

THE FAYETTE COUNTY PLANNING COMMISSION met on September 20, 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
Al Gilbert

MEMBERS ABSENT: Danny England

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 September 6, 2018.

John Culbreth made a motion to approve the minutes from the meeting held on September 20, 2018. Jim Graw seconded the motion. The motion passed 3-0-1. Al Gilbert abstained from voting. Danny England was absent from the meeting.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of Jacqueline Eubanks. The property will consist of three residential lots zoned A-R, is located in Land Lot 158 of the 4th District and front(s) on Rising Star Road.

Chairman Haren stated they only have four (4) board members present. He said if the petitioners wanted to wait for a full board all five (5) members present they had a right to ask that and they would simply table their petition. He added the petitioner had to ask before they started to consider the motion. He stated that the first thing he would ask the petitioners is if they would like to continue with four (4) board members.

Chairman Haren asked if anyone would like to speak in favor of the Jacqueline Eubanks subdivision plat.

Randy Boyd replied that he would like to continue with the four (4) members here. He stated that he was representing Jacqueline Eubanks and that prepared the minor subdivision plat for the property. He said that you notice we split it up into three (3) parcels in the center is the existing house and one (1) parcel on either side. He added that they turned it into the Planning & Zoning Department and all the County departments made their comments and turned it back into us and we addressed those comments and what you have before you is a plat approved by all the departments. He asked that they approve the plat as submitted.

Chairman Haren asked if anyone would like to speak in opposition. Hearing none he brought it back to the board. He asked if the Planning Commission had any discussion or comments.

Jim Graw made a motion to approve the Minor Subdivision Plat of Jacqueline Eubanks. John Culbreth seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

3. Consideration of a Minor Subdivision Plat of Thomas L. Davis. The property will consist of two residential lots zoned A-R, is located in Land Lot 37 of the 7th District and front(s) on Huiet Drive.

Chairman Haren asked Mr. Boyd if he would like to continue with four (4) board members.

Randy Boyd replied yes. He stated that this property is located on the west side of Huiet Drive and was a part of the Huddleston Estate. He said it was split into two (2) parcels; again we turned it in to the Planning & Zoning Department and all of the County departments have looked at it; made comments we've addressed them and turned them back in. He asked that they approve as submitted because it has been approved by all County departments.

Chairman Haren asked if there was anyone who wanted to speak in opposition to the petition. Hearing none he brought it back to the board.

Chairman Haren stated that lot two (2) has an odd stub running to the north of Huiet Drive. He asked if that was how the property is currently divided out, and what is the reason for the odd geometry?

Randy Boyd replied that this piece of property is bounded by the east land lot line and this road gets away from it; so they don't have frontage here and we had to get a hundred feet of frontage to go around that because they don't have frontage here. He stated that he was sure of it and that it didn't have an actual right-of-way subscription on it and so they had to avoid that and put it in here so that's the reason.

Al Gilbert made a motion to approve the Minor Subdivision Plat of Thomas L. Davis. John Culbreth seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

4. Consideration of a Preliminary Plat of Liberty North. The property will consist of 28 residential lots zoned R-50, is located in Land Lots 230 of the 13th District and fronts on S.R. 279.

Chairman Haren asked the petitioner if he wanted to move on with four (4) board members.

Richard Perry replied yes. He stated that he was there to represent Liberty North LLC. He said what you have before you is a Preliminary Plat for 28 lots on the west side of Highway 279. He added that it was just north of the intersection of Highway 279 and 314. He said that this Preliminary Plat was approved and had went all the way to land disturbance permit in 2007 but at that point they put the brakes on the project. He stated now we're bringing the Preliminary Plat back

to you with a significantly different layout. He said they had more straight roads and these are curving more. He added that they had to get a CBU unit in there, that's the mailbox unit that's required. He stated they placed the unit right in the middle of Liberty Drive which has been approved. He said we submitted back and forth with the County several times and we meet all of their staff comments.

Chairman Haren stated so the Post Office won't do residential delivery.

Al Gilbert stated not anymore and this was several years they started to do that.

Chairman Haren asked if there was anyone who wanted to speak in opposition of the petition. Hearing nothing he brought it back to the board.

Chairman Haren stated that the preliminary plat predated his time on the board but was approved with a different layout.

Pete Frisina stated that the old one (1) is expired.

Chairman Haren stated that he thought they were good forever.

Pete Frisina replied not preliminary plats.

Chairman Haren asked if the Planning Commission had any questions or comments. Hearing none he asked for a motion.

Al Gilbert made a motion to approve the Preliminary Plat of Liberty North. John Culbreth seconded the motion. The motion passed 4-0. Danny England was absent from meeting.

5. Discussion of family cemeteries.

Pete Frisina stated that Monty Goza came in to speak to him about an idea he had for some property this family owns. He said the idea is they would like to have a family cemetery on their property. He added the only cemetery that we have under the County's current ordinance is really intended to be a cemetery that is open to the public. He stated that the ordinance requires the cemetery to have a minimum of 10 acres.

Monty Goza interjected and said that there is actually two (2) one (1) that's under commercial use that requires you to have 50 acres and the permitted use under A-R is 10 acres.

Pete Frisina corrected Monty Goza stating that it says 10 acres for both. He stated that the only thing mentioned in the ordinance is a public use cemetery, open to the public to buy burial space. He added that's a perpetual care cemetery that obviously has to be protected in that fashion once you have sold plots to the public. He said what Monty is talking about is to have a cemetery that is just for the family members. The only regulations we have is for a commercial cemetery. He asked the Planning Commission if that was something they wanted to entertain, to allow

someone to have a family cemetery on their property, and if so, how will we do it?

Jim Graw stated we have lots of family cemeteries already throughout the whole County.

John Culbreth stated that is the past.

Pete Frisina stated they are not new.

Monty Goza stated that the ones you're talking about are all grandfathered because they existed prior to zoning regulations.

Jim Graw asked Monty Goza if he wanted to create a new family cemetery.

Monty Goza stated that his family has 288 acres on Goza Road and 36 acres on Antioch Road. He said the property came down through the family since the 1820's and one (1) of the families lost it and my daddy bought it back during the depression. He added that the property is divided it amongst the children and this is the part my mom got before she passed and it's in a family member partnership. He stated that my brothers and I are in a trust. He said that the piece of property we are looking at fronts on Goza Road. He stated that the plan is for buried cremation ashes and no embalming or vaulting for traditional burials and he wants to do it on an acre. He added that the property would be deeded out separately and have restrictions on it. He stated that he would like to see in the ordinance if you do a cemetery you have to give the GPS coordinates of the burial site to the County so they can keep track of the location of the grave. He said so we don't have the problem where we have now; when someone goes in to develop property and they hit bones from a cemetery done in the 1840's. He added that it would be deeded out separately as an acre lot, you have restrictions that you can't develop it, and every time you put someone in the ground you have GPS coordinates submitted to you so you would know exactly where they were. He said that at his old job what he had to do was do a title search when they hit bones and figure out where they came from. He stated he would like to have the zoning ordinance amended so that it would allow for a one (1) acre family cemetery in A-R zoning as a permitted use with restrictions where the property is deeded as a family cemetery so there is no confusion in the future when there is a title search done and that the County be notified so it can be placed in some sort of database with coordinates of the graves.

Chairman Haren asked so our County GIS personnel will be tracking dead bodies.

Monty Goza replied no they don't have to track dead bodies, but they would have to track the spot. He stated if you give them the GPS coordinates no one is going to dig it up because (a) it's on a piece that is not supposed to be dug up and (b) you know exactly where it is so you shouldn't dig it up anyway. He said Old Greenville has 80 foot right-of-way and it doesn't expect it to ever be changed because it is already paved in that section, and it is before the turn on Sourwood that turns to dirt. He added that it will need to be widened in some form in the future, and with an 80 foot right-of-way I don't see that widening; because it's never going to be a major thoroughfare because it doesn't go up to anywhere it just goes up to Park Road and dead ends. He reiterated that he doesn't anticipate a road project but wants to put that restriction on in

the ordinance so if someone wants to do road work (i.e. State or County) and take part of that property, they know exactly where the remains are because they have the GPS coordinates to make arrangements to move the bodies. He said that he would like to see the ordinance amended so it can be a permitted use.

John Culbreth asked Pete Frisina if this could open up a door for people to take some land that they have, and say I am going to have this part designated for a cemetery and take it out of the context of commercial and residential use in a residential area.

Pete Frisina replied whatever we do is going to have to be well thought out. He stated that what Monty wants to do is theoretically not open to the public. He said however we only have ordinances for a commercial cemetery; that is open to the public to buy lots. He added that since the ordinance has been in place no one has developed a commercial cemetery. He stated that if you were to allow something like this, we will need controls.

Monty Goza replied require deed restrictions. He stated that the property has to be deeded with specific restrictions that it would be used for internment of family members of a certain family.

Pete Frisina stated instead of subdividing the property maybe we can handle that through a permanent easement that does the same thing. He said that in a five (5) acre area I don't know if we can cut out a one (1) acre lot. He added if we can make the mechanism work through a permanent easement that has regulations, the County could control it as a conditional use.

Tony Parrot asked how are you going to split it up between family members; are you going to have individual lots within?

Monty Goza replied that it's going to be me and my wife, our kids, my sister who is unmarried and childless, and my brother is in Kansas with a wife and eight (8) kids I really doubt he is coming back here to be buried. He said down the road it would be lineal descendants. He added that if you're a family member and one (1) of the lineal descendants of the right people you have entitlement to be buried there and you get to pick your plot. He stated that they would have an agreement with whomever in the family that's in charge would have final veto power.

Al Gilbert asked how deep into the family will you go. He stated that he understood Monty's position; Tony Parrott wants to have his second cousin buried there and his second cousin wants to have his fourth cousin buried there; there has to be a limit.

Monty Goza replied that's why I want to designate a person and lineal descendants. He stated that his mother had eight (8) children he has two (2) and his sister has none. He said if John wanted to come back and my kids if they wanted to come back. He added that it was going to be limited until they ran out of space.

Pete Frisina stated that I don't see the county regulating based on family members. He added the permanent easement will establish an area that is titled family cemetery in theory, and the family would have some control over it. He stated I've looked at the State laws and I didn't see

anything that deals with family cemeteries all I saw were laws dealing with perpetual care cemeteries. He said to me that is a commercial cemetery. He stated that he has people ask to bury people in their backyards. He said we tell them no, you can't do that, because you have to have 10 acres, and you have to be a cemetery. He added that burial vaults are no longer required.

Monty Goza replied that they're into green burials.

Pete Frisina stated that a lot has changed and you don't have to be embalmed any more.

Jim Graw stated when I think of family cemetery I'm thinking of six (6) or eight (8) graves located on a families piece of property. He said maybe a one (1) acre piece of property or a two (2) acre piece of property someone would cut out a section and see if they could put six (6) or eight (8) graves. He asked did I hear you say something about one (1) acre.

Monty Goza replied that he would like to have one (1) acre to do it.

Jim Graw asked how big your piece of property is.

Monty Goza replied it's a 132 acres south of the road. He said there is 36 acres on Antioch that doesn't connect with the rest of it, and the other piece runs from Old Greenville Road about a half mile in on the other side of Goza. He added if you remember Goza Road where Horsemen's Run is; you know that 25 acre lake that's our lake, and is a part of the property.

Jim Graw stated your idea is just for family members.

Monty Goza replied yes.

Jim Graw asked Monty if he would offer a plot to someone who just came over to your house and said can we buy a plot.

Monty Goza replied that his wife is very adamant about that and wants him to control it. He stated that it would be only his descendants. He added that my wife and I plan to be cremated so we will only take up one square hole.

Jim Graw stated so you will only need one (1) acre to meet your needs.

Monty Goza replied yes. He asked what the dimensions were for body burial.

Tony Parrott replied 3 x 6.

Monty Goza stated that's 18 square feet and you could put a whole lot of people in the ground and never encroach on each other. He said I don't anticipate it filling up an acre.

Chairman Haren stated that conceptually I don't have a problem with it. He said that I didn't know we didn't allow family cemeteries anymore.

Pete Frisina interjected they can do a 10 acre cemetery.

Chairman Haren stated that whatever we do has got to fit the County.

Monty Goza interjected and it's got to be such that it is manageable; I understand that.

Jim Graw stated that there has got to be a maximum acreage for the cemetery and a minimum acreage for the size lot. He said let me just throw something out; minimum five (5) acres and you can cut a minimum of one acre out for your family lot.

Monty Goza stated I would say you would need a minimum of six (6) acres to cut an acre out.

Pete Frisina interjected you really can't cut an acre out of an A-R lot. He stated that you have to do an easement because otherwise you are subdividing the property.

Jim Graw stated that with the cemetery you would have normal setbacks and maybe some landscaping.

Pete Frisina replied we should not require landscaping on a family cemetery.

Chairman Haren stated A-R only with an acre easement.

Pete Frisina asked what if you don't need a whole acre for the cemetery.

Monty Goza stated you need to have an acre to build this in the proper way and you need to have an easement for access.

Pete Frisina stated that the easement should be drawn so that you have access.

Jim Graw stated that is why you have a minimum lot size and a maximum cemetery size. He said one (1) acre would be allowed to be cut out of a five (5) acre lot. He added if they want to come in and cut out a half acre out of the five (5) acre lot that's fine; no problem at all. He stated in order to control it you would probably need a permit.

Monty Goza stated that I think you could do it as a conditional use on a five (5) acre lot as long as you have a fenced in interior of x amount. He said you would fence in your easement, and that would control it. He added that would mark it so no one could encroach on it. He stated that the easement would be recorded and no one doing a title search is going to miss that if they are competent.

Pete Frisina stated that's the whole idea if the easement is permanent it should always be a part of the public record.

Monty Goza agreed and said that's why it will be a part of the public record so no one can say I didn't know it was there.

Jim Graw stated that he was just throwing those numbers out there if you wanted to do that.

Monty Goza stated that it be a minimum A-R lot with a permanent easement for however large of an area you want in that burial area. He said that part of that easement for that burial area will be an access easement.

Jim Graw asked if it would have to have a road going to the property.

Monty Goza replied the access easement will come from a road. He stated you don't have to necessarily develop a road.

Jim Graw stated that it will need to have a private driveway; even with family members you don't want them coming up your driveway and then accessing the cemetery through your yard.

Monty Goza said unless your easement is across that driveway than in which case your driveway is a part of that easement. He said unless you wanted to set it up that way; the driveway would still have to be accessed from a public road.

Pete Frisina stated that when we run across a cemetery in a development; we make sure that the cemetery has an easement area connecting to a road. He stated that we don't make anyone put a driveway in the easement.

Jim Graw stated that you would need that easement just in case that property was ever sold its going to have a cemetery on it with a family who doesn't belong to the family that bought the house. He said you have to have some sort of easement for that family to access their family cemetery.

Al Gilbert stated that the zoning could never change.

Monty Goza asked do you expect in the next 100 years to be developing anything. He stated I know we have Horsemen's Run but from my understanding now it's a lot harder to get something like that and that was land use for two (2) acres at the time.

Chairman Haren stated that we can't tell what is going to happen within a year.

Jim Graw stated that the cemetery would reduce the buildable area and would cut one (1) acre out of five (5) acres. He added that it reduces a person's ability to put in accessory structures or whatever.

Pete Frisina replied that is why you put it in a permanent easement and makes it a part of the permanent record and anybody doing a title search should find it.

Monty Goza stated that it is not much different in effect than the buildable lot size; you can have a five (5) acre lot that only has an acre of buildable property in it, and the rest of it be wetlands and it's still a legitimate five (5) acre lot. He said that is a valuation consideration as far as sell

ability at a later date. He added that he has seen many of five (5) acre lots that were half wetland and it's a consideration when you're buying it because its not going to have enough buildable space on it.

Chairman Haren asked if this was something that they wanted to work on. He said yes, and asked for a quorum.

Jim Graw stated that he doesn't have a problem as long as we have the proper restrictions.

Pete Frisina asked if State law dictates the lot layout for a cemetery.

Tony Parrot stated that it has to do with religious traditions that all the graves face east. He stated that Fayette County owns the Philips cemetery which is off of Davis Road. He said its two (2) acres and the County got title to it in the 1880's, and they have been burying there prior to 1860. He added but there hadn't been a burial there since 1913. He said you have all kinds of family cemeteries in the County where a family member could still legally be buried there.

Jim Graw asked if someone can put in a family cemetery today if they wanted to.

Pete Frisina replied yes.

Jim Graw asked if there was anything that said they couldn't.

Pete Frisina replied it just says they have to have 10 acres.

Jim Graw stated that's for a public cemetery, correct?

Pete Frisina replied no, that's for a cemetery.

Monty Goza stated that there are no current family cemetery regulatuions.

Jim Graw stated they could have done this with no drawings.

Pete Frisina replied no, they would have to give us a site plans to meet the conditional use.

Jim Graw said they bring in the site plans and then what?

Pete Frisina replied then we have to go through all the departments and have it approved. He said I don't think he wants to do the cemetery on a 10 acre cemetery that is why he is here.

Monty Goza stated he wants to do it on a much lesser property.

Al Gilbert stated that I think we should get something written down so we can discuss it.

Pete Frisina said say I have an A-R piece of property, and it has setbacks within it a 100 foot

setback on the front, 50 foot setback on the sides, and 75 in the rear. He stated the first thing we want to do is to make sure that the easement is outside of all the setbacks. He added that obviously you want to have access to the road. He said that if it's in A-R you have to have a conforming A-R lot to start with, a permanent easement; we need to somehow stipulate that it is not a public cemetery that you could not sell lots under the State code.

Monty Goza interjected saying I want to designate an individual and let it be lineal descendants of that individual.

Pete Frisina stated that we don't have the ability to weed through people's family.

Chairman Haren stated that we should establish that in the intent.

Pete Frisina replied in the intent is fine; but intent and administration are different things.

Monty Goza stated I want to make it only available to members of only that family.

Pete Frisina replied that whoever owns the property and the easement is going to control who goes there.

Monty Goza stated that what I'm trying to get you to do is guarantee it. He said if it's in the easement that only those family members can access it than it is on record at least.

Pete Frisina stated that I just don't know how I would enforce it.

Jim Graw asked Pete Frisina if he was thinking of adding additional setbacks to the actual one (1) acre.

Pete Frisina stated that was something else I thought about within the boundary of the perimeter of the easement; how close to we want to get to the edge of that? He asked would we want a five (5) or 10 foot setback.

Monty Goza replied that he would probably want a 10 foot buffer from the line of the easement and the usable burial area.

Chairman Haren stated as we are talking about the concerns of letting outsiders in; as you look at the setbacks that we have established on this one (1) acre easement and the access road into that one (1) acre calculation; just the size of this is going to be self-limiting. He stated that I don't think you are going to have folks lining up from outside the family to get access.

Pete Frisina stated that I don't think we are going to have people lining up to do family cemeteries either.

Monty Goza stated I think it is going to be fairly rare.

Pete Frisina stated we may have a few, because this is not the first person to ask me about this.

Chairman Haren stated that lets pursue this on a conforming lot.

Pete Frisina stated that we could use Monty because he has a background in how you structure easements and the legal aspects of that. He asked Tony Parrot if he had any insight and if he wouldn't mind sending it to them.

Chairman Haren asked if Monty was in any kind of hurry to get this done.

Monty Goza replied I sure hope not. He stated that lineal descendants may not be such a good idea because they have spouses.

Pete Frisina stated that the State doesn't really have as many regulations on how people are put in the ground anymore, and I don't want to create a problem on a piece of property where people aren't being buried properly.

Chairman Haren asked do we make a stipulation that a commercial funeral home do the internment. He clarified saying a full body burial.

Pete Frisina stated you don't have to be embalmed or in a vault or casket anymore; everything can be decomposable.

Monty Goza stated that I believe that it is a part of their thought process is they would prefer to have it back to "ashes to ashes and dust to dust" instead of this plasticize stuff that's down their forever. He said that Europeans are different they recycle cemeteries every 20 something years. He added they go dig them up, shake out the bones and put them in a box somewhere and bury somebody else in the whole.

Jim Graw asked if they would like to have some kind of fence around the cemetery.

Pete Frisina asked would we want to have some type of marker for the site and graves.

Monty Goza stated that he would like to require markers for each grave site and markers for the perimeter.

Pete Frisina said staff will work on the ordinance and bring it back for more discussion.

6. Discussion of tourist accommodations.

Pete Frisina said these are the changes to the ordinances since the last meeting. He stated that there are three sections of the code that address Tourist Accommodations which is the Hotel/Motel Tax, Tourist Accommodations and the Zoning Ordinance and the challenge is to make sure the three sections don't conflict. He added that the changes reflect staff's attempt to eliminate any conflicts. He stated that each guestroom in a Tourist Accommodation will be

limited to no more than two (2) guests and this will not include an A-R Bed and Breakfast Inn because their capacity is regulated under the zoning ordinance. He added that the Tourist Accommodation code section will now make reference to the sign ordinance in terms of allowed signage and the sign ordinance will be amended to include sign regulations for a Tourist Accommodation. The Tourist Accommodation code will be applicable to tourist accommodations with the exception of a hotel, campground facility, or planned retreat and lodge as defined and/or regulated in Chapter 110 – Zoning. He said in the zoning ordinance the term “event facility” will be added to the definition of a “banquet hall.” He added the term “bed and breakfast inn” will be put back into the definition of a “hotel” as a hotel is allowed in nonresidential zoning districts and the conditional use that was created previously for a bed and breakfast inn in a nonresidential zoning district is being deleted. He added that the conditional use for an A-R Wedding and Event Facility will allowed it to be combined with an A-R Bed and Breakfast Inn and both used would need to be fully compliant with all applicable regulations. He said in terms of the sign ordinance, a Tourist Accommodation that is not an A-R Bed and Breakfast Inn would be regulated under the residential portion of the sign ordinance limiting them to six (6) square foot signs and an A-R Bed and Breakfast Inn would be regulated under the nonresidential signs with their own category limiting them to 35 square feet and no internal illumination. He said he would be recommending to the Board of Commissioners a reduction in the permit fee for a Tourist Accommodation and hiring a third party consultant to identify the Tourist Accommodations advertising on-line. He added that he was ready to take these amendments through the public hearing process in October or November once he speaks to the County Administrator.

The Planning Commission agreed with the amend schedule.

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. Danny England was absent.

The meeting was adjourned at 8:30 pm.

PLANNING COMMISSION
OF FAYETTE COUNTY, GA


JOHN H. CULBRETH,
VICE-CHAIRMAN

ATTEST:


Julie H. Hinson