

**THE FAYETTE COUNTY PLANNING COMMISSION** met on November 6, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Chairman, Al Gilbert  
Jim Graw, Vice-Chairman  
Bob Simmons  
Brian Haren

**MEMBERS ABSENT:** Douglas Powell

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**Welcome and Call to Order:**

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff. Chairman Gilbert said Doug Powell was absent tonight.

**1. Consideration of the Minutes of the Meeting held on September 18, 2014.**

Jim Graw made a motion to approve the minutes. Chairman Gilbert seconded the motion. The motion passed 3-0-1. Brian Haren abstained because he was absent from the meeting on September 18, 2014. Doug Powell was absent.

**2. Consideration of the Minutes of the Meeting held on October 2, 2014.**

Bob Simmons made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 3-0-1. Chairman Gilbert abstained because he was absent from the meeting on October 2, 2014. Doug Powell was absent.

**PUBLIC HEARING**

**3. Consideration of Petition No. 1238-14, Sohel Dhanani, Owner, request to rezone 34.277 acres from A-R to R-40 to develop a Single-Family Residential Subdivision consisting of 19 lots. This property is located in Land Lot 222 & 227 of the 13th District and fronts on Westbridge Road. The Applicant has requested to withdraw Petition 1238-14.**

Pete Frisina said the applicant has requested to withdraw Petition 1238-14.

Chairman Gilbert said this petition was tabled for 60 days and they are having a problem as the property doesn't have enough width for the road to meet our requirements and they are trying to acquire some adjacent property. He said they will probably be back sometime in the future and the Planning Commission has always honored a request to withdraw.

Chairman Gilbert made a motion to recommend acceptance of the request to withdraw the rezoning petition. Jim Graw seconded the motion. The motion passed 4-0. Doug Powell was absent.

4. **Consideration of Petition No. 1240-14, Davis, LLC, Owner, Rick Halbert, Agent, request to rezone 63.89 acres from A-R and R-40 to A-R to develop Single-Family Residential. This property is located in Land Lot 5 & 6 of the 7th District and fronts on Davis Road.**

Rick Halbert said this is the property that the Planning Commission acted on with the revision to the Waterlace Preliminary Plat and the property owner's intent is to build a house for him and, in the future, some houses for family members.

Chairman Gilbert asked if there was anyone in the public that would like to comment on this petition. Seeing none he brought it back to the board.

Jim Graw said he had spoken to Pete Frisina today and he is a little confused and he would like Pete Frisina to explain the petition for the record. He said this is a 63 acre parcel with 53 acres zoned A-R and 10 acres to the north of this parcel are zoned R-40. He asked why do we need to rezone A-R to A-R why can't we just look at the 10 acres that is zoned R-40 and approve only it for A-R.

Pete Frisina said the parcel is 63 acres and it is split by two (2) zonings, A-R and R-40. He said Staff believes it is better to rezone the entire parcel and the entire parcel was advertised for rezoning.

Jim Graw said so you advertised the entire 63 acres for rezoning.

Pete Frisina said yes, but there is not a separate 53 acre parcel zoned A-R and a separate 10 acre parcel zoned R-40, there is one (1) 63 acre parcel that is split by two (2) zoning districts.

Jim Graw said now he understands.

Brian Haren asked if split zoning rare in the County.

Pete Frisina said we do have parcels split by zoning in the County and we require that it be brought under one (1) zoning district before we allow the property to be developed.

Chairman Gilbert made a motion to approve the petition with one (1) condition. Jim Graw seconded the motion. Chairman Gilbert asked Pete Frisina to read he condition.

Pete Frisina read the condition as follows:

The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet as measured from the centerline of Davis Road prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Chairman Gilbert asked if the petitioner agrees to the condition.

Rick Halbert asked if there are any plans in the process to pave the road.

**Page 3**  
**November 6, 2014**  
**PC Meeting**

Pete Frisina said every road in the County will be paved in the future. He said there is already 30 feet of right of way on the north side of the road so this is just a 10 foot strip but public works asks for a quit claim deed from the centerline.

Jim Graw asked Pete Frisina if we mean 40 feet of right-of-way.

Pete Frisina said yes.

Jim Graw suggested adding "right-of-way" to the condition.

Chairman Gilbert said we have a motion to approve the petition and we will add "right-of-way" to the condition. Jim Graw said he would second the motion.

Chairman Gilbert called the question. The motion passed 4-0. Doug Powell was absent.

**5. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, regarding Greenhouses in Section 110-3. Definitions, Section 110-79. Accessory Structures And Uses, Section 110-125. A-R Agricultural-Residential District, and Section 110-169 Conditional Use Approval.**

Pete Frisina said we discussed these amendments in previous meetings. He said this started with hoop houses but now has become temporary and permanent greenhouses. He added that definitions were created for Foundation, Greenhouse, Temporary and Greenhouse, Permanent. He stated he changed the table with the acreage and square footage to recognize those lots that are less than one acre as there are older subdivisions in the County that were approved with half acre lots.

Jim Graw said you have a "more than" sign in front to the 1 and it needs to be a "less than" sign.

Brian Haren suggested that the table could just be less than two (2) acres.

Pete Frisina said yes we could do it that way.

Jim Graw asked if there are any changes since the last meeting.

Pete Frisina said there is a requirement to get a permit from Planning and Zoning since these structures won't be getting a building permit. He added that the permit is modeled after the Fence Permit we are currently using.

Chairman Gilbert asked if there is going to be a fee charged for the permit.

Pete Frisina said Staff had not recommended a fee.

Chairman Gilbert said he would recommend a fee because the County is expending materials and manpower to administer the permit.

Bob Simmons said he agreed with a permit fee.

Jim Graw said that is up to the Board of Commissioners.

**Page 4**  
**November 6, 2014**  
**PC Meeting**

Chairman Gilbert said he would recommend it the Commissioners.

Pete Frisina said the Planning Commission could make that recommendation. He added that Staff does not charge a fee for the Fence Permit.

He said as a housekeeping measure the square footage for farm outbuildings, auxiliary structures, horse stables, and greenhouses in A-R is increasing from 1,800 square feet to 3,000 square feet to match the amendments we made to residential accessory structures about a year ago.

Jim Graw asked if these greenhouse requirements will apply to A-R.

Pete Frisina said A-R has size restrictions for greenhouses based on acreage that would apply as well.

Chairman Gilbert asked if there was anyone in the public that would like to comment on the amendments. Seeing none he brought it back to the board.

Bob Simmons said he would like to discuss the fee structure for the permit and he would suggest \$25 as there is a cost for resources to the County.

Bob Simmons made a motion to recommend approval of the amendments to the Zoning Ordinance with an added recommendation that the Board of Commissioners establish a fee schedule for a Temporary Greenhouse Permit.

Jim Graw asked if Bob Simmons was making a motion with a recommendation for a fee schedule.

Bob Simmons said yes.

Jim Graw said we should approve the amendments first and then go into the recommendation for a fee schedule.

Bob Simmons said I make the motion that we add a fee schedule to the ordinance.

Pete Frisina said the fee would not be in the ordinance because there is a separate fee schedule so what I think you mean is we charge \$25 for each permit.

Bob Simmons said yes that is correct.

Chairman Gilbert said we should leave it the Board of Commissioners to set the fee and say that the Planning Commission is suggesting that they establish a fee.

Bob Simmons said he agrees the Board of Commissioners should set the fee.

Pete Frisina said to Bob Simmons your recommendation is we approve the amendments and that the Board of Commissioners considers a fee for the permit.

**Page 5**  
**November 6, 2014**  
**PC Meeting**

Bob Simmons said that is correct.

Brian Haren asked what do I as a citizen gets from the \$30.

Bob Simmons said what you are paying for is the Staff time and resources it takes to review the permit.

Brian Haren asked when a citizen fills out this paper work what does the County do with it.

Pete Frisina said the staff would review it for compliance.

Brian Haren asked if staff would go out to the site.

Pete Frisina said Staff would not go the site, Staff would review it based on the application which would have drawings of the site and structure.

Brian Haren seconded the motion. The motion passed 3-1. Jim Graw said he voted in opposition to the motion because the recommendation for a fee schedule was included in the motion. He said he had no problem with the amendments as they were presented but would have preferred a separate motion be made for the recommendation of a fee schedule. Doug Powell was absent.

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Chairman Gilbert asked if there would be a meeting in two weeks.

Pete Frisina said there would be a meeting in two weeks.

Jim Graw made a motion to adjourn the meeting.

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

**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

  
AL GILBERT, CHAIRMAN

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ATTEST:

