

THE FAYETTE COUNTY PLANNING COMMISSION met on July 1, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

MEMBERS ABSENT: Arnold L. Martin, III

STAFF PRESENT: Pete Frisina, Director Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff. He stated a quorum of the Planning Commission were present and explained that any motion made needed three (3) affirmative votes to pass. Chairman Graw said there is less than a full board present tonight and the petitioner has the right to ask to be tabled to the next meeting.

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1. Consideration of the Minutes of the Meeting held on June 4, 2015.

Al Gilbert made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 3-0. Arnold Martin was absent.

2. Consideration of a Minor Subdivision Plat of the Walton N. Kelley Estate. The property will consist of two residential lots zoned A-R and is located in Land Lot 103 of the 4th District and fronts on Friendship Church Road.

He asked if the petitioner would like to move ahead with the request.

Mike Gunnels said he would move ahead with the request. He said the purpose of this subdivision was to settle out an estate.

Chairman Graw asked if there was anyone present that would like to comment on the proposed subdivision. Hearing none he brought it back to the board.

Al Gilbert asked if the County has received the Quit Claim Deed.

Dennis Dutton said the County has received the Quit Claim Deed.

Chairman Graw said he noticed the rear setback was set 75 feet from the power line easement and he wanted to commend the surveyor in doing that.

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Al Gilbert made a motion to approve the Minor Subdivision Plat for Walton N. Kelley Estate. Brian Haren seconded the motion. The motion passed 3-0. Arnold Martin was absent.

3. Consideration of a Minor Subdivision Plat for Zane Ardis. The property will consist of one residential lot zoned A-R and is located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road.

Zane Ardis said the five (5) acre lot is being split from a 23 acre tract to build a house.

Chairman Graw asked if there was anyone present that would like to comment on the proposed subdivision. Hearing none he brought it back to the board.

Chairman Graw said he noticed a barn on the property and it is noted that it will be removed.

Zane Ardis said the barn will be removed prior to the C/O for the house.

Pete Frisina said Mr. Ardis has signed a document that the barn will be removed prior to the C/O for the house.

Brian Haren made a motion to approve the Minor Subdivision Plat for Zane Ardis. Al Gilbert seconded the motion. The motion passed 3-0. Arnold Martin was absent.

PUBLIC HEARING

4. Consideration of Petition No. 1247-15, Askew Estate, Owner, and George Tchaykov, Agent, request to rezone 1.96 acres from A- R to R-70 for Single-Family Residential. This property is located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.

George Tchaykov said the intent is to make this property more expanded because he has a child with learning disabilities and two (2) other children and he wants to add a tennis court and a ball court. He said the current setbacks won't allow me to do this and to position the tennis court correctly it has to be north to south and this will violate the current setbacks. He stated he is trying to bring the setbacks in line with the non-conforming lot.

Chairman Graw asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition. Hearing none he brought it back to the board.

Al Gilbert asked if the petitioner accepts the condition recommended for the petition as follows:

1. That the applicant brings the existing accessory structure (labeled as Building) into compliance with the R-70 zoning district. This can be achieved either through:
 - (1) The full removal of the existing accessory structure or, if the accessory is to remain, that portion of the accessory structure in the side yard setback must be removed within 180 days from the effective date of this rezoning; or
 - (2) A variance, obtained from the Zoning Board of Appeals, for the existing accessory structure to remain in the side yard setback. If the owner pursues a variance, said variance shall be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variances are denied, the owner agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals.

George Tchaykov said he agreed with the condition.

Chairman Graw said the petition complies with the Fayette County Comprehensive Plan. Chairman Graw said the lot is currently a 1.96 acre A-R lot which makes it non-conforming and if it goes to R-70 it is still a non-conforming lot.

Pete Frisina said per the Zoning Ordinance it is allowable to rezone a lot that has been rendered non-conforming, especially when the lot was made non-conforming by actions of the County, to go to another zoning district even though the lot will not meet the minimum lot size for that zoning district.

Chairman Graw said in that case it will be a legal non-conforming lot. He said when he looks at the zoning map there is a lot of A-R property surrounding the subject property and there is also some R-40 and I believe and one (1) R-70 lot not too far away. He stated A-R lots eventually may be rezoned and he likes the R-70 because it sets a precedence for that area, so if someone were to come in with an A-R lot and they ask for one (1) acre zoning the R-70 and the two (2) acres helps the Planning Commission and the County to establish two (2) acre zoning for that area. He said he likes the R-70 zoning in his opinion.

Al Gilbert made a motion to recommend approval of Petition 1247-15 with one (1) condition. Brian Haren seconded the motion. The motion passed 3-0. Arnold Martin was absent.

5. Consideration of Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr., Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision. This property is located in Land Lot 87 of the 5th District and fronts on South Jeff Davis Drive.

Chairman Graw asked if the petitioner would like to move ahead with less than a full board.

Jay Knight said he would move ahead with the petition. He stated his group is requesting the rezoning of 10 and one half acres and about 11 months ago the same property was up for rezoning to divide it into 10 one (1) acre lots as the property is adjacent to two (2) subdivisions with one (1) acre lots. He said the biggest concern seemed to be the number of curb cuts on South Jeff Davis Road and there was discussion about shared driveways to eliminate some of the curb cuts. He said what they are proposing is subdividing the property into four (4) lots each over two (2) acres which is larger than the two (2) adjacent subdivisions.

Chairman Graw said the Planning Commission recommended R-50 zoning and the Board of Commissioners denied the request. Chairman Graw asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition.

Frank Love said he is the developer on Jeff Davis Plantation Subdivision adjacent to the subject property and he opposes the rezoning. He said the petitioner is wrong that we all have are one (1) acre lots because I have some six (6) acre lots in my R-45 subdivision, so I just don't have one (1) acre lots in my subdivision. He said to be clear R-75 requires a 2,500 square foot home.

Al Gilbert said R-75 requires a 2,500 square foot home.

Frank Love said he wants the record to show that it is 2,500 square feet. He said what is really happening here is he sees a diamond in the rough and he wants to exploit it. He added that he has been working on his subdivision for years and he actually rezoned it in 1984 and what he's got here is 10 acres he can develop if he can get it through the Board of Commissioners. He stated that he can sell to builders and he is gone, so if the house that is put there by the builder meets the criteria for the County then everything is fine with the County and everybody but me and the people in my subdivision. He said that is the problem if there are no covenants and who is going to write them, if there was going to be some, I mean he's not going to write them because he is selling to builders and he doesn't need to write any covenants because he doesn't need to put in a road and he doesn't need to do anything. He added that if people move in they can have their animals and they can cut all their trees down and let all of their water run down into the subdivision because the vegetation is gone and driveways going out to South Jeff Davis on that hill. He said that is what the Board of Commissioners talked about last time and we have people coming in from Clayton County that are speeding. He added that Mr. Fuller is presently

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zoned for two (2) lots and that is A-R and he might think because he hasn't sold anything already that maybe it won't sell, so he is trying to do something else. He said none of his are really selling anything right now because it is a slow market. He asked that the Planning Commission shut this down here and now and A-R is a low impact solution for this area and not down grading Jeff Davis Plantation and the Woodlands Subdivisions and creating great problems for us in his attempt to make a few bucks, as we lose money and he makes a few bucks. He said once they go in and the houses are no telling what and not up to the quality, people won't come into my subdivision and the Woodlands.

Tanya Stai said I live at 145 Cavalier and a neighbor brought photos in from the last time the property owner took trees off of the property and the water that ran into our lots and had nowhere to go. She added that if they rip up trees to put in four (4) 2,500 square foot homes that's going to be our problem and who are we going to go to for a solution. She said she has no doubt that the homes will be lovely homes but her concern is where that leaves us as existing home owners. She asked if they are going to have a deceleration lane because cars fly down that road and four (4) driveways are going to be an issue.

David Day said he lives on lot 1 and if you check the traffic records you will find that after the last Board of Commissioners meeting on this property there was a heck of a crash on South Jeff Davis the entrance to the Woodlands and that his concern. He said the road has double yellow lines in the area and he has had people from Clapton County pass him on the road on the hill. He added that his other concern is water runoff and he has had water runoff from those woods ever since he has lived here with a river running down his driveway which has washed out by the sidewalk and doesn't know what would happen if those trees are taken down behind me so I am either going to have to move or get flooded out.

Jay Knight said we would certainly adopt covenants. He added we are a home building company and intend to build the houses and not sell the lots to other builders. He said currently two (2) curb cuts would be allowed now and we would be open to limiting the curb cuts to just two (2). He stated that leaving the property undeveloped has not helped the water flow and he believes standards will apply when we apply for a land disturbance permit and water flow will have to be addressed. He said they would adopt covenants for 2,800 square foot homes as it is in Jeff Davis Plantation Subdivision.

Chairman Graw asked about water runoff.

Jay Knight said part of the process to build is to address water runoff.

Brian Haren said his concern is traffic on South Jeff Davis and would it be possible to put in a deceleration lane and he didn't know if that could be addressed further down the line.

Pete Frisina said his understanding of our Engineering Department's regulations is a deceleration lane would not be required for a driveway.

Chairman Graw said he would like to read something from Public Works as follows:

Public Works/Engineering has reviewed Rezoning Application 1248-15 and RP-056-15. This application is for R-75 zoning and the concept plan shows four lots along South Jeff Davis Road.

Similar to comments for a previous rezoning request, the applicant/property owner will be responsible for ensuring each lot's driveway meets sight-distance requirements. One or more shared driveways may be used (or required) to maximize safety. Based on previous field studies and correspondence, it seems likely that the sight requirements can be satisfied but they will need to be double-checked at plat stage by the design professional.

Chairman Graw said the request conforms to the Fayette County Comprehensive Plan and an R-75 zoning could set precedence for this area. He added that he likes two (2) acre zoning because it helps to set precedence for this area for any future rezonings in the area.

Al Gilbert said it is hard for the County to enforce water problems on raw land but once a land disturbance permit comes into effect the County can address water runoff. He said if there are current water runoff problems, it will only get better when the County gets involved and the request for two (2) acres more than exceeds the Land Use Plan.

Chairman Graw said the Land Use plan is for one (1) to two (2) acre lots

Al Gilbert made a motion to recommend approval of Petition 1248-15. Brian Haren seconded the motion. The motion passed 3-0. Arnold Martin was absent.

- 6. Consideration of Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr., Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller. This property is located in Land Lot 87 of the 5th District and fronts on South Jeff Davis Drive.**

Chairman Graw said since there is a subdivision plat for two (2) five (5) acre A-R lots, the petitioner has to revise the plat to allow two (2) additional lots with the R-75 zoning, which allows two (2) acre lots.

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Chairman Graw asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition. Hearing none he brought it back to the board.

Brian Haren made a motion to recommend approval of Petition RP-056-15. Al Gilbert seconded the motion. The motion passed 3-0. Arnold Martin was absent.

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:06 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY


JIM GRAW, CHAIRMAN

ATTEST:


