COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Peter A. Frisina
Meeting Date:	Wednesday, September 2, 2009	Type of Request:	Old Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. SR 54 West Overlay Zone, 4. Architectural Standards, Gasoline Canopy, and C. General State Route Overlay Zone, 4. Architectural Standards, Gasoline Canopy.

Background/History/Details:

On July 1, 2009, Attorney Jason Thompson on behalf of RaceTrac Petroleum, Inc., appeared before the Board of Commissioners requesting consideration be given to amending the Section 7-6. Transportation Corridor Overlay Zone, Architectural Standards of the Zoning Ordinance that regulates pitch of gasoline canopy roofs. In a letter dated June 17, 2009, Attorney Thompson stated that the proposed gasoline canopy for the RaceTrac will "dwarf" the proposed convenience store to be located at the intersection of SR 85 South and Ramah Road. The Board of Commissioners directed Staff to review the regulations, present their recommendation to the Planning Commission, and report back to the Board of Commissioners at the Workshop scheduled for September 2, 2009. The Planning Commission discussed the regulations at the Workshop held on July 16, 2009, and requested drawings be submitted indicating the height of the convenience store and the gasoline canopy under the current ordinance and under the proposed amendments. The Planning Commission held a Workshop on August, 6, 2009, and discussed the proposed amendments which will be placed on the Board of Commissioners Workshop Agenda for permission to advertise for public hearings in October if the Board of Commissioners concurs.

What action are you seeking from the Board of Commissioners?

Direction and/or permission from the Board of Commissioners to advertise the proposed amendments to be heard by the Planning Commission on October 1, 2009, and by the Board of Commissioners on October 22, 2009.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, July 1, 2009
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

NEW BUSINESS:

C. DISCUSSION OF REQUEST FROM ATTORNEY JASON THOMPSON THAT CONSIDERATION BE GIVEN TO AMENDING THE COUNTY'S ZONING ORDINANCE RELATED TO THE REQUIREMENTS FOR THE SIZE AND PITCH OF GASOLINE CANOPY ROOFS LOCATED IN THE COUNTY'S OVERLAY ZONES:

Attorney Rick Lindsey, representing Race Trac Petroleum, Inc. discussed this matter with the Board. He remarked that it was Race Trac's intention to build a retail store and gasoline facility on S.R. 85 at the Ramah Road intersection. He said the issue before the Board today was what would happen to the canopy on the facility. He said he and Attorney Jason Thompson had been working with the Zoning Board of Appeals staff regarding the requirements for the size and pitch of the gasoline canopy roofs located in the County's Overlay Zones. He noted that they had also spoken with the Zoning Board of Appeals and neither staff nor the Zoning Board could give any flexibility in the ordinance for the size requirements of the canopy. He said the peak of the canopy roof was going to be approximately 35 feet in height and the store would be approximately 24 feet to 26 feet in height. He remarked that the canopy would therefore dominate the site. He said Race Trac was looking at some flexibility in the possibly amending the ordinance to allow them to build a mansard roof with the same pitch or an alternative to build a lower pitch roof in order to make the facility attractive.

Director of Community Development Pete Frisina remarked that staff had reviewed this request and felt there needed to be some control over the clearance under these canopies. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. He noted that the existing canopies were already much larger than the store building and cover a much greater area. He said this was something that staff would need to review further.

Chairman Smith asked how long this ordinance had been books. Mr. Frisina replied that the Overlay Zones were put in during the mid 90's and they had been fairly similar with some changes to the architectural characteristics. He said the only thing staff had done to the roof pitch was if the pitched roof did not meet the requirements of the zoning, then staff could allow for the mansard roof or if it was two stories or more.

Commissioner Frady said a pitched roof would satisfy the residential feel of an area and Attorney Lindsey said staff had done a lot of work to make this an attractive store front. Attorney Lindsey said they did not want the building to be dominated by the canopy roof. He said Race Trac wanted this to be an attractive site and this was what they were asking the County for.

Commissioner Maxwell asked Attorney Lindsey if he was asking the Board to vary from the ordinance or for County staff to study the ordinance.

County Attorney Scott Bennett interjected that the County would have to amend the ordinance and this would require a public hearing.

Attorney Lindsey said Race Trac would like for County staff to start the process of studying this issue for some flexibility in the ordinance. He noted that the minimum height for a canopy was 18 feet.

Chairman Smith said he would have no objection for staff to study this portion of the ordinance but he would like to go one step further and have staff study the entire ordinance to see if there might be other areas that need amending.

