

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 3, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning and Zoning Coordinator

**Welcome and Call to Order:**

Brian Haren called the Planning Commission Meeting to order.

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**1. Election of the Chairman.**

*Brian Haren made a motion to nominate John Culbreth as Chairman and Jim Graw seconded the motion. The motion passed 5-0.*

Brain Haren gaveled himself out and passed the gavel to John Culbreth. John Culbreth relocated to the Chairman's seat and he gaveled in as the new Chairman.

**2. Election of the Vice-Chairman.**

*Brian Haren made a motion to approve the nomination of Danny England as Planning Commission Vice-Chairman. Al Gilbert seconded the motion. The motion passed 5-0.*

**3. Election of the Secretary.**

*Al Gilbert made a motion to approve the appointment of Howard Johnson as Planning Commission Secretary. John Culbreth seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

4. **Consideration of a Minor Subdivision Plat of Chappell Farms. The property will consist of five (5) residential lots zoned A-R, is located in Land Lot 187 of the 4th District and front(s) on Chappell Road and Old Greenville Road.**

Chairman Culbreath asked if anyone wanted to speak in favor the subdivision plat. Being none, he asked if there was anyone who was opposed to the subdivision plat. Being none, he returned the item to the Planning Commission for discussion.

Jim Graw asked if the petitioner, or his representative was present.

Chanelle Blaine responded that Mr. Rod Wright or a representative was not present.

Al Gilbert asked if any changes were made to the plat. Ms. Blaine responded that Rod Wright removed the 2-acre lot in question, and that lot was dissolved inside the subdivision. All of the lots in the subdivision are 5-acre lots and all exceed the minimum contiguous area of 2 acres. It has been approved by all County departments.

All Gilbert asked whether the prior concern of plat was the one lot not meeting the minimum continuous area.

Chanelle Blaine responded yes.

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

Jim Graw asked if a well can be located in the setback. Ms. Blaine responded yes.

Jim Graw then asked if wall can be located in the setback. Pete Frisina responded that both fences and walls can located in the setbacks. Jim Graw questioned why the developer is removing the concrete wall that surround the well. Chanelle noted that, in her opinion, it would probably be removed for aesthetics to improve the look.

Jim Graw questioned whether the well would be removed. Chanelle felt that it would be removed, but she was not certain.

Chairman Culbreath asked the Planning Commission for any additional discussion. Hearing none, he then asked for a vote.

***Chairman Culbreath made a motion to recommend approval of the minor subdivision plat of Chappell Farms. The motion passes 5-0.***

**PUBLIC HEARING**

Pete Frisina read aloud the rules of the Public Hearing.

5. **Consideration of a Petition RP-069-18 to revise the Final Plat of Keyland Woods to add one lot to the subdivision by subdividing Lot 1A into two separate lots. The property is located in Land Lots 25 & 26 of the 5th District and fronts Lockwood Road & SR 92 South.**

Chairman Culbreth asked if there was anyone who wanted to speak in favor of the petition.

William Mike Hyde, Jr. said his company purchased this property on Lockwood Road last year because they own the adjacent seven (7) acres that currently contains a 3,000 square foot house. He said they have owned the seven acres for about 20 years and as they look for a different way to develop that property the question is what to do with this house and could it be moved to another lot in the County and when the subject property became available it made sense to look at it because it is 3.5 acres but is zoned for one (1) acre. He stated the intent is to carve out one (1) acre and move the existing house to the one (1) acre lot as the house would not need to be cut in half and moved down a street requiring power lines to be raised. He added that surveying work has been done to subdivide the lot and soils surveys have been performed and shown to Environmental Health for a new septic system. He said his company has not spoken to the neighbors but wants to be a good neighbor and would retain ownership of both houses and use them as rental property and they are open to suggestions for the property. He stated that they had reviewed the County's ordinances and could not find any legal reason for it to be denied and he would be glad to answer any questions.

Chairman Culbreth asked if there was anyone who wanted to speak in opposition of the petition.

Joseph Springer (145 Lockwood Road) said he and his neighbors came tonight to hear what the plans are for the adjacent commercial property because they have had a hard time getting any information because we have heard rumors of gas stations, restaurants and storage facilities. He asked, what is the purpose of creating this one (1) acre piece of land? The people in the neighborhood enjoy it the way it is now. He added that it seems that this outfit just wants to come in and change everything just for the sake of change. He said GDOT is building a two (2) lane roundabout on SR 92 and what are they wanting to do, bring more traffic into the area. He said he would like to hear some concrete plans for this property and why it needs to be changed at this late date.

Paul Burt (140 Lockwood Road) said when he moved to Lockwood Road 30 years ago he was told everybody had to have a minimum of three (3) acres in the subdivision and now he understands after his visit to the County offices that that is no longer so and now it is zoned for one (1) acre per house. He asked how come nobody on the street was notified of this change. He said that now you want to take one of our lots that is 3.5 acres and put another house on the lot. He stated that

he understands progress and how property behind 100 Lockwood Road somehow or another became zoned for commercial and what we are hearing is there is going to be a gas station, convenience store, a car wash, oil lube, and to the back of it a ministorage facility. He said what they have heard is the company needs 100 Lockwood Road for access to this commercial property. He added that now that the zoning has changed without our knowledge, how that is going to affect our property values. He said that the American dream to work hard and own your own home is somewhat of a joke and someone can just come along and take it away from you.

Deb Carson (115 Keyland Drive) said the reason the prior property owners sold the property because of what the future roundabout was going to do to their lot as the roundabout will take away a huge section of the front of the lot. She added they sold the lot to someone who was offering an exorbitant amount of money for the lot that they would have never gotten any place else. She stated that they wanted this lot to gain access to the adjacent commercial lot that someone had tried to build a gas station sometime before. She said they live in a very rural atmosphere and all of the lots are three (3) to 3.5 acres and the subdivision of this lot will destroy our property values. She added that the area for the one (1) acre lot is a horse pasture and there are three horses there now and it has always been a horse pasture and she cannot imagine moving that gray house from the adjacent lot and putting it in this horse pasture. She said she doesn't see how they will have enough room and if they do it will look ridiculous there. She added that it will not look nice and it will absolutely spoil the atmosphere and aesthetics of our street. She stated that they are the ones that want to put a gas station down there and it is not anything anybody wanted since she moved there 41 years ago. She said they are just trying to make money back on this lot for whatever they paid for it and make it rental properties.

Keith Williams (180 Lockwood Road) said this lot is approximately 3.5 acres and they want to create a one (1) acre lot and leave 2.5 acres and everything is based on speculation in attempting to move that other house onto this lot. He added that if you approve this petition the current owner can do anything he wishes and that is what we want is to keep anything from happening. He stated that the one (1) acre will be potentially useless based on land bounds and everything we have seen with the roundabout and realignment of Lockwood Road will go through the 3.5 acres. He added that it will affect the way they have carved up into 2.5 acres and land will be taken from the new one (1) acre lot. He said that when this land is taken it will no longer be a 2.5 acre lot or a one (1) acre lot. He stated that the whole subdivision is zoned R-40 and it should remain R-40 and if the roundabout takes land from the one (1) acre lot that will be in violation of the zoning. He said and the other piece of land that they are on they went into it knowing this property was zoned R-45 and they had no intentions of building into this land and they have rented it out to someone with horses and if you allow it to be reduced to 2.5 acres, based on the County code, that renter will have to move also because you need three acres for the first horse. He said our fear is if they subdivide the property they will petition to rezone it to commercial property in the future based on they can do what they want to if you approve this current petition. He said this decision should be postponed until the roundabout is put in then it can be resurveyed to keep the setbacks intact because the roundabout will take some of the land frontage.

Chairman Culbreth asked if there was any one who wanted to speak in opposition. Hearing none he said he would bring it back to the board.

Jim Graw said the septic drain line crosses into lot number 2 and is the applicant prepared to move the drain line.

Mr. Hyde said they have spoken to Environmental Health and they are prepared to move the drain line.

Jim Graw said one of the three accessory structures is in the setback the applicant will have to go to the Zoning Board of Appeals and get a variance and if a variance is not approved the barn will have to be removed and is the applicant prepared to remove that accessory structure.

Mr. Hyde said they would be prepared to remove that accessory structure.

Jim Graw asked if there are lots in the subdivision that are more than two (2) acres.

Pete Frisina said he did not have the subdivision plat in front of him but all of the lots in the subdivision are large lots.

From the audience: all of the lots are at least three (3) acres.

Jim Graw said he personally has a problem with this request because when people move into a subdivision and they see what is existing they don't expect things to change and it is very unfair to the residents of the subdivision to change the structure of that subdivision because when they moved in they expected to stay the way it is. He added that this would set a precedence for every lot in the subdivision. He said that the County Engineer mentioned in his comments that the plat should reflect the 10-19-18 GDOT acquisition of property (BK 4803, Page 94-102) and the permanent easements associated with the project.

Mr. Hyde they didn't know exactly when that closing was going to take place or what the exact differences would be but the one (1) acre lot would not be less than one (1) acre and the 2.5 acre lot would be about 2.1 acres so both lots will be in compliance.

Chairman Culbreth said the petitioner gets an opportunity to rebut the comments made tonight and that he could proceed with his rebuttal.

Mr. Hyde said this property is zoned one (1) acre and has been zoned this way for many years event though all of the lots are 3.5 acres in size and that is a general expectation that they would stay that way. He added that this is the corner lot on the highway and has seen a lot of change with the Harps Baptist mega church that is across the street that was not there when most of the residents moved into the subdivision and there are six (6) other churches within a half mile. He added that roundabouts are being proposed for the area. He stated that we all may have different opinions on progress and change but this is the first lot in the subdivision and it is fronting the highway more than an interior would be and it could be shielded with trees so you don't even know that it is there. He said he would address the commercial property as there is another permitting process for it they have not begun. He added that that property has been zoned commercial for many years and it

would have to comply with all of the county regulations when it is developed. He stated that that property was already zoned commercial when we bought it and the American dream is when you buy something commercial you get to develop for commercial and the American dream is when you buy something that is zoned one (1) acre you get to do one (1) acre. He added that the American dream is not tell other people what they can do with their property and while I understand that these people have their own particular way they would like their own neighborhood to be there is a significant financial interest and the purpose is to make money and everyone seems to be offended by that but many of them go to work every day for a paycheck and this is what we do for a paycheck. He said that it is a significant six (6) figure asset in moving this house and we want to be good stewards of the assets we have and try to move forward in a way that makes sense for this property in the long term. He added that a lot of developers promise to make it beautiful or they can make it look like crap if they want to but it is our intention to make it a long term viable asset and we can shield it and I am open to those suggestions. He stated that he does not subscribe to the idea that this sets a precedent for the subdivision because the way the zoning texts reads because everyone in the subdivision is already entitled to do that with their property. He added that with 3.5 acres and if they wanted to sell a lot off to their son they are entitled to do that and I would not tell them what they can or cannot do with their property. He said I am not suggesting that they should do that with their property and I do not intend to do this with any other lot in the subdivision but it makes sense for several reasons move the house on the adjacent property to this lot. He added that it is their intention to use the existing driveway for both lots. He stated that they do not need this property for access to the adjacent commercial property.

Jim Graw made a motion to recommend denial of Petition RP-069-18. Al Gilbert seconded the motion. The motion passed 5-0.

**6. Consideration of a Petition RP-070-18 to revise the Final Plat of North Bend to reconfigure Lot 1 by adding/exchanging property from an adjacent tract. The property is located in Land Lot 202 of the 5th District and fronts Corinth Road.**

Chairman Culbreth asked if there was anyone who wanted to speak in favor of the petition.

Randy Boyd said he represents to property owner which is Berachah Bible Church and the request is to reconfigure the adjacent Lot 1 of North Bend subdivision. He stated the subdivision was approved in 1983 and is zoned R-40. He said the intent is to reconfigure Lot 1 by taking a portion of the frontage and adding it to the church property for more road frontage and add an equivalent amount of property from the church to add it to the rear of Lot 1 to square it off as it is a triangle shaped lot now. He added that the configuration of the lot takes into consideration of the septic fields on the church property.

Chairman Culbreth asked if there was anyone who wanted to speak in opposition. Hearing none he said he would bring it back to the board.

Jim Graw asked why the church wants to add property to lot 1.

Randy Boyd said Lot 1 is a pie shaped lot and this squares the lot up and provides more rear yard.

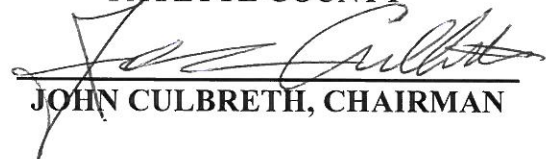
Al Gilbert made a motion to recommend approval of Petition RP-070-18. Danny England seconded the motion. The motion passed 5-0.

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Chairman Culbreth said he would entertain a motion to adjourn the meeting. John Culbreth seconded the motion and the motion passed 5-0.

The meeting was adjourned at 8:30 pm.

PLANNING COMMISSION  
OF  
FAYETTE COUNTY

  
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JOHN CULBRETH, CHAIRMAN

ATTEST:

  
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