

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 2, 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:** Peter A. Frisina, Director of Planning & Zoning  
Phil Mallon, Director of Engineering  
Tom Williams, Assistant Director of Planning & Zoning  
Delores Harrison, Zoning Technician  
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.

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**1. Consideration of the Minutes of the meeting held on January 5, 2006.**

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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**2. Consideration of the Workshop Minutes of the meeting held on January 19, 2006.**

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

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Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and only the technical aspects of the Preliminary Plats could be addressed by the public.

**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON FEBRUARY 2, 2006.**

**3. Consideration of a Revised Preliminary Plat, Waterlace (formerly known as Lake Frances Estates), Euram-MacAuley One, LLC, Owners, and Billy Brundage of Brundage Engineering, Inc., Agent. This property consists of 194.98 acres with 146 single-family dwelling lots. This property is located in Land Lots 6, 7, 26, and 27 of the 7th District, fronts on Lester Road and Huiet Road, and is zoned R-40.**

Don Brooks of MacAuley Companies stated that the subject property was purchased several months ago from Dan Stinchcomb. He reported that Mr. Stinchcomb had received approval of a preliminary plat under the name of Lake Frances Estates, however revisions have been made to that plat. He pointed out that the most significant change was on Huiet Road. He noted that the County is in the process of closing Huiet Road pass the entrance of the YMCA and he supported this action which was opposed by Mr. Stinchcomb. He said he was working with the YMCA to develop a new entrance for them. He stated that the subject property would be developed with roundabouts containing sculptures. He commented that they were proposing a different layout for the streets to protect the wetlands area.

Chairman Graw asked how the nature trail to the lake area would be constructed.

Mr. Brooks replied the nature trail would be constructed of a natural mulch in keeping with the environment.

Chairman Graw asked how the lake would be accessed between Lots 24 and 25.

Mr. Brooks replied that there would be a parking area provided with a trail through the common area.

Chairman Graw asked if a larger intersection would be required at the entrance.

Mr. Brooks replied, "yes".

Doug Powell asked if there were any specimen trees outside of the 100 foot area from the right-of-way.

Mr. Brooks replied no because the property had been harvested several years ago. He added that he would try to save as many trees as possible.

Doug Powell read the conditions.

Al Gilbert made a motion to approve the preliminary plat subject to the two (2) conditions. Doug Powell seconded the motion. The motion was 4-0-1 with Tim Thoms abstaining from the vote because he does business with the applicant.

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**4. Consideration of a Preliminary Plat, Antioch Estates, Gene Ellison, Dean Booth, and Wendy Slygh Mulvane, Owners, and Randy Boyd and Jeff Betsill, Agents. This property consists of 64.895 acres with 23 single-family dwelling lots. This property is located in Land Lots 169 and 184 of the 4th District, fronts on Antioch Road and Woolsey Brooks Road, and is zoned R-40.**

Randy Boyd requested approval of the preliminary plat as submitted and agreed to the conditions.

Doug Powell asked if there were any graves on the subject property as a result of Antioch Baptist Church being the adjacent property owner.

Mr. Boyd replied that he was unaware of that concern. He asked if there was any evidence to that concern.

Mr. Powell replied that he went to the property and the cemetery does abut the property line but he saw no indication that there are any graves on the property, other than the fact that it is an old cemetery.

Pete Frisina explained that the area in question was in the setbacks of the proposed lots.

Mr. Boyd stated that he knew someone who used to attend church there and he would ask him to contact the church and see if that is an issue. He advised that if it was an issue, he would work with Staff to secure the area. He added that an archeologist may be necessary and he would be agreeable to that.

Mr. Powell read the conditions.

Tim Thoms made a motion to approve preliminary plat with conditions. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Al Gilbert abstaining from the vote because he does business with the applicant.

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**5. Consideration of a Preliminary Plat, Gadson Estates, Charrette Development Group, Owners, and Paragon Consulting Group, Inc., Agent. This property consists of 162.75 acres with 65 single-family dwelling lots. This property is located in Land Lots 222, 223, and 224 of the 13th District, fronts on Wagon Wheel Trail, and is zoned C-S.**

Courtney Nolan stated that the Development Pan previously approved was very similar to the preliminary plat. She pointed out that some lot lines had been adjusted due to poor soil conditions. She said that the developer would like to request the ability to develop a road right-of-way between Lot 31 and the creek to access the property to the north of the subject property. She commented that the property to the north, in Fulton County, is landlocked without the road right-of-way and the developer would like to develop the property similar to the subject property.

She advised that there are three (3) specimen trees on the subject property with one (1) located close to the right-of-way so the road will be shifted to save the tree.

Chairman Graw asked Staff about the requested road right-of-way.

Pete Frisina explained that the approved Development Plan did not indicate the requested road right-of-way. He advised that any change to the Development Plan to add a new road right-of-way would require the petitioner to go back through the rezoning process and have the Development Plan approved by the P.C. and the B.O.C. He added that the P.C. could not approve the petitioner's request to add a new road right-of-way which was not indicated on the approved Development Plan. He advised that once the revised Development Plan had been approved that a Revised Preliminary Plat would be required to be submitted and approved by the P.C.

Doug Powell read the condition.

Ms. Nolan stated she agreed to the condition.

Doug Powell made a motion to approve the preliminary plat with one (1) condition. Bill Beckwith seconded the motion.

Al Gilbert advised that the PUD, C-S, and EST all require approval of a Development Plan.

Tim Thoms stated at least six (6) lots were not acceptable for septic systems and 25 additional lots may require alternative systems.

Ms. Nolan pointed out the subject lots for the P.C. She said that the developer was aware of the concerns.

Mr. Thoms verified that Wagon Wheel Trail would be paved from the first entrance to Westbridge Road.

Chairman Graw replied that the paving was a condition of zoning.

Mr. Thoms expressed concern about the traffic going into the second entrance from an unpaved portion of Wagon Wheel Trail.

Chairman Graw asked if the P.C. could require additional conditions other than those being required by the B.O.C.

Attorney Dennis Davenport replied that this issue was addressed at the time the property was rezoned and this is the only condition regarding paving. He said that adding a condition to pave from the second entrance would not be appropriate.

Hearing no further comments, Chairman Graw called for the vote. 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.

**THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON FEBRUARY 2, 2006 AND BY THE BOARD OF COMMISSIONERS ON FEBRUARY 23, 2006.**

- 6. Consideration of Petition No. RP-037-06, Ernest King, Owner/Agent, request to subdivide Lot 1 of Grooms Point consisting of 4.436 acres into two (2) single-family dwelling lots. This property is located in Land Lot 189 of the 4th District, fronts on Grooms Circle, and is zoned R-40.**

Ernest King requested approval to subdivide Lot 1 of Grooms Point Subdivision into two (2) lots.

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. He referenced a letter from Patricia Clark Alford who was in opposition of the petition.

Denise Ognio of 390 Grooms Circle, an adjacent property owner (zoned R-40), said she located in the area in 1990, with her family to get away from subdivision areas. She stated she did not want to see her community divided up into small acre lots. She commented that she spoke with the owner who stated their plans were to subdivide the property, sell the property, and move to the mountains. She also expressed concerns about the well water and septic systems. She reported that due to the construction of two (2) additional homes in the subdivision that her well now runs out of water. She presented letters from two (2) neighbors, Patricia Alford and Don and Linda McAfee.

Tommy Blasingame of 178 Grooms Road (zoned R-40), stated that he owned five (5) acres and had lived in the area since 1988. He explained that most of the homes in the area were located on a five (5) acre plus lot. He said he did not want to see the property subdivided. He commented that people moved to the area to enjoy their five (5) acre lots. He expressed concern of the approval setting a precedent.

Baxter Harper of 210 Grooms Circle (zoned R-40) expressed concern about the water since he had to drill a new well with the addition of homes on Grooms Circle. He added he also had concern about the septic systems. He said he moved to the area in the 70's because he was seeking a country environment.

Edward VanStavern of 150 Evans Way (zoned A-R) stated that he was also in opposition.

Landry Dean of 269 Grooms Road (zoned A-R) stated he was concerned about water runoff and well water problems.

Steve Dumpsey of 322 Grooms Road (zoned A-R) stated that he was in favor of five (5) acre lots and did not want to see the property subdivided, nor the setting of a precedent.

In rebuttal, Mr. King pointed out that the property was zoned R-40 and had been since 1972 when he purchased the property. He confirmed that the R-40 zoning district permitted a 1.50 acre lot with a well and septic system. He reported that the proposed lots complied with the R-40 zoning district requirements. He commented that this was the highest and best use for his property.

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

Tim Thoms verified that the original final plat contained four (4) lots and that Mr. King was the owner.

Mr. King replied "yes".

Doug Powell read the recommended conditions.

Tim Thoms made a motion to approve the petition with one (1) condition to allow further discussion. Bill Beckwith seconded the motion.

Mr. Thoms stated that the desires of adjacent property owners should be considered in reviewing a revised final plat. He asked Mr. King which lot he currently lived on.

Mr. King replied, "Lot 2".

Mr. Thoms said that the houses on Lots 2 and 3 appear to be newly constructed and the other homes in the area appears to have been constructed in the 70's and 80's. He stated that the area was heavily wooded, however Lots 2 and 3 were clear cut. He added that the property was zoned for one (1) to 1.50 acre lots and had been for 30 years.

Al Gilbert reported that 30 years ago there were very few zoning districts and R-40 was basically the zoning district utilized for residentially zoned property. He explained that the desires of the adjacent property owners are considered when a revised final plat is requested because the property owners purchased their property and built their homes with the understanding that there would be a set number of lots in their subdivision.

Doug Powell remarked that the property was rezoned to R-40 in 1972, and 1.50 acres complies with the R-40 zoning district but does not comply with the current Comprehensive Plan and is out of character for the southern end of the county.

Chairman Graw concurred with Mr. Powell.

Bill Beckwith pointed out that one (1) of the proposed lots was larger than one (1) of the existing lots. He added that the rights of the land owner have to be considered.

Hearing no further comments, Chairman Graw called for the vote. The vote was 1-4 with Chairman Graw, Tim Thoms, Al Gilbert, and Doug Powell voting in opposition. Due to the lack of three (3) affirmative votes, another motion was required.

Tim Thoms made a motion to deny the petition. Jim Graw seconded the motion. The motion passed 4-1 with Bill Beckwith voting in opposition.

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Chairman Graw called for a break at 8:04 P.M. He reconvened the public hearing at 8:15 P.M.

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7. **Consideration of Petition No. 1164-06, Barbara J. Johnson, Owner, and Ed Johnson, Agent, request to rezone 27.644 acres from A-R to R-50 to develop a proposed subdivision consisting of 22 single-family dwelling lots. This property is located in Land Lot 255 of the 13th District and fronts on Hill Road.**

Ed Johnson requested to rezone 27 acres from A-R to R-50.

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.

Delores Little of 135 Thorn Ridge Trail stated that all the lots on Thorn Ridge Trail consisted of a minimum of five (5) acres. She expressed concern about well water and increased traffic.

Edie McDonald of 110 Thorn Ridge Trail said that Mr. Johnson had commented that this property would never change because he lived there. She expressed concern about increased traffic and the number of proposed homes.

Lee Grogan of 100 Thorn Ridge Trail expressed concern about decreasing property values and water pressure and increased traffic. He said that he owned horses, dogs, and cats and did not want anyone feeding them. He remarked that the area was a quiet neighborhood and that kids play in the street.

Joe Eddings of 180 Hill Road explained that this is a good community to raise a family where the residents can walk up and down the street. He commented that people raise livestock in the community. He expressed concern about septic systems on one (1) acre lots and decreasing property values. He stated that he was told it would be a waste of time to attempt to rezone property in this area. He added that one (1) acre zoning had been denied recently on New Hope Road. He asked the P.C. to be considerate of the property owners in the community.

Don Screws of 125 Thorn Ridge Trail stated that when the property on New Hope Road was denied one (1) acre zoning that A.G. VanLandingham said that Breckenridge Subdivision should not have been developed because it was located on a groundwater recharge area; Commissioner Pfiefer said that the highest density should be two (2) acres in the area; and Chairman Dunn said that the B.O.C. had determined that R-70 was the best balance to allow the property owner some rights to develop his property, to protect the area, and was also in compliance with the Comprehensive Plan. He remarked that he would like to see the area remain a minimum of five (5) acres but suggested R-80 to be consistent with the home values in the area.

Nancy Jones of 190 Hill Road expressed concern about increased traffic and possibly diminishing the quality of life. She reported that Hill Road was once a cut through road to South Kite Lake Road. She expressed concern that Hill Road may be extended to South Kite Lake Road or Westbridge Road.

In rebuttal, Mr. Johnson pointed out that his request complies with the Comprehensive Plan and abuts Rustic Mill Subdivision. He said that he would not deny that the development would have an impact on Hill Road. He added that he was not making the request to hurt any of his friends or neighbors.

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

Chairman Graw explained that the subject property abuts a one (1) acre subdivision on one (1) side but abuts A-R zoning on the other three (3) sides. He said that one (1) acre is not right for the area but it will not remain A-R forever.

Tim Thoms addressed the Comprehensive Plan which states: maintain the individual character and identity of established communities, neighbors, and rural areas. He said that there was a 20 year old established neighborhood adjacent to the subject property.

Bill Beckwith concurred with Mr. Thoms.

Chairman Graw confirmed that the Comprehensive Plan was adopted in 2005, and designates this area for one (1) to two (2) acres.

Doug Powell pointed out that the Concept Plan contains deficiencies such as an off-site cul-de-sac, a tennis court located in the setback, the right-of-way of the proposed streets must be increased to 60 feet, no eyebrows are allowed so the turns will be required to be increased. He added that the correction of these deficiencies will decrease the number of proposed lots. He suggested that R-70 or R-80 may be more conducive for the area.

Al Gilbert said that one (1) acre is not appropriate for the area. He advised that the R-70 was developed because of the lack of a watershed protection ordinance. He stated that the Comprehensive Plan designates the area for one (1) to two (2) acres. He commented that the R-70 was more appropriate and the precedent had been previously set.

Chairman Graw asked Mr. Johnson if he owned the property where the temporary cul-de-sac was indicated.

Mr. Johnson replied that the property belongs to his mother-in-law. He said that the Concept Plan was prepared by someone who is interested in developing the property. He remarked that he was sure he could have gotten one (1) acre zoning in the 80's.

Bill Beckwith stated that he could not support one (1) acre zoning in this area.

Doug Powell made a motion to deny R-50 zoning and approve as R-70. Al Gilbert seconded the motion.

Mr. Beckwith asked if Hill Road was going to be brought up to County standards.

Pete Frisina explained that the proposed extension of Hill Road would be brought up to County standards but not the existing section.

Mr. Thoms asked if a final plat was required for Thorn Ridge Trail.

Mr. Frisina replied yes and explained that Hill Road was an existing road and Thorn Ridge Trail is a subdivision street.

Mr. Thoms stated that three (3) acres may be better for the area due to creating a burden on infrastructure.

Mr. Powell stated that the Comprehensive Plans indicates the area for one (1) to two (2) acres.

Hearing no further comments, Chairman Graw called for the vote. The motion passed 4-1 with Tim Thoms voting in opposition.

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**8. Consideration of Petition No. 1165-06, Fayette Center Pointe, LLC, Owners, and Joel Ogletree, Agent, request to rezone 5.045 acres from A-R to O-I to develop a Church. This property is located in Land Lot 58 of the 7th District and fronts on S.R. 54 West and Flat Creek Trail.**

Joel Ogletree stated that he was requesting to rezone 5.045 acres from A-R to O-I. He pointed out that the subject property has road frontage on Flat Creek Trail and S.R. 54 West. He explained that he could build a church under the current zoning, however the mortgage company looks at this more favorably if the property is zoned O-I than agricultural-residential, especially for a new church. He remarked that should the church not succeed, the building could easily be converted into office space. He commented that the development restrictions are higher for O-I than A-R and would require such items as paving curbs and increased landscaping, which is more expensive. He said that one (1) of the neighbors had expressed concern about drainage which has now been verified by the engineers. He pointed out that the majority of the property drains down to the proposed detention pond with 7% of the property draining back into the buffer area. He explained that the paving curbs will cut the drainage in the area to less than 3%. He remarked that the Site Plan would address and comply with all County ordinances. He confirmed that he agreed to the two (2) recommended conditions. He presented an elevation drawing of the proposed building which will be an all brick, one-story structure. He noted that the architectural standards will be compatible with the buildings across the street, which were constructed by his company. He said that the soil scientist reports indicate good soils for septic systems. He confirmed that the building would be sprinkled and fire monitored. He added that there would be no impact on the schools.

Mr. Ogletree stated that the church is currently located in Riverdale; however, the majority of the members live in Fayetteville or Peachtree City. He said that they have been looking for a central location for some time. He remarked that the church's by-laws state they cannot buy properties and churches until their membership reaches 1,000; therefore, the title of the property will remain with Fayette Center Point, LLC for approximately two (2) years and taxes will be paid for these two (2) years.

Mr. Ogletree pointed out that the request is in compliance with the Comprehensive Plan and fits well under the S.R. 54 West Overlay Zone requirements. He said that he plans to leave the vegetation at the corner of Flat Creek Trail and S.R. 54 West which contains a thick pine growth. He added that he would also like to retain the old growth cedar trees along the road.

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. He referenced a letter from Claire Rogers who was in opposition of the petition.

Claire Rogers stated that her property located in Fayette Villa Estates abuts the subject property and she is concerned about the activity generated by a church since a church is a high intensity neighbor. She said that she preferred an office which would close at 6:00 P.M. and does not have a need for 200 parking spaces. She expressed concern about the creation of a ditch from the water runoff. She also expressed concern about septic systems. She suggested the utilization of berms, buffers, and enhanced landscaping to help protect the existing homes.

In rebuttal, Mr. Ogletree said that he went out to Mrs. Rogers' property which runs past the subject property. He pointed out the field contour lines and the majority of the water comes from the lot adjacent to the subject property. He commented that the parking curbs will turn the water to go into



the detention pond leaving less than 3% of the water runoff coming from the required buffer. He added that Mrs. Rogers' problem is primarily coming from the property adjacent to the subject property.

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

Chairman Graw stated that he had walked the subject property and Mrs. Rogers' property and saw the natural ditch. He expressed concern about the amount of water coming through the property now.

Mr. Ogletree reiterated that less than 3% of the water will runoff onto Mrs. Rogers' property because the continuous concrete parking curbs will direct the water toward the detention pond. He added that catch basins may be utilized.

Phil Mallon advised that regardless of the zoning of the property, the same stormwater requirements will apply.

Al Gilbert verified that Mr. Ogletree could develop a church under the current zoning district; however, the requirements of the O-I zoning district will enhance the property.

Pete Frisina explained that a church is a Conditional Use under the O-I and A-R zoning districts and the same conditional uses apply.

Chairman Graw asked if a berm is permitted in the buffer.

Mr. Mallon replied that if there is sufficient vegetation in the buffer then the buffer should remain undisturbed and if there is poor vegetation then a berm may be an enhancement. He explained that there are requirements in the Development Regulations regulating the planting in a buffer to provide a visual screen.

Mr. Frisina concurred with Mr. Mallon.

Mr. Ogletree agreed to a self-induced condition to provide leyland cypress trees along the parking curbs located to the west.

Doug Powell read the recommended conditions.

Tim Thoms made a motion to approve the petition subject to the two (2) recommended conditions and the one (1) self-induced condition imposed by the petitioner. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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9. **Consideration of Petition No. 1166-06, Colleen M. Jones and Jerry O. Jones, Owners, and Jerry Jones and Randy Boyd, Agents, request to rezone 6.850 acres from A-R to R-70 to be added to Bellfair Walk Preserve Subdivision. This property is located in Land Lot 229 of the 4th District and is landlocked property off McBride Road.**

Randy Boyd requested to rezone 6.850 acres from A-R to R-70 in order to add the subject property to Bellfair Walk Preserve Subdivision. He presented copies of a Revised Final Plat for Bellfair Walk Preserve Subdivision which indicated 34 lots instead of 33 lots. He explained that Staff was previously given a revised plat indicating 33 lots; however, after the soil analysis was prepared two (2) lots were added instead of one (1) lot. He reported that this would change the Trip Generation on the Staff Analysis increasing it to 325 trips for weekdays, 343 trips for Saturday, and 298 trips for Sunday. He added that the net density would be 2.44 acres.

Mr. Boyd explained that a preliminary plat had been previously approved for 32 lots. He stated that the addition of 6.850 acres would help remedy potential septic problems on seven (7) problem lots. He commented that he agreed to the recommended conditions. He also add one (1) self-imposed condition as follows: That the Bellfair Walk Preserve Subdivision will be limited to 34 single-family dwelling lots.

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.

Tim Thoms asked if the revised preliminary plat would be required to comply with the proposed ordinance amendments being considered tonight.

Mr. Boyd replied that he was unsure if all of the lots for the revised preliminary plat would satisfy the proposed ordinance. He stated that the development should be "grandfathered" and not be required to comply with the proposed ordinance.

Mr. Thoms said that the previous C-S zoning had been requested for the Bellfair Walk Preserve Subdivision but was denied and R-70 was approved instead. He stated that the Comprehensive Plan states that the individual character and identify of an established community, neighborhood, and rural area should be maintained. He commented that the approved preliminary plat indicated 32 lots but contained several problem lots. He said that the problem lots reiterate the fact that the property was not set to be developed with two (2) acre minimum lots with this much wetlands.

Chairman Graw explained that this is why the petitioner had requested C-S zoning because it would place the development of the property on soils which would not create any problems.

Mr. Thoms said that now the petitioner is proposing to increase the density, the number of lots, and traffic for Bellfair Walk Preserve Subdivision; however, the aesthetics of the subdivision are better and improved. He commented that the revised preliminary plat should comply with the proposed ordinances being considered tonight.

Al Gilbert asked legal staff if the rights of the petitioner were vested.

Attorney Dennis Davenport explained that development/property rights vest when the owner/developer expends resources, generally a substantial amount (several thousand dollars) in reliance on the current regulations and this is the case in this situation.

Mr. Thoms reiterated that he had no problem with the six (6) acres since it adjoins the proposed subdivision; however, the R-70 zoning is out of place for the neighborhood.

Chairman Graw asked what is the County's liability if the rezoning is denied and the property is left landlocked.

Attorney Davenport replied that the County did nothing to cause the property to be landlocked; however, some solution needs to occur to get the subject property out of its landlocked state for future development.

Doug Powell read the recommended conditions.

Mr. Boyd stated that he agreed to the recommendation conditions.

Doug Powell made a motion to approve the petition subject to the one (1) recommended condition and the self-induced condition imposed by the petitioner. Al Gilbert seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition.

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**10. Consideration of proposed amendments to the Fayette County Subdivision Regulations regarding Section 5. The Subdivision Plat and Section 6. Minimum Design Standards as presented by the Engineering Department.**

Phil Mallon stated that the proposed amendments add language which will require the delineation of state waters and jurisdictional wetlands on preliminary plats, require a Level III Soil Survey be prepared, and establish minimum contiguous areas free and clear of buffers, setbacks, wetlands, and easements. He added that the minimum area required is a function of the zoning districts.

Chairman Graw asked if there were any public comments.

Randy Boyd expressed concern regarding:

5-1.8 The preliminary plat shall show all state waters on and within 200 feet of the project area.

This requires going onto someone else's property.

5-1.10 Signature of Soil Classifier and Georgia DHR Registration No.

A registered engineer and a geologist are licensed to delineate soils. The registered engineer can stamp with his engineer's stamp. They do not have Georgia DHR Registration Number.

5-2.2 I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision; that monument locations are correctly shown; and, that the property will drain as shown.

A registered land surveyor does not have the ability to address drainage issues. Require a surveyor's certification and an engineer's certification as the engineer of record for the subdivision.

Mr. Boyd also asked the P.C. to establish a time frame for enactment of the proposed amendments to determine when projects would be affected by the proposed amendments.

After a lengthy discussion, Mr. Mallon suggested that the proposed amendments be discussed at the February Workshop to allow time to receive Mr. Boyd's input.

Al Gilbert made a motion to send the proposed amendment back to the February 16, 2006 Workshop and for Public Hearing on March 2, 2006. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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**11. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; B. S.R. 85 North Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; and C. General State Route Overlay Zone, 7. Landscaping Requirements, a. Street Frontage as presented by the Engineering Department.**

Phil Mallon advised that the proposed amendments would allow more flexibility with site designs. He pointed out that current overlays prohibit the use of stormwater management structures in the 50 foot landscape area along the street. He stated that the proposed amendments would allow the back 25 feet of the 50 foot landscape area along the street to be utilized for vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels as defined by the Georgia Stormwater Management Manual. He pointed out that he had added the following sentence to each overlay: Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer.

Chairman Graw asked if there were any public comments. With no public present, he closed the floor from public comments.

Doug Powell made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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12. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, F. Dimensional Requirements, 7. Height limit, a. as presented by the Planning & Zoning Department.**

Pete Frisina explained that definitions were inserted prior to Section 3-12. which made Section 3-12. now Section 3-14. He said that this was a “housekeeping” item.

Chairman Graw asked if there were any public comments. With no public present, he closed the floor from public comments.

Doug Powell made a motion to approve the proposed amendments. Bill Beckwith seconded the 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. that a Workshop had been scheduled for Thursday, February 16, 2006, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Bill Beckwith made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 10:17 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW  
CHAIRMAN**

\_\_\_\_\_  
**ROBYN S. WILSON  
SECRETARY**

