated he liked the entrance being relocated because that was his other concern.

Bill Beckwith asked if it is standard procedure to place the stop sign at the entrance road exiting onto New Hope Road.

Mr. Seabolt replied that it was proper procedure.

Mr. Beckwith asked if there were any plans for speed reduction devices, speed bumps, etc.

Mr. Seabolt said there were no plans there because this stretch of road is not such a straight road, not a raceway type road.

Mr. Thoms asked the distance of the street from the entrance to the end of the cul-de-sac.

Mr. Seabolt replied approximately 2,400 feet.

Mr. Beckwith made a motion to recommend approval of the petition subject to the recommended conditions. He stated he would like to make the comment that while this might be painful to some folks, it's also the P.C.'s responsibility to balance the rights of the landowners to develop their property as they see fit, as long as they are developing in concert with the County ordinances. Al Gilbert seconded the motion.

Mr. Thoms stated because the surrounding properties are primarily zoned A-R, with the exception of Breckenridge Subdivision, he thought that R-45 was a burdensome request. He stated that even though the Land Use Plan calls for one (1) to two (2) acre development, there should be a balance to that, and the R-45 would be too much density to go in that area at this time.

Mr. Powell referenced Mr. Thoms comment regarding a mitigating buffer. He asked if that was something the P.C. could request at this time.

Chairman Graw confirmed that this was possible.

Mr. Seabolt stated that a buffer was something they were willing to consider if it was a reasonable request.

Mr. Powell stated he wanted a buffer, a landscape buffer, or whatever would prevent them from having to look into everyone's back yard.

Mr. Seabolt said they could build a mounded berm with plantings on the top.

Chairman Graw asked the P.C. to add the condition for a buffer along the named lots, and then ask the applicant to get with Planning & Zoning or the Engineering Department to decide what should go in there.

Mr. Beckwith suggested there is an ordinance that indicates what should be planted and following that ordinance would be appropriate if Mr. Seabolt will agree to that condition.

Bill Beckwith withdrew his original motion.

Al Gilbert stated he would withdraw his second to the motion.

Chairman Graw asked if the P.C. needed a condition or if the Landscape Ordinance would take care of it.

Aaron Wheeler advised that the P.C. needed to add the condition if they wanted the buffer indicated on the Preliminary and Final Plats.

Hearing the Landscape Ordinance would not take care of the buffer, Mr. Powell stated he wanted to add a condition that the properties adjacent to the Chastain property: lots 19, 20, 21, 22, 27, 28, 29, 30 and 31 have a dirt berm or combination planted buffer placed in accordance with Fayette County Ordinances to mitigate any noise or sight problems.

Mr. Beckwith advised that lot 27 did not abut the Chastain property.

Doug Powell made a motion to approve the rezoning request with the two (2) Staff recommended conditions plus the following recommended condition: A planted buffer shall be required on lots 19, 20, 21, 22, 28, 29, 30, and 31.

Bill Beckwith seconded the motion.

Chairman Graw stated that the Land Use Plan called for one (1) to two (2) acre development in the area and he noticed the surrounding area was zoned A-R and R-70. He continued by saying that in his opinion it was too soon to have one(1) acre property in this area. He stated he realized the parcel did adjoin R-45, but the remainder was A-R and R-70. He said he didn't think it was spot zoning, but he thought it was too intense for the area and would have a negative impact on the property in the middle of it. Chairman Graw concurred with Mr. Thoms concerns

Mr. Beckwith did remind Chairman Graw there was R-45 on the western edge and it was apparently approved appropriately at the time it was approved and this was just more R-45 property.

Chairman Graw stated the R-70 was adjacent to it as well and it was just the way he felt.

Mr. Beckwith stated the R-70 property was zoned that way to protect the watershed on the west side of S.R. 92 North.

Chairman Graw stated he still thought it was early to rezone this R-45.

Chairman Graw called for a vote. The recommendation to approve Petition 1147-05 with (3) conditions passed 3-2. Chairman Graw and Mr. Thoms voted in opposition.

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5. Consideration of Petition No. 1155-05, Loren F. Ivie, Jr. Owner, and Randy M. Boyd, Agent request to rezone 161.13 acres from A-R and R-40 Conditional to R-50 to develop 53 single-family dwelling lots. This property is located in Land Lots 139, 140, 149,150, 171, and 172 of the 5th District and fronts on McDonough Road.

Randy Boyd, agent for Loren Ivie, Owner, stated that the 161 acre parcel was on the north side of McDonough Road east of Fayetteville. He added the property was west of the Baptist Church and east of the Felton Woods Subdivision and the property had been in the Ivie family for 56 years. He said that Mr. Ivie has decided to sell the property and Jeff Betsill of Jeff Betsill Homes and Mark Jones of J & J Quality Homes have a contract on the property, if the rezoning is approved. Mr. Boyd stated there was a strip of approximately four (4) acres on the front of the parcel which was rezoned to R-40 in 1990. He continued the bulk of the property, around 157 acres is zoned A-R. He asked the P.C. to look at the concept plan dated August 30. He added there were two (2) Concept Plans in the packet and the August 30th Plan was the first one (1) he had prepared. Mr. Boyd said the first design had 18 one (1) acre lots and 17 two (2) acre or larger lots (some even up to 40 acres, on the rear of the property), and 17 lots in between one (1) to two (2) acres. He commented that he prepared this design to be consistent with the Land Use Plan. He continued by saying that Staff looked at this design and that Staff had recommended that a second plan be prepared to be more consistent with the conservation plan. Mr. Boyd remarked that the second plan has the entrance and streets in exactly the same place, but Lot 9 through Lot 36 had the back of each lot chopped off. He said he tried to make these lots as close to one (1) acre as possible and the land that was removed provided a conservation area on the rear of these lots. He said what he ended up with was 95 acres of the 161 acres or 59% of the gross area for conservation area. He pointed out that there was a four (4) acre lake on the rear of Lots 26, 27, and 28 and he would like to have a pavilion and playground area with a walking trail around the lake. He applauded Staff's input on this second design because it is a much better plan, protecting floodplain, wetlands, creeks, and also satisfies the County's desire to achieve 20% greenspace. He added that it also fits with the County's Land Use Plan.

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

Hearing none, Chairman Graw asked if there was anyone to speak in opposition of the petition.

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Byron Higginbotham of 137 Judy Lane stated he was not really in opposition, but did not feel like he was totally in favor of the petition and wanted to voice his opinion. He then read from a letter he had composed saying he would like to see anyone develop their land as they see fit, within reason, and he thought someone had done a very good job on the plan. He commented that he didn't agree with the representation of the 100 year flood zone as the property frequently floods for days across the corner of his property, and he had hoped this area, which was reserved for flood zone and would be permanently flooded as a large recreational lake. He remarked he would adamantly support any effort toward that end and would vehemently oppose any restriction that would prevent the area from becoming a lake. He reported that he was not aware of greenspace or zoning laws. He confirmed that he understood, if this was designated greenspace, it could never be used for anything else, and he was concerned over the term "never".

Chairman Graw submitted a letter from Mr. Byron Higginbotham for the record. Said document is attached hereto and made a part hereof.

Chairman Graw asked if there was anyone else to speak in opposition to the petition.

Maureen Keeler said she lived on Lot One (1) of the Felton Woods Subdivision and she said she had moved from Florida to Clayton County in 1980 and her husband began employment in Fayette County in 1981. She remarked that they had seen a lot of changes in both counties and she said many of those changes were not positive and most of the negative changes have been due to poorly planned growth. She commented that she had worked in Clayton County since 1990. She went on to say that she worked at Lake Ridge Elementary School since its beginning and in three (3) years the school's population had went from all the population being in the school building to 50% of the school's population being in trailers. She advised that she now works at Lovejoy Middle School and that area has had amazing growth. She continued by saying that in 1999 Lovejoy Middle School enrollment was 800 and is currently 1,320. She reported that with at least a dozen subdivisions and a 500 unit apartment complex in the area that she was concerned about school growth in Fayette County. She said Fayette County was known for having some of the best schools in the State and she would like to keep it that way. She noted that she didn't completely understand the density of the subdivision, but too much growth was her concern. She added she was also concerned about a buffer between her and the subdivision, because the property runs along the side of her property.

Chairman Graw asked Ms. Keeler if she had seen the plat.

Ms. Keeler replied that she had not seen the plat.

Chairman Graw asked Mr. Boyd to show Ms. Keeler the plat.

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

In rebuttal, Mr. Boyd addressed Mr. Higginbotham's concerns regarding the floodplain, saying the floodplain map was all the data they had to reference to delineate flood zone, because they did not have topography information; and it could change once the topography work is completed. He stated that Staff had recommended a condition that the greenspace area be given over to either a homeowner's association, a conservation trust approved by Fayette County Board of Commissioners, or the Fayette County Board of Commissioners. He confirmed that it was the petitioner's intent to give the greenspace over to the homeowner's association and also make that area a conservation easement as approved by the County Attorney Bill McNally, to ensure to his satisfaction, that this property could not be used for anything else. Mr. Boyd said they had no opposition to any impoundment for the lake. He confirmed that they also would not be opposed to placing a buffer along the property adjacent to Felton Woods Subdivision and Pleasant Point Subdivision, especially along Ms. Keeler's property. In regards to the school growth problems, he said their plan has 161 acres and only 53 lots, to average about one (1) lot for every three (3) acres. He added that the previous request in 1997 was for 92 lots and they are down to 53 lots which he feels is not aggressive, but good growth and also satisfies the criteria and spirit of the conservation subdivision.

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

Bill Beckwith asked Mr. Boyd about the location of a cell tower in the area.

Mr. Boyd replied that he did not know where it was located

Mr. Thoms stated the cell tower was located on Flintwood Farms.

An unidentified lady in the audience confirmed this.

Chairman Graw asked Doug Powell to read the conditions aloud.

Mr. Powell read the six (6) conditions which included the condition to buffer the property adjoining the subdivisions of Felton Woods and Pleasant Point.

Mr. Boyd asked for a suggested width for the buffer.

Aaron Wheeler suggested a 20 foot buffer.

Chairman Graw asked if that was an ordinance requirement.

Mr. Wheeler replied that it was only a recommendation.

Attorney McNally stated the ordinance spells out what you put in the buffer such as trees, vegetation etc., but the width of the buffer is in the P.C. and developer's prevue, depending on what is reasonable.

Mr. Beckwith asked Mr. Powell to read his last condition.

Mr. Powell said the condition recommended the developer build an undisturbed 20 foot buffer between the lots in the proposed subdivision that adjoin Felton Woods to the west.

Mr. Beckwith asked Mr. Powell if the condition was for the subdivision Felton Woods or Pleasant Point.

Mr. Powell stated that he had meant Felton Woods, but there appeared to be two (2) lots in Pleasant Point (Lots 14 & 15) which adjoin the proposed subdivision. He added that he would like to extend the condition to have the buffer for those two (2) lots as well.

Mr. Boyd agreed to plant vegetation in any area that has no vegetation.

Tim Thoms stated the recommendation was to build a buffer and there was no vegetation for Lots 1 and 2 in the proposed subdivision and maybe even Lot 3. He asked if it could state a planted or undisturbed buffer. Mr. Thoms asked if the creek on the 100 year floodplain map channelized.

Mr. Boyd replied that it was a tributary to Flint River that appears to come up in the channel and back down. He continued by saying that this would be clarified with the topography study.

Chairman Graw addressed Mr. Byron Higginbotham to let him know the property would not be disturbed.

Mr. Higginbotham said his concern was whether it could or could not be a lake.

Chairman Graw said the P.C. could not say if it would or not because the P.C. is not requiring that.

Hearing no further comments, Bill Beckwith made a motion to recommend approval of the petition with the six (6) conditions as stated. Doug Powell seconded the motion.

Mr. Thoms stated he thought the development created some adverse impact on the surrounding property, but he didn't think that would be a problem in this case.

Chairman Graw commended Mr. Boyd and said he thought his new plan was much better than the first plan and he thought this was what the County was looking for. He said the County was trying to conserve greenspace and this helped to accomplish that.

The motion passed 4-0-1 with Al Gilbert abstaining from the vote.

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6. **Consideration of Petition No. RP-035-05 for a Revised Final Plat, Rountree Place, Brent Scarbrough, Owner, and Frank James, Agent. Request approval to add 149.88 acres to Tract 9 (10.12 acres) and subdivide Tract 9 into two (2) single-family dwelling lots consisting of Tract 9A (47 acres) and Tract 9B (113 acres). This property is located in Land Lot 1 of the 5th District and Land Lot 1 of the 7th District, fronts on Green Meadow Lane, and is zoned A-R.**

Frank James, Agent for Brent Scarbrough, stated they wanted to add 149.88 acres to Tract 9 and subdivide it into two (2) single-family lots consisting of 47 acres and 113 acres.

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, he closed the floor from public comments.

Doug Powell made a motion to approve the petition. 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 Planning Commission of the workshop scheduled for October 20, 2005 in the Board of Commissioner's Conference Room, first floor, at 7:00 P.M.

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County Attorney Bill McNally requested an Executive Session with the P.C. to discuss one (1) legal item.

Bill Beckwith made a motion to adjourn the public hearing to hold Executive Session to discuss one (1) legal item. Tim Thoms seconded the motion. The motion for adjournment to Executive Session unanimously passed 5-0. Chairman Graw adjourned the Public Hearing to hold Executive Session at 8:15 P.M.

No action was taken by the P.C.

Executive Session adjourned at 8:50 P.M.

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**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**JIM GRAW
CHAIRMAN**

**PHYLLIS WILLIAMSON
ADMINISTRATIVE SECRETARY**