

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 6, 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  
Bob Simmons

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Dennis Dutton, Zoning Administrator/PC Secretary

**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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**1. Consideration of the Minutes of the Meeting held on February 20, 2014.**

Doug Powell made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 4-0-1. Chairman Gilbert abstained because he was absent from that meeting.

**NEW BUSINESS**

**2. Consideration of a Variance from Subdivision Regulations, Sec. 8-503. (b) 11. Building Permit, for Carol and Lowell Thomas Mullins, Owners. This variance is to allow the issuance of a building permit prior to the Approval and Recording of a Minor Subdivision Plat. This property consists of 1.41 acres, is zoned R-40, and fronts on South Jeff Davis Dr. & Callaway Road.**

Chairman Gilbert asked Pete Frisina to explain the variance procedure in the Subdivision regulations.

Pete Frisina said Section 8-510 of the Fayette County Subdivision Regulations states:

**Variance or Appeal.** In cases of undue hardship under this Ordinance, the property owner may petition the Planning Commission for a Variance or an Appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the Planning Commission does not grant the variance or appeal, the property owner may then appeal to the Board of Commissioners.

He said the control of subdivisions falls under the Planning Commission and the original Subdivision regulations were written in the early 70's and this section has been in the

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Subdivision regulations in some form since that time. He added that this property was rezoned in January of this year with three conditions.

Doug Powell said it was his recollection that the rezoning petition went to the BOC with an unfavorable recommendations from the Planning Commission.

Pete Frisina said the rezoning was recommended for approval by the Planning Commission. He added that when the applicant purchased the property they did not realize that the property was an illegal lot and they are now going through the rezoning and platting process to make the lot legal.

Jim Graw said it was illegal because it was A-R zoning that required five acres.

Pete Frisina said it was illegal because it was not subdivided through the subdivision procedure. He added that the conditions of rezoning addressed a house that is nonconforming and required a variance. He said the Zoning Board of Appeals granted the variance for the house on February 24<sup>th</sup>. He stated that the third condition addressed minimum square footage required by the zoning district and gave the petitioner the option of requesting a variance from the ZBA for the minimum square footage requirement or add on to the house by requesting a variance from the Planning Commission to issue the building permit prior to the approval of the Minor Subdivision Plat and that is why we are here tonight.

Brian Haren said so the Planning Commission is the final authority of theses request and we are not a recommending body.

Pete Frisina said that is correct but your decision can be appealed to the BOC.

Carl Mullins said we plan to live in this house and the house has some history in Fayette County as it is an old house.

Jim Graw asked how long it will take to remodel the house.

Carol Mullins said hopefully they would be finished by this summer if not sooner.

Thomas Mullins said he has contractors ready to work on the house.

Jim Graw asked about the structure in the back yard.

Thomas Mullins said it is an old barn and they plan to fix it up as well.

Chairman Gilbert asked if there was any input from the public and hearing none he brought it back to the board.

Bob Simmons asked how this became an illegal lot.

Pete Frisina said if a lot is subdivided without going through the subdivision procedure it is considered illegal. He added when someone purchases a piece of property usually they get a Warranty Deed with a written legal description and they record that with the Clerk of Court and this can create an illegal lot. He said the proper procedure is before the real estate transaction; a surveyor prepares a Final Plat and submits it to County for approval of the subdivision.

Brian Haren made a motion to approve the Variance. Jim Graw seconded the motion. The motion passed 5-0.

**3. Consideration of the Final Plat of Banjo Trail, Spotty Merle, LLC, Owner. The property is zoned PUD-PRL, will consist of two residential lots, is located in Land Lot 2 of the 7th District and fronts Arnold Road.**

Jason Walls with Integrated Science and Engineering said they are submitting the Banjo trail Final Plat for approval and this is part of Camp Southern Ground which was rezoned about two years ago. He added that this is two of the six planned residential lots and the staff has approved the final plat.

Chairman Gilbert asked if there was any input from the public and hearing none he brought it back to the board.

Doug Powell made a motion to approve the Final Plat of Banjo Trail. Brian Haren seconded the motion. The motion passed 5-0.

**OLD BUSINESS**

**4. Continue discussion of the land use plan for SR 74 south.**

Pete Frisina said staff and Planning Commission have been discussing the land use plan for SR 74 south and one of the directives we got from the BOC was to get input from the New Hope Church as they are adjacent to one of the areas were we proposing O-I and they also have some property at the intersection of SR 74 and SR 85.

Gene Barber introduced himself, Joe Pritchett and Steve Kenny with New Hope Church.

Pete Frisina indicate the areas that is being considered for O-I and pointed out that one areas is adjacent to the church to the north. He asked Gene Barber about a small lot on the front of the church property.

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Gene Barber said the property is less than an acre after the highway was widened and it is owned by Talbot Bank the last he knew.

Pete Frisina asked if the church had tried to acquire that property.

Gene Barber said he thought the property owner wanted to build a bank there.

Doug Powell asked if the church knew that we have been discussing commercial at the intersection of SR 74 and SR 85.

Gene Barber said he was aware of the discussion that started about two years ago and the church had requested consideration of their property for commercial at the northeast corner of the intersection.

Pete Frisina said before we move onto commercial at the intersection does the church have any problems with the O-I area to the north of the church.

Chairman Gilbert said the overlay would control the architecture and maintain a residential character.

Jim Graw said the property could assemble all of this property which is about 40 acres for an office park and a large number of buildings could be built there.

Gene Barber asked if it could be developed with O-I on the street with residential behind it.

Pete Frisina said the property is wedge shaped and with a two minimum there is not enough room to do both.

Gene Barber said typically offices are not a bad use to be next to.

Jim Graw said the O-I would have a buffer and setback along the church.

Doug Powell said the limiting factor is the septic requirements.

Pete Frisina said if the property to the north is rezoned to O-I the church's buffer goes away.

Chairman Gilbert there is one doctor that has already purchased a five acre lot in this area and wants to put his office in the existing house.

Gene Barber said he didn't think the O-I would be a detriment to the church.

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Pete Frisina said the church owns the area at the northeast corner of SR 74 and SR 85 where a small church is located.

Joe Pritchett said the church owns property on the east side of Waterfall Way and all of the properties total about seven acres.

Pete Frisina asked if the church is using the property now.

Gene Barber said the church building is being utilized now.

Pete Frisina asked what the long term plans for the property are.

Gene Barber said the church would like to work their way out of that property and that is why when we talked about commercial at the intersection earlier if some of our property could be included for commercial that would be beneficial in getting us out of the property and the rest of the property could possibly be used for something else like the property next to Mill Pond Manor Subdivision.

Pete Frisina said we do have several building and an existing parking lot on that corner.

Doug Powell asked if the church is on a historic registry.

Gene Barber said it was not on a historic registry and his concern is in the future when the building may not be used is when a building starts to deteriorate.

Joe Pritchett said the widening of the road with a median makes it hard to get into the property from the New Hope property.

Pete Frisina said the situation is we have three non-residential buildings and a parking lot existing on this property and they are not going to be used a residence and we have to take that into consideration. He added that we should consider this property for some adaptive reuse since it is already nonresidential considering a use which is compatible with the area.

Doug Powell said we have talked about a separate overlay for the intersection with architectural controls.

Chairman Gilbert said the character of the architecture we liked looked like an old fashion downtown.

Pete Frisina said the discussion was heavier commercial uses on the northwest and southwest corners with lighter uses on the northeast and southeast corners.

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Chairman Gilbert said we are not looking at the rest of SR 85 at this time but what is going to happen further north.

Mark Porter said that is why he is here tonight and he owns the nursery on the corner of SR 85 and SR 85 Connector and he would like some consideration for commercial on his property.

Pete Frisina is the kind of use we like to see in the southern portion of the County as it maintains the rural character.

Tim Thoms asked if the GA DOT had decided what to do with the property on the southeast corner of SR 85 and SR 74.

Pete Frisina said he would ask Phil Mallon if there is any news on the property.

Doug Powell said the utility line is the proposed boundary for non-residential to the south of the intersection.

Pete Frisina said just because you change the land use at the SR85 and SR 74 intersection it doesn't mean you have to change the entire corridor because you can only have so many gas stations.

Mark Porter said we 22 acres there and we need to be able to use our property for some other than just holding the earth together and a portion of our property is zoned R-20 and I guess we could develop small houses on small lots and that is not our intent but we would like a better use on our property.

Tim Thoms said as a citizen I wish the County would look at the area up to SR 85 Connector.

Jim Graw said I agree as there will be pressure to develop because if someone comes in for commercial on that corner and we don't have something in place on that property and we may be forced into some decisions we do not want to make so I would like to see use dio something all the way to the connector.

Pete Frisina said try to finish SR 74 and SR 85 first.

Doug Powell said we are looking at a hefty donation so we can make it all a park.

Gene Barber said if the church had the ability to use the property with SR 74 frontage we probably work out something. He added that he had approached the County sometime back about purchasing some of this property.

Pete Frisina said that is all I have at this time.

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Gene Barber asked if the property owners on the northwest corner had come back to the County yet.

Pete Frisina said they have not come back yet but that is still one of the areas we are looking at for commercial and the zoning district we have in mind here would not allow fast food restaurants.

Gene Barber said would much more at the church's front door and creates a bigger concern for us.

Pete Frisina said we are looking at a special architectural character that resembles a small rural town.

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Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Jim Graw said so moved.

Chairman Gilbert said the meeting was adjourned at 8:15pm.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**



**AL GILBERT, CHAIRMAN**

**ATTEST:**



