

THE FAYETTE COUNTY PLANNING COMMISSION met on September 6, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
John H. Culbreth, Sr, Vice-Chairman
Jim Graw
Danny England

MEMBERS ABSENT: Al Gilbert

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the meeting held on August 26, 2018.

Danny England made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed 3-0. Al Gilbert and John Culbreth were absent.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of The Estate of Lee R. & Omie C. Bailey. The property will consist of four residential lots zoned A-R, is located in Land Lot 129 of the 4th District and front(s) on GA Highway 85 Connector.

Randy Boyd stated that he represents Richard Bailey who is the son of Lee and Omie Bailey. He said that this is about a 70 acre tract and if you recall a few months ago I came before you because a portion of this was zoned R-20 and we zoned it back to A-R so we can split the lots up as you see it before you now. He added we have turned this in to all of the County departments they have made their comments; we've addressed them, and turned it back to them. He stated that everybody's approved it and signed the plat; and then in accordance with the Plat Act now it has to come before you for approval of the Planning Commission, and we asked that you approve it as submitted, because we have addressed all the comments that all of the departments have had.

Chairman Haren asked if there were any questions or comments.

Jim Graw asked Randy Boyd the only structures to be removed are on lot one (1) is that correct.

Randy Boyd replied yes sir, there is an old house there and it's in violation of the front building line. He stated that the plans are to remove that and the little shed behind there. He said that there is an existing house on lot 2 that they are going to maintain and allow it to stay. He added that it is a much nicer house.

Chairman Haren asked if there were any other questions. Hearing none he asked for a motion.

John Culbreth made a motion to approve the Minor Subdivision Plat of The Estate of Lee R. & Omie C. Bailey. Danny England seconded the motion. The motion passed 4-0. Al Gilbert was absent.

PUBLIC HEARING

- 3. Consideration of Petition No. 1278-18, Betty Shubert, Owner, and Trent Foster, Agent, request to rezone 48.943 acres from A-R to R-50 to develop a residential subdivision consisting of 36 lots. This property is located in land lot 104 of the 7th District and fronts on Dogwood Trail.**

Trent Foster stated that he was the authorized agent for the Shubert family.

Chairman Haren stated there was not a full board present this evening but there is a quorum. He said under the rules you have the right to request a tabling to wait for a full board. He asked if he would like to continue.

Trent Foster replied yes we'll continue. He stated we request a rezoning from A-R to R-50. He said that it works with your new Comprehensive Plan that you all voted on and approved on last August one (1) unit per one (1) acre. He added based on the concept plan we're requesting 36 lots because of the soils and topo. He stated there was a lot of pre-work put into it and knows that there is a lot of history on this land. He said they were the developer/homebuilder of the Stonecrest Reserve that didn't come before them because it is in the City of Tyrone. He added that everyone said that they were crazy and that they were going to bring the property value down in the area and now there average sell price in that area is \$575,000. He stated that all of the homeowners in the surrounding areas that were concern have now come over and talked to them and said that there home values have risen some 15-20 percent along Farr Road. He said they do quality work and have worked well with the City of Tyrone and Mayor Dial. He added in the last four (4) to five (5) months we've done several small things in the County, Brooks, and South Fayette where I live. He stated that we've developed a good working relationship with Pete and Chanelle as far as communication and I believe both of them know that we are above board; as far as when we say we are going to do something we're going to do it. He said we asked that you consider this motion based on your Comprehensive Plan of one (1) unit per one (1) acre. He added I will take any questions that you have.

Charles MacMitton stated that he was the brother of Betty Sue MacMitton Shubert and their families grew up in Fayette County and Tyrone. He said that their parents had five (5) children and we all grew up here. He added that she graduated from Fayette County in 1958, and he in 1961. He stated he was a deputy sheriff in Fayette County from 1968 to 1971 and went on to be with the GBI for 30 plus years and went on to the Department of Justice with a total of 48 years in law enforcement. He said Betty and Young bought this property at 376 Dogwood Trail in 1960. He added that they raised their two (2) children there and it has been there home for a long time. He stated that his sister is 81 years old and is disabled and she wants to sell this property; so she will be able to financially handle her disabilities and go somewhere else to live to help her be able to do the things to continue out her

life.

Chairman Haren asked if anyone else would like to speak in favor of the petition. Hearing nothing, he asked if anyone would like to speak in opposition. Hearing nothing, he brought it back to the board.

Chairman Haren asked why the R-50 zoning district for this area.

Trent Foster replied the zoning district has one acre lot.

Chairman Haren asked if there was a condition for the rezoning.

Trent Foster replied yes for the undisturbed around the rear retention pond leading to catering hills which we have no issues with that. He stated that they usually landscape around them 20 feet to hide them so leaving it undisturbed is fine with us.

Chairman Haren asked if he agreed with the condition.

Trent Foster replied yes.

Chairman Haren stated that there was some discussion in the package about removing structures.

Trent Foster stated that the structures would be removed and that Pete has received a letter from him regarding that.

Jim Graw asked if the structures were on the lot facing Dogwood Trail.

Trent Foster replied yes sir.

Jim Graw asked if that was going to be one (1) of the lots for the subdivision.

Trent Foster stated that the home would be removed the trailer and the barn all septic tanks and wells would be incapacitated by the County standards.

Jim Graw asked if the retention pond was on the lot; the southern part.

Trent Foster replied yes, that is the one (1) that Peachtree City asked to leave undisturbed.

Jim Graw stated that it looks like lots 136 and 137 that are in Peachtree City those are the only two that would be affected.

Trent Foster replied correct.

Jim Graw asked if the buffer would be aligning lots 136 and 137.

Trent Foster replied it would be around the whole pond all four sides. He stated that they may have to get in there to disturb the front side of it and then it will be buffered with plantings; because someone living on our lot that borders it doesn't want to be looking right into it retention. He reiterated that they have no issue with it and is common practice with them. He stated they are not about to leave an eye-sore and sell homes on them.

Jim Graw stated the requested rezoning does comply with the Comprehensive Plan.

Danny England read Peachtree City's recommendation: As the Dogwood Trail corridor continues to develop into residential use, the City would encourage the County to require inter-parcel access between these developments. He stated that we don't have anything to cover that, but if you look at the size and shape of these pieces of property; you have your piece which is 50 acres that is long and skinny and the ones on either side are the same based on size and shape. He said we are going to get in that situation where we can't go trick-or-treating in the neighborhood next door unless we go out to Dogwood and then back down; I think that is something we ought to look at in the future for something like this.

Pete Frisina stated that I think I explained in the report why we don't have any inter-parcel access for residential development. He said we don't have any regulations or standards for it. He added that we do require it for non-residential. He stated that there have been some instances in the County where people have left strips or stub streets in a residential subdivision and woe to the person that suggest another subdivision hook up to one of those stub streets. He added that it has happened before many years ago and anybody that even suggests hooking up to it and the public meeting room fills up. He stated they would have to have standards that set it and they never had it.

Trent Foster stated that what you will have if they are required to do that is a person who have paid premium for a cul-de-sac lot that is no longer a cul-de-sac lot.

Danny England stated that if they recommended it being tied in at the cul-de-sac that's not necessarily how it would work it could be somewhere in-between. He said when you get into these developments that are really skinny and really deep at some point it would be nice to hang a right or left and get into the neighborhood next to us. He added that he thinks that comes from defining at what point do we cross the threshold that's required; and if you have standards you can say this is just the way we do things. He stated in denser environments it's more reciprocal to do that right? He said that it is something that we sometimes plan for and then we come and do phase two and say oh look; here's a place right here where my road should go. He added that it is frustrating; because I use to deliver pizza here years ago and you get into these subdivisions and you can't get back out because there is one (1) way in and one (1) way out of these subdivisions. He stated that the trick-or-treat thing is real too; I have all these house on my street but my neighbor next door I can't actually get to them. He added it seems like something that we should definitely think about, because we're only going to be building more houses with lots that have more density and more cars on every street. He said that it is such a shame to force people all the way out to Dogwood just for them to come back to the future development that will no doubt be on either side of you, and could be you that trigger some of this stuff in the future. He

stated he saw it and from a planning standpoint it would be a good principle; we should try and get in front of that and talk about it a little bit I think.

Pete Frisina replied that it is something we could talk about but it is difficult.

Danny England replied that it is, and they said the same thing about one (1) acre lots years ago right? He stated that the topography drops down the closer you get to Dogwood. He said that Dogwood is 12 feet or more above the level of the road there. He added that he doesn't know if he has gotten that deep into the planning yet. He asked how you are going to tie in the road and get it landscaped around there.

Trent Foster replied we haven't gotten that far yet.

Danny England stated that he was imagining the road coming out and hitting at grade and how that would be done out there because that works great now because it rolls right down.

Trent Foster replied the engineer will take care of it.

Chairman Haren stated if there are no more questions or comments let's bring it to a vote. He asked for a motion.

Brian Haren made a motion to recommend approval of Petition No. 1278-18 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Al Gilbert was absent.

4. Consideration of Petition No. 1279A-18, John Richard Halbert, Owner, request to rezone a total of .29 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279B-18. This property is located in Land Lot 228 of the 4th District and fronts on SR 85 South.

5. Consideration of Petition No. 1279B-18, John Richard Halbert, Owner, request to rezone a total of 18.34 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279A-18. This property is located in Land Lot 228 of the 4th District and fronts on Goza Road.

Chairman Haren said the next two rezoning items are related so they can be discussed together but would require separate motions.

Rick Halbert said his intent is to rezone the property to R-80 and develop six (6) lots. He added that he has worked in Fayette County as a developer, contractor and real estate agent for the last 30 years and lived in Fayette County since 1986. He stated that he lives on Goza Road about a mile from the subject property. He said the property needs to be cleaned up as it has several old structures that need to be removed and he is working with the County to get demo permits to tear down the structures. He stated that they have done soil testing and the soils are good but not great and he is in agreement with the two (2) recommended conditions. He said the Comprehensive Plan calls for three (3) acre density and this rezoning fits the plan.

Chairman Haren said he forgot to ask but asked the applicant if he wanted to continue as there was not a full board present tonight or table to the next meeting.

Rick Halbert said he wanted to continue with the public hearing.

Chairman Haren ask if there was anybody who would like to speak in support these petitions. Hearing none he asked if there was anybody who like to speak in opposition to these petitions. Hearing none he said he would bring it back to the board.

Jim Graw asked if all of the structures presently on the property will be torn down and removed.

Rick Halbert stated that all of the structures will be removed from the subject property.

Chairman Haren read the recommended condition for Petition No. 1279A-18 that there shall be no driveway access to the parcel(s) from SR 85 and the recommended condition for Petition No. 1279B-18 that the owner/developer shall provide, at no cost to Fayette County, ten (10) feet of right-of-way on Goza Road.

Rick Halbert said he agreed with the two (2) conditions.

Jim Graw stated that these rezoning requests complied with the Comprehensive Plan.

Jim Graw made a motion to recommend approval of Petition No. 1279A-18 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Al Gilbert was absent.

Jim Graw made a motion to recommend approval of Petition No. 1279B-18 with one (1) condition. John Culbreth seconded the motion. The motion passed 4-0. Al Gilbert was absent.

6. Consideration of amendments to Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zones and Commercial Development Standards.

Pete Frisina said these proposed amendments are a result of letter from Bill Beckwith, then Chairman of the Zoning Board of Appeals, asking the Board of Commissioners to consider amendments to the zoning ordinance due to the number of variance requests the ZBA was receiving concerning accessory structures, corner lots and front yards. He stated this was the case especially in A-R where individuals wanted to build accessory structures in a front yard as defined in the zoning ordinance or as lots were being platted in the southern part of the county accessory structures were discovered which had in some cases been there for many years. He added staff and Planning Commission presented amendments to the Board of Commissioners on March 22, 2018 and the BOC sent the amendments back to staff and the Planning Commission for more review. He stated that staff and Planning Commission have finished that review and moving ahead with amendments that basically involve two areas of the zoning ordinance and that is accessory structures and the A-R zoning district because there is cross over with structures that

are only allowed in A-R so we are trying to separate these in the ordinance. He added that there are also a number of housekeeping amendment being proposed. He said the title of Sec. 110-79 is being changed from "Accessory structures and uses" to "Residential accessory structures and their uses" to differentiate them from the additional accessory structures such as barns and auxiliary structures allowed in A-R. He stated there are a lot of amendments where the term "accessory structure" is being changed to "residential accessory structure."

Pete Frisina outlined the amendments per section of the zoning ordinance as follows:

Sec. 110-3. Definitions – new definitions for flag lot, principal structure front, primary front yard, and secondary front yard were added. The definitions for "yard" and "setback" are clarified as they were used interchangeably in the ordinance. Definitions for dog pen/run, corner lot, landlocked lot, lot width, front yard, rear yard, and side yard are amended for clarification. Portions of the lot width definition along with the graphic will be moved to Sec. 110-77.

Sec. 110-65. - Reduction of lot area. – is amended for clarification of terms "yard" and "setback."

Sec. 110-71. - Yard not to be encroached upon. - is amended for clarification of terms "yard" and "setback."

Sec. 110-72. - Permitted encroachments of yards and setbacks. - is amended for clarification of terms "yard" and "setback."

Sec. 110-73. - Yard service, required open space to one building. - is being deleted as staff finds no purpose for the regulations.

Sec. 110-74. - Side and rear setbacks yards and buffers not required next to railroad.- is amended for clarification of terms "yard" and "setback."

Sec. 110-77. - Lot width, minimum. .- is amended for clarification along with the graphic under Definitions.

Sec. 110-79. – Accessory structures and uses. – is being changed to Sec. 110-79. – Residential accessory structures and their uses and the term "residential accessory structure" will be used throughout this section. References to accessory structures (farm outbuildings, horse stables, auxiliary structures, greenhouses and semi-trailer/box truck utilized as a farm outbuilding) only allowed only in A-R are being deleted from this section or clarified and will be addressed under the A-R zoning district requirements. In turn, residential accessory structures will be allowed in a front yard on and A-R lot with five or more acres because currently all aforementioned accessory structures allowed only in A-R are allowed in a front yard. The 900 square foot limit for a detached garage in a primary front yard is being deleted as this was the old limit for all residential accessory structures but all other requirements will remain. A residential accessory structure in a secondary front yard will have an addition 20 feet added to the setback when it is located on an internal local street (subdivision street) to better align it with adjacent single-family

residences.

Sec. 110-86. - Raising and keeping of horses in residential districts. – amended to reference the term “Horse quarters” to Sec. 110-169. - Conditional use approval.

Sec. 110-106. Yards on a flag lot or a nonconforming landlocked lot. – This is a new section to address yard configuration and setbacks on a flag lot and land locked lot. The orientation of front and rear yards is related to the lot being adjacent to a street but flag lots and landlocked have little relationship to a street as they are usually behind lots that front a street. This has been an issue for years in zoning and few property owners understand the logic of a front yard when they are far removed from a county road and in some cases use a common private drive to access their property. Staff is proposing that all yards and setbacks on a flag lot or landlocked lot be considered side yards with side setbacks and this is being proposed instead of the previous proposal of creating a procedure of a property owner going before the Planning Commission to determine the orientation of a flag lot or landlocked lot through the Subdivision Regulations.

Sec. 110-125. - A-R, Agricultural-Residential District.- these amendments are in conjunction with the aforementioned amendments to Sec. 110-79 to differentiate A-R accessory structures from residential accessory structures.

Sec. 110-128. - R-85, Single-Family Residential District through Sec. 110-149. - Planned unit development are housekeeping to change “accessory structure” to “residential accessory structure.”

Article V. - Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards is being amended to Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone as the commercial development standards were deleted when the area they applied to (SR hospital area) was annexed into Fayetteville.

Sec. 110-169. - Conditional use approval.

Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. (x.) these amendments are in conjunction with the aforementioned amendments to Sec. 110-79 to differentiate A-R accessory structures from residential accessory structures. In addition, under an auxiliary structure there is a requirement for uses that have the potential of generating noise levels audible to the adjacent properties that acoustical treatment (soundproofing) shall be required to mitigate the volume of sound but there are no standards for soundproofing construction/materials so staff recommends deleting this requirement and relying on the Noise Ordinance to control any problems

Private school (mm.) – amendments to the zoning ordinance concerning buffers between the uses of a Cemetery, human or pet, Child care facility, Church and/or other place of worship, College and/or university, Hospital, Private school, or Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office were made in 2015. This section for private schools was omitted by mistake and is being amended for consistency.

Self-storage facility (ss.) – this section is being deleted as staff cannot find that this has ever been required and believes it is excessive.

Single-family residence (vv.) - these amendments are in conjunction with the aforementioned amendments to Sec. 110-79 to change “accessory structure” to “residential accessory structure.”

Chairman Haren asked if the pamphlet illustrating lot configurations and setbacks will be sent to the BOC.

Pete Frisina said the pamphlet will be sent to the BOC to give them an idea of what staff is proposing to educate the public on this subject.

Chairman Haren ask if there was anybody who would like to speak in support these amendments. Hearing none he asked if there was anybody who like to speak in opposition to these amendments. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of the amendments to the Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zones and Commercial Development Standards. John Culbreth seconded the motion. The motion passed 4-0. Al Gilbert was absent.

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

John Culbreth said so moved, Chairman Haren seconded the motion and the motion passed 4-0. Al Gilbert was absent.

The meeting was adjourned at 8:00 pm.

PLANNING COMMISSION
OF FAYETTE COUNTY, GA



BRIAN HAREN, CHAIRMAN

ATTEST:


