

Meeting Minutes 5/18/23

THE FAYETTE COUNTY PLANNING COMMISSION met on May 18th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
John H. Culbreth Sr., Vice Chairman
John Kruzan
Arnold Martin

MEMBERS ABSENT: Danny England

STAFF PRESENT: Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

John Culbreth Sr. made a motion to approve the agenda, removing item number 6. John Kruzan seconded the motion. The motion passed 4-0. Danny England was absent.

4. **Consideration of the Minutes of the meeting held on May 4, 2023.**

Deborah Sims, Zoning Administrator, stated item number six (6) needed to be removed from the agenda due to not having the needed amount of dedicated right of way.

John Culbreth Sr. made a motion to approve the Minutes of the meeting held on May 4, 2023. John Kruzan seconded the motion. The motion passed 3-0-1. Arnold Martin abstained. Danny England was absent.

5. **Consideration of a Minor Final Plat of The Johnnie K. Holland Estate.**

Deborah Sims stated this plat has been approved by staff.

Randy Boyd stated this was rezoned and finalized right before Christmas. He stated there was an issue with a guesthouse that was over the maximum square footage of 700 square feet. He stated they received a variance and proceeded to turn in the Minor Final Plat. He stated that they have submitted all revisions and documents, and Debbie Bell has recommended approval.

Chairman Oliver asked if there were any questions from the Board. There were none.

Arnold Martin made a motion to approve the Minor Final Plat of The Johnnie K. Holland Estate. John Culbreth Sr. seconded the motion. The motion passed 4-0. Danny England was absent.

6. Consideration of a Minor Final Plat of Phillips & Suren Property.

Item was removed from discussion. There was no action taken.

7. Discuss amendments to the procedures for approval of a minor final plat.

Chairman Oliver discussed the possibility of when there are minor final plats, the chairman having the authority to sign off without the need for an official meeting. He discussed how the plats are already approved by staff and mentioned how there have been meetings where the consideration of plats have been their only business.

Attorney Cox stated she would need to make sure it's not in the code.

Chairman Oliver stated that was his next question and if it is County code, could it be changed? He asked for the Board's thoughts.

John Culbreth Sr. stated he would like to know what the code says to it. He stated if something occurs after the fact and they say, 'it went through the Planning Commission' and the code says it must go through the Planning Commission then they need to look at that. He added to change that they would need to go through the Board of Commissioners.

Attorney Cox stated that she would look into it but it may be that the code specifies that a plat would need to come through Planning Commission and without a vote of the members, it isn't an action taken by the Planning Commission. She stated the vote authorizes the signature.

Arnold Martin stated he doesn't recall ever having a plat that came before them that they sent back or disagreed with.

Chairman Oliver stated when he served on City of Fayetteville's Planning Commission, there was not a meeting, they would just call the Chairman to come by and sign off on the plats. He stated it's something that could be looked into and he thinks it would be easier for everybody, save time, and save the County some money.

Arnold Martin asked if it were part of the code, what would they do to change it?

Attorney Cox stated it would go before the Board of Commissioners to have it revised. She stated it is an exercise of authority that one wouldn't recognize as an issue until it is an issue. She stated it's a rubber stamp but you never know.

Arnold Martin gave the example of some years ago there was a problem with appointing people to some of the Boards. Some people had applied after the time frame had closed who had been appointed and there were people who were not happy about that. He stated the Commissioners had rubber stamped it and they had no idea.

Attorney Cox stated this could cause a problem 20 years from now.

Randy Boyd gave a history of how this came about. He stated there was an attorney who said they hadn't been putting the plats on record properly. He stated it was an unofficial opinion by the Attorney General and he stated it's based on Plat Act 15-6-67. Randy Boyd read a paragraph from the Plat Act. "Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations or land use regulations, or both, then no plat of a subdivision of land within the municipality or the county shall be presented for filing with the office of the clerk of superior court of a county without the approval of the municipal planning commission, county planning commission, municipal-county planning commission, or appropriate municipal or county governing authority."

Attorney Cox stated this is the Planning Commission and in order to have the approval of the Planning Commission there needs to be a vote.

Arnold Martin asked if there isn't too much delay could they wait until they have a public hearing?

Chairman Oliver stated he thought of that too but as a petitioner, time is of the essence, and they don't want to wait a month for the next meeting. He asked when the Plat Act was passed?

Randy Boyd said 1994 or 1996.

Chairman Oliver stated he was in Fayetteville in 1986 and 1987 so things were different at that time.

Randy Boyd stated not all Counties do this and asked if the plat is on record improperly if it's not reviewed by a Planning Commission?

John Culbreth asked if they were legally challenged, is that the state law?

Randy Boyd stated yes.

8. Discuss amendments to the zoning ordinance.

Deborah Sims stated this is a housekeeping issue. They need to amend how non-residential site plans speak to doing paper submittals and the county no longer does that. They are submitted electronically. She also stated zoning compliance expires 12 months after it's issued. She asked if there is a particular reason why it's 12 months or if it can be realigned to two years to give applicants longer to get their construction drawings.

Chairman Oliver stated these days 12 months is not long enough to get curb cuts and everything.

Deborah Sims stated she feels it would align things better. She stated they ran into a situation where someone's zoning compliance was dated May 17th, 2022. It states it would expire if they didn't have their building permit. She stated they didn't have their architectural or their affidavit so they couldn't get the building permit to be accepted. She continued they don't want to re review the site plan and cost the county more time and money when they're ready to break ground. She added the Land Disturbance Permit is good for two (2) years.

Chairman Oliver agreed on extending the Zoning Compliance from 12 months to two (2) years.

PUBLIC HEARING

No Public Hearings.

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John Culbreth Sr. made a motion to adjourn. Arnold Martin seconded. The motion passed 4-0. Danny England was absent.

The meeting adjourned at 7:25pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



JIM OLIVER, CHAIRMAN

ATTEST:



CHELSIE BOYNTON
PC SECRETARY