

Meeting Minutes 7/20/23

THE FAYETTE COUNTY PLANNING COMMISSION met on July 20th, 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
Danny England

MEMBERS ABSENT: Arnold Martin

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

NEW BUSINESS

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0. Arnold Martin was absent.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0. Arnold Martin was absent.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Debbie Bell stated item number five and six are related and they pertain to the same piece of property so she explained both items and noted they will need separate hearings. She stated the subject property is currently zoned conservation subdivision , C-S. It was rezoned on August 25 2005. And it is what you see here labeled as phase two of morning falls. The part for the final plat for phase one was recorded in May of 2008. The whole parcel was rezoned to conservation subdivision for the purposes of developing a single family subdivision. The land disturbance permit was approved in 2006. And the developer proceeded to build phase one, but didn't complete the

project. The property was in a subject of a foreclosure and on May 16 2008, First Citibank recorded the plat for phase one, which stopped right here at this line between lots 29 and 43. And they recorded that as the owner developer. So phase two was never developed. That original plan indicates and would allow 13 additional lots in phase two. Mr. Powell purchased phase two from first Citibank in 2011. There's another little sliver up here that you don't see on this plat that was retained by the developer for purposes of providing conservation acreage needed to meet requirements for phase one. And then in 2011, Mr. Pell deeded the land to an LLC of which he is apart, they placed the property in a conservation easement for the purpose of preserving it as wildlife habitat and that was renewed in 2022. She stated the request for item number five is revise the development plan RDP-016-23 which is to remove phase two from the subdivision and just let it be a standalone lot again. It has frontage on a public road so it meets the requirements. Their purpose is simply to preserve it as a wildlife habitat and recreation area for their families. There are some environmental concerns. It's located right up at the very north edge of the county. Debbie Bell displayed the lot and stated there's a significant stream that flows through it. It is surrounded largely by AR zoning. Staff feels like the reversion to AR is appropriate and that would still meet the land use map as low density residential. She stated there is a significant amount of floodplain and wetland associated with that stream. The applicant's intent is to carve out one five acre parcel here for one single family residential home And then maintain the rest of this property and conservation use. They do not intend to develop it as a subdivision. Then the second half of that request is just the rezoning from CS back to AR.

Chairman Oliver asked if the petitioner was present?

John Pell introduced himself. He stated, we live very close to within a half a mile of the land we're talking about and it's been a pleasure. He expressed his excitement for being able to use it this recreation for his grandchildren. He stated it's a great place where they've seen bobcats, turkeys, coyotes, and deer. He stated they have do desire to make a development and it will be purely for recreation.

Chairman Oliver asked if there had been any objection from the neighbors.

Mr. Pell stated no.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

- 6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.**

Debbie Bell stated staff recommends approval conditional approval of this with the following conditions. And these have been discussed with the petitioner when the subdivision was platted:

1. The petitioner shall, within 60 days, record a revised minor final plat creating Tract I, the portion to be removed from the Morning Falls Development Plan, and Tract II, which will remain part of the Morning Falls Subdivision. These tracts are described in the accompanying legal descriptions and survey for the revised plat.

2. The petitioner shall, within 60 days, transfer Tract II to Fayette County so that the County may transfer this acreage to the owner of Lot 29 in exchange for right of way along the frontage of Gadson Drive, enabling Lot 29 to maintain the correct minimum lot acreage.
3. The petitioner shall dedicate to Fayette County sufficient right of way along the Tract I frontage of the cul de sac of Gadson Drive to provide a 60' right of way.
4. Article VII. Watershed Protection., shall apply to any State Waters identified on the property during the Land Disturbance permitting process.
5. Post-Development Stormwater Management Ordinance will apply if developed with more than 5,000 square feet of impervious surface.

Chairman Oliver asked if Mr. Pell were familiar with and agreed to the condition.

Mr. Pell agreed to the conditions.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Debbie Bell stated items seven, eight, and nine are related to one another but they're sequential. Staff recommends approval of this ordinance to provide procedures for special use of property. Currently sections 110-175 through 201 are reserved sections. The amendment recommended is to add section 110-175 A special use of property as noted and then sections 110-176 to 110-201 will remain as reserved sections.

Chairman Oliver asked if there was comment from the audience?

Debbie Bell stated Mr. Kaye was not there and the final item is for the consideration of the special use permit. She stated these steps are leading up to that. She stated this is the process to establish the special use then to establish the specific use, and then to add it to O-I. And that will be followed by the actual presentation of the special use permit.

Attorney Cox explained they are going to add this whole new category of property uses. The special use of property. And then the next item, they'll add the detox facilities as a special use. And then the next item adds that special use in O-I so they're sequential.

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

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse

Treatment Facility.

Debbie Bell stated this is taking that item A that was reserved in the first motion and adding this particular use and adding some conditions so it functions similarly to the conditional use permits.

Chairman Oliver asked if the Board of Commissioners will see this?

Debbie Bell stated yes. It will go before the Board of Commissioners on July 27th.

Chairman Oliver asked if there were any comments from the audience? There were none. He asked if the Board had any further comments. There were none.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

Debbie Bell stated this is adding a special use of property to O-I and adding that particular use. Staff recommends approval.

Danny England noted a grammatical error in the amendment.

Debbie Bell stated she will have it corrected.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Debbie Bell stated the request is to operate substance abuse treatment facilities special use of property. This will go before two hearings before the Board of Commissioners. One will be next week, July 27, 2023. The second public hearing is tentatively planned for January 25, 2024. The uses now will be defined in Section 110-3 Definitions. And then with the previous three text amendments it has been as it'll be established in the ordinance.

Rick Lindsey introduced himself on behalf of Adam Kaye. He stated there used to be hospice at

this property and it has been closed for several years. He stated his client is seeking to develop a medical detox center, which would be for patients who have acute medical need for detoxing from substance abuse or overdose. Whether it's prescription drugs, alcohol, or illegal substances. It will be a 24 hour a day staffed facility with medical folks there all day long. He stated it will be great for the community and offer an alternative for when the local hospitals treat patients for substance abuse and they're trying to detox and stabilize and being release to go home. This facility provides a safe place for those who are going through detox to be medically supervised and treated as they're going through detox which only takes two to five days. He stated medically trained individuals and doctors will be there every day. He showed a drawing layout of the facility. He stated there are 12 patient rooms that will hold stay patient rooms. He stated right now it is more than three acres. It's 3.09 acres. It is located on a major thoroughfare, Highway 54. And the only access is off 54. There's not a side drive. And then it goes on to a residential street. There will be a 50 foot buffer on the portions of the property that adjoin either AR or residential. Part of the property abuts property that's in Fayetteville. He stated in Fayetteville the property is zoned Residential Professional but there is no definition of Residential Professional so he's going to assume it's residential. But this property will comply because the 50 foot buffer is in place and that. He stated they would also do fencing on the property. He further stated the facility will be licensed and approved by Georgia Department of Community Health. He concluded that there is a lot of interest in the community to have this facility as they request the Special Use Permit. He welcomed any questions.

Chairman Oliver asked if the fencing is a requirement of the zoning?

Debbie Bell stated that was put in this package as one of the conditions, one of the itemized conditions, essentially the conditions that we put under this amendment are the same. As for a hospice, the fence is an addition. It doesn't require that the fence completely wrap the property. It's only where it abuts AR or other residential zoning.

John H. Culbreth Sr. asked if the facility met the conditions necessary with the category of being a hospital?

Debbie Bell stated it is a different use so it doesn't necessarily have the same requirements as a hospital. For instance, it has a much smaller allowable parcel size.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

PLANNING COMMISSION
OF
FAYETTE COUNTY



JIM OLIVER, CHAIRMAN

ATTEST:



CHELSIE BOYNTON
PC SECRETARY