

THE FAYETTE COUNTY PLANNING COMMISSION met on May 1, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Brian Haren
Douglas Powell

MEMBERS ABSENT: Bob Simmons

STAFF PRESENT: Peter A. Frisina, Director of Community Services

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order and introduced the Commission Members and Staff.

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PUBLIC HEARING

- 1. Consideration of Petition No. 1234-14, Victor Clincy, Clincy Enterprises, Owner, request to rezone property from R-20 Single-family Residential District to C-H Highway Commercial District to develop Office, Retail, or Educational Uses. This property consists of 0.423 acres located in Land Lot 168 of the 5th District and fronts on Ellis Road.**

Victor Clincy said he owns the lot to the west which contains a daycare center and he wants to rezone the subject property to commercial like the daycare center. He added that he hasn't decided exactly what he will do with the subject property right now and he knows that it is a small lot, so most likely he will join it to his property next door but right now he has a tenant in the daycare center and if he decides to go into the daycare center then he would join the lots. He said the first step is to get it rezoned and the second step is to figure out what to do with it.

Doug Powell asked Mr. Clincy if he got a copy of the staff analysis and was he aware of some of the concerns including location a primary and secondary septic area on a lot of this size and was he aware of the condition placed on the property. Doug Powell said he would read the condition for the record which states that the owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet as measured from the centerline of Ellis Road prior to the approval of a Site Plan and this condition is to ensure the provision of adequate right-of-way for future road improvements. Doug Powell asked Mr. Clincy if he agrees to the condition.

Victor Clincy said he agrees to the condition.

Jim Graw asked once you take out all of the setbacks how much developable property is left.

Pete Frisina said he had not done that calculation.

Jim Graw asked under what regulation the County can rezone a lot that doesn't meet the minimum acreage requirement for the zoning district.

Pete Frisina said if you turn to page 3 in the Staff analysis it states:

Sec. 7-2. Nonconformances. A. Nonconforming Lots.

Consideration for the Rezoning of Legal Nonconforming Lots. Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:

1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and

(The subject property is vacant and contains no existing structures)

2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

(The subject property is surrounded on all sides by properties zoned as Commercial and the Land Use Plan designation for the subject property is Commercial.)

Jim Graw said thank you that answers the question for the record.

Doug Powell said that the maps make it pretty clear that all of the surrounding property is commercial and the subject property is the only property that is residential. He added the staff analysis indicates that the request is in compliance with the Land Use Plan, the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property, will not result in a burdensome use of roads, utilities, or schools, and existing conditions and the area's continuing development as a non-residential area support this petition.

Doug Powell made a motion to approve the petition with one (1) condition. Brian Haren seconded the motion.

Jim Graw said he would like to ask one more question to Mr. Clincy and what is his decision about joining the property to the lot to the west.

Victor Clincy said as he mentioned he has a tenant in there now and if he moves in the daycare center next year he will probably combine the lots.

Pete Frisina said once the lots are joined a revision should be made to the site plan so something will have to be recorded to combine the lots.

Jim Graw asked if Mr. Clincy would have more flexibility if the lots were combined.

Pete Frisina said the lot to the west is already developed so adding the subject property would probably only allow an expansion of the existing facility and the development of the subject property by itself is limited because of its size.

Victor Clincy said the owner of the property to the east could also purchase the property to expand his parking lot. He added that the subject property is adjacent to the City of Fayetteville and it could be possible for someone to annex and get sewer service from the city.

Doug Powell said he had also thought that the subject property could be annexed.

Jim Graw said we can only look at what can happen today and not if it can be annexed in the future.

Victor Clincy said he had talked to Fayetteville about annexing and getting sewer for his property to the west but the cost of bringing the sewer to the property was very high and that is why he didn't pursue it but maybe some other business could afford it and the new restaurant across Ellis Road annexed and has sewer now so it is closer than before.

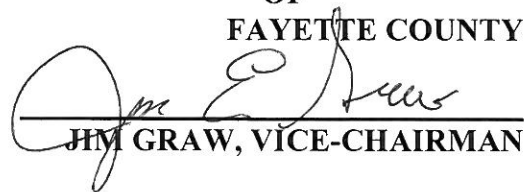
Chairman Gilbert called the question. The motion passed 4-0. Bob Simmons was absent.

Doug Powell made a motion to adjourn.

Chairman Gilbert said so moved.

Chairman Gilbert said the meeting was adjourned at 7:30 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY


JIM GRAW, VICE-CHAIRMAN

ATTEST: