

Meeting Minutes 5/2/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on May 2, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
Jim Oliver
Boris Thomas

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator

NEW BUSINESS

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

Debbie Bell requested to amend the agenda to add approval of the following minor final plats: Adams Farm 1805, LLC and William Jerry Cleveland as item number 5, 405 Bankstown Road as item number 6, Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item number 8.

Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.

4. Consideration of the Minutes of the meeting held on April 4, 2024

Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.

5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property.

Debbie Bell stated this is a minor plat subdividing the tract. The minor final plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.

6. Approval of the Minor Final Plat for 405 Bankstown Road.

Deborah Sims stated this is simply a plat to subdivide one parcel into two parcels. It has been reviewed and approved by staff.

John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.

7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC.

Deborah Sims explained this is the west side of the US Soccer Federation. One of the conditions of rezoning was the combination of parcels. This final plat is the combination of parcels on the west side of Veterans Parkway. This plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1.

Deborah Sims explained this is the east side of the US Soccer Federation property. This plat has been reviewed and approved by staff.

John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.

PUBLIC HEARING

9. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Debbie Bell introduced petition 1345-24-A. This is one (1) parcel of three (3) being rezoned for the development of one (1) neighborhood. There is a total of 19.272 acres to be rezoned from A-R to R-50 and concurs with the Future Land Use Plan of one (1) unit per one (1) acre. All parcels are legal lots of record. The staff report will be presented once, but there will be separate hearings for each parcel.

The existing house on parcel 0722 003 does not meet the dimensional requirements, so staff recommends conditional approval with the demolition of this structure within 90 days of

rezoning.

The existing barn on parcel 0722 062 does not meet the requirements of an accessory structure in R-50. Staff recommends the existing barn be demolished within 90 days of rezoning.

The included concept plan indicates parcel 0722 010 will be used primarily for stormwater detention. There are no significant environmental factors affecting this development. Staff recommends the three (3) parcels in this rezoning be combined into a single parcel with an approved, recorded plat within 90 days of rezoning.

Randy Boyd is representing the children of the Richard E. Lamb, Sr. Estate and LDO Fayette, LLC, a Brent Scarbrough company. LDO Fayette, LLC has a current contract on this property and intends to develop the property if the rezoning petition is approved. This is a 19.272 acre tract of land on the west side of Ellison Road currently zoned A-R which is five (5) acres. The applicant is requesting R-50 zoning which requires a 2,100 square foot house.

Ellison Road is a collector road on the Fayette County Thoroughfare Plan. Collector roads require an 80-foot right-of-way. Research indicates the right-of-way was dedicated in 1967. Posted speed limit is 35 miles per hour.

Applicant has completed the level one soils analysis, so minimal changes in the final development are expected.

Completing the recorded plat within ninety (90) days should not be a problem, but the demolition of the existing house currently has a tenant. State law requires a notice of at least sixty (60) days to tenants to vacate the property. Should the tenant not vacate as requested, the applicant would have to an approved eviction prior to demolition. The eviction procedure can take anywhere from fifteen (15) to seventy-five (75) days to proceed through the court system.

Tax records indicate the home was constructed in 1962. Prior to the approval of a demolition permit, the structure would have to be tested for lead based paint and asbestos. Structures with lead and/or asbestos are required to have a mitigation process.

The applicant humbly requests 180 days to remove the existing structures. If all went perfectly, it could happen in ninety (90) days, but things don't seem to go that way now. That allows time for the tenant to relocate and any mitigation required for demolition of an older structure.

Mr. Boyd also requests 180 days to remove the barn. Demolition requires heavy equipment and multiple dumpsters. It would save if the applicant only had to pay one (1) mobilization expense.

No one else spoke in favor or opposition of the rezoning.

Boris Thomas asked why the tenant had not already been notified since the property was under contract and what was the anticipated price point of the proposed development.

Randy Boyd stated the anticipated price point was \$750,000.

Boris Thomas stated traffic was already a problem for people coming onto Tyrone Road from Dogwood Trail. He wondered how much longer it would be before Fayette County would have to install a traffic light or some type of traffic control in the area.

Randy Boyd explained he did not have those numbers in front of him, nor were traffic studies required for rezonings. Mr. Boyd said he will speak with Phil Mallon at Public Works to see if he had that answer. In response to the notice question, the clients preferred to wait until the rezoning was approved to give notice to the tenant. The rental income from the tenant assists in paying the tax requirements until the property can be sold.

Jim Oliver asked Debbie Bell if rather than staff placing specific time requirements on demolition, it be a condition of before the approval of the minor final plat.

Debbie Bell explained the specific time was a recommendation by the county attorneys. There is a currently a property that was rezoned with the condition of five (5) foot right-of-way dedication prior to site plan approval. The property has never been developed, so the right-of-way has not been dedicated to the county.

While it is unlikely this applicant would not follow through on the rezoning conditions for this project, should the property not be developed, the county would have allowed a structure less than the minimum square footage and not have an avenue to make the property come into compliance. That is why legal has requested a time frame.

Staff does not have any objection to extending the time frame to accomplish the conditions. The time frame concern is legal.

Danny England asked how burdensome it was for the petitioner to extend the time frame in a condition of rezoning.

Debbie Bell explained the petitioner is required to submit a new rezoning petition to change and/or remove any of the conditions approved with the original rezoning. Staff has not yet acted on an unmet condition that quickly. Staff sends letters attempting to bring the property into compliance prior to taking the rezoning back to the board. Currently, staff is working an applicant with a condition to demolish a building that is more than one (1) past due. While this procedure is not reassuring nor is it a guarantee additional time would be allowed, it is currently the practice.

Danny England suggested this be discussed during a work session. If the time lapses, it seems onerous for the petitioner to be required to follow the entire rezoning process to allow for additional time to meet the conditions. He recommended agreeing to 180 days.

Boris Thomas stated he agreed with staff's current recommendation of ninety (90) days or maybe an additional thirty (30) days. The shorter time frame would be a motivator for the developer to meet the conditions.

Danny England said the impetus was on developers to move as quickly as possible to allow them to proceed to the next project. Situations when the development did not proceed and has unmet conditions are outside the control of the Planning Commission. County legal is wanting to enforce a time frame that potentially the real-world development schedules cannot meet. "There is a disconnect between what we would like to see on the county's side and what is actually attainable in real life. We've got to be a little sensitive to that and not throw out hurdles and barriers to development that the people in the field trying to meet just can't do."

Randy Boyd explained he is currently scrambling to submit a rezoning application for a property that was rezoned to C-H in 1988 with a couple of conditions. The conditions only allowed certain businesses, so the applicant needs to rezone from C-H Conditional to C-H to remove the conditions. When you get conditions like this that are unmet, the required rezoning process adds a significant amount of time to the development process.

Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following amended conditions:

- 1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 003.***
- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

10. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Debbie Bell stated the amended conditions.

There was no one to speak in favor or opposition of the rezoning.

Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following amended conditions:

- 1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 062.***
- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

11. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Debbie Bell stated the amended conditions per previous discussion.

There was no one to speak in favor or opposition of the rezoning.

Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following amended conditions:

- 1. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

Danny England seconded the motion. The motion carried 5-0.

12. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road.

Debbie Bell explained the applicant is proposing to develop three (3) lots without any additional roads. This complies with the Future Land Use Plan. The existing house has been demolished since the staff report was prepared, so that is no longer a condition. There is a small stream on the property, but it does not pose a major environmental impact. The houses will most likely be toward the front of the lot, so they do not have to cross the stream.

Trent Foster with Allegiance Homes stated the main reason for the rezoning request was to prevent oddly shaped lots. He does not like houses that are looking into the neighbor's back yard.

Raymond Lewis at 423 Snead Road spoke in opposition. He is surprised to see a request for so many homes on such a narrow piece of land. The rezoning decreases the setbacks along the side and rear. He would prefer not to look into the neighbor's yards as well. He does not want to see the additional lights from the new homes, the tree removal, nor the additional stormwater runoff. He stated he would prefer the property be developed as A-R without any standardization.

Jeri Troesken of 455 Snead Road spoke in opposition. She stated the stream is not a little stream, it is Lake Horton. It is a major stream. It is a torrent of water. Her problems began when Snead Road was paved. She receives all the runoff. She is having a terrible time with sediment. It has basically choked her pond. It has to be a huge torrent to be able

to get water into her pond. It is like an island in certain spots and down the stream. That means it overflows because it cannot freely go into the pond. The new homes will change the topography greatly. The runoff will be quite different. There is already a substantial wetland that is mosquito ridden and stays wet all the time. The natural springs that fed the area are no longer there because of the runoff. She would like something in the proposal to assist with her problems.

Her son is an engineer in the Marietta/Woodstock area. He proposed the road department put in a concrete flume, and that is all right. It does capture some of the water, but it doesn't take care of the sediment that comes down the hill. Water is a concern.

Ms. Troesken stated she is also concerned that no one on Snead Road received a notice. She has lived there for thirty-five (35) years, so you can imagine how she feels about putting a "bunch of houses on that road." She realizes progress goes on, however she would like to limit the number of houses that can be put on this property to three (3).

Danny England felt many of Ms. Troesken's concerns were beyond rezoning and get into engineering. Traffic and water are two of the most common concerns. Neither of these concerns are handled by the Planning Commission. The County Engineering Department would work to make sure the development does not put any additional pressure on the creek.

Ms. Troesken stated her son told her the Planning Commission meeting was the place to bring the concerns. Fayette County makes the rule on the rezoning and they need to be aware of the problem.

Ms. Troesken is also concerned about the line of sight. There is a curve in the road and a very steep hill. She has to be very careful exiting her driveway.

Danny England explained sight distance was the next stage.

Ms. Troesken asked how to keep the development to three (3) houses.

Danny England explained that the development plan submitted shows three (3) lots. Planning Commission can only react to what is presented. There wasn't anything preventing them from changing the plan if it could meet the requirements.

Trent Foster stated he had no objections to a condition of only three (3) lots. Secondly, the water flows from the front of the lot to the stream, so it should not increase the stormwater runoff.

Boris Thomas asked if it was possible to condition the number of lots.

Debbie Bell stated we couldn't restrict the number of lots. The property could be developed per the zoning.

Danny England stated he is glad Mr. Foster took the extra step to rezone in order to get

three lots that give the proper relationship from house to house. This will also allow continuity of character. The rezoning leads to a better finished product.

Boris Thomas thought it was an odd look and is concerned about the curve on Snead Road. He thought maybe there should be a sign on the driveways once the homes are built.

Jim Oliver made the motion to recommend approval with the following conditions:

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.***
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the county within 60 days fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.***

Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.

13. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District.

Debbie Bell stated 1053 Highway 85 S. This is a landlocked parcel. It is a legal nonconforming lot. The house does meet the dimensional requirements of R-50 Zoning. This is a parcel the developer was unable to obtain initially. The development plan for Eva Gardens will be revised to incorporate this property into the new development.

Jeff Lammes stated Eva Gardens is currently under construction. Changing the zoning allows this property to be incorporated into Eva Gardens. The existing house will be used for Fire EMS training before it is demolished.

There was no one to speak in favor or opposition.

John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.

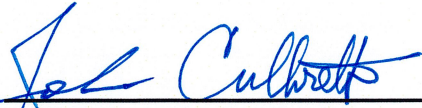
ADJOURNMENT:

John Kruzan moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8.02 p.m.

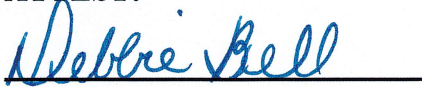
**PLANNING COMMISSION
OF**

FAYETTE COUNTY

A handwritten signature in blue ink, reading "John Culbreth, Sr.", is written over a horizontal line.

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

A handwritten signature in blue ink, reading "Debbie Bell", is written over a horizontal line.

**DEBBIE BELL
DIRECTOR, PLANNING & ZONING**