

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3, 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
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: Douglas Powell, Vice-Chairman

STAFF PRESENT: Aaron Wheeler, Zoning Administrator
Pete Frisina, Director of Planning & Zoning
Delores Harrison, Zoning Technician
Phil Mallon, County Engineer
Dennis Davenport, Assistant County Attorney
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Deputy Shawn Albea

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 October 6, 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. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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2. Consideration of the Workshop Minutes of the meeting held on October 20, 2005.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated? Bill Beckwith made the motion to approve the Workshop Minutes. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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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 3, 2005 AND BY THE BOARD OF COMMISSIONERS ON DECEMBER 15, 2005.

3. Consideration of Petition No. 1157-05, Nesmith Partnership, LP, Owners, and Scarbrough and Rolader Development and Randy Boyd, Agents, request to rezone 218 acres from A-R to C-S to development a single-family residential subdivision consisting of 63 lots. This property is located in Land Lots 18 and 6 of the 6th District and Land Lot 161 of the 4th District and fronts on Redwine Road.

Randy Boyd stated that he would like to proceed forward tonight even though there were only four (4) P.C. members present. He reported that the property has been in the family for over 60 years and was originally approximately 348 acres but 130 acres was sold to the Fayette County Board of Education. He confirmed that the property is currently zoned A-R and he was requesting to rezone the subject property to C-S. He said that the Comprehensive Plan designates the area as Rural Residential (1 unit/2 to 3 acres). He referenced the Staff Analysis which states that the property has a density of .45 units per acre which complies with the Comprehensive Plan plus the average lot sizes are over two (2) acres. He added that the gross density is 218 acres divided by 63 lots which is 3.46 acres per lot. He remarked that the conservation area is 133 acres out of the 218 acres which is 61%.

Mr. Boyd commented that the proposed development complies with the C-S zoning district. He read the following: A conservation subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space. The open space will be utilized to protect water quality, water bodies, wetlands, buffers, woodlands, and scenic areas. The open space will also provide flood protection or reduction in soil erosion and will be utilized for recreation. He explained that the proposed development is a prime example of the intent of the zoning district. He pointed out that the conservation area is required to be a minimum of 40% and the proposed conservation area is 61%. He added that this would also satisfy the Governor's Greenspace Program of 20% since the proposed subdivision is three (3) times that amount. He pointed out that in the new Stormwater Management/ARC Manual for Water Quality in Chapter 1, Section 4, that there are 20 site design criteria and the proposed subdivision provides 13 of the 20, such as reducing the roadway length, buffers, and undisturbed areas.

Mr. Boyd said that it was his understanding that the County tried to purchase the back section of Camp Creek and Whitewater Creek for mitigation of wetlands stream bank buffers. He pointed out that this area could be deeded to the County or the Homeowners Association.

Mr. Boyd ended by saying that the proposed subdivision would be an upscale neighborhood, would be an asset to the County, and the lots would sell for approximately \$100,000 each.

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.

Chip Gjertsen of 160 Mockingbird Trail said he had reviewed the proposed subdivision plats and he really does not have any opposition, but does have a question. He asked how Panther Path would be affected and if there is a plan to re-route Panther Path. He also asked if the property owners of the proposed subdivision would have access to Panther Path.

David Kozusko of Jefferson Woods Drive stated that Monarch Road cannot be utilized during the influx and out flux of school because of traffic congestion. He noted that the proposed subdivision will create another influx of traffic. He asked if there would be access to Panther Path. He also asked if the golf cart path would be removed. He also asked if Redwine Road would be widened. He reported that the school had problems with the sewage lines and he asked if the sewage lines would be increased and who would handle the capacity since the proposed subdivision would not utilize individual septic systems.

In rebuttal, Mr. Boyd reported that there would be no access to Panther Path from the proposed subdivision. He said that Staff has requested that Panther Path which is 36 feet wide be removed from the affected lots. He confirmed that he was willing to take 20 feet out of the affected lots and shift them down to compensate and remove all of Panther Path from the proposed subdivision. He advised that none of the golf cart path is on the subject property; however, a boundary survey has not been prepared at this time.

Hearing no further comments, Chairman Graw closed the floor from public comments. He asked Pete Frisina to provide the P.C. and audience with the background information concerning the proposed subdivision.

Pete Frisina confirmed that when the yield plan was reviewed that there was a street going down Panther Path in order to comply with the 3,000 foot street length; however, Staff would not allow access to Panther Path because it is not a County maintained road. He said that Staff worked with the developer to try to meet the ordinance to the greatest degree possible so two (2) entrances were proposed for Redwine Road; however, a lake precluded them from moving the road any further into the subject property. He reported that Staff made a decision that should this be an actual preliminary plat that it would be applicable for a variance. He added that Staff made the assumption that, due to the constraints of the site, the P.C. would have granted a variance to the street length.

Chairman Graw asked if there would be any access to Panther Path.

Mr. Frisina replied that this was discussed, but Staff felt that it would be used as a cut through for the traffic trying to get in and out of the school property. He pointed out that while it would be nice for the property owners in the subdivision, it could work in the reverse and put a lot of traffic back on them, which is not something Staff does not want to see happen.

Chairman Graw said that the yield plan is configured into two (2) acre lots which came out to be 63 lots with a 4,400 foot street length which is 1,400 feet over the maximum street length of 3,000 feet. He stated that Staff made an assumption that the P.C. would have approved the street length had this been submitted as a preliminary plat based on the constraints of the property. He added that the County had put restrictions on the developer which forced him into a 4,400 foot road.

Al Gilbert verified that the subject property would be required to be developed as shown on the development plan. He asked Mr. Boyd about any plans for sewage.

Mr. Boyd replied that the plan was developed from an old survey from the early 90's, a copy of the school survey, an enlarged topographic survey from the U.S.G.S. Quad sheets, wetlands and the Level I Soil Analysis from the University of Georgia and the design was based on these items which is all they have at this point. He added that he has had no discussions about sewage. He said that a Level III should be performed for the soils analysis.

Tim Thoms clarified that Mr. Boyd was talking about septic systems instead of sewage.

Mr. Boyd replied yes, because a Level III Soil Survey has not been performed. He presented a rough sketch showing the removal of 20 feet from the lots affected by Panther Path. He pointed out that the lots in the cul-de-sac had been adjusted. He commented that when the yield plan was first submitted the cul-de-sac was not as long because the street tied into Panther Path. He said that based on Staff's recommendation it was removed, and the street was looped, which made the cul-de-sac longer. He commented that he had performed a limited title search but could not find an agreement; however, the owners have stated concern about the 3,000 foot street length requirement in the event the subject property was to be developed. He added that this is why Panther Path is partially located on the subject property.

Bill Beckwith verified that the Peachtree City Sewage System is connected to the school only.

Aaron Wheeler replied that the sewage system was also connected to The Chimneys Subdivision.

Mr. Beckwith verified that the proposed subdivision was going to utilize individual septic systems and not a sewage system.

Mr. Boyd replied that at this point he did not know anything different because he does not know that it won't work on individual septic systems.

Chairman Graw verified that what was being presented was a development plan.

Mr. Wheeler replied the property would be required to be developed by the development plan.

Chairman Graw asked if Staff had reviewed the revised plan.

Mr. Thoms asked if Staff had reviewed the revised plan.

Mr. Frisina replied that Staff would have to review the revised plan.

Chairman Graw asked Staff if they would like to review the revised plan now.

Mr. Frisina and Mr. Wheeler reviewed the revised plat.

Mr. Boyd advised that he had informally discussed the revised plat because the plat was revised on the Staff's conference room table.

Mr. Frisina advised that one (1) of the conditions was that the revised development plan be submitted with the preliminary plat. He added that the change was small and he knew that Mr. Boyd could not get the revised plat done before the public hearing.

Chairman Graw read the five (5) recommended conditions aloud.

Mr. Boyd agreed with #1, #2, and #3. He said he had a problem with #5 because the required trees will be only seven (7) feet from the back of the curb. He requested that #4 be increased to a 20 foot landscape easement with a ten (10) foot no-access easement in the middle.

Mr. Frisina replied that he was hoping a staggered row of trees would be within the ten (10) foot no-access easement.

Mr. Boyd replied that if the trees are staggered, then they would be even closer to the back of the curb. He said that the trees could be a maintenance problem if they hung over the curb.

Mr. Frisina asked if 15 feet would give more latitude.

Mr. Boyd replied sure and added that the no-access buffer could also be 15 feet.

Mr. Frisina replied that both should be the same.

Mr. Boyd replied that he would agree to #4 being increased to a 15 foot landscape easement and #5 which would be affected by the change in #4.

Mr. Beckwith commented that Staff may be conditioning something that can't be approved. He asked if the P.C. recommended approval of the development plan tonight won't the P.C. have to review and approve it again due to the condition requiring submittal of the development plan with the preliminary plat.

Attorney Dennis Davenport replied that the P.C. would be approving the development plan based upon the recommended conditions agreed to by the petitioner as set out by Staff. He added that the document before them submitted by Mr. Boyd tonight reflected the final change of the movement of the lot lines. He said that there is not issue with the respect of where the lot lines were going to be; however, you don't have the hard copy in its final form, but it will be brought back to the P.C. with the preliminary plat. He commented that the marked up version should provide the P.C. with enough comfort level to know that this will be the development plan if it is approved tonight.

Chairman Graw verified that if recommended condition #4 is increased to 15 feet that the petitioner agrees to all of the recommended conditions.

Mr. Boyd replied yes, we agree to the five (5) conditions as amended.

Al Gilbert made a motion to approve the petition subject to the recommended conditions with recommended condition #4 being increased to 15 feet. Bill Beckwith seconded the motion.

Mr. Thoms confirmed that the P.C. would be approving the plan which was presented by Mr. Boyd tonight. He said that it is Staff's judgement that this is a minor change and can be done at the time the preliminary plat is approved; however, he was concerned that a development plan is being approved which is in contradictions to the recommended conditions. He added that Mr. Beckwith seems to have the same concern.

Attorney Davenport replied that the process is flexible with this type of zoning district and is fluid even through this stage. He said that there had been some issues brought up this evening, that both sides agreed to and since both sides agreed to the issues the P.C. can either wait until the next public hearing or approve the plan based on the agreement between both parties as demonstrated on the plan presented tonight.

Mr. Beckwith stated that he was comfortable with the explanation.

Mr. Thoms said that the P.C. had previously made minor adjustments on preliminary plats after the development plan was approved. He added that the revised plan does address some of the issues presented tonight. He commented that one (1) of the major issues were how people were going to be able to get to the school which remained a major issue. He asked Staff how the yield plan could be approved based on the assumption that the P.C. would grant a variance to the street length of 4,400 feet. He asked if Staff had looked at a plan which compared the 63 lots verses the number of lots involved in complying with the 3,000 foot street length and would the count be different.

Chairman Graw replied that if only a 3,000 foot street could be utilized that there would be fewer than 63 lots.

Mr. Boyd noted that if the development could not be connected to Panther Path and the road was looped with a second entrance then the cul-de-sac is larger than 3,000 feet, but in discussions with Staff, there was not another option. He added that the owners thought they had provided for additional access with Panther Path, but that would not be allowed. He confirmed that there was no other option to get to the rear piece of property which is a beautiful mountain. He reported that this was not junk land. He said that there was floodplain from the area to the west across the creek then there was a beautiful mountain which he does not want to attempt to develop.

Mr. Thoms verified that there was no determination of the number of lots which could be achieved based on the 3,000 foot street length.

Mr. Boyd replied no sir.

Mr. Thoms verified that the golf cart path is on the opposite side of the road until it jumps over Redwine Road.

Mr. Boyd stated yes, he understood that all of the golf cart path was on the school property. He pointed out that the golf cart path was on the plat. He added that it was also his understanding that if the golf cart path is on the Nesmith property then it is there by mistake.

Mr. Thoms remarked that he did not go look at this property like he usually does because he thought he was pretty familiar with it by being there a bunch of times. He asked if the golf cart path came north on Redwine Road.

Mr. Boyd replied yes, within the right-of-way.

Mr. Thoms asked if the golf cart path would be disturbed.

Mr. Boyd replied only with the interception of the proposed road.

Mr. Thoms asked if the golf cart path would basically remain in place.

Mr. Boyd replied yes, with no access from the subject property and the only access would be through the subdivision to the golf cart path at the entrance to go to the school.

Mr. Thoms expressed concern about developing a yield plan based on lots that could not be built anyway, because Mr. Boyd stated that he could not build 63 lots based on current County ordinances and assuming that the P.C. would have granted a 1,400 foot variance to the street length, which up to 1,200 feet has been previously approved on S.R. 85 South. Again, he expressed concern that by rezoning to C-S the number and density of lots would be increased beyond the capacity of what the land can hold and beyond what the ordinance states that the P.C. should be doing. He stated that he understood that the Nesmith partnership divided the land to the school and that the subject property was left over but at the same time if it came in independent of the schools how would the P.C. look at that as a board.

