

THE FAYETTE COUNTY PLANNING COMMISSION met on January 2, 2020 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, Vice-Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Howard Johnson, Planning and Zoning Coordinator

STAFF ABSENT: Channele Blaine, Zoning Administrator

Welcome and Call to Order:

Chairman Culbreth called the Planning Commission Meeting to order.

Election of Officers

Chairman Culbreth stated that the first order of business is the election of officers.

Pete Frisina stated that a motion is needed to amend the agenda to add three (3) items to the agenda, 1) election of the Chairman, 2) election of the Vice-Chairman, and 3) the election of the Planning Commission Secretary.

Arnold Martin made a motion to amend the agenda to add the election of officers to the agenda. Al Gilbert seconded the motion. The motion passed 5-0.

1. Election of the Chairman

Al Gilbert made a motion to approve the nomination of John Culbreth as Planning Commission Chairman. Danny England seconded the motion. The motion passed 5-0.

2. Election of the Vice-Chairman

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

3. Election of the Planning Commission Secretary

Al Gilbert made a motion to approve the nomination of Howard Johnson as Planning Commission Secretary. The motion passed 5-0.

4. Consideration of Minutes of the Planning Commission meeting held on November 21, 2019.

Al Gilbert made a motion to approve the minutes of the meeting held on November 21, 2019. Brian Haren seconded the motion. The motion passed 5-0.

5. Consideration of Minutes of the Planning Commission meeting held on December 5, 2019.

Brian Haren made a motion to approve the minutes of the meeting held on December 5, 2019. Arnold Martin seconded the motion. The motion passed 4-0. Danny England abstained.

PUBLIC HEARING

6. Consideration of Petition No. 1289-19, Jan A. Hutto and Timothy E. Trammell, Owners, and Darrell Baker, Agent, request to rezone 2.409 acres from A-R to O-I for the purpose of developing a Professional/Medical Office. This property is located in Land Lot 58 of the 7th District and fronts on State Route 54 and Ebenezer Road.

Al Gilbert interjected Mr. Chairman before you get started, I just wanted to let you know I will be abstaining on this item. He explained that Mr. Trammell was a customer of mine for several years and I don't need to be participating, so I am going to sit here and quietly observe.

Chairman Culbreth said to let the record show and noted that Mr. Al Gilbert is abstaining.

Chairman Culbreth asked is the petitioner present.

Darrell Baker stated I have already signed in and I am with Randolph Williamson (900 Westpark Drive, Suite 300, Peachtree City). He added even though I am the agent, we are going to be one of the owners of the building with Tim Trammell. He said that Tim and his mother bought this piece of property back in 1991, I believe, based on the warranty deed they have owned it since then. He also said he met with Tim and talked with him about coming in as a partner, which he is going to do. He explained this site is 2.049 acres, and sits on the southeast corner of Ebenezer Road. He said I believe Rod Wright is building some new houses right behind this and this is directly across Ebenezer Road from an O-I property where there is a State Farm office and a chiropractor. He noted the zoning is consistent with O-I, we are asking to rezone from A-R to O-I which is consistent with the Comp Plan for Fayette County. He explained we are going to be using it as a 15,000 square foot office building. He added in your packet you have an engineered site plan that may need a little more work, it has a 7,500 square footprint on two (2) stories. He concluded we have been negotiating with one medical user and we have sized the septic fields accordingly, the rest will be professional office.

Darrell Baker noted that we at Randolph Williamson we are talking about moving from a building that we own on Westpark into that building on about 6,000 square feet. He said Ed Parks, of 2 Code, will be designing the building in conjunction with the Highway 54 West Corridor overlay and we understand that it needs to be more residential in nature and our architect will be designing accordingly. He explained it probably will have the same architecture as the church right behind the residential area, it will be a combination of stone, hardi-plank, board and batten, so it will have a residential nature to it. He concluded I am here to answer any questions that you have for me.

Chairman Culbreth asked if there any opposition to Petition 1289-90, being none I will bring it back to the Planning Commission for questions and comments.

Arnold Martin said you mentioned that you are setting up your septic based upon a particular tenant, do you see any challenges if that tenant changed and you went to different type of tenant, would you have make any modifications based on that?

Darrell Baker responded the reason that we had to consider the medical uses is because they are more water-dependent than a normal professional office or general use, so even if that tenant decided to leave we have covered ourselves with excess capacity. He noted we would not do any more medical office than probably 3,500 square foot in that building which is exactly what the future tenant has negotiated. He noted they are not a heavy lab user, they are primarily seeing patients and they will not generate a lot of water because each room in a doctor's office normally has a sink in each room. He added they have a small lab and they will have restrooms in the space and will also have common area restrooms for the staff and the office visitors. He concluded we have covered a preliminary septic area and a backup septic area that would be sufficient in case the first area failed.

Chairman Culbreth asked if there are any further questions.

Danny England said I don't have a question, but this is more of a comment. He added I know that this somewhat of a preliminary site plan, I always hate to see a corner lot where the parking is the most prevalent thing in the plan, see if that is something you guys could take a look at. He explained it seems that you can keep the building in the same area but slide it closer to Highway 54. He noted up and down Highway 54 the more O-I, medical office types uses, we always have the road, a sea of parking, then the building, it would be nice to have less of that. He concluded if you could try to bring the building closer to both roads but at least closer to Highway 54, which would help with visibility on your end as a tenant and as an owner the building is more front and center and the possibility for signage and other things is better.

Darrell Baker replied we will do everything we can. He said the purpose of where we have the parking in the front now is that parking can be put in certain setbacks that we can't put a building in and so laying it out and trying to get the right number. He added we will be glad to look at it, with that I have no problem.

Danny England responded that if you drive up Highway 85, what you see is mostly asphalt, so if we have the opportunity to correct that as we develop, that would be great. He added I think the church that you referenced on Ebenezer Road is probably one of the better buildings in the County, just the way it sits there along with the materials that covers it. He said if you thinking along those lines that would be a home run.

Darrell Baker replied I think you are going to see a lot in common, the only difference that I think you will see between this building and the church is on this building is you will see a little more brick and stone on it. He added it doesn't have a lot of primary materials on it, it is mostly board and batten but we are going to incorporate, especially along the bottoms of that building, some brick and stone.

Chairman Culbreth asked are there any further questions, if none a motion is in order.

Brian Haren made a motion to recommend approval of Petition No. 1289-90 to rezone 2.409 acres from A-R to O-I to develop a Professional / Medical Office. Danny England seconded the motion. The motion passed 4-0. Al Gilbert abstained.

7. **Consideration of Petition No. 1290-19, Scott and Wendy Marlow, Owners, request to rezone R-70 Cond. to R-70 Cond. to delete a rezoning condition on Lot 1 of the Stubbs Plantation Subdivision. This property is located in Land Lot 216 of the 4th District and fronts on Antioch Road and Rosemont Trace.**

Chairman Culbreth asked is the petitioner present, please come forward.

Wendy Marlow (100 Rosemont Trace) stated that they bought their house in 2011 and there was an existing detached garage at the end of the driveway. She explained the property has an 80 foot front yard setback off Antioch Road, according to the plat but the building sits closer to Antioch than that and we want to alter the interior structure of the building into what we refer as the "nana cottage" for my mom. She added we have looked up all of the ADA requirements for the widths of the doors and things like that and how it would all have to be laid out. She concluded we have gotten a quote from a plumbing contractor to tap into our water and he has referred us to somebody for a separate septic tank.

Chairman Culbreth asked is there any opposition to the Petition 1290-19, if not we will bring the item to the members for discussion.

Pete Frisina interjected I just want to be clear, all we are doing is changing the one (1) condition for this one (1) lot, which is the condition of zoning that is an 80 foot front setback, so we will be reducing it down to 75 feet, which is what is required for this zoning district, which is what they are asking. He added they still will have to go get a 2.4 inch

variance after that.

Wendy Marlow replied the builder apparently had a permit to put the building where it is, it on a concrete slab and since our septic lines run right through that area, so we can't move it. She noted it had been there since 1987.

Al Gilbert replied for several years we used to staff have a ten (10) percent leeway and that got taken away and what would have been an absolute perfect situation. He asked the fact that we are restating the remaining condition is that necessary?

Pete Frisina replied, the conditions were put on the whole development, so the request is to delete the one front yard setback condition. I don't want to create any more confusion than we are already doing. He added that we are going to delete the increased setback condition only on this particular lot which is Lot 1.

Brian Haren asked who set that 80 foot condition.

Pete Frisina replied the Board of Commissioners approved the rezoning with the condition in 1986. He explained that it was standard to increase the front setbacks back then but that's something we don't do anymore. He added if you are going to increase it why increase it by only five (5) feet, that doesn't make that big of a difference, but that's what they did.

Chairman Culbreth asked are there any more comments or questions, if not a motion is in order.

Al Gilbert made a motion to recommend approval of Petition No. 1290-19, Scott and Wendy Marlow, Owners taking away the one (1) 80 foot condition leaving all of the other conditions in place on Lot 1 of the Stubbs Plantation. Arnold Martin seconded the motion. The motion passed 5-0.

- 8. Consideration of Revised Plat No. RP-074-19, Richard E. Carne, Owner, request to revise the Final Plat for Bay Chappell Farms to add one lot to the subdivision by subdividing Lot 36 into two separate lots. This property is located in Land Lot 167 of the 4th District and fronts on Stable Creek Road.**

Chairman Culbreth asked is the petitioner present, please sign in please.

Richard Carne (170 Stable Creek Road) began with good evening, sorry that you guys are out on such a miserable night. He said essentially what I am asking for here is the authority to proceed to subdivide my current lot, which is the largest lot in the subdivision. He explained that after the proposed division of the lot, each lot still will be larger than all but three of the lots in the subdivision. He said there is a two (2) acre minimum and the smaller of two (2) new lots will be something like 2.468 and there are only three (3) lots in the

subdivision that are slightly larger than that, one of them only by 1/3 of an acre, so this split would conform in all respects to the existing subdivision. He added the reason for this lot split is that my oldest daughter wanted to move back into the County and they have two (2) small children ages four (4) and six (6) and they would like them to attend school here in Fayette County. He explained she was a teacher here before she had children, and my late wife was a teacher as well. He then noted we are all the products of the schools here in Fayette County. He said this would be an opportunity, if approved, to allow them to construct a home, and be adjacent to my home, which now that I am older has a lot of appeal to me.

Richard Carne said I wanted to explain what purpose the sign was in my yard to my neighbors, so I sent out a brief three (3) to four (4) paragraph notice with an attachment advising them of what I was going to do. He added I got two (2) or three (3) emails back who said they really don't have a problem with this and I will be glad to share copies of the emails that I received. He concluded I also have, if you would like, a listing of all of the folks in the subdivision.

Chairman Culbreth stated okay, we will enter that into the record.

Chairman Culbreth asked if there any opposition to the revised plat RP-074-19, being none I will bring it back to the Planning Commission for questions and comments.

Arnold Martin said that I just have a question of clarification, on the agenda we have one spelling of your last name and on the application we have another.

Richard Carne replied it should be C-A-R-N-E.

Arnold Martin replied on the application there is an S, I don't know if it makes a difference, I just wanted to point that out.

Chairman Culbreth asked if there are any further comments, if not, is there a motion.

Arnold Martin made a motion to recommend approval of the Revised Plat of the RP-074-19 to subdivide Lot 36 into two (2) separate lots. Al Gilbert seconded the motion. The motion passed 5-0.

9. **Consideration of Revised Plat No. RP-075-19, Cicely Foster, Owner, request to revise the Minor Subdivision Plat for Brooks Farm, consisting of one (1) 16.778 acre lot, by adding 30.718 acres to enlarge the existing lot and create an additional lot. This property is located in Land Lots 135 and 154 of the 4th District and fronts on Brooks Woolsey Road.**

Marc Gallacher (1327 Glen Cedars Drive, Mableton 30126) began by stating there are actually three (3) lots. He added two (2) of the lots front on Brooks Woosley Road and the

other one (1) fronts on Rising Star Road, it does not include the corner but they kind of connect at the back end. He explained the Fosters are my in-laws, my wife's sister's family and we are the Gallacher's. He also explained we are essentially taking a lot that goes back on Rising Star that would go back to the piece of property that is described here that previously called Brooks Farms, which is a revision to a minor subdivision plat, so we are taking three (2) lots and making it two (2) lots. He concluded it is pretty straight forward in the documents that you have there. I don't know if you need any other clarification from me on how that's going to work.

Chairman Culbreth replied seeing no opposition in the audience, we will bring the item back to Planning Commission for discussion. He asked are there any questions for Mr. Gallacher.

Danny England asked did we see this before on a smaller scale.

Marc Gallacher replied I believe what you saw before was just the Rising Star Road parcel and it being split directly down in half. He added I could go into a very long family story about this if you want to hear it.

Danny England asked did you make that presentation.

Marc Gallacher replied no I did not, Trent Foster did.

Danny England replied he noted that he would be back, I thought this sounded familiar. He added he said he would be adding property in the future.

Brian Haren responded if I may ask what your intent is, you are piecing together a lot of land.

Marc Gallacher replied I will give you a short story. He explained the Brooks Woolsey side is where the Fosters currently live and they are adding a five (5) acre lot that was previously split off of that. He noted I believe there is a County ordinance that states that you need 25 acre to shoot a rifle, so they want to make sure that they have at least that much land. He added then we are taking the remaining 17 or 18 acres lot on Rising Star and I am putting a house on that.

Brian Haren replied okay.

Chairman Culbreth asked if there are any further comments, if not, is there a motion.

Brian Haren made a motion to recommend approval of a RP-075-19 to revise the Minor Subdivision Plat for Brooks Farm to enlarge the existing lot and create an addition lot. Arnold Martin seconded the motion. The motion passed 5-0.

Marc Gallacher replied thank you and have a good night. He added I do want to say,

that everyone that I have dealt with at the Planning and Zoning Department has been nothing but professional and very nice throughout this process.

Chairman Culbreth replied thank you.

OLD BUSINESS

10. Discussion of the Zoning Ordinance.

Pete Frisina began by stating that the first item is this section that we have been talking about is the Mail Cluster Box Units, CBUs is term that everybody uses. He said I think you have seen this before, there are no changes to the first paragraph but they have to be put on a separate small lot which is allowed under Section 110-170, which allows us to create smaller that conforming lots for enhancements to a subdivision. He explained that mailboxes and that sort of thing is what we are using this for and it can be owned by the homeowners association and it can have a shelter structure but that shelter structure would need to fit in that a aforementioned lots whatever that lot size may be 10x10, 10x20 and there will be no setback within that small little lot.

He then said if you drop down to the next section 110-170, Brian Keller helped me with the concept of going from a tot-lot to calling it a pocket-park, he gave me that idea. He explained under this section, we are changing tot-lot to pocket park, we have included the mail cluster box units and in the pocket park and I think we concluded that we should not exceed $\frac{1}{4}$ acre, because what we don't want is for someone to create a lot that is a $\frac{1}{2}$ acre or $\frac{3}{4}$ acres and then we are stuck with a lot that someone comes back to us in a another period of time in the future and wants to build on it. He added we are pretty happy that a $\frac{1}{4}$ acre will preclude anyone wanting to build on it. He said as far as playground equipment, benches, picnic facilities, I think what we came up with is that everything else is limited to a 900 square foot pavilion, like the residential amenities areas which do have to meet the minimum standards of one (1) acre in a one (1) acre subdivision and we will allow up to a 400 square foot small covered picnic pavilion with the pocket park, and that's the basic changes we have in that section.

Brian Haren asked just for clarification, it states that a CBU should be placed on a lot under the ownership of the homeowners' association in a residential subdivision or a property owner's association, so does that mean that every subdivision must have a homeowners' associations.

Pete Frisina replied that under the new laws for stormwater facilities, yes. He said that's why you see that under Section 100-170. He explained when the new stormwater laws went into place, the infrastructure has to be placed on a separate pieces on property, and they can no longer be placed in someone's back yard, because the issue is that if person gets stuck with that stormwater facility in their back yard, it is their responsibility. He added that those regulations rolled down to us, I think that they may have come from the

North Metropolitan Water District. He said the County requires stormwater facilities to be on commonly-owned property, because everyone has to share in the expense. He explained that why we followed the same pattern with the CBUs, because they have to be maintained, especially if you are going to build one of those covered structures. He concluded if someone runs over one those these mailboxes, it up to HOA to put it back in place, it's at their expense, the Post Office does not pay for them, they just mandate it.

Pete Frisina stated the he would like to get a motion to change the meeting date for the next meeting to Wednesday, January 15th instead of Thursday, January 16th, 2020. I have a conflict and I can't be there, I would like to know if you would be willing to meet on the January 15th, 2020.

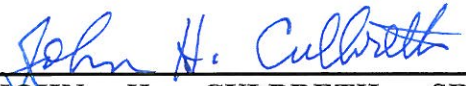
Al Gilbert made a motion to move the next regularly scheduled meeting of Thursday, January 16, 2020 to Wednesday, January 15, 2020. Danny England seconded. The motion passed 5-0.

The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

Chairman Culbreth called for a motion to adjourn. Arnold Martin made a motion to adjourn. Brian Haren seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:44 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**



**JOHN H. CULBRETH, SR.,
CHAIRMAN**

ATTEST


**HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY**