

Meeting Minutes 11/2/23

THE FAYETTE COUNTY PLANNING COMMISSION met on November 2nd, 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
Danny England

MEMBERS ABSENT: None

STAFF PRESENT: Deborah Sims, Zoning Administrator
Christina Barker, 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 which was amended to add Public Comments. John Kruzan seconded the motion. The motion passed 5-0.
4. Consideration of the Minutes of the meeting held on October 5, 2023.
John Culbreth Sr. made a motion to approve the Minutes of the meeting held on October 5, 2023. John Kruzan seconded the motion. Danny England abstained. The motion passed 4-0.
5. Consideration of a Preliminary Plat for Eva Gardens.
Ms. Sims, Zoning Administrator, spoke about reviewing the Preliminary Plat for Eva Gardens, originally brought to the Planning Commission in 2021. Construction has begun, but not reached the fifty (50%) mark but did require reapproval. Staff has reviewed and reapproved. The Commission has reviewed the Preliminary Plat twice before and approved both times.
Danny England made a motion to approve the Preliminary Plat for Eva Gardens. Arnold L. Martin seconded the motion. The motion passed 5-0.

PUBLIC HEARING *No Public Hearings.*

November 2, 2023

PC Meeting

PUBLIC COMMENTS

1. Ryan Arvay of 360 Legends Drive addressed the Planning Commission with a Letter of Objection for Eva Gardens Subdivision (see attached letter dated October 30, 2023). Mr. Arvay stated that he has lived at the above address for over eight and a half years. He is here tonight representing the property owners, Don and Sherry Turner, and two other property owners, Sheldon McGee and Doug Chamberlain.

All three parties signed a letter and a prepared statement. Mr. Arvay had hoped that it would be shared with you prior to the business portion of your meeting this evening. Mr. Arvay states that is what he was told a week or so ago. Only late this afternoon was he informed that these comments would come after the decision by the Planning Commission. The undersigned are disappointed. He came to read to the record a simple amendment to be made to the plat. He understands that what he wished to share was moot, but still wished to share a commentary on the process.

Arvay read a letter addressed to Planning Director, Ms. Deborah Bell, regarding the Eva Gardens project specifically planned for the parcels adjacent and abutting ours and in particular to one of the two parcels that will make up the new subdivision. He mentions that the preliminary plat had expired on October 21, 2023, due to a lack of significant progress in preparing the site and as such has come back before the Planning Commission for review. We are grateful to provide public comment. Mr. Arvay states that they were not afforded this opportunity upon the initial submission of this application. While admittedly, he states that the county followed protocol in 2019 and 2021. He states that those requirements were not enough to alert or inform any of his neighbors to the impending subdivision. Therefore, the protocol effectively excluded them from the process and rendered them “completely surprised” when they began clearing the land and site disturbance only one month ago. Many of his neighbors have lived and worked in counties that, in addition to, signposting and advertisements, require mailings to adjacent and abutting property owners. Especially to a potential rezoning. This is not a current requirement of Fayette County and could have made all the difference in allowing them to participate in past hearings and to help inform certain aspects of Eva Gardens. Especially to those with elements that would have a direct negative impact on their properties. While signs were posted, Mr. Arvay stated that due to the property being landlocked, any signs would be on side streets that they did not travel. Likewise, the legal notices are in a local paper with a small circulation that they do not subscribe to.

As such we have/or had one request at this time. We do not object to the project, nor do they recommend significantly altering the project. They were requesting that the plat be approved, and the project be built with a “no build” vegetation buffer of 100’ of the existing residences on Legends Drive that are immediately adjacent. In addition (which is already included on the plat) a 30’ construction setback should be maintained from the Southernmost corner. They had hoped that the buffer would be with mature pine trees. Similar buffer requirements have been met with other projects in Fayette County and do not present an undue burden on the developer/owner. Rather it shows that the County cares about its existing residents and property owners. They are not seeking that which the County has not done for other development sites.

The property owners who wrote and signed the letter had other family, church, and work obligations and requested Mr. Arvay to present on their behalf. He was asked by them to present because of his experience with his job and in other counties. He understands the process and that the County has followed the letter of the law. He only requests that perhaps the Commission will augment staff instructions to include property mailings. These property owners were really caught off guard by the project and would have liked to make the appeal at the appropriate time. Ms. Sims has advised him that it would have been during the zoning process, which was some 3 ½ years ago. The property owners on Legends Drive simply wanted a buffer, and maybe now what they will do is work with the developer. Mr. Arvay states that this could have been avoided with a letter to each of the 3 properties, with a cost of three (3) 50-cent stamps. He recognizes that in other circumstances it could be 20 or 100 homes, but even 1,000 homes would only cost the county \$500 to mail to each affected homeowner. This would help every resident of Fayette County to be advised and informed, which, in this case, they were not. Mr. Arvay thanked the Planning Commission for their time.

John Culbreth responded that if you want to make a change in the community become involved in the process which he has certainly done. They are sorry that they are disappointed with the process, but this is what we would call a housekeeping item getting this plat moving along and the time to become involved in the process was during the rezoning process.

Arvay mentioned that Ms. Sims stated that there were other large county projects that were being buffered. The request came up during the process and was advocated for. Mr. Arvay states that this is one of the most bitter parts of the process is to see existing and new neighborhoods come online with buffers. The Planning Commission mentioned and also to check the zoning ordinance as they may have been required and may be like to like or different to different.

2. Rick Minter of 283 Hills Bridge Road spoke to the Planning Commission about the event's Conditional Use Permit. The Advanced Ordinance goes from two (2) events per year to one (1) event per season, four (4) events three (3) days at a time for a total of twelve. Mr. Minter acknowledges that he has worked with the staff, and he has been listened to. He is pleased that they have gone from one day to twelve (12). We appreciate working with the Planning Commission and hope you would perhaps attend their community events. Ongoing conversations are welcomed to have with staff that can create a win-win scenario.

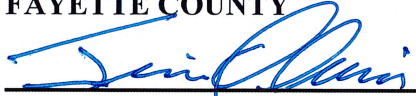
ADJOURNMENT:

John Culbreth moved to adjourn the meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 7:17 p.m.


Page 4
November 2, 2023
PC Meeting

PLANNING COMMISSION
OF
FAYETTE COUNTY



JIM OLIVER, CHAIRMAN

ATTEST:



CHRISTINA BARKER,
PLANNING COMMISSION SECRETARY