# COUNTY AGENDA REQUEST

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| Department: | Planning and Zoning | Presenter(s): | Pete Frisina |
| Meeting Date: | Wednesday, October 3, 2012 | Type of Request: | Old Business |

Wording for the Agenda:

Further discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element text and map for SR 138 and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding the proposed General Business zoning district and SR 138 Overlay Zone

Background/History/Details:

During the June 6, 2012 Board of Commissioners Workshop meeting, Mr. Todd Brooks spoke to the Board about his desire that the Board of Commissioners consider amending the County's Land Use Plan on SR 138 between SR 279, and SR 314 near the Clayton and Fayette County line. Mr. Brooks has a potential buyer for the property who wishes to construct a television studio on a portion of the land; however, the County's Land Use Plan does not recommend the zoning for such a use. Mr. Brooks hopes that consideration can be given to changing the Land Use Plan so that a rezoning application can be filed in the near future. The Board directed staff and the Planning Commission to review the Land Use Plan and to return with recommendations. The Board also suggested that a special zoning district could be created for the television and movie studio. Initially the Planning Commission did not feel a new zoning district was warranted but now have come to the conclusion that a new zoning district is warranted. Therefore, a new zoning district (General Business) and a new overlay zone for SR 138 is being proposed.

What action are you seeking from the Board of Commissioners?

No action is required. Staff is seeking the Board's direction on the proposed amendments. If the proposed amendments meet with the Board's approval, staff requests permission for them to be considered under public hearing at both the Planning Commission and at a future Board of Commissioners meeting.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | Yes | If so, when? | |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: September 25, 2012

Subject: SR 138

This subject was discussed at the June 6, 2012 and August 1, 2012 BOC Workshops concerning the development of a TV/movie studio on SR 138. The BOC directed staff and the Planning Commission to review the Land Use Plan and bring recommendations back to the BOC.

Staff and Planning Commission have developed a new Land Use Plan category and a new Zoning District for General Business which is a non-retail business district. In addition, a new SR 138 Overlay Zone was developed.

One issue the Planning Commission wanted brought to the Board's attention is whether or not to allow Television/radio broadcasting and telecommunication uses in the new zoning district as citizens in the area were concerned with large towers and satellite dishes. The Planning Commission did not want to delete these uses without BOC input.

Staff and the Planning Commission are seeking direction from the BOC on whether these items can move forward to public hearings for adoption or back to staff and Planning Commission for more work.

NORTH FAYETTE COMMUNITY ASSOCIATION, INC.
P.O. BOX 1671
FAYETTEVILLE, GA 30214
770-994-7998

northfayette@hotmail.com

August 22, 2012

Mr. Jack Krakeel
Acting County Administrator
140 Stonewall Avenue West
Fayetteville, GA 30214

Dear Mr. Krakeel:

Recently, a land owner on SR 138 asked the BOC to consider amending the land use plan to allow for a TV/movie studio. The Board sent the request to staff, and to the Planning Commission, to come up with a recommendation.

We invited Mr. Alvin Williams to our regularly scheduled meeting of August 18, 2012. He gave us information regarding plans for his television and film production business, and an explanation of his need for a 50,000 square foot building to house the operation on 15 of 85 acres.

Present, were a diverse cross section of local residents from the subdivisions, as well as owners of larger tracts of land in the near-by residential area. We had no intent to rush a judgment on whether to agree or disagree, nor to approve or disapprove his rezoning plans: no vote was taken.

Subsequent to the meeting, I had conversations with numerous residents. The repeatedly raised concern was that the definitions of the commercial zoning, should they be granted to this project, are so broad and valuable, that if the proposed business fails, or, if we are being misled regarding intent of final use, the property could be made available to many uses our residents would definitely oppose.

To forestall these unfortunate eventualities, we recommend that a zoning designation be tailored to permit only this specific type of business. Given a restricted zoning, if Mr. Williams fails to follow-through with the specified plans, the rezoned area could be available for a similar business of TV and film production only. Another fallback possibility against failure, might be a zoning designation that would expire, automatically returning the property to today's current zoning.

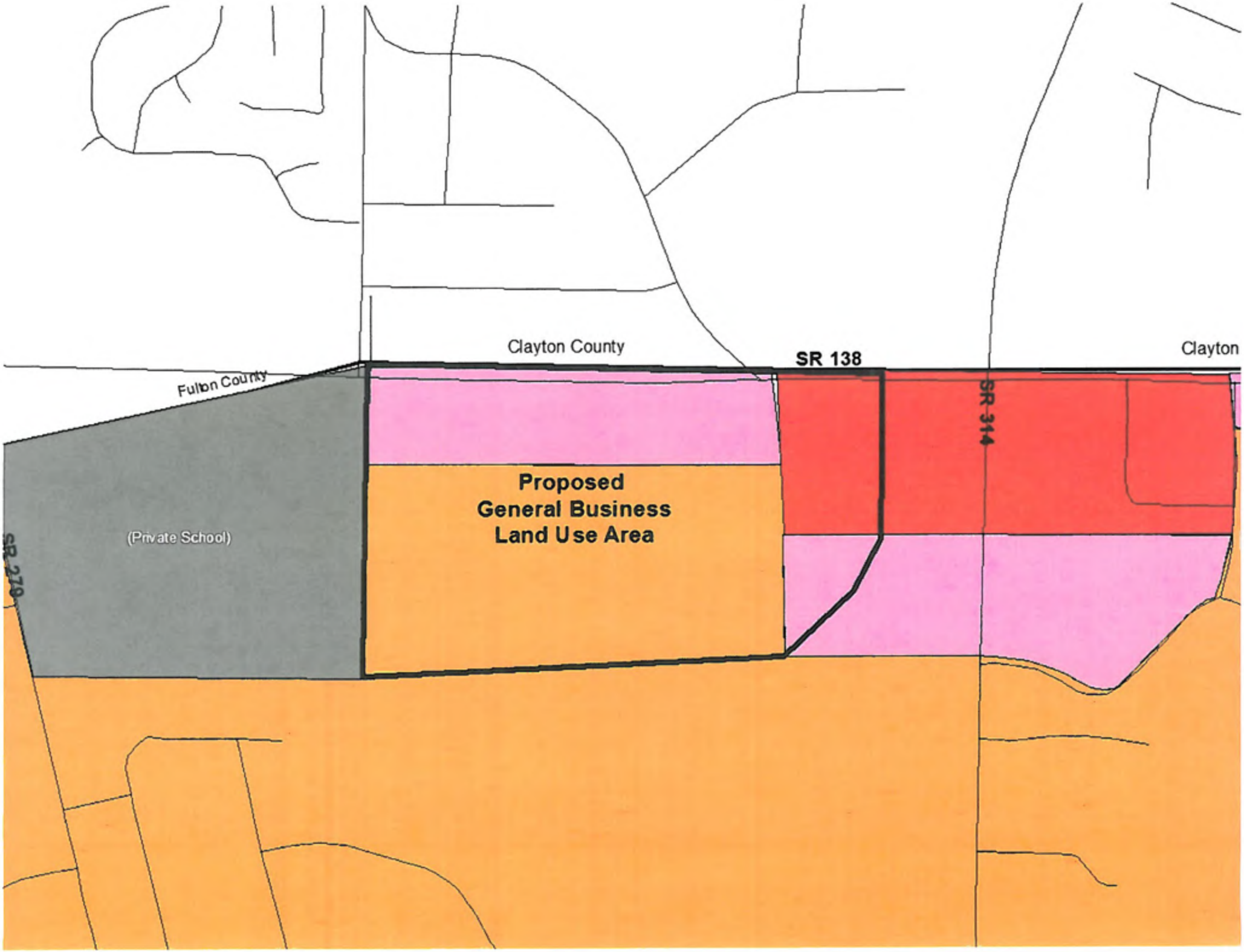
(continued)

The North Fayette Community Association will continue to follow and participate in the process of this possible rezoning request so we can inform the community and monitor their considered reaction. This has the potential to economically shape the north end of the county, while it deeply affects this primarily-residential area. We will continue to stay informed, participate, and be available to all parties.

Will you please copy this to each member of the Planning Commission, Pete Frisina, Director of Planning and Zoning, and to each member of the County Board of Commissioners?

Regards,

David L. Brill, President
North Fayette Community Association
552 Hwy. 279
Fayetteville, GA 30214


Clayton County
SR 138
Clayton
Fulton County
SR 314
Proposed
General Business
Land Use Area
(Private School)
SR 279

**Comprehensive Plan amendments**

~~SR 314 and SR 138: As an entrance to Fayette County, this area is a mix of nonresidential developed land and vacant land zoned for commercial uses. The opportunity exists here for infill development and redevelopment of older establishments.~~

SR 138 Corridor and North SR 314: This area is designated with a mix of Commercial, Office, and General Business land uses and borders Clayton County. The opportunity exists for new and infill development, as well as redevelopment of older establishments. This area is regulated under the SR 138 and North SR 314 Overlay Zone.

**General Business**

This category designates properties where the General Business zoning district is appropriate. The purpose of the General Business zoning district is to provide for business development that contains uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The G-B Zoning District limits the development of retail commercial uses and the resulting traffic generation and noise associated with this type development. The uses allowed in this zoning district could lend to a business park development pattern. ***(This is a new land use designation that will be depicted on the Future Land use map as purple(?)***

**Zoning Ordinance Amendments**

**Sec. 6-21. G-B General -Business District (to be added as a new zoning district Article VI) (All subsequent Sections shall be renumbered accordingly)**

A. *Purpose.* The purpose of the General Business District (G-B) is to provide for business development that contains uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The G-B Zoning District limits the development of retail commercial uses and reduces the resulting traffic generation and noise associated with this type development. The uses allowed in this zoning district could lend to a business park development pattern.

B. *Permitted Uses.* The following Permitted Uses shall be allowed in the GB Zoning District:

1. Auction house (indoor only);
2. Banquet hall and/or catering service ;
3. Business, professional, and/or government offices;
4. Business support centers and/or call centers;
5. College and/or university, classrooms and/or administration only;
6. Computer data services and/or information technology;
7. Educational/instructional/tutoring facilities, including, but not limited to: art; computer; dance; driving and/or DUI; martial arts; music; professional/business/trade; and similar facilities;
8. Financial, credit, real estate, and/or insurance establishments (excluding retail banking facilities or pawn establishments);

9. Health club, fitness center, and/or indoor athletic facility (excluding bowling alleys, pool rooms and skating rinks);
10. Medical supply and equipment sales
11. Printing, graphic, blue printing, photography lab, and/or reproduction service;
12. Private school, including, classrooms and/or administration only;
13. Publishing and distribution;
14. Restaurant supply;
15. Scientific, medical/dental, and/or research laboratories;
16. Television/radio broadcasting studio, movie/media productions, recording studio and/or telecommunication; and
17. Training center, trade school, and/or vocational centers.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the G-B Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Single-Family Residence and accessory structures and uses (see Article V.);
2. Home Occupation;
3. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium; and
4. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium.

D. *Dimensional Requirements*. The minimum dimensional requirements in the G-B shall be as follows:

1. *Lot Area*:
   a. Where public water is available: 43,560 square feet (one [1] acre)
   b. Where public water is not available: 65,340 square feet (one and one-half [1.5] acres)
2. *Lot width*: 125 feet
3. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Major Arterial*: 100 feet
      ii. *Arterial*: 100 feet
      iii. *Collector*: 80 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 25 feet
5. *Side yard setback*: 25 feet
6. *Buffer*: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 50 feet shall be provided adjacent to the lot line, in addition to the required setback. The setback shall be measured from the buffer.
7. *Height limit*: 40 feet
8. *Lot coverage limit, including structures and parking area*: 70 percent of total lot area.
9. *Outside Storage and Refuse Area Requirements*. The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall

apply.

a. Outside storage of merchandise, equipment, parts, and business vehicles shall be allowed in side or rear yards only, subject to screening, setback and buffer requirements.

b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.

**(to be added as a new overlay zone in Sec. 7-5. Transportation Corridor Overlay)**

E. *S.R. 138 and North S.R. 314 Overlay Zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North S.R. 314 Overlay Zone. The intent of the overlay is to set standards specific to SR 138 and North S.R. 314 as described above.

1. *Purpose.* The purpose of the SR 138 and North S.R. 314Overlay Zone is to achieve the following:

   a. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;

   b. To enhance and maintain the aesthetic qualities of the corridor; and

   c. To protect existing and future residential areas.

2. *Access Standards.* Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points and interparcel access shall be required to comply with Fayette County Development Regulations. A Concept Plan, submitted with a rezoning application, and/or a Site Plan shall illustrate compliance with these requirements.

3. *Dimensional Requirements.*

   a. All parking areas shall be located at least 50 feet from any State Route right-of-way.

   b. *Front yard setback on S.R. 138*: 100 feet

   c. *Berms for nonresidential zoning districts*: Berms, when required as a condition of zoning, shall be a minimum of four (4) feet in height.

4. *Architectural Standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the Site Plan.

   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 shall be of a residential character with the appearance of shingles, slate or terra cotta.

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

   i. 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.

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

   iii. The support columns for the gasoline canopies shall match the façade of the convenience store.

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

c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.

d. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (i.e.: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco.)

e. Structures of 35,000 square feet or greater with a minimum dimension of 150 feet may utilize the following architectural standards:

   i. At least 50 percent of all exterior wall finishes shall be comprised of at least two (2) of the following facade types: brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or any architecturally engineered facades which simulate these materials. Any metal facades used on the remaining portions of the exterior walls shall establish a horizontal seam pattern.

   ii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.

   iii. No blank or unarticulated horizontal length of a building

facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

f. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.

g. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

5. *Landscape Requirements*: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

a. *Street Frontage.* SR 138 and SR 314 (Major Arterial) - Landscape area: 50 feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/ groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.

b. *Side Yard Landscape Area.* 10 feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

6. *Lighting.*
   a. *Shielding standards*. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
   b. *Fixture height standards*. Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of 10 feet in height within non-vehicular pedestrian areas.
7. Additional Requirements.
   a. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
   b. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
   c. Bay doors shall not be allowed to directly face SR 138or SR 314.
   d. All utilities shall be underground.
8. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

**Associated Amendments to the Zoning Ordinance**

**Sec. 5-40. Outside Storage.**
Outside storage of merchandise, equipment, and parts shall be allowed in the side and rear yards subject to such requirements to the extent indicated below, as long as, such storage is screened in accordance with Article V. Storage contained in a structure which is not enclosed by walls shall be deemed outside storage. Outside storage is allowed only within the M-1, M-2, C-C, ~~and~~ C-H, ***G-B, BTP, PUD-PIP, and PUD-PSBC*** Zoning Districts.

**Sec. 7-1. Conditional Use Approval.**

14. *College and/or University, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* (Amended 05/24/12) (Allowed in the A-R, BTP, ***G-B,*** O-I, C-C, and C-H Zoning Districts)

24. *Home Occupation.* (Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, ***G-B,*** M-1, M-2, and BTP Zoning Districts) The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from non-residential areas and uses.

35. *Private School, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* (Amended

05/24/12) (Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, ***G-B,*** and C-H Zoning Districts)

44. *Single-Family Residence and accessory structures and/or uses (see Article V.)* (Allowed in the C-C, C-H, L-C, M-1, M-2, O-I, ***G-B,*** and BTP Zoning Districts)

**Sec. 6-24. BTP Business Technology Park District**

D. *Dimensional Requirements.* The minimum dimensional requirements in the BTP shall be as follows:

1. *Minimum Site Area for a BTP Development*: 20 acres
2. *Lot Area*: 87,120 square feet (two [2] acres)
3. *Lot width*: ~~500~~ ***150*** feet

(I found this typo when I was researching BTP for the G-B district)

**5. Todd Brooks wishes to discuss the possibility that the Board of Commissioners would consider amending the County's Land Use Plan near Highways 138, 279 and 314 near the Clayton and Fayette County line:**

Todd Brooks presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof. Mr. Brooks stated that his family has owned 85 acres near the County line for a century. He said three months ago his family had been approached by Alvin Williams regarding purchase of this land. He pointed out that there were approximately 12 acres that touch Highway 138 and he was informed that he would have to begin discussions on changing the Land Use Plan. He said there was already a strip of land from the Catholic School all the way over to Highway 314 with a Land Use Plan of only office. He said he was asking for the Board's consideration to change the Land Use Plan to bring this back 740 feet all the way to the commercial on Highway 314 and then consider commercial if the Board chooses to do so. He introduced Mr. Williams to the Board and said he would explain his proposed use for this property.

Alvin Williams said the goal for the 12 acres of land would be to build a film/television studio. He said he and his wife had been in the entertainment industry for the last eight years with his wife being in the industry for over 20 years. He said they would like to build a 50,000 square foot family television studio enclosure with no back lot. He said all of the activity would be self-contained within the building. He said there was a road that divides the property and he and his wife would live on the other side of the road. He pointed out that he and his wife had lived in Fayetteville for the last 7 years and married 7 years as well. He said he was also involved in a new company that is in partnership with Google/YouTube and they will be launching two of the company's original 100 channels. He said some of the production where she is providing the production facilities and services for what will be needed. He said he would not be able to say the name of his company since they would not be doing a press release until July. He said this was the purpose for the land use and he asked for the Board's consideration.

Chairman Frady asked Mr. Brooks if he had spoken with County staff regarding this request and Mr. Brooks replied yes. He said he had been speaking with Pete Frisina since 2004 and then the 2008 crisis hit and they decided to wait.

Zoning Director Dennis Dutton remarked that Todd and Pete have been in discussions about this issue. He said basically staff was trying to get direction from the Board on whether to prepare amendments to the Land Use Plan and bring this back to the Board on a future Thursday evening meeting for consideration and vote.

Commissioner Brown pointed out that this property was adjacent to a school and staff would have to be sensitive of that issue. He said he did not have a problem with building a design studio but expressed concerned with a commercial zoning format being located next to a school. He was concerned if these plans fell through and the property sold to someone else, there might be some type of undesirable commercial that would be located next to the school.

Commercial Horgan expressed concern with all of the surrounding residential property. He questioned if this facility would be tapping into Clayton County sewer system on Highway 138 or what was being proposed. Mr. Brooks replied that he thought it would be a large community septic system. He pointed out that surrounding landowners have advertised their property for sale and indicated that it could be used as commercial.

Commissioner Brown interjected that there would have to be a significant buffering requirement next to the school. He said he would like to see a special zoning designation so the County would not be trapped into a commercial zoning situation.

Mr. Dutton remarked that staff would have to begin the process of amending the Land Use Plan and a revision to the Zoning Ordinance.

Commissioner Brown said as long as the property was buffered and protect the school he would have no problem in doing a specific designation for this to lock it in.

Mr. Dutton asked for the Board's direction in order for staff to move forward and get the Planning Commission to review the Land Use Plan. He said if the Board wants staff to look at this from another zoning designation, then staff would proceed with that as well.

There was a consensus of the Board for staff to proceed forward through the required process and bring this back to the Board at a later date.

**6. Discussion of input from the Planning Commission regarding the Land Use Plan and the expansion and improvements at the intersection of State Routes 85 and 74 South:**

Zoning Administrator Dennis Dutton presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof. He remarked that staff as well as the Planning Commission was charged with a revision of the Comprehensive Land Use Plan dealing with the future Land Use Plan and the S.R. 85 and S.R. 74 intersection, the widening project and the realignment of Padgett Road. He said the Planning Commission had dealt with reviewing the direction that they wanted to go with a lighter mixed use in that area to preserve the historic content of the Starr's Mill. He said Planning Commission members Doug Powell and Tim Thoms were present to discuss this issue.

Planning Commission Chairman Tim Thoms asked for the Board's input as to which direction should be taken on this issue. He said the Planning Commission had heard from a lot of citizens who wanted to preserve this area as historic and build around it.

Planning Commission member Doug Powell said there had been a lot of public comment against putting in zoning with a lot of buildings. He said if the Starr's Mill area could be preserved as a park setting, people would be encouraged to stay and not move. He said the Planning Commission was suggesting the creation of a special use area that would limit the amount of commercial that goes in. He said this section was the gateway entrance to Fayette County and if focus could be on Starr's Mill, it would be a gem for the County.

Commissioner Brown said there certainly was not a majority on this Board to zone that area of the County commercial. He suggested that staff contact Historical Concepts in Peachtree City to speak at the Planning Commission meeting tomorrow night. He said they have done many of these type of communities and were well versed in the historical rural type aesthetic.

There was a consensus for staff to move this item forward through the required process.

# Minutes

Board of Commissioners
August 1, 2012
3:30 P.M.

**Notice:** A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on August 1, 2012 at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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| **Commissioners Present:** | Herb Frady, Chairman<br>Robert Horgan, Vice Chairman<br>Steve Brown<br>Lee Hearn<br>Allen McCarty |
| **Staff Present:** | Jack Krakeel, Interim County Administrator<br>Floyd Jones, County Clerk |
| **Staff Absent:** | Scott Bennett, County Attorney |

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**Call to Order.**

Chairman Frady called the August 1, 2012 Board of Commissioners Workshop meeting to order at 3:30 p.m.

**Acceptance of Agenda.**

Commissioner Brown moved to accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

**OLD BUSINESS:**

1. **Further discussion of amending the County's Land Use Plan on State Route 138 between State Route 279 and State Route 314 near the Clayton and Fayette County line.**

   Community Development Director Pete Frisina updated the Board concerning a request, which was discussed by the Board at the June 6, 2012 Workshop, to amend the County's Land Use Plan on State Route 138 between State Route 279 and State Route 314. He informed the Board that staff had discussed the request with the Planning Commission, that they had reviewed several approaches to the request, and that the Planning

Commission and staff were seeking direction from the Board on whether they could continue with amendments to the Future Land Use Plan for State Route 138 as a Commercial area. Mr. Frisina then answered questions from the Board. Discussion followed.

The consensus of the Board was to continue with amendments to the Future Land Use Plan for State Route 138 as a Commercial area, and for Mr. Frisina to return to the Board later with recommendations on amending the Future Land Use Plan and Overlay Zone for State Route 138. Commissioner Brown objected to commercial zoning of the area, and dissented from the general consensus of the Board. The Board did not take formal action on this request. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

**NEW BUSINESS:**

**1. Discussion of the Final 2012 Tax Digest and Proposed Millage Rates.**

Finance Director Mary Holland reported that the Fiscal Year 2012 Tax Digest had been finalized and submitted to the County by the Tax Commissioner. She reminded the Board that the next step was to advertise for the August 23, 2012 Public Hearing for consideration to adopt the millage rates. Ms. Holland then briefed the Board on the new Tax Digest and available options for adjusting the millage rates, before both she and Interim County Administrator Jack Krakeel answered questions from the Board and asked direction on how to proceed. Discussion followed.

The Board directed staff to advertise for a 3.03 mil increase to the Fire Fund, and to use the current millage rates for the remaining funds. Commissioners Brown and McCarty did not support the direction. The Board took no formal action on this request. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

**2. Discussion by Buildings Permits and Inspections Director Joe Scarborough concerning his recent invitation to represent Fayette County, on a national level, by serving as an alternate on the International Code Council's (ICC) 2012 Building Exam Development Committee, for a three-year term beginning January 1, 2012 and expiring December 31, 2014.**

Buildings Permits and Inspections Director Joe Scarborough informed the Board that he had been appointed by the International Code Council's Board of Professional Standards to be an alternate on the 2012 Building Exam Development Committee. He explained the importance of the appointment and said "to be recognized by one's peers at the highest level is a significant accomplishment", before he asked permission to represent Fayette County, at a national level, at periodic meetings. Discussion followed.

The Board consented to Mr. Scarborough's request to represent Fayette County as an alternate on the 2012 Building Exam Development Committee. The Board took no formal action on this request. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

Pete Frisina presented various illustrations of turn of the century architecture including, the historic concept for Senoia indicating the existing commercial type buildings, the RaceTrac on SR 85 South, the shopping center by the hospital, the shopping center at Grady and SR 54 West, and the convenience store with gasoline sales located at Robinson Road and SR 54 West.

The PC concurred they liked the convenience store with gasoline sales located at Robinson Road and SR 54 West. The majority of the PC liked the look of a pitched peaked roof.

Pete Frisina confirmed staff would continue working on the proposal for presentation at a future Public Meeting/Workshop.

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**4. Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Al Gilbert advised the owner of the property adjacent to the Catholic School on SR 138, approximately 10 to 12 acres, has requested the County amend the land use designation in the area to allow consideration of a rezoning for an enclosed 50,000 square foot television/movie production studio. He said they want to live on the property adjacent to the proposed television/movie production studio.

Pete Frisina showed the subject property on the overhead projector. He stated the Catholic School is zoned A-R and has an existing buffer. He also pointed out the property is divided by a lake.

Doug Powell suggested adding a television/movie production studio to the O-I Zoning District.

Jim Graw, Al Gilbert, and Bill Beckwith concurred.

Pete Frisina replied a television/movie production studio is not a use usually found in an O-I Zoning District.

Al Gilbert advised the BOC discussed C-H zoning; however, if the television/movie production studio goes out of business, then there is an existing 50,000 square foot building left vacant. He said the BOC suggested a special zoning district for a television/movie production studio.

Pete Frisina confirmed this is currently one of the biggest growing industries in Georgia. He added the industry is getting state tax breaks. He said the BOC and the State of Georgia wants this type business. He pointed out in Clayton County there is nonresidential land use anticipated along SR 138 for a depth of 300 feet.

Al Gilbert remarked he would like to protect the residential properties in the area as much as possible. He expressed concern about screening the parking.

Doug Powell asked if the County would have any control about what type movies were being produced inside the studio since it is adjacent to the Catholic School.

Pete Frisina replied the County would not have any control about what type movies were being produced inside the studio. He suggested modification of the BTP Zoning District since a television/radio broadcasting studio, movie/media production, and/or telecommunication are currently listed as Permitted Uses. He stated the C-H Zoning District also allows a television/movie studio as a Permitted Use.

The PC concurred to add a television/movie production studio to the O-I Zoning District.

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Vice-Chairman Gilbert asked if there was any further business.

Pete Frisina advised there were no public hearing applications for the PC Public Hearing Meeting scheduled for July 5, 2012.

Doug Powell made a motion to cancel the July 5, 2012, Public Hearing. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Members voting in favor of the motion were: Vice-Chairman Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. Member absent was: Chairman Thoms.

Hearing no further comments, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 4-0. Members voting in favor of adjournment were: Vice-Chairman Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. Member absent was: Chairman Thoms. The Public Meeting/Workshop adjourned at 8:36 P.M.

**4. Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Pete Frisina stated that the BOC had instructed staff and the Planning Commission to look at the SR 138 corridor in terms of the Land Use Plan. This started with an individual who approached the BOC proposing a TV/movie studio. There was some discussion by the BOC of a new zoning district. He added that the PC had suggested looking at adding movie studios to O-I but staff determined that the large movie studio buildings did not fit into the character of O-I. The PC concurred.

Pete Frisina explained that the subject property was previously planned for a subdivision, which was never built. Pete Frisina said the purchaser is looking to develop a portion of the property on SR 138 for his studio facilities. Pete Frisina mentioned that the property on the south along SR 314 is where he had planned to reside.

Doug Powell asked about access to the property. Pete Frisina replied that the driveway comes off SR 138, but there was also a driveway onto SR 314.

Tim Thoms asked if he would keep the house. Pete Frisina responded that he would. Tim Thoms then questioned whether the lots would have to be combined to conform to zoning. Pete Frisina replied not really, because the property was over 60 acres and that there was enough property to develop. Jim Graw asked if he was going to buy the remaining property. Pete Frisina responded that he would.

Jim then asked if there where any plans for the back portion of the property. Pete Frisina responded that he may cut out lots for other family members. Tim Thoms stated he would have to build a road into the back portion of the property. Jim Graw questioned whether it will be a subdivision. Pete Frisina replied it could be a subdivision. Pete Frisina stated that it was already zoned for one acre lots, in which Tim Thoms agreed that it could be a subdivision.

Pete Frisina mentioned that there are two lakes on the property. Doug Powell asked if there is access on the lot from the front of SR 138 to the back of the property across the lakes. Pete Frisina answered yes.

Doug Powell asked if that the red colored area on the Land Use Plan was designated commercial in Fayette County. Pete Frisina answered that the red area was land used for commercial. Tim Thoms pointed out that there is a gas station on the corner of SR 138 and 314. Pete Frisina answered that

there are two service stations, one on each corner in Fayette County. Tim Thoms followed up that it was land used and zoned for commercial.

Doug Powell stated that the study area borders on Clayton County and the further you travel into Clayton County the more it becomes commercial. Doug Powell continued that if the BOC wants to buffer the area being studied, then the General Business Zone would be the preferred designation for the property.

Jim Graw made a statement that it could be designated for commercial land use. Pete Frisina then followed up that the land was already split with two land uses, office and residential, and the study area was probably over 60 acres. Doug Powell replied that parts of the parcels were commercial, and part was residential. Pete Frisina identified that there were three parcels affected that made up almost 60 acres and that each were about 20 acres.

Tim Thoms made an observation that the property abuts the school's ball fields, both the football stadium and the baseball field. Tim Thoms continued by pointing out that the school was closer to SR 279 and next to the corner with commercial that is in Fulton County, and it already had a buffer. Pete Frisina explained that the school property is zoned residential and that a non-residential zoning had to have a buffer when it abuts residential. Pete Frisina stated that commercial would have a 50 foot buffer next to the school property because it is zoned residential.

Tim Thoms asked if the PC wanted to designate it as commercial, and that the Overlay Zone meant that it would look like a house. Tim Thoms questioned the realistic expectations of the requirements for making the proposed studio look like a house. Bill Beckwith stated that it should be designated commercial. Tim Thoms questioned how the proposed development could get out of the General State Route Overlay Zone requirements. Tim Thoms then expressed to the PC that the SR 138 be taken out of the General State Route Overlay Zone.

Doug Powell asked how much area is being studied for this land use change. Pete Frisina then delineated to the PC, the 60 acres along SR 138 that could be changed. Doug Powell replied that he has no problem with the General Business District. Bill Beckwith expressed that the commercial area already there be extended to the property being studied for the land use change. Bill Beckwith questioned whether the building would have a house like appearance. Pete Frisina replied that the PC and staff would have to look at the Overlay Zone. Doug Powell emphasized that if commercial were to go in then more uses could go onto the properties compared to the proposed General Business Zoning District. Bill Beckwith replied that property to the right was already commercial. Doug Powell then asked if it is all commercial. Pete Frisina responded that it was land used commercial and that only the corners along the SR 314 side were zoned.

Tim Thoms stated that staff had drafted the proposed General Business District. Pete Frisina

explained that if the PC wanted to recommend commercial, staff could present it to the BOC for their input. The PC concurred to go with the commercial land use. Doug Powell stated that there was only 60 acres in question, and most of it for the movie studio. Doug then said that two gas stations already exist on the corners. Pete Frisina then explained that the proposed structure would not be easily designed to look like a house. Bill Beckwith agreed with Pete's statement.

Al Gilbert stated that if we recommend commercial to the BOC and if they determine it is not commercial, then the PC will go back and look at again.

Jim Graw stated that the BOC may not like it, but we send our recommendations down to the BOC and the BOC can send it back to the PC. Bill Beckwith replied that it has happened before. Jim Graw responded that he feels we need to do what we feel is right for that area.

Doug Powell explained that once you've started putting C-H up there, in the form of McDonalds and commercial establishments like convenience stores on the edge of the County, they are far away from law enforcement with a longer response time. Doug Powell questioned whether the PC needed to open itself up in terms of utilizing County assets to deal with something way up there. Bill Beckwith responded that there was already a McDonalds up there, along SR 279. Al Gilbert stated that there was also an Auto Zone.

Tim Thoms pointed out that a good point was made about a crime at the gas station up on that corner. Doug Powell stated that he was wasn't opposed to the General Business land use area. Doug Powell emphasized that it would be lower intensity, it is going to be less of a magnet for people to come in and create problem situations with our law enforcement. Doug Powell remarked that on the other end I don't know how much need we have to generate business up there, if that is something we are trying to do in the County. Doug Powell stated that if I were Commissioner, I could look at this and say that we need to generate some more tax revenue, and SR 138 is the place to do it. Doug Powell continued that he did not have the facts and figures to make that decision.

Doug Powell asked if it looked like a commercial area, in which he answered yes, but then explained that it also looked like a General Business land use area that is a good fit for Fayette County because we did things a little bit different than everybody else. Bill Beckwith stated that it is right across from Clayton County and that it is commercial on both sides of the highway and no one would really know whether it is Fayette or Clayton County. Bill Beckwith continued his point that the property is right next to a commercial area where it is already land used. Doug Powell replied that if you got all three lots build like that, then it would not make a difference.

Jim Graw asked what the area was land used right now. Pete Frisina answered O-I on the front of the lots and residential in the back. Tim Thoms stated that if the lots were land used commercial and zoned commercial it becomes a lot easier to become a commercial establishment instead of changing

the land use and rezoning the property later. Doug Powell replied that he understood that.

Al Gilbert stated that he felt we are skirting out zoning issues because we come up with zonings now that don't quite fit, we don't know what to do so let's do another overlay zone. Al Gilbert continued that he did not know if that was right and that PC needs to face up that this is what it is do we want it or not. Al Gilbert stated that if we want it let's call it what it is, if it walks like a duck, and talks like a duck guess what it is. Jim Graw replied that it is not necessarily walk like a duck, talk like a duck and there is nothing that says we have to take the zoning district that we have and make something fit.

Jim Graw commented that he was not worried about expanding the Zoning Ordinance, or making the book a little bit thicker. Jim Graw continued his statement with if that is one of the reasons for not putting in the General Business District; then I don't think it is a very valid reason. Jim Graw then stated that he felt that we need to look at this to see what is best for this area and if it means we have to a General Business District, then add it. Jim Graw continued his point with if the PC felt it was not right, it can be made commercial. Jim Graw stated that he we was tossing it around in his mind about what is right for that particular area in relation to the properties around it and across the street. Jim Graw reiterated that he could go either General Business or C-H. Doug Powell stated that he could go either way.

Bill Beckwith stated that we have somebody that wants to put up what looks to be a commercial building. Bill Beckwith continued that it would not fit BTP or something like that, and let's just go with commercial. Doug Powell asked Bill what made it commercial and was it because it was big. Doug Powell then added that it was not retail and that you were not going to have a lot of people coming in and out. Bill Beckwith commented that people would come in at times, but not constantly. Bill Beckwith continued his response by stating to look at the building and that it was not O-I in nature.

Jim Graw pointed out that the building looked M-1, it's a warehouse. The PC concurred with the statement and emphasized that it looked like a manufacturing facility. Jim Graw continued his statement that if the facility ceased to exist, then you could probably put a warehouse in there and other M-1 uses, that is what the use should be M-1, but that doesn't fit in that area. Doug Powell replied that it does fit because there is M-1 area on SR 85 North that the picture of the building would go right in that M-1 area. Jim Graw responded that he would feel much better with an M-1 use than a commercial use, because of his fear of what would happen in the future if it were commercial.

Tim Thoms questioned what could you put on M-1 next to the school. Doug Powell replied that the problem is you could put in construction equipment. Al Gilbert then asked staff if a landfill is allowed in M-1 or M-2. Pete Frisina responded that it was allowed in M-2. Tim Thoms then replied

that building would be ideal for concrete pumper trucks as M-1, as well as tractor trailers and bulldozers.

Jim Graw reiterated that if the business goes out, it would have to be a warehouse. Doug Powell replied that it may be torn down. Al Gilbert stated that something that big would be hard to tear down.

Pete Frisina explained that he spoke with the Building Department and these buildings are pre-engineered. Al Gilbert replied that it was a large metal building. Pete continued that you buy all the pieces and bolt it together and put it on a foundation, and then you put a covering on it.

Doug Powell asked Pete what were his thoughts on M-1 industrial. Pete Frisina answered that he was not sure about M-1 industrial. Pete Frisina replied that the General Business was M-1 like. Pete Frisina continued that the General Business is a combination of the BTP and the M-1 zoning districts taking out the unwanted uses. Peter Frisina followed up that there was no retail or commercial included.

Tim Thoms stated that he wanted to address Al's point and that he could go either way on this. Tim Thoms pointed out that he saw that things were changing; and things that were coming in more specific. Tim Thoms continued that he did not know if the zoning ordinance needed to get thicker but we didn't consider movie studios before.

Pete Frisina stated that Paulding County Development Authority built a movie studio, and the height may be over 35 feet, it could be 45 feet. Pete Frisina said he had asked for the building specs on the building and is still waiting on the information. Tim Thoms asked what zoning category Paulding County put the studio in. Pete Frisina answered it was in a defunct industrial park.

Al Gilbert stated that style building would be ideal to go into Kenwood Business Park. Pete Frisina stated that the Kenwood Business Park is cut up into one acre lots and couldn't accommodate the movie studio. Pete Frisina continued that the subject property is around 20 acres with lakes on the back of the property. Al Gilbert stated that there was about 12 to 15 buildable acres.

Doug Powell then referred to Tim Thoms' point on whether the Zoning Ordinance was thick or not, in the beginning when the county developed the first ordinance the preponderance of the County was A-R and the book was very, very thin. Doug continued that somewhere along the line the "blanket zoning" that went on in the 70's and 80's, and it probably didn't create a lot of pages. Doug Powell questioned what we want SR 138 to look like and that he understood Al Gilbert's argument of if it looks like a duck, and it walks like a duck, it probably is a duck.

Bill Beckwith explained that we can only do one side of SR 138. Doug Powell replied that we don't

control the other side of SR 138 and that we don't have a clue of what it will look like. Doug Powell then reiterated that he can go either way on this area and it is whatever the BOC wants to do.

Bill Beckwith presented that the PC go one way and that it be sent to the BOC and see what they think. Bill Beckwith continued we are at a point where PC could go either way. Al Gilbert stated that we needed to give the BOC something more definite, and that he had never seen the PC give them two ideas. Al Gilbert continued that PC needs to go with majority rules. Doug Powell asked what the PC recommended either General Business or commercial. The PC concurred with commercial land use.

Jim Graw expressed his concern about commercial coming back and biting the County in the future. Bill Beckwith replied that PC works with commercial right now. Doug Powell responded that a movie studio in O-I could have, because if someone decided to develop this on Redwine Road it would definitely come back and bite us. Jim Graw agreed with not going back to putting a movie studio in O-I.

Tim Thoms stated that the PC is going to recommend commercial land use for SR 138. Pete Frisina replied that we may have to tweak the overlay zone and that we not going to be able to make the movie studio look like a house.

Tim Thoms reiterated that the PC is recommending commercial land use to the BOC and will wait for their reaction and direction.

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Chairman Thoms asked if there was any further business.

Pete Frisina advised there was a Public Hearing for Rezoning scheduled for August 2, 2012.

Hearing no further comments, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. Members voting in favor of adjournment were: Chairman Tim Thoms, Vice-Chairman Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. The Public Meeting/Workshop adjourned at 9:07 P.M.

Chairman Thoms pointed out to the Dixons that, though the rezoning might be approved, a hearing before the ZBA would still have to be held and the ZBA would have the authority to deny or approve the variance required by the condition of zoning. The Dixons indicated they understood this situation and hoped that either a variance approval or adjusting the property line with the adjacent parcel might address it. Chairman Thoms reiterated that the applicants get back with the staff to deal with their proposed property line changes and whether to proceed with a variance of the structure's setbacks.

Al Gilbert made a motion to approve the rezoning petition subject to two (2) recommended conditions. Doug Powell seconded the motion. The motion unanimously passed 4-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw.

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**4. Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: the SR 138.**

Pete Frisina reported to the Planning Commission that he had been before the Board of Commissioners on August 1, 2012 to get direction on whether staff and the Planning Commission should proceed with amendments to the Future Land Use Plan for SR 138 as a Commercial area and the consensus of the Board was to move ahead with SR 138 as a Commercial area. He further stated that he explained to the Board that staff and the Planning Commission had looked at two different options, 1) allow a TV/movie studio in the O-I zoning district and 2) create a new specialized business zoning district with a limited amount of uses and that the Planning Commission and staff did not recommend adding TV/movie studios to the O-I zoning district because it was out of character with the zoning district and the Planning Commission felt strongly that a new zoning district was not recommended and that Commercial was appropriate for the SR 138 corridor. He stated that he informed the Board that staff was in agreement with the Planning Commission. He added that one of the Board members asked if inter-parcel access would be required on SR 138 to minimize traffic impact and Pete replied that is required currently in the Development Regulations where possible but that could be reinforced in the Overlay Zone and required to be considered as part of the rezoning process taking topography and drainage into account.

Pete Frisina then distributed a draft of Comprehensive Plan amendments and SR 138 Overlay to the Planning Commission for discussion (inserted below).

**Comprehensive Plan**

~~SR 314 and SR 138: As an entrance to Fayette County, this area is a mix of nonresidential developed land and vacant land zoned for commercial uses. The opportunity exists here for infill development and redevelopment of older establishments.~~

SR 138 and North SR 314: This area is designated with a mix of Commercial and Office land uses and borders Clayton County. The opportunity exists for new and infill development, as well as redevelopment of older establishments. This area is regulated under the SR 138 and North SR 314 Overlay Zone.

**Zoning Ordinance**

A. *S.R. 138 and North S.R. 314 Overlay Zone*. All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North S.R. 314 Overlay Zone. The intent of the overlay is to set standards specific to SR 138 and North S.R. 314 as described above.

1. *Purpose.* The purpose of the SR 138 and North S.R. 314Overlay Zone is to achieve the following:
   a. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
   b. To enhance and maintain the aesthetic qualities of the corridor; and
   c. To protect existing and future residential areas.
2. *Access Standards.* Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points and interparcel access shall be required to comply with Fayette County Development Regulations. A Concept Plan, submitted with a rezoning application, and/or a Site Plan shall illustrate compliance with these requirements.
3. *Dimensional Requirements.*
   a. All parking areas shall be located at least 50 feet from any State Route right-of-way.
   b. *Front yard setback on S.R. 138*: 100 feet
   c. *Berms for nonresidential zoning districts*: Berms, when required as a condition of zoning, shall be a minimum of four (4) feet in height.
4. *Architectural Standards*. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be

submitted as part of the Site Plan.

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 shall be of a residential character with the appearance of shingles, slate or terra cotta.

b. *Gasoline Canopy*. Gasoline canopies shall also comply with the following requirements:
   i. 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.
   ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
   iii. The support columns for the gasoline canopies shall match the façade of the convenience store.
   iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.

c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.

d. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (i.e.: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco.)

e. Structures of **20,000 (?)** square feet or greater may utilize the following architectural standards:

   i. All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or any architecturally engineered facades which simulate these materials.

   ii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.

   iii. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

f. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.

g. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.

   When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.

   This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.

5. *Landscape Requirements*: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

   a. *Street Frontage.* SR 138 and SR 314 (Major Arterial) - Landscape area: 50 feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system

placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/ groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.

b. *Side Yard Landscape Area.* 10 feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.

6. *Lighting.*
   a. *Shielding standards*. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
   b. *Fixture height standards*. Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of 10 feet in height within non-vehicular pedestrian areas.
7. Additional Requirements.
   a. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
   b. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
   c. Bay doors shall not be allowed to directly face SR 138or SR 314.
   d. All utilities shall be underground.
8. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

He stated that the draft SR 138 Overlay was mainly the General State Route Overlay with expanded architectural standards that were taken from the SR 85 North Overlay where larger buildings are anticipated and as such, they could not maintain a residential character. He said, for discussion purposes, he proposed a building threshold of 20,000 square feet where a building less than 20,000

square feet would meet the typical residential architectural standards and a building of 20,000 or greater square feet would meet the architectural standards that are not residential in character. He also said that he would like to come up with an additional threshold where the width or span of the building is taken into consideration as opposed to only using a square footage threshold because a building of 20,000 square feet with a narrow footprint, such as a small strip center, could still meet the residential character.

Chairman Thoms said he liked the direction staff has proposed with some type of threshold where the two different architectural standards could be applied.

Al Gilbert said the key was finding a balance between architectural standards for these large buildings and the expense to the builder to meet those requirements.

Doug Powell asked if we should consider additional front setbacks or vegetative screening for the larger buildings. He asked Pete what the front setbacks in Fayette and Clayton County would be. Pete Frisina replied that the front setbacks in Fayette County would be 50 feet for the parking and

100 feet for the building and in Clayton County the setback for sidewalks and parking is 10 feet per their overlay zone and, as he recalled, the building would be closer than the 100 foot Fayette county setback because Clayton County was allowing a mixed used development pattern with commercial, office and residential that is more urban in character. He further stated that additional vegetative screening could be considered but the drawback is when the screening dies and getting it replanted. He stated that the property where the studio is being proposed has a tree line along the road and every attempt should be made to maintain it perhaps through conditions of rezoning.

Doug Powell said given what he just heard, he felt that the County's setbacks were adequate.

Bill Beckwith agreed with Doug Powell and thought the County's setbacks were adequate for SR 138.

Pete Frisina said staff would continue working on the SR 138 Overlay and try to find another factor to be considered for the architectural standards at the next workshop.

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Chairman Thoms asked if there was any further business.

There being no further business, Al Gilbert made the motion to adjourn the Public Hearing. The motion for adjournment unanimously passed 4-0. Members voting in favor of adjournment were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw. The Public Hearing adjourned at 7:55 P.M.

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on August 16, 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
Bill Beckwith
Jim Graw
Douglas Powell

**STAFF PRESENT:** Pete Frisina, Director of Community Development
Dennis Dutton, Zoning Administrator

**CITIZENS PRESENT:** Alvin Williams
David Brill
Alice Jones
Johnnie Jones

**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. **Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Chairman Thoms stated that tonight the Planning Commission will be discussing the SR 138 Corridor and that Alvin Williams and David Brill were attending the meeting. He said that the discussion tonight would include possible amendments to the land use plan for commercial uses and also possible amendments to the zoning ordinance to regulate the resulting development, particularly the architectural standards.

Pete Frisina recapped the work staff and the Planning Commission had done for the benefit of Alvin Williams and David Brill. He stated that the Board of Commissioners had agreed that staff and Planning Commission could pursue Commercial land use for the area and the subject area is between an Institutional land use area at SR 279 and SR 138 and a Commercial and Office land use area at SR 314 and SR138 so the gap between this areas would be filled in by Commercial land use. Alice and Johnnie Jones entered the meeting at this point. He added that the subject area is currently land used for Office along the frontage of SR 138 and Residential to the rear. Pete Frisina said that Alvin Williams is looking at the Travis property for a TV/movie studio and that the Travis property has

frontage on SR 138 where the studio is proposed and the remainder of the property will remain residential. He further stated that staff and the Planning Commission were now working on an overlay zone for SR 138 to regulate the architectural character of the buildings as some could be large and would not be able to maintain a residential appearance which is common for most of the existing overlay zones and what is being considered is two sets of architectural standards with a size threshold where either one or the other architectural standards would apply. He stated that staff and the Planning Commission also researched what Clayton County has planned for the north side of SR 138 and it consists of a land use area of Mixed Use that allows commercial, office and residential uses on a parcel or within one building that could be up to four stories tall. He added that the buildings could be set close to the road to provide a more urban profile.

Alice Jones requested a copy of the rezoning application for the studio on SR 138.

Pete Frisina stated that there is not a rezoning application at this time because the land use plan and zoning ordinance are still being reviewed and until such time that amendments could be adopted there will not likely be a rezoning request.

Alice Jones asked if there will be a combination of both residential and commercial rezoning.

Peter Frisina explained that only the property for the studio would be rezoned.

Alice Jones asked if the proposed studio would look like the studio in Senoia.

Pete Frisina replied that architectural standards are what are being reviewed at this time.

Chairman Thoms said that to get the meeting back on track, he explained the property owner and Alvin Williams had come before the Board of Commissioners sometime back to propose a TV/movie studio and the Board has asked the Planning Commission to determine if this fits the current land use and zoning for the area and it does not. He stated the Planning Commission researched the current and future uses in the county as well as in Clayton and Fulton County, and whether there should be a new zoning district or if existing Commercial zoning would accommodate the use but there is some reservation about the size of the building and what could be done to develop appropriate architectural standards for a building of this size. He added that staff had been working on a threshold or cut off where different architectural standards would apply. He said at the last meeting the Planning Commission had asked staff go back to the Board with their recommendation that the area be land used for Commercial and that he would not be comfortable with that until the standards could be developed which are in keeping with the community.

Pete Frisina said that creating an ordinance that gives us clear direction on what architectural standards apply to what buildings is very important and equally difficult. Pete Frisina asked Alvin Williams to explain his proposal for a TV/movie studio.

Alvin Williams said that he proposing to rezone the portion of the property that fronts of SR 138 for the studio and live on the remaining portion of the property off of SR 314. He further stated that his company is affiliated with Google-Youtube premium channels and he will be producing original content for them. He said a number of filming projects could not come to Atlanta this past year because there is a shortage of studio space so part of his project is to rent out studio space. He further stated that he plans to start with one 40,000 to 50,000 square building and as need increases build two more buildings of similar size over time.

Pete Frisina asked if Mr. Williams had looked at the property to determine if that much development could be put on the property with buffer/setbacks, parking, and septic areas that would be required.

Alvin Williams said he felt that he could get the three buildings on the property. He further stated that his company's office would be in one of the buildings.

Alice Jones said her concern is the rezoning to Commercial in this area and the impact that could have on the community.

Johnnie Jones stated that the property had a line of trees along the road it would be great to maintain them to screen the property.

Alvin Williams said that he wanted to maintain the trees for that purpose and they would also help in security of the site. He added that he wants the buildings to look good and maintain the aesthetics over time.

Chairman Thoms said that the Planning Commission is not just dealing with Alvin Williams' project but is reviewing the entire SR 138 corridor. He stated that the Planning Commission has to determine what's best for the area, the residents and the property owners and he appreciates the input. He added that the Planning Commission is striving to come up with a concept that is compatible with the area and if Commercial land use is approved for this area then a shopping center or other commercial uses could be developed as well.

Pete Frisina passed around pictures of a movie studio in Paulding County and a studio at the Lakewood facility and said that staff and the Planning Commission are trying to come up with the architectural standards we would want in Fayette County.

Alice Jones asked how close the development would be to the Dix-Lee-On Subdivision.

Peter Frisina replied that the back quarter of the studio property has two lakes on it which provides a separation between it and the Dix-Lee-On Subdivision.

Alice Jones askded if any consideration has been given to traffic safety on SR 138 because the cars move at a fast rate of speed.

Alvin Williams said he has considered it and his development should not create a traffic problem.

Pete Frisina said that any development with a curb cut will create traffic and that SR 138 is a state controlled road and the state would require decel and accel lanes for safety.

Chairman Thoms said the meeting needs to get back to the issue of the area being land used for Commercial and the development of an overlay zones for the corridor and if there is nothing new to discuss perhaps it would be best to adjourn the meeting and come back with more information and recommendations.

Johnnie Jones asked what is meant by an overlay zone and what an overlay zone is.

Pete Frisina answered that an overlay zone overlays the base zoning of each individual property with additional regulations that are standard to the roadway so regardless of the underlying zoning, there are similar standards for each property to maintain a consistency in the development pattern.

Pete Frisina stated that earlier Alvin Williams said that the buildings would be 45 feet tall. Pete Frisina said the tallest building allowed in Fayette County at this time is 40 feet. He asked Alvin Williams if he could build his studios at 40 feet.

Alvin Williams said that it would be tight but he thought he could make it work at 40 feet. He added that he wants the building to look good and meet the architectural standards that the County would have.

Al Gilbert explained that there are other properties that will be developed as well and the architectural standards need to fit the entire corridor because they are not all going to have trees to screen the development and even if they do the trees get taken down depending on the type development.

Pete Frisina said the County needs to look at these sites individually and maintain the trees the best we can possibly with conditions, but this is a state highway and the state could come in a clear the right of way and the County or property owner would have no control over that.

Chairman Thom asked if the members of the Planning Commission if they had any suggestions for the overlay zone.

Jim Graw said he would like to see a building built with brick, stone, stucco, etc. but if that makes it too expensive to build a large building then we could require a certain percentage of the building to have these facades and the remainder could be a metal wall. He added for example, the county could require that two of these facades cover 50 percent of the wall and the rest could be metal. He said there are also metal walls that do not have those vertical seams and the vertical seams don't have a good appearance and the horizontal seams and lines look better. He added there are metal wall products which look like brick, stone, or stucco. He also suggested that the County have an option for an architectural review process and let the builder propose a design and then the County can approve or disapprove the design.

Bill Beckwith asked if an overlay zone can be written with specific architectural standards that doesn't require an architectural review.

Pete Frisina responded that if the architectural standards are specifically written and quantifiable then the county doesn't need the architectural review process.

Jim Graw said that if the ordinance requires a builder to use at least two of the facades such as brick and stucco on 50 percent of the wall, those materials may look good together and with an architectural review we could tell them to change the design or materials.

Bill Beckwith said then the county gets into the position of making aesthetic judgments and there could be five different opinions on the Planning Commission and he would rather see quantifiable standards in the ordinance.

Al Gilbert stated that he is not in favor of an architectural review procedure for the same reasons Bill Beckwith discussed.

Doug Powel asked if the county puts a Commercial Land use in this area there are two other parcel to the east and if they are zoned commercial what prevents a strip center from being built.

Pete Frisina replied a strip center would be allowed under commercial zoning.

Doug Powell reiterated that any and all uses listed under the commercial zoning districts would be allowed.

Jim Graw said as he remembers the Planning Commission looked at industrial zoning and determined it wasn't appropriate and looked at office zoning and determined that adding a movie studio to the zoning district wasn't a good solution either so we backed into commercial.

Doug Powell discussed ducks as to how they looked and how they walked and stated that's commercial.

Alvin Williams said that he remembered from the Board of Commissioners that one of them said the zoning should be for a specific use so if the studio doesn't happen then someone else can't come do something else which I am fine with.

Chairman Thoms said the Planning Commission discussed that issue and we have to look at the stability of the land use plan as a whole and if specific uses are targeted to specific areas it could weaken the plan and as Jim Graw had stated we backed into commercial looking at what was developed at the two intersection in Clayton County and Fulton County which is commercial development. He added the Planning Commission's approach is a heavily controlled commercial area through an overlay zone. He asked Pete Frisina if he had enough input to continue developing an overlay zone.

Pete Frisina replied he did have input and staff would continue to work on the overlay and bring it back to the Planning Commission.

Johnnie Jones asked if there is a non-retail commercial zoning.

Doug Powell said that is an interesting concept and I like that.

Alice Jones stated that she is concerned with the number of retail uses that are allowed in commercial zoning for that area.

Pete Frisina stated that a non-retail type zoning concept had been presented to the Planning Commission and the Planning Commission discouraged that suggestion.

Jim Graw questioned whether the proposed 20,000 square foot threshold for the different architectural standards is sufficient.

Pete Frisina replied that one threshold is not enough and that another threshold such as width or span of a building could be used and staff is trying to figure out what other threshold will work.

Jim Graw suggested that 20,000 square feet may be too small and perhaps a larger size of 35,000 or so would be better.

Pete Frisina said a larger threshold might be part of the solution.

Alice Jones asked how we could restrict the area from shopping centers.

Doug Powell suggested non-retail commercial zoning.

Pete Frisina reminded the Planning Commission that concept had been presented and discouraged and the Planning Commission had staff go back to the Board of Commissioners to ask if commercial would be appropriate and the Board had given them permission to proceed with commercial.

Bill Beckwith suggested that the Planning Commission look at the proposed zoning district again.

Doug Powell said he is concerned with creating a situation where crimes could occur on the fringes of the County far from law enforcement.

Chairman Thoms said he is not concerned with changing his mind and didn't realize that the previously discussed zoning district excluded retail.

Doug Powell said to bring the proposed zoning district back to the Planning Commission.

Chairman Thoms instructed staff to bring the proposed zoning district back to the Planning Commission.

Chairman Thoms thanked everyone for coming to the meeting to provide input and the Planning Commission and they will take them into account.

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Chairman Thoms asked if there was any further business.

Pete Frisina advised there would be a workshop on September 6, 2012 to continue the discussion.

Hearing no further comments, Jim Graw made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 5-0. Members voting in favor of adjournment were: Chairman Tim Thoms, Vice-Chairman Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell. The Public Meeting/Workshop adjourned at 9:00 P.M.

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3. **Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Vice-Chairman Gilbert stated that tonight the Planning Commission will be discussing the SR 138 Corridor and David Brill was attending the meeting. Vice-Chairman Gilbert then asked Pete Frisina to start the discussion.

Pete Frisina stated the proposed General Business zoning district has been modified based on the last meeting when the tem "Non-Retail Commercial" was mentioned. He stated that while he did not find any actual zoning districts called "Non-Retail Commercial", the term was often used in the purpose section of various zoning districts he found on the internet and the uses for those zoning districts ranged from office to services to light industrial. He further stated that he went back through the existing office, commercial, and light industrial zoning districts and added some non-retail commercial uses to General Business for discussion purposes and the group could eliminate those uses that may not fit the concept for the SR 138 area.

Jim Graw suggested that the group go through the uses one by one. Jim Graw questioned a sentence in the purpose that stated the following: "The G-B zoning district would limit the development of strip and large scale retail commercial development and the resulting traffic generation associated with this type of development." Chairman Thoms entered the meeting at this point. After a lengthy discussion of the sentence, Pete Frisina suggested that the sentence read as follows: The G-B zoning district limits the development of retail commercial and the resulting traffic general associated with this type development." The Planning Commission concurred with this suggestion.

The staff, Planning Commission and Mr. Brill went through the uses listed in the G-B zoning district and made the following amendments:

- Delete Amusement, amend recreational facility to indoor athletic facility and combine with Health club and/or fitness center
- Delete Appliance sales and/or repair
- Delete Automotive repair (major and minor) including paint and body shop and tire sales and installation
- Combine Banquet hall and Catering service
- Amend Bicycle shop including sales and/or repair to read Bicycle repair shop and incidental sales
- Delete Building construction/contracting establishments, landscaping services and related
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- activities including the storage of building supplies, materials, and equipment
- Amend Computer services and/or information technology to read Computer data services and/or information technology
- Delete Delivery and/or courier
- Add excluding retail banking facilities to Financial, credit, real estate, and/or insurance establishments
- Delete Freight express office
- Delete sales from Furniture sales and/or repair including upholstery shop
- Delete Lawn equipment sales and/or repair
- Delete Pest control
- Add photography lab to Printing, graphic, blue printing and/or reproduction services
- Delete Private clubs and/or lodges
- Add Private school, including classrooms and /or administration only
- Delete Production, fabrication and/or assembly of products limited to the following: in its entirety
- Combine Recording studio (audio and video) with Television/radio broadcasting studio, movie/media productions and/or telecommunication
- Delete uniform Service
- Delete Warehousing, wholesaling and/or distribution of products and/or merchandise, but not including, retail sales of consumer goods such as are usually sold to the general public
- Add Private School, including but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium to Conditional Uses

Issues dealing with crime, traffic, noise, odors, outside storage, the appropriateness of the suggested uses for the area, and the applicability of the G-B zoning district in other areas of the County were brought up during the discussion.

Jim Graw asked for clarification of the area that will be shown on the land use plan for General Business on SR 138. Pete Frisina replied that it will encompass the three large tracts that have been previously discussed and they total approximately 2,500 feet of frontage on SR 138 and the depth of the General Business area would be about 1,400 feet.

Chairman Thoms asked if the proposed SR 138 Overlay has a distance in which it would apply to a piece of property. Pete Frisina replied that the overlay would apply to the entire piece of property because the property fronts on SR 138.

Chairman Thoms asked Pete Frisina to discuss the architectural requirements in the overlay zone. Pete Frisina stated that the under 4. Architectural Standards, a. through d. were the residential character standards found in some of the other overlays already in place. He further stated that under d. he created a size threshold for larger building that could use a set of architectural standards that

were not residential in character and that he wanted it to be an option as opposed to these standards being mandatory for the large buildings.

Pete Frisina stated that he would make the changes that were discussed tonight for review at the next workshop.

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**Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: Animals.**

Pete Frisina stated that the Board of Commissioners has given staff direction to remove the limit of three animals in the A-R zoning district but keeping it in the residential zoning districts. He said the task is to unravel the existing regulations to administer this change and that it would be discussed at the next workshop.

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Doug Powell made a motion to adjourn and the motion passed unanimously.

**PLANNING COMMISSION**

**OF**

**FAYETTE COUNTY**

**ATTEST:**

**TIM THOMS**
**CHAIRMAN**

**DENNIS DUTTON**
**PC SECRETARY**

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on September 20, 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.

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| **MEMBERS PRESENT:** | Tim Thoms, Chairman<br>Al Gilbert, Vice-Chairman<br>Douglas Powell |
| **MEMBERS ABSENT:** | Jim Graw<br>Bill Beckwith |
| **STAFF PRESENT:** | Pete Frisina, Director of Community Development<br>Dennis Dutton, Zoning Administrator<br>Fred Sisson, Animal Control<br>Hank Meyers, Marshal<br>Eric Semon, Marshal |
| **CITIZENS PRESENT:** | David Brill, North Fayette Community Association<br>Dorothy Herring, Northridge Subdivision<br>Aisha Abdur-Rahman, Northridge Subdivision |

**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. **Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Chairman Thoms stated that tonight the Planning Commission will be discussing the SR 138 Corridor. He said that the discussion tonight would include proposed amendments to the land use plan and proposed amendments to the zoning ordinance to regulate the resulting development, particularly the architectural standards.

Pete Frisina recapped the work staff and the Planning Commission had done for the benefit of Dorothy Herring and Aisha Abdur-Rahman. He stated that this study was initiated by the Board of Commissioners after a land owner and movie studio owner approached the Board with the concept of

a movie studio on SR 138. He said staff and Planning Commission had initially looked at a new business type zoning district which didn't contain retail uses, then they had explored commercial

zoning for the area, and now have come back to propose a General Business zoning district that does not contain retail commercial uses, along with corresponding amendments to the Comprehensive Plan and the creation of a SR 138 Overlay Zone which would control the architectural standards.

Doug Powell stated that the goal is to create zoning regulations that will fit the SR 138 area and be usable in other areas of the County as well.

Dorothy Herring asked if this movie studio would have a large number of big trucks going in and out with movie equipment because SR 138 is a very busy road. Pete Frisina replied that the bulk of the trips generated would be the employee traffic.

Aisha Abdur-Rahman asked if there are any drawings of what is proposed for the site. Chairman Thoms stated that Mr. Williams had brought some photographs of similar building that he plans to build on the site and that the buildings were similar to large warehouses. He added that one of the items being discussed this evening is the architectural controls proposed for these large building as we don't want them to look like factories.

Dorothy Herring asked what is the distance from the road that these building would be built. Pete Frisina replied that there would be a 50 foot landscape area along the road and the building would be set back 100 feet from the road.

Aisha Abdur-Rahman commented that is a setback that is similar to a house and this is a large building. Al Gilbert asked if there was concern that there would be filming operations in front of the building. Aisha Abdur-Rahmans said her concern is why she is just hearing about this now when this is going to directly impact her neighborhood. Al Gilbert stated that this is not a rezoning, the staff and Planning Commission are studying the area and ordinances and there has not been any official zoning actions. He furthered stated that if and when the Board of Commissioners are comfortable with these proposals the zoning ordinance amendments will be advertised for public hearings and in turn, if the property is brought for rezoning, that will be advertised for public hearings.

Aisha Abdur-Rahman said she understood that but whom more important to be at these meeting than the people whom will be the most impacted by this development and I just happened to stumbled upon it. Chairman Thoms said he was happy she had stumbled upon it because we have other people from the area including David Brill that have come to the meetings.

Doug Powell stated that the Planning Commission agenda is posted on the County web-site. Aisha

Abdur-Rahman said no she doesn't know what's posted on-line because she doesn't routinely get on-line. Pete Frisina stated that there had been an article in the newspaper from when he had spoken the BOC. Aisha Abdur-Rahman said that is where she had heard about it.

Chairman Thoms said this was a workshop any input Dorothy Herring or Aisha Abdur-Rahman had would be considered and passed onto the BOC.

Aisha Abdur-Rahman said there are four subdivisions in the area that will be impacted, that's Country Lake, Dix-Lee-On, Providence and Northridge and the presidents of each of those subdivisions should be contacted and asked to come to these meetings so they can make the people in their communities aware that these discussions are even occurring. She furthered stated that the County should let the people that will be impacted by this know through every method available because everybody doesn't sit on their computers every day or get the newspaper.

Doug Powell asked Chairman Thoms for a point of order and that the Planning Commission should move on. Aisha Abdur-Rahman stated that this is the attitude that creates the hostility.

Doug Powell stated that there had been four previous workshop meetings. Aisha-Abdur-Bahman asked how the people in her neighborhood had been notified about the meetings. Doug Powell said that there was no legal requirement to do that these are open meetings. Aisha Abdur-Rahman said so you just sneak around and have meetings.

Chairman Thoms called the meeting back to order and said we are having a workshop discussion and could it be kept civil. Aisha Abdur-Rahman said she did not like people being dismissive of her. Chairman Thoms stated we have had David Brill here and other citizens have come and it is hard to get to every citizen and he was glad she and Dorothy Herring were at the meeting to give the Planning Commission input. Chairman Thoms said that staff and the Planning Commission had been working on this area and please give us your feedback about what we have done so far as the process is not over and the BOC has asked us to look at the area and bring back recommendations for them to consider. He continued that the Planning Commission had looked at commercial on SR 138 and based on input from some of the citizens had changed direction to look at a non-retail general business zoning. He said keep in mind that the other side of the highway is Clayton County which has a zoning that would allow four to five story buildings with mixed uses like residential, office, and commercial that is very different than what Fayette County would allow.

Doug Powell mentioned that the minutes from the previous meeting are on-line.

Chairman Thoms said that if Aisha Abdur-Rahman had recommendations on how the Planning Commission could get the information out please feel free to provide that to the Planning Commission. Aisha Abdur-Rahman stated that the Homeowner's Association should be contacted

and she would get the names for the Homeowner's Association in the four subdivisions. Al Gilbert said that the County did not have a listing of all of the Homeowner's Associations in the County. Aisha Abdur-Rahman said if we had a functioning Commissioner for this district he would have that information. David Brill said that if Aisha Abdur-Rahman had any names he would put them on his North Fayette Community Association's mailing list as the movie studio owner had presented his project to them at their meeting on August 18th.

Chairman Thoms asked Pete Frisina to discuss the recommendations.

Pete Frisina said that he had made the changes discussed at the last meeting. He stated that he recommended that four of the uses listed be eliminated because after deleting a number of the uses at the last meeting these remaining uses seemed out of place now and these uses are: Bicycle repair shop and incidental sales, Flooring sales and/or installation, Furniture repair including upholstery shop, and Glass sales and/or repair. He added that he recommended that a list of Professional Services be added as follows: Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services.

Dorothy Herring asked if any consideration is being given to traffic on SR 138 because it is a busy highway and you will probably need another traffic light in this area. Pete Frisina stated SR 138 is a four lane highway and any development would have to provide decel and accel lanes so traffic could get on and off of the road safely. Doug Powell asked if GDOT will control this for the highway. Pete Frisina replied that GDOT would have jurisdiction over engress and egress for any development on SR 138.

Dorothy Herring asked if there a real need for a movie studio as there are some other studios in the Atlanta area. Pete Frisina replied that many of the studios are booked a year in advance.

Aisha Abdur-Rahman asked what is the need to develop to this this area for non-residential at all. There is vacant land all along SR 85 and SR 54, why in this end of the county where you have these five major subdivisions. Pete Frisina replied again that the property owner and studio owner approached the BOC, the BOC thought it was something that needed to be looked at, and the staff and Planning Commission will take their findings and recommendation back to the BOC for their decision on whether to proceed or not.

Aisha Abdur-Rahman stated that allowing non-residential development off of SR 138 close to Dix-Lee-On Subdivision is not appropriate and the area shown on the land use plan for office along SR

138 and residential behind that provides a better buffer to the subdivision. Pete Frisina explained that the area that is being discussed for General Business is presently land used for residential, office and commercial and the area is bounded to the south by streams and lakes which would preclude buildings along the rear property lines due to watershed protection buffers and setbacks. He said in addition, there is a 50 foot buffer along any property zoned for residential or A-R.

Dorothy Herring asked about the setbacks and said that a 25 foot side yard setback is not enough. Pete Frisina pointed out that the 25 foot setback would be measured from the 50 foot buffer. Aisha Abdur-Rahman said that the studios she is familiar with from living in California are big and not very attractive and especially if the county is allowing 40 feet for building height 75 feet is not enough. Peter Frisina replied that 35 feet is the typical building height in the county so this would allow an additional five feet and the back quarter of the studio property has two lakes on it which provides a separation between it and the Dix-Lee-On Subdivision. Pete Frisina pointed out on the GIS map that due to the watershed buffers and setbacks, the buildable area from the closest property line in Dix-Lee-On is about 380 or so feet away.

Aisha Abdur-Rahman said she is concerned with anything to do with broadcasting in that area because of the towers and dishes with radio waves and signals and when I spoke to Pete he said this person is building a movie studio but a broadcasting studio or telecommunications is allowed in this proposed zoning district and she is not in favor of that use. Doug Powell stated that under the tower ordinance a property owner could submit an application to build a tower on this because it is on a State Route, but depending on the height or location a public hearing could be necessary. Pete Frisina stated that another person had mentioned the same concern at a previous meeting and we could take out broadcasting and telecommunications. The Planning Commission did not want to take out broadcasting and telecommunications without input from the BOC and asked Pete Frisina to bring up the issue with the BOC at their workshop. The Planning Commission asked if the tower is the major concern. Aisha Abdur-Rahman said she is concerned with the land use changes to the area and the effect it will have of the neighborhoods that were mentioned earlier in the meeting and this is the entrance to the county where she lives and she didn't like the shopping center going in at SR 279 and SR 138 in Fulton County. She added that movie studios are big and ugly and in California they are not located close to any residential areas.

Chairman Thoms asked Pete Frisina to go over the architectural standards in the Overlay Zone for the buildings. Pete Frisina stated that the architectural standards would apply to all of SR 138 and a portion of SR 314 through this new overlay. The architectural standards that are residential in nature with the pitched roof, façade, and window and door requirements are the same that are in effect on most the State routes except SR 85 North and SR 74 North. The other architectural standards would be an option for large buildings of 35,000 square feet with a minimum dimension of 150 feet that would require the following:

i. At least 50 percent of all exterior wall finishes shall be comprised of at least two (2) of the following facade types: brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or

any architecturally engineered facades which simulate these materials. Any metal facades used on the remaining portions of the exterior walls shall establish a horizontal seam pattern.

ii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.

iii. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

Pete Frisina said that with the new zoning district there are other areas of the ordinance that need to reflect the new zoning district in Articles V and VII. Also he said in doing research he found a typo in the BTP zoning district so the correction would be included in the proposed amendments.

Pete Frisina said that he planned to take this back to the BOC in October with the changes that have been discussed and based on their input it will either come back for more work or move forward to public hearings.

**2. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: Animals**

Pete Frisina reported that at the September 5, 2012 BOC workshop Commissioner Hearn brought up the subject of allowing unlimited animals (cats and dogs) in A-R but keeping the limit of three animals in the residential zoning districts. He said that staff and Planning Commission had worked on this issue previously but didn't come to a conclusion and got sidetracked onto other issues. He said he also had discussed this with Animal Control and the Marshals and they had apprehension in dealing with this issue purely on a nuisance basis because it becomes subjective and a number is easier to enforce.

Doug Powell asked if the county restricts the number of horses in A-R. Pete Frisina replied that the number of horses is restricted in the residential districts but not in A-R. He said Commissioner Hearn's point was if the county does not restrict the number of livestock in A-R why do we restrict the number of animals (dogs and cats). He went over the current ordinance and explained that the definition of Animals for the purpose of the zoning ordinance is cats and dogs and there is a sentence in the definition that says the limit is three. He added that is a regulation does not belong in a definition and it is incorrect because if you meet the conditional use for a kennel, basically the 300 foot setback, you can have more than three animals in A-R. He said that you have to read through