

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on April 19, 2012, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Tim Thoms, Chairman
Al Gilbert, Vice-Chairman
Jim Graw

MEMBERS ABSENT: Bill Beckwith
Douglas Powell

STAFF PRESENT: Pete Frisina, Director of Community Development
Phyllis Williamson, P&Z Administrative Secretary
Deputy Hank Meyers, Fayette County Marshal's Dept.

STAFF ABSENT: Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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1. Consideration of the Public Meeting/Workshop Minutes of the meeting held on March 1, 2012.

Chairman Thoms asked the Board Members if they had any comments or changes to the Minutes. Al Gilbert made the motion to approve the Minutes. Jim Graw seconded the motion. The motion unanimously passed 3-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, and Jim Graw. Members absent were: Bill Beckwith and Doug Powell.

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2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on March 15, 2012.

Chairman Thoms asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Jim Graw made the motion to approve the Public Meeting/Workshop Minutes. Al Gilbert seconded the motion. The motion unanimously passed 3-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, and Jim Graw. Members absent were: Bill Beckwith and Doug Powell.

Page 2
April 19, 2012
PC Public Meeting/Workshop

3. **Consideration of the Revised Preliminary Plat for Southmill Subdivision, Brent Fayette, LLC, Owner, and Billy Brundage of Brundage Engineering, Inc., Agent. This property consists of 43.38 acres with 18 single-family dwelling lots. This property is located in Land Lots 8 and 16 of the 6th District, fronts on SR 85 South, and is zoned C-S.**

Jim Graw advised the representatives for the applicant the Planning Commission had two (2) members absent; therefore, they would need all three (3) members present to vote in favor of approval of their Preliminary Plat for it to be approved. He advised the applicant they could defer to the next meeting in hopes of a full board.

Donna Black, representing the applicant, asked what recourse the applicant would have if the Preliminary Plat was not approved.

After a lengthy discussion of the policy in the Subdivision Regulations, Ms. Black was advised the Subdivision Regulations do not define a formal appeals process for this type situation; however, the plat, if it meets all requirements, should be approved without a problem. She was further advised if there was a problem, the applicant would be advised of the nature of the problem and the corrections could be made and the plat could be resubmitted at any time. She was also advised the only other recourse they would have would be in a court of law.

Ms. Black agreed to proceed forward.

Pete Frisina made the presentation of the changes made to the Preliminary Plat for Southmill Subdivision stating the plat had been approved before and then changes made to the plat to add access to property owned by New Hope Baptist Church and some lots were made wider. He pointed out there were changes made to the front page by adding notes 19 and 20.

Jim Graw asked if notes 19 and 20 were conditions to be met.

Pete Frisina replied they were simply notes and not conditions of approval. He added that civil actions were brought against the county when the staff recommended denial to the church access through the subdivision. He said the county did not prevail in the civil actions; therefore, the revised plat is being resubmitted.

Billy Brundage added that in creating access to the church property, a few lots were reconfigured and made wider to accommodate the soils and the new access to the church property.

Al Gilbert made a motion to approve the Revised Preliminary Plat for Southmill. Jim Graw seconded the motion.

Chairman Thoms stated the county is amending the Zoning Ordinance to prevent a church access through a residential subdivision.

Hearing no further comments, he called for the vote. The PC unanimously approved the Preliminary Plat 3-0. Members voting in favor were: Tim Thoms, Al Gilbert, and Jim Graw. Members absent were: Bill Beckwith and Doug Powell.

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4. **Discussion of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: Article III. Definitions; Article IV. Establishment of Districts; Article V. General Provisions (including Sec. 5-44. Standards for Telecommunications Antennas and Towers); Article VI. District Use Requirements; Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards (including Sec. 7-2. Nonconformances, A. Nonconforming Lots, Consideration for the Rezoning of Illegal Nonconforming Lots); Article IX. Zoning Board of Appeals; and Article XI. Policies, Procedures and Standards Governing Amendments.**

Pete Frisina presented a 24 page Executive Summary of the proposed amendments to the Zoning Ordinance which had been discussed previously. Said Executive Summary are attached hereto and made a part hereof. He advised the proposed amendments, including the tower ordinance and illegal nonconforming lots, had been presented at the Board of Commissioners' Workshop. He asked the PC if they had any major changes regarding the proposed amendments.

In regards to illegal nonconforming lots, Jim Graw commented he had discussed with Pete Frisina to amend Consideration for the Rezoning of Illegal Nonconforming Lots, 3. to read as follows:

3. Whether the applicant has attempted to acquire more property from adjacent properties to bring the illegal non-conforming lot into compliance. The applicant shall provide written information documenting such attempt(s) and the result of such attempt(s).

April 19, 2012
PC Public Meeting/Workshop

Pete Frisina advised the proposed amendments would be considered on May 3, 2012, by the PC and on May 24, 2012, by the Board of Commissioners.

Since the PC had seen the proposed amendments several times and the package was approximately two (2) inches thick, they agreed to receive the proposed amendments electronically to help save printing and mailing cost. Staff advised two (2) hard copies would be available at the public hearing.

Al Gilbert said staff should make sure the absent PC members were aware the proposed amendments would be sent electronically.

The PC agreed to receive the proposed amendments electronically.

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5. Discussion of the proposed amendments to the Fayette County Comprehensive Plan regarding: Land Use Element (Future Land Use Map and Narrative.)

Pete Frisina presented the proposed amendments to the Zoning Ordinance and the Comprehensive Plan regarding illegal nonconforming lots which has been discussed previously. Said Executive Summary are attached hereto and made a part hereof. He advised the proposed amendments had been presented at the Board of Commissioners' Workshop. He asked the PC if they had any major changes regarding the proposed amendments. Hearing none, he advised the proposed amendments would be considered on May 3, 2012, by the PC and on May 24, 2012, by the Board of Commissioners. The PC agreed to receive the proposed amendments electronically.

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Chairman Thoms asked if there was any further business.

Pete Frisina advised one (1) rezoning application, the proposed amendments to the Zoning Ordinance, and the proposed amendments to the Comprehensive Plan will be considered at the May Public Hearing.

Hearing no further comments, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 3-0. Members voting in favor of adjournment were: Chairman Thoms, Al Gilbert, and Jim Graw. Members absent were: Bill Beckwith and Doug Powell. The Public Meeting/Workshop adjourned at 7:48 P.M.

PC Public Meeting/Workshop

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

**TIM THOMS
CHAIRMAN**

**PHYLLIS WILLIAMSON
P&Z ADMINISTRATIVE SECRETARY**