

THE FAYETTE COUNTY PLANNING COMMISSION met on August 6, 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
John H. Culbreth
Al Gilbert
Arnold L. Martin, III

STAFF PRESENT: 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.

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1. Swearing in of New Planning Commission Member, John H Culbreth.

Dennis Dutton read and John Culbreth repeated the following:

I, John Culbreth, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

2. Consideration of the Minutes of the Meeting held on May 21, 2015.

Al Gilbert made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 4-0. John Culbreth abstained.

3. Consideration of the Minutes of the Meeting held on July 16, 2015.

Arnold Martin made a motion to approve the minutes. Brian Haren seconded the motion. The motion passed 5-0.

NEW BUSINESS

4. **Consideration of a Minor Subdivision Plat of Redbud Run. The property will consist of three residential lots zoned A-R and is located in Land Lots 95, 98, and 99 of the 4th District and fronts on Morgan Mill Road.**

Neal McEwen said he was subdividing the property to build a house for himself on lot 3 and his son will build a house on lot 2. He added that lot 1 will be left vacant for now.

Chairman Graw asked if there was anyone who would like to speak to the technical aspects of the plat. Hearing none he said he would bring it back to the Board.

Arnold Martin asked what use was on the property prior to the subdivision.

McEwen said the property was used for agricultural purposes.

Al Gilbert made a motion to approve the Minor Subdivision Plat of Redbud Run. John Culbreth seconded the motion. The motion passed 5-0.

5. **Consideration of Revised Final Plat of Arthur L. Cole Property. The property will consist of three residential lots zoned R-70 and is located in Land Lot 89 of the 7th District and fronts on Dogwood Trail and Sims Road.**

Lee Cole said he bought six (6) acres and when he rezoned the property for two (2) acre lots, the dedication of right-of-way took him below two (2) acres for each lot so he could not get three lots.

Chairman Graw said so you ended up with less property when the County asked for right-of-way.

Lee Cole said when he tried to rezone to one acre zoning it was denied. He said when he came back to the Planning and Zoning Department recently; he was told policies had changed in terms of dedicating right-of-way and lot size. He said he also tried to buy additional property to help the County straighten the road and that didn't work out.

Chairman Graw said it looks like you have been given approval by staff.

Lee Cole said he was glad he talked to the Planning and Zoning Department again because it gave him the opportunity to get the three (3) lots and also remove an easement for a power line that was dormant.

Chairman Graw asked if there was anyone who would like to speak to the technical aspects of the plat. Hearing none he said he would bring it back to the Board.

Brian Haren asked if there were any recommended conditions.

Dennis Dutton said there were no recommended conditions.

Arnold Martin made a motion to approve the Revised Final Plat of Arthur L. Cole Property. John Culbreth seconded the motion. The motion passed 5-0.

6. Consideration of a Minor Subdivision Plat of Caputo Subdivision. The property will consist of a residential lot zoned A-R and is located in Land Lots 5, and 6 of the 7th District and fronts on Davis Road.

Rick Halbert said he represents the owner and Mr. Caputo purchased this property from the Canoe Club Subdivision. He added the lot is a large A-R property where he would like to build his home. He said that we are platting this as one lot at this time and may be back later to further subdivide the property.

Chairman Graw asked if there was anyone who would like to speak as to the technical aspects of the plat. Hearing none he said he would bring it back to the Board.

Chairman Graw asked if the Planning Commission had looked at this property before.

Rick Halbert said the Planning Commission had looked at this property before for rezoning to A-R and Mr. Caputo is a vender at Pinewood Studios and is moving here from California.

Arnold Martin said he was not on the Planning Commission when this was previously considered by the Planning Commission but will there be any further impacts in terms of Canoe Club.

Rick Halbert said he didn't think there would be any impacts. He added that the Canoe Club would allow access to one of their roads if Mr. Caputo needed it and he will have access to the lake.

Al Gilbert made a motion to approve the Minor Subdivision Plat of Caputo Subdivision. Brian Haren seconded the motion. The motion passed 5-0.

PUBLIC HEARING

7. Consideration of Petition No. 1249-15, Betty S. Allen, Owner, and Vee Jokijphor, Agent, request to rezone 29.491 acres from A-R to R-40 to develop a Single-Family Residential Subdivision. This property is located in Land Lot 70 of the 7th District and fronts on SR 54 and Dockstreet Alley.

Chairman Graw said a letter was sent to Dennis Dutton by e-mail and he wanted to the read the letter into the record as follows:

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Dear Sir,

As representative (daughter) of property owner Betty Allen, I am writing to request that the application for rezoning 29.491 acres be tabled during the August 6th, 2015 meeting of the Planning Commission so that the prospective buyer of the property will have time to finalize the purchase of the property. The rezoning of the 10.491 frontage acres is and has always been contingent on the sale of the property. To date, no sales agreement has been reached on the 10.491 acres. As property owners we do not want the frontage 10.491 acres to be rezoned from A-R to R-40 if there is no sale of the 10.491 acres.

Sincerely,
Denese Allen
for Betty Allen
1868 Hwy 54 West
Fayetteville, GA

Denese Allen said they would like for it to be tabled until they have a sales agreement for the frontage property. She added that they received a package from staff and whoever wrote this is under the impression that it is not a good idea for the front to be anything other than residential because it can never be O-I or Commercial so if it is not sold attached to the back it says here it is really not big enough to put a subdivision on so we would like to table it until we have a sales agreement.

Chairman Graw asked Ms. Allen that she is asking to table the rezoning until when.

Denese Allen said until the buyer gets her a contract because she hasn't gotten anything from them and they have submitted an offer to sell to them on Monday and they have not responded yet.

Chairman Graw said he is bringing the request to table back to the Board because there is not an agreement with the purchaser and that is not the Planning Commission's problem. He said the Planning Commission has some options; we can reject the request to table and hear the petition for 29 acres, we can set up a date to table way off in the future, which he would not want to do that, or put a specific date on the table. He suggested that the rezoning be tabled for 30 days which will give you time to negotiate and when the 30 days is up we will vote on the 29 acres.

Al Gilbert asked if there was a sales contract on this property.

Denese Allen said there is on the 19 acres.

Arnold Martin asked if the contract was not finalized in the next 30 days what would be the process.

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Chairman Graw said the contract is not the Planning Commission's concern.

Dennis Dutton said the Planning Commission could hear the petition or the property owner could withdraw the rezoning petition.

Brian Haren asked if they withdraw is there a waiting period before they can resubmit.

Dennis Dutton said it seems like there is a six (6) month waiting period.

Denese Allen said she understands that the negotiation is not part of the Planning and Zoning thing. She asked if they will not agree to the price that I think I should get for the property, do I have to have the property rezoned anyway or unless they withdraw the petition especially since they were not authorized by me to apply for it.

Chairman Graw asked what the question is.

Denese Allen said she is confused if they cannot reach a sales agreement I am not forced to sell it and am I forced to rezone it.

Chairman Graw asked if you are referring to what will happen at the next meeting on September 3rd.

Denese Allen said yes what if we don't have a sales agreement.

Chairman Graw said at the next meeting you could ask for it to be withdrawn but you need to check to see if there is waiting period.

Al Gilbert asked couldn't she request to table again.

Dennis Dutton said he needed to check on the waiting period and if they went back to the 19 acres, if they could just resubmit.

Denese Allen asked if they are able to resubmit the 19 acres.

Chairman Graw said they could resubmit but they would need to go through another procedure. He said on September the 3rd the Planning Commission will have a public hearing and if you don't want us to hear it you can withdraw and you can check with the Planning and Zoning Department to see what you can do with the 19 acres.

Brian Haren said if the petition is not withdrawn the process moves forward all the way to the Board of Commissioners.

Chairman Graw said the Board of Commissioners will have to approve this request to table.

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Denese Allen said she wanted to reiterate that she did not ask them or sign anything for making them the agent for the rezoning of those 10 acres and I don't think in the long run that I should be penalized for six (6) months because of something they did before working with me on the actual price on the property.

Al Gilbert asked Ms. Allen if she owned the property.

Denese Allen said her mother owns the property.

Al Gilbert said what would happen if you rezoned all of the property you are still are going to sell it to them. He added that if you go ahead and rezone all of the property you still own the ten acres.

Chairman Graw said it sounds like you just want to sell the property for more money and it really doesn't sound like you have a problem with it being rezoned you just want more money for the property.

Denese Allen said I would like to have an agreement on the price.

Al Gilbert said the rezoning isn't going to affect the price.

Denese Allen said I just think that if it turned around and maybe they got the 19 acres I would rather be stuck with the A-R zoning so I could at least have a horse or something and I don't want to be stuck with that multi-residential zoning.

Chairman Graw said that ten acres is zoned A-R and it is shown on the Land Use Plan as residential and it is not land used for O-I and it is not land used for Commercial so if that is what you think you are going to get, I don't know if you can get that.

Denese Allen said I am not having a problem with it eventually being all residential because I understand that, but what I am saying is if they buy the 19 acres and I get stuck with the 10 acres it is not big enough to develop for residential and then there is nothing I can do with it except have one house on it. She said she wanted all of the property to be sold or none of it be sold.

Al Gilbert said he would be uncomfortable just doing the 19 acres.

Denese Allen said this is discussed in the paperwork from the Planning and Zoning Department that leaving the ten acres would be bad for me because it wouldn't be zoned for O-I or Commercial.

Chairman Graw said with ten acres zoned A-R you would have two (2) lots that would have to access SR54.

Denese Allen said they have two (2) entrances on the property.

Al Gilbert made a motion to recommend approval of the request to table Petition 1249-15 until September 3, 2015 meeting. John Culbreth seconded the motion. The motion passed 5-0.

8. **Consideration of Petition No. RP-057-15, Betty S. Allen, Owner, and Vee Jokijphor, Agent, request to add 24 lots to the Final Plat of Longboat Subdivision. This property is located in Land Lot 70 of the 7th District and fronts on SR 54 and Dockstreet Alley.**

Chairman Graw said the previous petition was tabled this petition also needs to be tabled.

Arnold Martin made a motion to recommend approval of the request to table Petition No. RP-057-15 until September 3, 2015 meeting. John Culbreth seconded the motion. The motion passed 5-0.

Chairman Graw asked Dennis Dutton what they have for the next meeting.

Dennis Dutton said there may be a Preliminary Plat and a Final Plat and the continued discussion of the SR 74 North Corridor and the SR 85 and SR 74 South intersection.

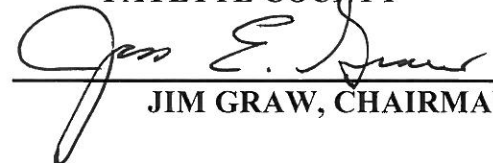
Al Gilbert asked if Staff could look at the intersection and determine if the location of the churches in that area will have any effect on alcohol sales in terms of the State distance requirements.

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:00 pm.

ATTEST:



PLANNING COMMISSION OF
FAYETTE COUNTY


JIM GRAW, CHAIRMAN

