

THE FAYETTE COUNTY PLANNING COMMISSION met on December 7, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
John H. Culbreth, Sr., Vice-Chairman
Jim Graw
Al Gilbert

MEMBERS ABSENT: Danny England

STAFF PRESENT: Pete Frisina, Director of Community Services

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order. Chairman Haren introduced the Commission Members and Staff.

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1. Consideration of the Minutes of the meeting held on November 2, 2017.

Al Gilbert made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

NEW BUSINESS

2. Consideration of a Revised Minor Subdivision Plat of Betty J. Adams Estate (Final Plat). The property will consist of three residential lots zoned R-70, is located in Land Lot 75 of the 7th District and front(s) on Ellison Road and Sun Road.

Chairman Haren asked if there was anyone who wished to speak in support of the request.

Randy Boyd said this is the property that we had a public hearing on in July to add a lot to the subdivision. He added that the northern lot is five (5) acres and the southern lot has been split into two (2) 2.5 acre lots. He stated that staff has approved the subdivision and we now ask that the Planning Commission approve the subdivision.

Chairman Haren asked if there was anyone who wished to speak in opposition of the request. Hearing none he brought it back to the board.

Jim Graw asked if it is a problem that Ellison Road is listed as Flowers Road on the vicinity map.

Randy Boyd said the vicinity was downloaded from the internet and at one time Ellison Road was also called Flowers Road.

Al Gilbert made a motion to approve the Revised Minor Subdivision Plat of Betty J. Adams Estate (Final Plat). John Culbreth seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

- 3. Consideration of a Final Plat of Midway Properties, LLC. The property will consist of two non-residential lots zoned C-H, is located in Land Lot 256 of the 13th District and front(s) on S.R. 92 North.**

Chairman Haren asked if there was anyone who wished to speak in support of the request.

Rob Rohas said he works with Sullivan Wickley and represents the owner for the Final Plat. He added that the request is subdivide to create two (2) lots.

Chairman Haren asked if there was anyone who wished to speak in opposition of the request. Hearing none he brought it back to the board.

John Culbreth asked what type of retail development is planned for the property.

Rob Rohas said a Dollar General Store.

Brian Haren made a motion to approve the Final Plat of Midway Properties, LLC. Jim Graw seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

PUBLIC HEARING

- 4. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North. (The applicant requested that the petition be tabled to January 18, 2018)**

Pete Frisina said this is back before the Planning Commission because he did not post enough signs for the last public hearing so it is back before you to reaffirm the previous recommendation for approval. He added that in the meantime the developer is doing soils test and they would like to table the petition until January 18th as there may be changes that will have to be made to the layout of the subdivision. He added that Jim Graw had asked how the request to table will affect the 100 day time limit and since this request to table is being made by the applicant, that time will not apply to the time limit. He said 67 days have elapsed since the application was filed and the count stops after today and would start back up on January 18th.

John Culbreth made a motion to Petition RDP-014-17 to January 18, 2018. Al Gilbert seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

OLD BUSINESS

- 5. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.**

Pete Frisina said he wanted to talk about flag lots as we have Bill Beckwith (Chairman of the ZBA

and Larry Blanks (former member of the ZBA) here tonight and they have a concern with flag lots. Pete Frisina said that there is not a specific area of the zoning ordinance that addresses flag lots and that flag lots area a formation of various portions of the zoning ordinance.

Larry Blanks said it was his understanding that when the County increased the road frontage which was at 25 feet that automatically allowed flag lots.

Chairman Haren asked what the issue is we are concerned with regarding flag lots.

Pete Frisina said it is a similar front yard issue that we are addressing with corner lots and based on the definition of Front Yard it is based on the road frontage. He added that flag lot developments have gone through many stages since they were first developed in the 70's/80's. He stated that initially flag lot subdivisions were developed with each lot having 25 feet of road frontage and a central private drive/road accessing each of the lots. He said in these initial developments the private drive/road was often given a name even though it was not a County maintained road and the address numbers were based on the private drive/road. He added at some point the County required that the addresses would be based on the road frontage and not the private drive/road. He stated that later the 25 foot road frontage was increased to 100 feet but still allowed the private drive/road. He said finally the rules did away with the private drive/road and required each lot to have its own driveway. He added that presently no more than two (2) lots can share a driveway if in the opinion of the County Engineer it will increase safety and/or diminish the environmental impact of two (2) driveways. He stated now we have flag lots depicted on Minor/Final Plats showing the Front Yard where that was not the case on the older subdivision plats as lots of five (5) acres or greater did not require a Minor/Final Plat that would go through a staff review process. He said that an across the board rule change which shifts the orientation of every flag lot ninety degrees could create problems for the recently depicted lots in recent Minor/Final Plats. He said what he is considering is creating a procedure in the Subdivision Regulations where a property owner could come before the Planning Commission to establish the Front Yard on a flag lot based on some criterion.

Larry Blanks said he shakes his head because only government could be so illogical because a front yard is where the front door, porch, light, etc. is located. He suggested the County use the term "logical front yard" as there are four (4) sides to every home, a front, a back, a left side and a right side.

Pete Frisina said we have Minor/Final Plats that depict the Front Yard and setback based on road frontage and not the orientation of the house.

Larry Blanks said that is government creating its own problems.

Chairman Haren asked if there is currently a mechanism for a property owner to come to the Planning Commission to solve similar problems.

Pete Frisina replied, no.

Larry Blanks said the problem arises every time someone wants to build a garage on a flag lot,

corner lot or three (3) corner lot and they have to pay a couple hundred dollars and go through all of this bureaucratic garbage for something that logically should be rubber stamped. He added that it is a burden and expense for the tax payer.

Chairman Haren said it would be difficult to amend the ordinance to address everything going back.

Bill Beckwith asked Randy Boyd if he has any thoughts on the subject determining the Front Yard on flag lots and corner lots.

Randy Boyd said most of the time the orientation of the house will work but when a house is placed at an angle on the lot an aligned to a street it becomes difficult to solve that with a single ordinance. He added that solving one problem often creates new problems.

Jim Graw said several months ago there was a rezoning where a lot was in the back of the property and the developer was required to provide an easement. He asked what does the County do when the access to the flag lot is through an easement and not a personal driveway.

Pete Frisina said that rezoning involved a preexisting land locked property with an existing easement and it was not a flag lot. He added that the developer maintained an easement to the property.

Larry Blanks said what they did in their flag lot subdivision was build a private road and it is maintained by the property owners. He added that he wasn't aware that the County didn't allow private roads anymore and he thinks that is stupid.

Al Gilbert asked Pete Frisina to bring examples of various flag lot subdivisions to the next Planning Commission meeting.

Chairman Haren asked if we establish a mechanism for individuals to come before the Planning Commission won't there need to be criteria developed to evaluate their requests.

Pete Frisina said criteria should be developed such orientation of the house, is the property accessed by a private road, etc. He added that in the future, since subdivision plats are approved by the Planning Commission, we could also use this procedure to establish the front yards at that time so the recorded plats are correct in terms of lot orientation and setbacks.

Randy Boyd asked if the county would consider a limited number of lots to access an easement instead of requiring a flag lot.

Pete Frisina said the County has been moving away from private drives and requiring each lot to have its own curb cut/driveway for emergency services.

Chairman Haren asked if the Planning Commission establishes a front yard on a property through this proposed procedure will a plat have to be re-recorded to illustrate the change.

Pete Frisina said that is something we have to consider and how do we set the change in record.

Pete Frisina stated the points discussed at the previous meeting concerning corner lots include making a distinction between a primary and secondary front yard, consideration of greater front yard setbacks for accessory structures, consideration of the classification of the roads giving preference to higher classification of roads for the placement of an accessory structures, considering different zoning/lots sizes and a reservation with placing an accessory structure directly between the street and the front orientation of the house. He added that the County already makes a distinction of a primary and secondary front yard for detached garages only and these detached garages require a breezeway, deck or pergola connecting the house and detached garage. He said he had created some drawings depicting different scenarios for front yards and secondary front yards. He stated that we could consider allowing a detached accessory structure in the secondary front yard and only allow the detached garage in the primary front yard with the required breezeway, deck or pergola connection. He said another consideration we discussed was increasing the setback for accessory structures on a corner lot so they are not out in front of the house on the adjacent lot. He added that in the newer subdivisions the builders seem to place the house right on the front yard setback line where in older subdivisions the houses could be setback slightly from the front yard setback and the location varied from lot to lot.

Al Gilbert said current builders save money on shorter concrete driveways by placing the house right on the front yard setback.

Chairman Haren asked if we could restrict the type of accessory structure in the secondary front yard.

Pete Frisina said that we could restrict the type of accessory structure in the secondary front yard.

Larry Blanks said consideration should be given to lots with three (3) front yards as a few of those have come before the ZBA.

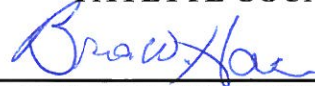
Pete Frisina said lots with three (3) front yards should be given consideration as well.

Jim Graw said if a house on an adjacent lot is built back from the front setback an accessory structure built at the front yard setback next door would be in front of that structure.

Pete Frisina said that is why we are considering increasing the front yard setback for an accessory structure in a secondary front yard. He added that he has not fully considered A-R lots because in A-R there is already the ability for farm structures, auxiliary structures and greenhouses to be in the front yard but not the accessory structures allowed under Sec. 110-79 addressing residential accessory structures. He added that he will continue to work on these items.

Al Gilbert made a motion to adjourn. John Culbreth seconded the motion. The motion passed 4-0. Danny England was absent from the meeting. The meeting was adjourned at 8:15pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



BRIAN HAREN, CHAIRMAN

ATTEST:

