

THE FAYETTE COUNTY PLANNING COMMISSION met on January 5, 2006 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: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Phil Mallon, Director of Engineering
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 Tom Williams as the new Assistant Director of Planning and Zoning who was attending his first public hearing.

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1. Election of a Chairman for 2006.

Doug Powell nominated Jim Graw as Chairman for 2006. Al Gilbert seconded the nomination. Al Gilbert made a motion to close the floor for nominations. Bill Beckwith seconded the motion. The motion to appoint Jim Graw as Chairman for 2006 was passed 4-0-1 with Jim Graw abstaining from the vote.

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2. Election of a Vice-Chairman for 2006.

Al Gilbert nominated Doug Powell as Vice-Chairman for 2006. Bill Beckwith 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 2006 was passed 4-0-1 with Doug Powell abstaining from the vote.

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3. Election of a Secretary for 2006.

Al Gilbert nominated Robyn Wilson as Secretary for 2006. Doug Powell seconded the nomination. Bill Beckwith made a motion to close the floor for nominations. Al Gilbert seconded the motion. The motion to appoint Robyn Wilson as Secretary for 2006 was unanimously passed 5-0.

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4. Consideration of the Minutes of the meeting held on December 1, 2005.

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

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Pete Frisina 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 JANUARY 5, 2006 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 26, 2006.

5. **Consideration of Petition No. RP-036-06, Jeanette Jordan, Owner, and Emma J. Darden, Agent, request to subdivide Lot 1 of Jeanette's Place consisting of 6.166 acres into four (4) single-family dwelling lots. This property is located in Land Lot 43 of the 5th District, fronts on Hilo Road, Inman Road, and Homer Place, and is zoned R-20.**

Emma Darden requested to subdivide Lot 1 of Jeanette's Place, which is owned by her mother, into a total of four (4) single-family dwelling lots to allow her and other family members to construct their homes close to her mother.

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 questioned the recommended condition.

Pete Frisina advised that the recommended condition should state: There shall be no immediate access for Lot 1-C to Inman Road.

Chairman Graw asked Ms. Darden if she accepted the recommended condition.

Ms. Darden replied "yes".

Bill Beckwith asked if stormwater requirements would apply to the subject property.

Phil Mallon replied that the subject property would be exempt from stormwater requirements on this type project.

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

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6. **Consideration of Petition No. 1162-06, David L. Lingerfelt, Nelton C. and Amelia Thompson, and Howell Nunnally Richardson, Executor of the Estate of Catherine A. Smith, Owners, and Thomas Boynton, Agent, request to rezone 18.594 acres from A-R to O-I to develop an Assisted Living Complex and five (5) medical/office lots. This property is located in Land Lot 39 of the 7th District and fronts on S.R. 54 West.**

Thomas Boynton stated that he was requesting to rezone 18.594 acres from A-R to O-I. He confirmed that he owned the adjacent property which was also zoned O-I and that the two (2) properties would be combined into a medical type complex. He advised that the complex would consist of an Assisted Living Complex and approximately 15 lots to be utilized for medical/office buildings. He said that the assisted living complex would not be senior independent living and would have full-time nursing and the complex would comply with all State requirements.

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.

David Pybourne of Azalea Estates Assisted Living Facility commented that the use appears to be independent living. He pointed out that there are three (3) other assisted living facilities consisting of approximately 252 units within one to two (1-2) miles of this proposal. He remarked that the need is not here for this type of additional assisted living. He added that he opposed the rezoning.

Elaine Gaillard of Ashley Glen Assisted Living and Alzheimer Care stated she was not so opposed but this will more than double the number of assisted living units. She confirmed that the subject property is 1.5 miles from Dogwood Forest with 79 beds, 1.7 miles from Heritage of Peachtree with 49 beds, and three (3) miles from Ashley Glen with 77 beds. She asked if a study had been performed and if there was a market to more than double the number of beds with a five to eight (5-8) mile stretch.

In rebuttal, Mr. Boynton said that a basic study had been performed and he is working with one (1) of the largest assisted living care companies and their research has shown that there is a need in this general area for a complex like this. He added that he is in the process of preparing a larger study. He stated that there is a waiting list for several facilities of similar size which is what has prompted him into this general direction. He confirmed that the five (5) lots would be utilized for office/medical uses and not any type of living dwelling structure. He reported that there will be no independent living. He added that the basic study has indicated a need for this facility in proximity to the medical center and their expansion, Peachtree City, Fayette County, and this area.

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

Doug Powell read the recommended conditions to the audience.

Bill Beckwith asked if Mr. Boynton agreed to the recommended conditions.

Mr. Boynton replied "yes sir, we do".

Al Gilbert clarified that there would be a central sewage system.

Mr. Boynton replied "yes". He advised that he is currently doing a central sewage system for a commercial site in Coweta County. He confirmed that the proposed system would process approximately 50,000 gallons per day and would serve the 15 lots and the assisted living complex. He reported that the treatment standard would be a 5-5 treatment standard, per the State of Georgia E.P.D. Guidelines, which is a very, very high standard suitable for golf course irrigation.

Mr. Thoms asked how the discharge would be handled.

Mr. Boynton replied ornamental spray or sub-surface.

Chairman Graw asked Ms. Gaillard what separates the assisting living from the senior independent living.

Ms. Gaillard replied that an assisted living complex requires a petition which has to be submitted to the Atlanta Regional Commission (ARC) and a Certificate of Need must be sought which is based on the need in the County or the State and it is then regulated by the State. She added that the assisted living complex would fall under the guidelines for watchful care and oversight. She confirmed that nurses are required, however no skilled nursing is performed by staff. She reported that assisted means that there is staff to assist with bathing, dressing, toileting, meals, and transportation needs. She advised that an independent living community does not require a Certificate of Need and it doesn't provide assistance to seniors except maybe a meal and some housekeeping services.

Chairman Graw asked Mr. Boynton if it was his intentions to seek a Certificate of Need.

Mr. Boynton replied "yes sir".

Mr. Thoms asked if independent living could be required under the O-I zoning district.

Pete Frisina reminded the P.C. that approximately one (1) month ago, the assisted living requirements were amended to require a central kitchen, central dining facilities, and central recreational facilities to serve the entire population, as well as, a 24-hour staff.

Mr. Thoms asked if the setbacks and buffers would increase for an assisted living complex.

Mr. Frisina replied that these type items would be addressed on the site plan.

Mr. Beckwith asked who would own the sewage system.

Mr. Boynton replied that he owns a company which designs/builds/owns/operates waste water treatment plants. He said his intent is to design/build/own/maintain the system. He confirmed that he would post a bond, which is required by the State, for the system which would be renewed annually along with designating a trustee who takes over the plant if anything happens to his company or himself. He added that part of the fees which are collected monthly are set aside for an operations/maintenance fund to ensure that there are monies to take care of any problems.

Mr. Thoms asked Mr. Gilbert if the design was to continue O-I along the S.R. 54 West corridor.

Mr. Gilbert explained that the S.R. 54 West Overlay Zone was added to the Zoning Ordinance to assist in maintaining a residential appearance for the corridor.

Mr. Frisina added that the overlay would require pitched roofs and have a residential character. He explained that while the land use is for residential, there is an overlay district which addresses existing tracts consisting of five (5) plus or minus acres which were impacted by the widening. He confirmed that the subject property consists of four (4) five (5) acre tracts which existed at the time of the highway widening. He added that these tracts meet the designation which the overlay describes.

Doug Powell made a motion to approve the petition subject to the three (3) recommended conditions. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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7. Consideration of Petition No. 1163-06, Bogdan C. and Pamela M. Wolfe, Owners, and Randy M. Boyd, Agent, request to rezone 6.77 acres from A-R to R-72 to develop two (2) single-family dwelling lots. This property is located in Land Lot 252 of the 4th District and fronts on McBride Road.

Randy Boyd requested to rezone 6.77 acres from A-R to R-72 to develop two (2) single-family dwelling lots. He advised that one (1) of the lots contained an existing house. He agreed to the one (1) recommended condition.

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 expressed concern about traffic, neighborhood integrity, and setting a precedent. He said that he did not recall any petitioners requesting a rezoning and receiving what they had asked for. He requested to the P.C. to recommend denial.

In rebuttal, Mr. Boyd said that the petitioner for the property to the west of the subject property had requested O-I zoning but was given R-70 by the B.O.C. He said that the property to the north is zoned R-40; however, the lots vary from two to four (2-4) acres. He added that the property to the east was zoned R-70 and that there is an R-40 lot to the southwest. He confirmed that the proposed request complies with the Land Use Plan.

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

Tim Thoms remarked that he lives on this road so he is very familiar with the property. He said that the integrity and character of the road is basically agricultural-residential. He commented that the R-40 to the north of the subject property dates back about 20 years. He stated that even though there is only going to be one (1) additional lot that the precedent will be established. He went on to say that the approval of the petition would have an impact on other rezoning requests and is not in the best interest of the community.

Chairman Graw commented that the County is not going to remain with A-R zoning. He said that the P.C. try to look at the present, as well as, the future and see what can develop later on. He commented that a precedent had been set with R-70.

Mr. Thoms said that the P.C. has a tenancy to set a precedent by what they do. He stated that there has not been a successful rezoning on McBride Road in the past year. He remarked that while A-R is a holding pattern, there is farming and the raising of livestock currently on McBride Road. He went on to say that in the short time he had been on the P.C. that there has been four (4) rezonings in less than a one (1) mile stretch on McBride Road. He added that the P.C. was aiding and abetting the transition.