Chairman Graw asked what was meant by independent of the school.

Mr. Thoms replied that the school and Panther Path had been discussed several times tonight and if the property had come up as just the piece of property could the P.C. look at a yield plan that would grant 63 lots.

Chairman Graw confirmed that the school did not have anything to do with it whether the school is there or not. He said that if the piece of property came in with no school on the adjacent property that he did not even consider the school.

Mr. Thoms replied that Panther Path, the access to the school, had been talked about all night long.

Chairman Graw replied that Panther Path is a private road and is not a County road. He explained that Mr. Boyd's first plan had a road coming off onto Panther Path and Staff told Mr. Boyd that this could not be done because it is a private road so Mr. Boyd revised the plan with one (1) road. He added that the access from Panther Path would have given access to allow development of the property to the rear on the yield plan. He said that Mr. Boyd laid out the property as best he could with two (2) acre lots and he was able to get 63 lots and he did exactly what the ordinance calls for.

Mr. Thoms remarked with a supposed variance of 1,400 feet.

Chairman Graw explained that Staff had to assume that the P.C. would have given him a variance in order to approve the 63 lots. He noted that Staff had to make that assumption since there is no vehicle for the Staff to come to the P.C. to get approval on a yield plan. He added that personally he did not want the P.C. to get involved in this because it is Staff's job and what they get paid for.

Mr. Thoms stated that he was assuming that this was Mr. Gilbert's and Mr. Beckwith's position too.

Mr. Beckwith said that he was ready to vote.

At this time, Chairman Graw called for the vote. The motion passed 3-1 with Tim Thoms voting in opposition. Doug Powell was absent.

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4. **Consideration of RDP-004-05, John Ryckeley, Owner/Agent, request approval of the revised development plan from 76 single-family dwelling lots to 75 single-family dwelling lots for the purpose of developing a developed residential recreational/amenity area. This property is located in Land Lots 22, 23, 42, and 43 of the 7th District, fronts on Flat Creek Trail, and is zoned C-S.**

John Ryckeley stated that he was the developer of Annelise Park which was the first C-S zoning. He said that he was trying to enhance the neighborhood by constructing a developed residential recreational/amenity area with swim/tennis on one (1) of the single-family dwelling lots which would also reduce the density of the subdivision. He pointed out that the subdivision contains an 82 acre park. He added that he is developing over two (2) miles of cart paths and 2.33 miles of sidewalks. He reported that there is one (1) existing recreational area with a gazebo with grilling facilities in a protected pecan grove. He advised that the proposed amenity area would be separated from the existing recreational area in the pecan grove.

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 remarked that this is a win/win situation because the density will be less and a recreational area will be provided; therefore, he made a motion to approve the petition. Chairman Graw agreed and seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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5. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-40. Standards for Telecommunications Antennas and Towers.**

Aaron Wheeler advised that the proposed amendments had been discussed at a previous Workshop. He reported that when the last application for a telecommunications tower was submitted, that there were procedures in place which the applicant is required to follow; however, the ordinance was confusing as to specifically addressing the issue. He said that the proposed amendment is meant to clarify the ordinance.

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

Bill Beckwith made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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6. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-22. Care Home.**

Aaron Wheeler advised that the proposed amendments had been discussed at a previous Workshop. He pointed out that there was a deficiency in the definition of Care Home in that, assisted living facility was omitted from the definition. He reported that the proposed amendment is meant to clarify the ordinance.

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

Al Gilbert asked Mr. Wheeler if hospice is addressed in the ordinance.

Mr. Wheeler replied that hospice is not addressed in the ordinance; therefore, it will be addressed at a future Workshop.

Bill Beckwith made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 6. Care Home, Convalescent Center or Nursing Home.**

Aaron Wheeler advised that the proposed amendments had been discussed at a previous Workshop. He said that the proposed amendment is meant to clarify the ordinance.

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

Al Gilbert made a motion to approve the proposed amendments. Tim Thoms seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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Chairman Graw asked if there was any further business.

Aaron Wheeler reminded the P.C. of the Workshop scheduled for November 17, 2005, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Al Gilbert made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 4-0. Doug Powell was absent. The meeting adjourned at 7:55 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**JIM GRAW
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**