

THE FAYETTE COUNTY PLANNING COMMISSION met on July 21, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
Al Gilbert
Brian Haren
John H. Culbreth Sr.

STAFF PRESENT: Pete Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

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

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1. Consideration of the Minutes of the Meeting held on July 7, 2016.

John Culbreth made a motion to approve the minutes. Motion seconded by Brian Haren. The motion to approve the minutes was 5-0.

2. Consideration of a Variance request (V/A 011-16) for Terry Martin from the Fayette County Subdivision Regulations, Section 104-597. (3). Contiguous areas for residential development. This variance is to reduce the contiguous area from 2.00 acres to 1.2 acres for Lot 1 and 1.3 acres for Lot 2. This property is located in Land Lot 153 and 154 of the 4th District and fronts on Brooks-Woolsey Road.

Chairman Graw asked if Mr. Martin was going to be here.

Dennis Dutton replied no, I don't think so. He stated that as the property lay in order to get two (2) lots the contiguous area will not be met because of the peculiar lay of the land. He said that Mr. Martin also has to dedicate some right-of-way to the County for the road and the watershed buffer setback has reduced it. He added that Mr. Martin would like to build a house potentially for his son or brother.

Chairman Graw stated that he assumed he would have plenty of contiguous area if it had not been for the watershed buffer.

Dennis Dutton stated that there was a pond in the back.

Al Gilbert stated that he has plenty of area to build a house, septic tank, and backup septic system.

Brian Haren asked if he was losing 10 feet of right-of-way.

Chairman Graw asked if anyone else had a comment or questions.

Arnold Martin stated that it seemed pretty standard.

Brian Haren stated that Mr. Martin owns the property now, and he should have known the issues with the property particularly the problems with the backside where the pond is. He said that he feels uncomfortable granting variances on issues like this, because it's not like this was a nonconforming lot of record that existed prior to this request. He added that he understands that the petitioner wants to separate parcels, but he knew about the watershed and pond in the back. He stated that he had full visibility of the existing conditions before he put in his request.

Chairman Graw asked if he did not have to give up that 10 feet of right-of-way would he have enough area to meet the contiguous area.

Dennis Dutton replied that if you move the setback line by 10 feet I still don't think you would have enough to meet the contiguous area.

Chairman Graw said that it wasn't just the 10 feet.

Dennis Dutton said that it's just one (1) of the factors, but it's probably the pond itself.

Pete Frisina agreed with Dennis Dutton that the removing the 10 feet of right-of-way would not give a full two (2) acres of contiguous area. He stated that if you take a normal A-R lot that has nothing on it but setbacks and that's the only thing encumbering the lot. He said that in A-R you only have two (2) sets of setbacks in A-R: you have a 100 foot front yard setback or a 75 foot setback depending on the classification of the road. He added that with the 100 foot setback it looks like you would have 2.6 acres, with no other encumbrances. He stated that Phil Mallon came up with these and he believes what he saw was these 2.6 acres, and said well let's bring it down to two (2) acres which gives you a little more leeway.

Al Gilbert stated that Phil Mallon and Randy Boyd explained in detail one (1) night how they came up with it.

Arnold Martin asked had it been around for a while.

Pete Frisina replied that's it's been around since 2008.

Al Gilbert stated that we only been running into problems in the last couple of years.

Dennis Dutton stated that in times past the A-R lots did not come before staff. He said that the code would allow you to not go through a review process if the tract of land was five (5) acres or more. He added that we probably missed a lot of lots with the two (2) acres of contiguous area. He stated

that now we review all lots we will probably find more.

Al Gilbert asked if he had an engineer or surveyor working with him on this.

Dennis Dutton said that Randy Boyd and Al Gaskins did this plat.

Al Gilbert stated that I know you're saying he should have known, but in all fairness, people when they buy property what they should do they don't normally do. He said that is, they wait until they want to do something before they spend the money to hire the engineer then they find out. He added that he doesn't think the petitioner went into this knowing he had a problem until he tried to subdivide his lots.

Brian Haren stated that he understands that, but it doesn't relieve the property owner/purchaser of their due diligence if he knows what he wants to do with that property. He asked how long he has owned it.

Dennis Dutton replied he doesn't know for a fact but he doesn't think he has owned it more than five (5) years. He stated that he knew the gentleman that owned it before and he may have gotten in trouble with that lot.

Arnold Martin asked how he got into trouble.

Dennis Dutton replied that he didn't get the proper permits for the pond. He said that Environmental Management made him go back and get the permits.

Pete Frisina asked when he put the pond in did that create the setbacks.

Dennis Dutton replied yes it created the watershed setbacks. He said that it wasn't this gentleman that has it but they have all there permits for it now.

Brian Haren said someone talk me out of it.

Al Gilbert stated that we have granted every one (1) of these that have come before us. He asked how do you pick and choose; once you start saying they meet the septic tank requirements, than put a house on it, we've always said go for it. He said that now we're going to start saying no you can't; he said he would like us to be more consistent.

John Culbreth asked if they approved these through administrative variance approvals in the past.

Dennis Dutton replied in the past anything greater than five (5) acres didn't come through us they just went on and recorded it that was a part of the subdivision regulations.

Al Gilbert asked if we've had one (1) or two (2) of these come before us and we approved them.

Dennis Dutton replied yes.

Chairman Graw stated that he has seen something similar to this in the Town of Brooks. He said that the eight (8) lot subdivision had a pond and there were four (4) lots in the subdivision that had problems with the contiguous area. He added that he doesn't disagree with Mr. Haren about the homeowner having a responsibility too. He stated that when he looks back to the variance in Brooks the situations were different because the subdivision in Brooks was brand new while this is really not a subdivision but a minor subdivision, this is similar. He said how I could approve the variance on those and not the variance on this. He added that I don't know how to reconcile that in my mind.

Al Gilbert reiterated that is why we need to stay consistent. He said if we turn them down we need to turn them all down, and if we approve them we need to approve them all, if they meet the set criteria.

Chairman Graw stated that the 10 feet isn't going to put him in the contiguous area. He said it would take a lot more to give him the contiguous area than just the 10 foot right-of-way.

Pete Frisina replied I think so.

Chairman Graw stated that he was trying to look up what the County was requiring him to give up, because it's not his fault and the 10 feet is one (1) of the things.

Dennis Dutton said well the buffers and setbacks they are also a set of criteria per the County by the State for watershed setbacks and buffers.

Brian Haren asked if we approve this will it become a nonconforming lot.

Pete Frisina replied that they are nonconforming but you grant them a variance which makes them legal nonconforming.

Arnold Martin asked if the pond would be looked at as a nonconforming entity because it was not done based on the guidelines when it was put in.

Pete Frisina replied that the pond is not a zoning issue it's an Environmental Management issue.

Chairman Graw asked if Mr. Martin was aware that he may be limited to the amount of structures he can have on his property.

Dennis Dutton replied yes. He said that one (1) of the lots has a house on it that he resides in, and the other one (1) shows a slab of the old barn it indicates where a new house could go.

Chairman Graw asked if the A-R district has a limit on the number of outbuildings.

Dennis Dutton replied yes it will in the five (5) acre lots. He stated that the five (5) to ten (10) acre lots limit it to one (1) farm outbuilding. He said that we have to have two (2) acres contiguous and he can't go over the 1800 square feet for an accessory building on each lot.

Arnold Martin made a motion to approve the variance. Motion seconded by Al Gilbert. The motion passed 4-1. Brian Haren voted against the petition.

Pete Frisina stated that for the two (2) A-R lots: if you have the 100 foot setback you have 2.60 contiguous areas with no floodplains or wetlands; with the other setback of 75 feet it gives you 2.63 acres of buildable area. He said that we may want to look these in the future if we think two (2) is an inappropriate number for A-R or something different. He stated that Phil Mallon basically looked at an A-R lot clean with no setbacks and came up with these numbers; he then reduced them a little bit to hopefully take into consideration floodplain and things of that nature. He added that he reduced it by .6.

Brian Haren said neither of these lots are anywhere close to that.

Pete Frisina replied that he knows that. He said that Phil Mallon placed it at 2.6 because of that and took everything into consideration.

3. Consideration of a Minor Subdivision Plat of the Martin Acres. The property will consist of two (2) residential lots. This property is located in Land Lots 153 and 154 of the 4th District, fronts on Brooks Woolsey Road. The property is zoned A-R.

Dennis Dutton stated that Mr. Martin requested the Minor Subdivision Plat so he can build a house on tract two (2). He said that Mr. Mallon has not signed the plat just yet.

Chairman Graw asked if anyone had comments.

Brian Haren replied no, and that he doesn't see a problem with the layout.

Al Gilbert made a motion to approve the Minor Subdivision Plat for Martin Acres. Motion seconded by Arnold Martin.

Chairman Graw asked if it was okay for the driveway to be in the setback.

Dennis Dutton replied yes it is okay.

The plat was approved by a vote of 5-0.

4. Appointment of a Planning Commission member to the steering committee of the full plan update.

Pete Frisina stated that the County is required to do a full plan update and the deadline for it is June 2017. He said that we are starting the process of doing a full plan updated. He added that comprehensive plans are mandated by the State to have certain elements within them. He stated that the most important element that we always use is land use. He said that there were other elements such as community development, community facilities, recreational and housing. He added that

populations and demographics go into the plan and they are filled with all types of charts and graphs. He stated that he will be updating all of these elements. He said that the plan we have now goes to 2025, and with the 2017 one (1), we will update it to 2040. He added that he will use the projections he is receiving from the Atlanta Regional Commission to update the demographics. He stated that a part of that is to look at your community services; and say we have eight (8) fire stations, and the ARC says we are going to grow by this percentage of people, do we need to look for new fire stations, parks, etc. He said were looking at our level of services and how we want to maintain it. He added that there is nothing that says you have to change the land use plan, if you are happy with it. He stated that DCA puts a lot of emphasis on public participation. He said that you have to have a plan for public participation; which is what this is. He added that he took his plan before the Board of Commissioners and said here is my plan for public participation; do you agree with this. He stated that they said let's do this; the plan involves kick-off meetings and he will try and come up with something that will get input from the public through the website. He added that he will have two (2) kick off meetings one in the northern part of the County and the other is in the southern part of the County.

Arnold Martin asked if the law enforcement, school system, and realtors' entity will host the kick-off meetings.

Pete Frisina replied that they were stakeholder groups and we will try and get there input from them. He said that real estate people have a different perspective than healthcare professionals. He added that these are the second most important stakeholder group next to the citizens. He stated that he also wants the inputs from seniors and home owner's association groups because they represent a certain area.

Brian Haren asked will we ever be talking to the Cities.

Pete Frisina stated that his colleagues in the Cities are discussing having a common element in all of their comprehensive plans that talks about the County as a whole. He said, saying it and doing it, and getting it accepted by six (6) governments is a whole different thing. He added that he has one (1) map with all of the different land uses on it, and another one with all their different zoning on it. He stated that he needs to get with his peers and look at the edges of all the different Cities to see what things looks like. He said the next thing they need to do is develop a composite map just based on land use and try to do it in a more broad sense without the boundaries to see what the County looks like. He added that the County has urban areas and those are Fayetteville, Peachtree City, and Tyrone. He stated that Brooks and Woolsey are like little villages and or hamlets. He added that groups will discuss where they want to go and who they want to be. He stated that depending on what they come up with it will be good to have something to fall back on for growth in the County. He said that Fayette County unincorporated area does not have the infrastructure to support intense development. He asked if something like Pinewood could exist in the County without a sewer system. He replied yes, with great expense and a lot of hope that the system you put in the ground is going to work. He said obviously if you can hook that development up to a pipe that all your fluids goes somewhere else, and someone else deals with it, they're going to like that much better. He added that if we are looking at this County as a whole; and where this County is going; this County can't do it by themselves. He stated if that is the direction we're headed do we want more economic

development as oppose to residential development. He said we are going to have to work with the Cities to get that.

Arnold Martin stated that it was a revelation to him that the land use plan dates back to the 1980's. He said since we are making these major decisions as we did at the last meeting, we need to have a thorough understanding of the direction that we feel the County is going. He added that they need a better understanding from the leaders and citizenry on where they want the County to go. He stated that there are large factions that want to have the County to remain rural and undeveloped, therefore, dealing with our decisions on acreage, zoning, and variances. He suggested sitting down with the Board of Commissioners to look at the land use plan so they can all say that they have a true understanding of the direction.

Chairman Graw asked, what he meant by "we all" have a better understanding.

Arnold Martin replied this Planning Commission, the people in this room. He stated that he couldn't speak for everyone in the room but he wasn't clear on the direction. He said that the land use that was applicable in the past may not be applicable today. He added that it was his understanding the nongovernmental Fayette Visioning Group was getting together with stakeholders to discuss where the County is going. He asked if the Fayette Visioning Group was working with us on this.

Pete Frisina stated that the Fayette Visioning Group did an extensive survey with the citizens of this County. He said he was going to look at their stuff and use it, because he sees no point in reinventing the wheel. He added that even though he will be using the information he is still going to get citizen's input. He stated when you see a land use plan that hasn't changed since the 1980's it basically says you stuck with your plan. He said nothing says you have to change your plan, and that bits and pieces were change. He added that we have corridor plans. He stated that the land use plan as far as residential density has changed very little since 1985. He said that he has worked under commissioners that didn't see a rezoning they couldn't approve and it didn't matter if it met the land use plan or not; and he's seen commissioners who won't approve anything whether or not it meets the land use plan. He added that it is very hard to get that middle of the road.

Al Gilbert stated a former County Administrator by the name of Bill Becket told him the three (3) bodies that get involved in a zoning decision and the roll of each. He said the Planning Staff puts on blinders and they have no discretion whatsoever, they look at it and sees if it meets the land use or not; the Planning Commission take the blinders off, and they can use a little foresight; and the County Commissioners have to count votes.

Pete Frisina stated that staff is not into public input.

Chairman Graw said another point we need to look at is that we are not a public body and do not have to look at votes. He added that the Commissioners have a different way of looking at things, they're a political body and will look at the land use plan and sometimes they won't look at the plan. He stated that they are there to give the advice to the Commissioners, and sometimes they wanted and other times they don't. He said that you just hope on balance that everything will work out. He added that the ones that don't work out are the ones the County gets sued over and they lose.

Brian Haren asked if the land use plan ties into funding from the state.

Pete Frisina stated not really; you can get grants from the ARC and DCA. He said mainly what you get from the DCA is transportation money. He added that falls more into transportation planning than land use planning. He stated that they look at a County like Fayette who has not adopted what they think would regionally help transportation; so we probably get less money than some others that do. He said that there are more benefits to developing in compliance with the regional plan than there is in developing out of compliance. He added that the LCI grants you get from ARC helps to push their vision. He stated that since we are not doing that we are not getting the LCI grants. He said that you have to apply for them and that they are going to people who are building town centers. He added that the City of Suwanee has built a brand new town in their downtown area. He stated that they got a huge LCI grant; which got them a lot of money to build this, but they turned their downtown into a much more urban area than what it was. He said to them having that more mixed-use small scale development helps transportation. He added that we need a Planning Commissioner to work on a steering committee with the staff; and other County staff members will be on the committee along with a Board of Commissioner. He said that the member will be needed to do some work and that this won't be a vacation.

Chairman Graw asked about how much time.

Pete Frisina replied we may meet once a month, if that.

Chairman Graw asked if anyone would like to volunteer.

Brian Haren said he would volunteer.

Al Gilbert made a motion to nominate Brian Haren. Motion seconded by John Culbreth. Arnold Martin made a motion to close nominations. Motion seconded by Al Gilbert. The motion to close nominations passed 5-0. The motion to nominate Brian Haren passed 4-0-1 with Brian Haren abstaining from the vote.

Chairman Graw asked when the plan needs to be completed.

Pete Frisina replied by January or February 2017. He said that it will be sent to the DCA and ARC for review to make sure it meets all the criteria for the State. He added that once they approve it the County has to then adopt it by the end of June.

Al Gilbert stated that last time the Planning Commission had to vote on it.

Pete Frisina replied that's right. He said that it does come before them as well and that they will be reviewing it every step of the way.

Arnold Martin asked when the last time we did this was.

Pete Frisina replied 2004.

Arnold Martin asked how much of that was used as a guide.

Pete Frisina replied that the County doesn't use the comprehensive plan to do budgeting. He stated that they have a plan called the capital improvement element. He said that with the comp plan you are looking out 20 years while the CIP element only looks at five (5). He added that no one goes back to the comp plan and refers to it. He stated that it's an aspirational plan at best with no teeth. He said there is nothing in it that says we have to do anything.

Chairman Graw asked if we will have a meeting on August 4.

Pete Frisina replied that he didn't know. He stated that they tabled the rezoning to August 4, and he has since received an application from Fayetteville for the property to be annex. He said they haven't sent us a withdraw letter.

Brian Haren said I guess we got to go forward with the meeting.

Pete Frisina replied that he would call again tomorrow.

Chairman Graw said that it was either an approval or denial. He added that we're not going to table it again.

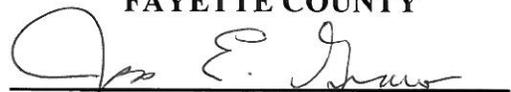
Pete Frisina replied that the Board of Commissioners' are going to hear the annexation next week.

Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:49 pm.

ATTEST:



PLANNING COMMISSION OF
FAYETTE COUNTY



JIM GRAW, CHAIRMAN