Chairman Graw replied that the P.C. is not aiding and abetting the transition, but looking at what is brought before them. He said the P.C. was trying to do what is best for the County and that area.

Doug Powell advised that the request is in compliance with the Land Use Plan.

Tim Thoms made a motion to deny the petition. The motion died for the lack of a second.

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

Doug Powell read the recommended condition to the audience.

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

Mr. Boyd replied "yes sir, I do".

The motion carried 4-0-1 with Tim Thoms voting in opposition of the petition.

Attorney Dennis Davenport advised that the condition should state 40 feet of right-of-way as measured from the centerline of McBride Road, instead of ten (10) feet of right-of-way as measured from the centerline of McBride Road.

Mr. Boyd agreed to the addendum of 40 feet of right-of-way as measured from the centerline of McBride Road.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JANUARY 5, 2006 AND BY THE BOARD OF COMMISSIONERS ON JANUARY 12, 2006.

8. **Consideration of proposed amendments to the Fayette County Development Regulations regarding Division 4. Flood Hazard Reduction, Section 8-154. Standards for subdivision proposals as presented by the Engineering Department.**

Phil Mallon presented a brief review of the events leading to the proposed amendments. He reminded the P.C. that he presented a number of amendments on December 1, 2005, which dealt with the regulations of wetlands, soil classifications, and minimum building area on individual lots. He said that there was quite a bit of discussion from the public and the P.C. recommended that Staff meet with the developers to receive their input. He confirmed that he had a very productive meeting with several members of the building community, some local design engineers, two (2) soil scientists, as well as, a representative from the Environmental Health Department. He reported that the results would be presented at the January Workshop.

Mr. Mallon explained that the purpose of the proposed amendment before the P.C. tonight is to enhance and further protect homes from flood water damage. He pointed out that this goal would be accomplished by requiring all new lots within a subdivision to have a minimum of one (1) contiguous acre outside or above the FEMA base flood elevation. He noted that the current regulation requires a minimum of one (1) acre but does not contain "contiguous area of one (1) acre". He commented that even though this has not been a requirement, twice in the last six (6) months, developers have been willing to redesign a lot in order to provide for a contiguous area of one (1) acre. He added that this is not so much a new requirement as it is a clarification of the regulations to make them consistent with previous implementation.

Mr. Mallon pointed out that the other change stated that if the minimum lot size for a zoning district is less than one (1) acre then each lot shall have 100 percent of the minimum lot area above the 100-year flood elevation

Bill Beckwith suggested to delete "at least" from the last sentence under Section 8-154.,e.

Mr. Mallon concurred.

Chairman Graw asked if there were any public comments.

Randy Boyd thanked the P.C. for tabling the proposed amendments at the December Public Hearing. He advised that there were approximately seven (7) people present at the meeting with Staff which lasted about three (3) hours. He noted that there were two (2) soil scientists, engineers, developers, and a representative from the Environmental Health Department present. He concurred that the meeting was productive. He also expressed his thanks to Mr. Mallon.

Chairman Graw thanked everyone for their participation.

Jahnee Prince, Vice-President of Policy for the Council for Quality Growth, which is a trade organization for the development industry, stated that several members had contacted her about the ordinance change and expressed concern about "contiguous area of one (1) acre". She added that they were concerned about flexibility in design. She asked if there had been a review of previous platted subdivisions, and if so, would the number of lots decrease. She also asked if there was a variance procedure. She suggested that the minimum contiguous area be 30,000 square feet, which is the amount required in other metro area counties.

Hearing no further comments, he closed the floor from public comments.

Mr. Mallon stated that he did not believe there would be a very big impact on recent platted subdivisions because, in the most part, the one (1) acre has been contiguous and where it has not been one (1) contiguous acre then Staff has worked with the developer to achieve one (1) contiguous acre. He added that the floodplain regulations have a variance procedure and a developer could petition for a variance for consideration by the P.C.

Tim Thoms asked if the contiguous area could narrow down to one (1) foot.

Mr. Mallon replied that technically it could.

Doug Powell made a motion to approve the proposed amendments. Al Gilbert seconded the motion.

Bill Beckwith asked if the motion should be amended to include the deletion of “at least” from the last sentence of Section 8-154.,e.

Doug Powell amended the motion to approve the proposed amendments with the deletion of “at least” from the last sentence of Section 8-154.,e. Al Gilbert seconded the amended motion. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Pete Frisina reminded the P.C. of the January 19, 2006 Workshop, which will be held in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Tim Thoms made the motion to adjourn the meeting. Doug Powell seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:10 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY