

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**October 2, 2014**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on October 2, 2014 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Paul Oddo, Scott Stacy and James Williams. Staff members present were City Manager Joe Morton and City Clerk Anne Barksdale.

Johnson moved to approve the minutes of the regular Council Meeting of September 18, 2014. Stacy seconded the motion. Motion carried unanimously.

**Recognition and Presentations:**

Mayor Clifton presented Mr. Brenton Briggs, Interim Executive Director and Assistant Director/Dean of Students at Georgia Military College with a proclamation for Georgia Military College Day, recognizing their 135<sup>th</sup> birthday and welcoming them to Fayetteville.

**Public Hearings:**

Mayor Clifton called Consider Ordinance #0-17-14 – To Rezone 59.62 Acres at 819 Redwine Road from R-30 (Single Family Residential) to R-22 (Single Family Residential) – Public Hearing and 1st Reading.

Mayor Clifton stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Clifton asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Council Members Edwards, Johnson, Williams, Stacy and Mayor Clifton responded no. Councilmember Oddo responded yes.

Mayor Clifton asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real

property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Council Members Edwards, Johnson, Williams, Stacy and Mayor Clifton responded no. Councilmember Oddo responded yes.

Mayor Clifton asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Clifton stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Clifton requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Clifton stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Councilmember Oddo recused himself from this portion of the meeting as he has a personal interest in the rezoning item.

Mr. David Spearman with D. R. Horton, Inc. presented a slide show and explained the development plans. He went into detail about previous discussions and plans with neighbors in the Lakemont and Quail Hollow subdivisions.

Mr. Brian Rochester with Rochester and Associates spoke about the proposed development as well.

Brian Wismer, Director of Community Development stated the applicant is seeking to rezone a 59.62 acre property located at 819 Redwine Road near the intersection of Redwine and Ramah Road for the construction of a new residential subdivision. The property is currently zoned R-30 (30,000 sq ft lot minimum) and the applicant is seeking R-22 (22,500 sq ft lot minimum) zoning which will provide greater flexibility in lot design and distribution. The property sits adjacent to Lakemont Subdivision to the south, zoned R-22, and Quail Hollow which is located in unincorporated Fayette County to the north, zoned R-40.

He said at the July 22, 2014 meeting, P&Z Commissioners reviewed this rezoning request and asked questions of the applicant. Staff was asked to verify if the original rezoning request for this property submitted in 2007, was withdrawn or denied. Minutes from the December 6, 2007 City Council Meeting stated the rezoning request was remanded back to the Planning & Zoning Commission at the request of the applicant to allow them adequate time to re-submit an amended rezoning application and concept plan. Staff never received an amended application, therefore the original rezoning request died for lack of action.

Staff was also asked to provide the section of the International Fire Code pertaining to a review comment by the Fire Marshal, stating that two (2) separate, approved access roads must be provided when a single family development has more than thirty (30) homes. Fire Marshal, Marty Mundok, provided clarity stating “the comment about the requirement for two points of access in the International Fire Code is in the annex of the IFC. The annex is part of the code that cannot be enforced unless the City has specifically adopted it. Therefore one entrance is acceptable by code; however, the preference of the Fire Department is to have two (2) points of entrance/ exit. The turnaround at the end of the streets will not accommodate an emergency vehicle. The radius of the turn is too sharp to negotiate.” Planning staff agrees with the Fire Marshals recommendation concerning the two (2) points of entrance/exit; however, this does not need to be reviewed until the Preliminary Plat stage.

Mr. Wismer continued, stating at the August 26, 2014 meeting the P&Z Commission voted 3-2 to give an unfavorable recommendation to Mayor and Council for the rezoning on the rationale that the property has stormwater runoff issues that need to be addressed prior to receiving approval. Staff does not agree with this recommendation as these issues should be dealt with at the Preliminary Plat stage of development, and not for this rezoning petition.

Subsequently, on August 28, 2014, Staff received a written request from the applicant to table their rezoning petition until the October 2, 2014 City Council meeting to allow additional time to work out the issues that were raised at the Planning & Zoning meeting by the Commission and the neighboring residents.

When considering a rezoning request, Staff looks at the following.

### **City Ordinance**

The R-22 zone is described in Sec. 94-131 as follows:

*R-22 medium density single-family residential. This district is created to provide single-family residential areas with minimum lot sizes of 22,500 square feet where a central system for the collection of sewage and distribution of water is provided. Said areas being protected from the depreciating effects of small lot development and high density and from the encroachment of those uses which are incompatible with a desirable residential environment.*

The zoning category of R-22 is virtually identical to the current R-30 zoning, with the only significant exception being the minimum lot sizes of 30,000 square feet vs. 22,500 square feet. Minimum house sizes are 1800 square feet in both zoning districts.

### **Comp Plan/Future Land Use**

The Comprehensive Plan places this property in the *Medium Density Single Family* land use category which is in the *Residential* Character Area. Within Medium Density Single Family, the following description is given:

*Medium lot, single-family residential use. Lot sizes range from 22,500 sq ft to 43,559 sq ft.*

The applicant has not submitted an official plat at this time, but the conceptual drawing shows 77 lots in a range of sizes, which are apparently 22,500 and greater.

Also described are the Desired Styles and Design Patterns for Single-Family Residential. These descriptions include the following:

- *Front porches*
- *Sidewalks*
- *Mature trees*
- *Traditional building materials*
- *Attractive landscaping*
- *Traffic calming street pattern*
- *Cluster development*
- *Differing architectural styles*
- *Rear or side entry garages*

Also appropriate for this character area is the Traditional Residential design style which encourages traditional and neo-traditional architecture. The nearby *Apple Orchard* subdivision is an excellent example of this style and neighborhood. The applicant will need to adhere to these general design guidelines for the houses that will eventually be constructed on these lots.

### **Rezoning Standards for Review**

1. *Will the zoning proposal permit a use that is incompatible with existing uses and zoning of adjacent and nearby property? Can such incompatibility be mitigated?*

No. Neighboring and adjacent properties carry the same or similar zoning classifications, all residential.

2. *Is the zoning proposal in conformity with goals, policies and intent of the future land use plan for the physical development of the area?*

Yes. The FLU Map calls for Medium Density Single Family for this parcel and neighboring parcels. The proposed zoning category meets these criteria.

3. *Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?*

The potential for increased traffic along the Redwine/Ramah corridor exists once the property is developed, but that can also occur under the current zoning. The entry to the proposed neighborhood will meet at the current 3-way stop of Redwine/Ramah, becoming a 4-way stop. Initial review suggests that a roundabout could alleviate the potential for congestion and increase capacity at this intersection. Further study is needed on this topic.

4. *Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?*

No.

5. *Is the change requested out of scale with the needs of the County as a whole or the immediate neighborhood?*

No. The requested zoning is only one step higher than the current zoning and is the same as the adjacent subdivision in the City (Lakemont).

6. *Is there reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property?*

No. The current R-30 zoning classification is also a reasonable use for the property.

### **Socio-Economic Factors**

1. *Are there existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?*

The existing and natural topography presents some challenges to develop within the entire property; however it is not significant enough to be a factor for consideration of the rezoning proposal.

2. *Does the subject property have a reasonable economic use as currently zoned?*

Yes.

3. *Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the vicinity of the property?*

No. The property has primarily been used for agriculture and open space. The state of its current zoning has not been a factor.

4. *Is it possible to find adequate sites already appropriately zoned for the permitted uses in the zoning district proposed in the general service area of the subject property?*

This question is more appropriate for commercial uses, but the City has few remaining undeveloped tracts of land zoned for residential development. This tract is already zoned residential.

Mr. Wismer stated the rezoning request is reasonable and does not conflict with the Comp Plan. As stated previously, whatever stormwater runoff issues and challenges that may exist on this site are more appropriately addressed at the Preliminary Plat stage of development. The applicant must meet the City's standards for stormwater runoff before development can begin, regardless of the zoning.

Also, because the applicant is not building the subdivision as a PUD, the Planning and Zoning Commission will not otherwise have a development agreement to review and approve. To help ensure the appropriate and desired development of this neighborhood in agreement with the Comprehensive Plan, an approval of the rezoning of this property from R-30 to R-22 is appropriate with the following conditions:

1. Maximum number of developable housing lots is 77.
2. A Neighborhood Development Plan including open space/amenity areas, floor plans and architectural styles for housing units is to be approved by the Planning and Zoning Commission prior to the issuance of building permits.

Public comments were made by Lakemont Homeowner's President, Chris Madura, speaking against the development. He cited stormwater, traffic and location of the entrance/exit to include a traffic circle, and sewer/increased capacity were major concerns.

Mayor Clifton stated we do have ample sewer capacity for another subdivision.

Quail Hollow Homeowner's President, Jesse Pugh stated we concur with the traffic recommendation for a traffic circle and addressing the stormwater issue. We are concerned about the sewage odor issue which has been an issue for the past 15 years. He strongly stressed that there should not be any road connections to the new development.

City Manager Joe Morton asked Mr. Pugh for clarification about the odors he is talking about, asking if the odor/sewage is from the septic systems or our city sewer system. He and Mayor Clifton both stated we would have our Public Works Dept. check that out.

Fayetteville resident Larry Dell spoke up stating Lakemont is zoned R-30 Conditional, not R-22. He said it was developed as R-22 but was zoned as R-30 Conditional, adding R-22 lots can be developed but the yield had to be R-30. He said he brought this to Mr. Wismer's attention to no avail. He said Quail Hollow is zoned R-40. He added generally, when property is zoned adjacent to the County it is zoned as "step-down" zoning which is why R-30 was placed on that property when

annexed. He also stated the City's policy has been that sewer connection is not provided unless annexed into the City.

Resident Harold Alden also spoke in opposition to the addition of a second entrance/road connection.

Brian Rochester with Rochester & Associates commented, we did submit our "constitutional rights" to be on file with City staff. He also read a letter of support from resident Mr. Delvonnie Burgess, written to City Council.

Mr. Dennis Dorsey, Lakemont resident spoke in favor of the proposed development, stating this seemed to be the best use of the property and keeping up the values of our homes.

Mayor Clifton stated this was posted for 1<sup>st</sup> Reading.

### **Consent Agenda:**

Mayor Clifton called for approval of Consent Agenda – Consider Mutual Aid Agreement, and the Memorandum of Understanding (MOU) for Special Response Team between Fayetteville Police Department and the Peachtree City Police Department.

Chief Scott Pitts stated this was a continuation of our mutual agreement between our police department and the City of Peachtree City police department concerning mutual aid and our special response team. PTC has a new chief and agencies in place, so the agreement has to be updated with the new names.

Stacy moved to approve Consent Agenda as presented. Edwards seconded the motion. Motion carried 4-0. Oddo was absent from the vote.

### **City Manager and Staff Reports:**

Joe Morton, City Manager asked Brian Wismer, Director of Community Development to mention the Main Street Golf Tournament Friday, October 3<sup>rd</sup>.

Mr. Wismer stated this is our annual golf tournament and will go on rain or shine. He added we also have the Main Street Cemetery Walk October 17<sup>th</sup> and 18<sup>th</sup>, Chili Cook Off/Chili Fest October 25<sup>th</sup>, and the Trick or Treat on Main Street and Market Day the same day.

Councilmember Oddo re-joined the council meeting.

### **Mayor's Comments:**

Mayor Clifton said he went to Carrollton to see the "12 For Life" program for at risk youth at the Southwire plant. He said it was a very successful program for these teens.

He also attended the Professional Association of Georgia Educators (PAGE) in Athens to discuss economic impact of education in Georgia and the poverty rate in the state.

He added two more movies have been signed for production at Pinewood.

Georgia Military College's groundbreaking has been scheduled for October 16<sup>th</sup>.

**Public Comments:**

Ms. Wanda Clark, St. Andrews Place Homeowners Association stated people are dumping trash and furniture on White Road and she is asking for police to monitor this.

She also is asking for tree limbs/debris to be picked up on White Road across from their subdivision.

Mayor Clifton did ask about our attention to Weatherly Walk/Highway 54 clear-cutting issue.

Brian Wismer, Director of Community Development stated the tree stumps are being ground and removed along with other debris. He said there are two different crews working out there; we are still actively involved with this cleanup project.

Oddo moved to adjourn the meeting. Stacy seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Anne Barksdale, City Clerk