Commissioner Maxwell said he had no problem with that but he would like a date certain for this portion. He said a review of the entire ordinance might take six to eight months.
Mr. Frisina remarked that staff would present this to the Planning Commission in July and get their recommendation. He noted that it usually takes two workshops which would take it to August unless they have an agreement on July 16th. He commented in terms of the roof pitch, staff has had success with it but if the Board wanted to look at other aspects of that he would need to know exactly what the Board wanted staff to examine in terms of roof pitch. He said there had been some discussion on fire safety and fire personnel would be included in discussions as to anything they might require in terms of fighting a fire.

Chairman Smith remarked that the ordinance had an unintended consequence right now and he would like staff to review the ordinance and not one that would take eight months but certainly he would trust staff's judgment to go through it and determine if there was anything that needed to be reviewed.

Mr. Frisina said staff would certainly review the roof pitch requirement. He also noted that staff was currently going through the Zoning Ordinance chapter by chapter. He said for staff to specifically review the roof pitch, it would take two workshops and he could probably bring a recommendation to the Board of Commissioners at the workshop in September.

Commissioner Frady asked if staff had received any other comments from citizens on other issues in the ordinance. Mr. Frisina replied that the roof pitch was on all of the overlays on the State highways except for the northern portion of S.R. 85 where the residential character was being maintained.

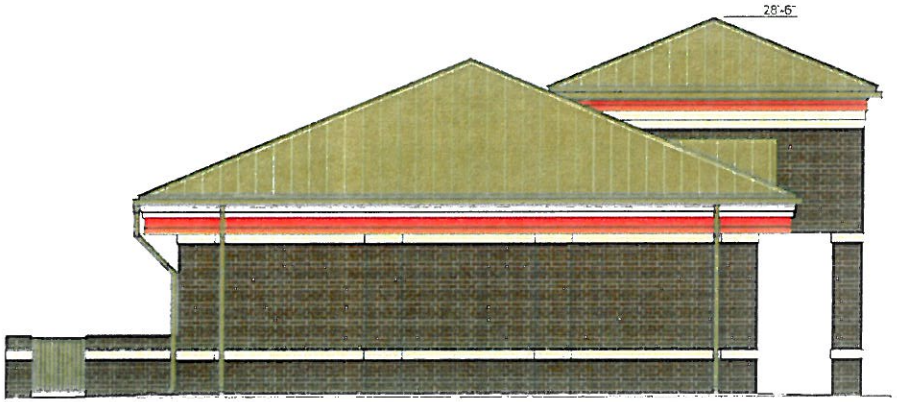
Commissioner Maxwell said this item would require a public hearing by the Board of Commissioners which would put this before the Board at a meeting in September. He said he was not trying to just accommodate Race Trac but felt this ordinance needed to be adjusted now. He said he was not sure if there needed to be three or four months worth of study to address something that was already a problem.

Attorney Lindsey said this was the reason he was coming before the Board today. He said Race Trac had built two of these facilities and had received comments from local residents and city leaders saying that they did not like them. He said they were built according to the County ordinance and this as the issue Race Trac was trying to avoid.

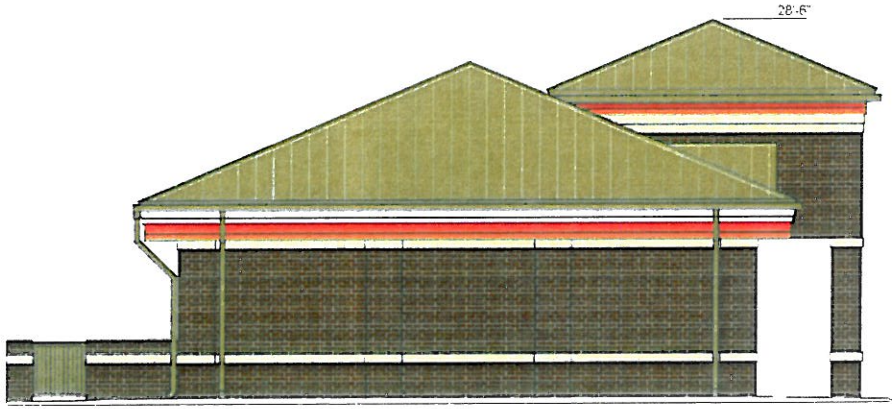
Mr. Frisina remarked that staff could begin reviewing the canopy issue right now and get their findings back to the Board as soon as possible and then continue reviewing the remainder of the ordinance.

Chairman Smith felt staff would need to look at the canopy in relationship to the building roof. He said it could not be just isolated to the canopy and both aspects would have to be reviewed.

Staff was directed to review the County's Zoning Ordinance and bring a recommendation specifically regarding the canopy requirements in the Overlay Zone to the Board of Commissioners at the September Workshop meeting.


28'-6"

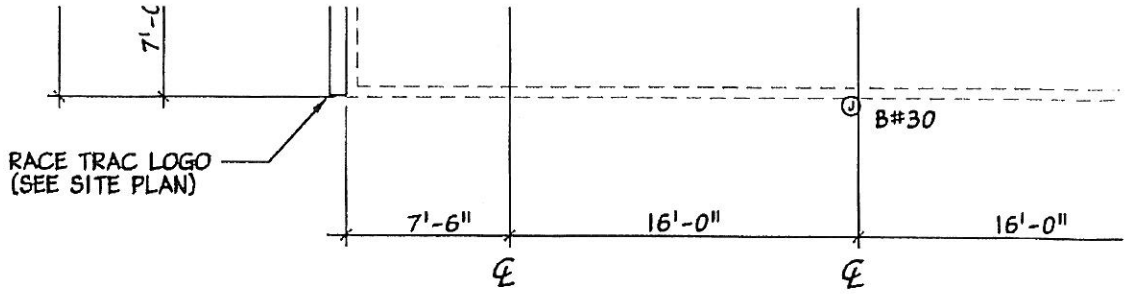
32'-1 1/2"
12
4.5
RaceTrac
RaceTrac
RaceTrac


28'-6"

28'-9"
12
3
RaceTrac
RaceTrac
RaceTrac

Roof Pitch 4.5 to 1

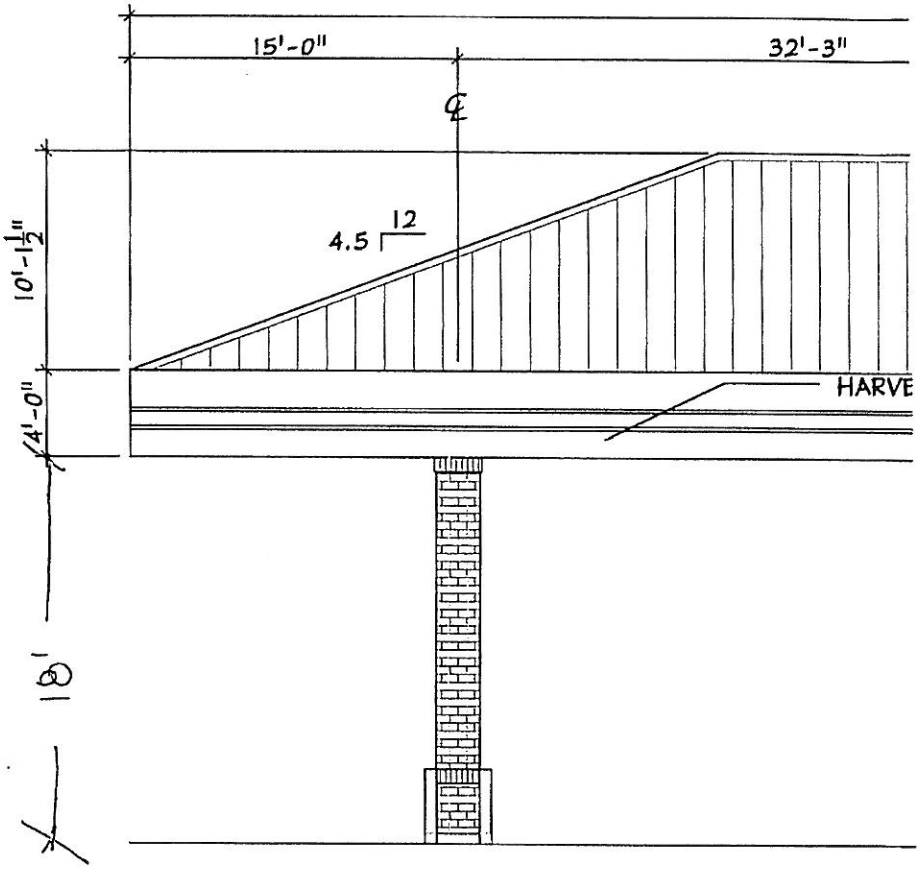
Roof Pitch 3 to 1



Current Hip Roof Height

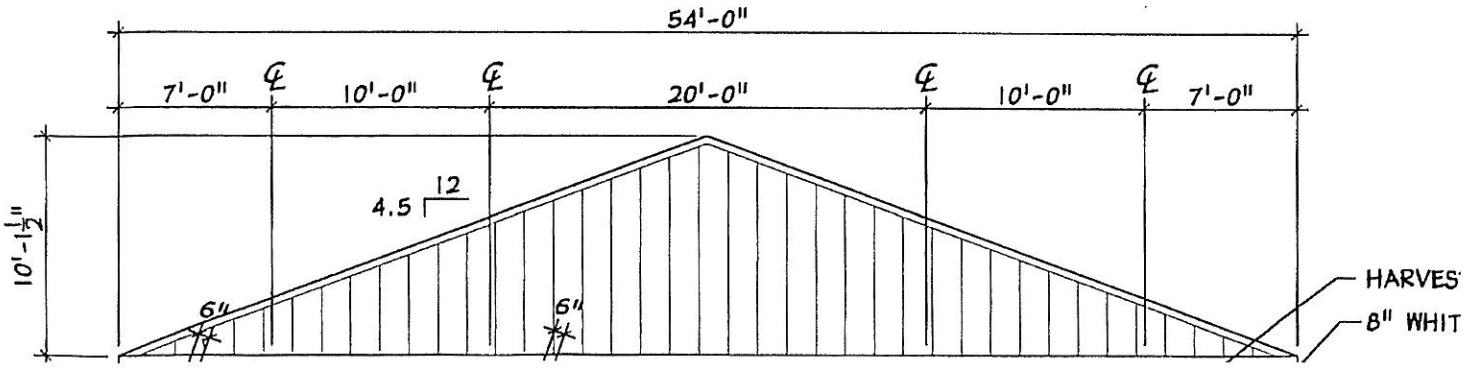
18' clearance
4' Fascia
10.5' roof

32.5' overall height



Building height
28.5'

In order to lower the pitch our canopy would have to be over 33.5' high.



1. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding roof pitch for gasoline canopies in the SR 54 West Overlay Zone and General State Route Overlay Zone.**

07/01/09 – BOC Workshop
07/16/09 – PC Workshop
08/06/09 – PC Workshop

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

7-6. Transportation Corridor Overlay Zone

A. S.R. 54 West Overlay Zone.

4. Architectural Standards.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including ~~gasoline canopies and~~ accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; (Amended 06/07/06)

Gasoline Canopy. Gasoline canopies shall also comply with the following requirements:

(1) A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot.

(2) Gasoline canopies, in conjunction with a convenience store, may reduce the minimum pitch to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.

(3) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.

(4) The support columns for the gasoline canopies shall match the façade of the convenience store.

(5) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.

C. General State Route Overlay Zone.

4. Architectural Standards.

a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including ~~gasoline canopies and~~ accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta. (Amended 06/07/06)

Gasoline Canopy. Gasoline canopies shall also comply with the following requirements:

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(2) Gasoline canopies, in conjunction with a convenience store, may reduce the minimum pitch to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.

(3) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.

(4) ***The support columns for the gasoline canopies shall match the façade of the convenience store.***

(5) ***The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.***

Chairman Powell advised that the proposed amendments were discussed at the previous Workshop/Public Meeting and the PC had requested elevation drawings from RaceTrac, as well as, elevations from Staff regarding how to measure structures.

Attorney Jason Thompson, representing RaceTrac, stated he was in favor of the proposed ordinance. He confirmed that the proposed amendments allow their proposed gasoline canopy at 28'9" and the convenience store at 28'6". He reiterated that he supported the proposed ordinance since it gives some flexibility.

Chairman Powell expressed concern about the lack of a minimum pitch requirement for a gasoline canopy.

Tim Thom clarified that the maximum structure height was 35 feet and concurred requiring architectural character and façade.

Jim Graw remarked that he did not see the need for revisions to the ordinance.

Al Gilbert asked how many pumps were proposed for RaceTrac.

Lesleigh Batchelor, Real Estate Manager for RaceTrac, replied 12 units. She reported that RaceTrac had built other gasoline canopies with the same pitch but received opposition due to the massive size of the gasoline canopy. She confirmed that the vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height to avoid accidents.

Mr. Graw asked Robyn Wilson the maximum vertical clearance for a bridge.

Mrs. Wilson replied 17 feet.

Attorney Thompson confirmed that RaceTrac had not constructed any gasoline canopies less than 18 feet.

Mr. Graw suggested retaining 3, 4, and 5.

Chairman Powell suggested the following: Delete the strikethrough in 7-6.,A.,4.,a. and 7-6.,C.,4.,a.; Delete 7-6.,A.,1. and 7-6.,C.,1.; and Amend 2. to read: Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.

Mr. Graw suggested to change five (5) feet to three (3) feet; however, the majority of the PC were in favor of five (5).

Mr. Thoms asked the width of the proposed gasoline canopy.

Ms. Batchelor replied 60 feet.

Attorney Thompson concurred with the changes as proposed and thanked the PC for their time.

Chairman Powell advised that the proposed amendments would be presented at the BOC Workshop on September 2, 2009, and Staff would request permission to advertise for the October Public Hearings.