COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, September 26, 2013	Type of Request:	Old Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI, Sec. 6-22. M-1 Light Industrial District and Sec. 6-23. M-2 Manufacturing and Heavy industrial District, regarding Building Height.

Background/History/Details:

On May 23, 2013, the BOC gave staff direction to research building height limitations in the various zoning districts. To date, amendments regarding building height have been made to the G-B General Business Zoning District for movie studio sounds stages and to Article V. General Provisions for cathedral and vaulted ceilings associated with churches.

Staff and the Planning Commission are recommencing that the building height limits in M-1 and M-2 be increased from 35 feet to 50 feet.

What action are you seeking from the Board of Commissioners?

Direction from the BOC on whether to pursue the propose amendments to the Zoning Ordinance concerning build height limitations in the M-1 and M-2 zoning districts and Board authorization move to public hearings for eventual approval and adoption.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, May 23, 2013
Is Audio-Visual Equipment Required for this Request?*		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.***

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

Staff Notes:

Date: September 10, 2013

To: Board of Commissioners

From: Pete Frisina

Subject: Building Height Limitations in M-1 and M-2 Zoning Districts

On May 23, 2013, the BOC gave staff direction to research building height limitations in the various zoning districts. To date, amendments regarding building height have been made to the G-B General Business Zoning District for movie studio sounds stages and to Article V. General Provisions for cathedral and vaulted ceilings associated with churches.

Staff has a request from a business owner in the Kenwood Business Park, which is zoned M-1, for a building with a height of 50 feet. The current limitation is 35 feet in M-1. For comparison, Fayetteville's building height in industrial zoning is 60 feet and Peachtree City's building height in industrial zoning is unlimited but if it exceeds 35 feet it must be approved by the fire marshal and building official who can impose conditions associated with life safety concerns. In addition, our Office-Institutional and Business Technology Park zoning districts currently have a building height limitation of 40 feet.

Both the M-1 and M-2 zoning districts require a 75 foot buffer in addition to a 25 foot setback from any abutting property zoned residential or A-R. As a result any building will be a minimum of 100 feet from the property line in this case. The staff and planning Commission recommend amending the zoning ordinance to change the building height limitations from 35 feet to 50 feet in the M-1 and M-2 zoning districts.

or in the County.

Mr. Frisina stated that it is in Fayette County.

Chairman Brown stated that the cemetery is the Boarder on that side of town.

There was no further discussion.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to annex four (4) properties totaling 7.398 acres located between State Route 54 West and Sumner Road, and to rezone said properties from C-C Conditional (Community-Commercial) and O-I (Office-Institutional) to O-I (Office-Institutional).

8. **Discussion of square-footage limitations for accessory structures in residential zonings.**

Chairman Brown led this discussion by stating that a builder expressed some concerns. He stated that the builder was a pro basketball player that wanted to put an indoor basketball court behind his house. He stated that the County did not have an ordinance that applied. He stated that the closest the County had is ordinance that allows for something like a mother-in-law suite. He stated that one of his concerns is that we would not want to do this on a small lot and that it would have to be a large lot scenario and something where the gymnasium, basketball court, or someone who is a classic car collector and needs an extended building to store the automobiles.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to send this to the Planning Commission and see if they can bring something back for the Board to consider was unanimously approved.

Mr. Frisina asked if there was any direction or guidelines to give to the Planning Commission.

Chairman Brown stated he would say it should be no smaller than five (5) acres and the structure would have to be hidden from the street.

9. **Discussion of Fayette County's height restrictions on uninhabitable building structures such as church steeples and high-frame roofs.**

Chairman Brown led this discussion and stated that a local Anglican church who wants to build a new facility on Ebenezer Road. He stated that the roof line was over what the County's height limit is and that they could not build it. He stated that we had to look at why we have a height limit in the first place. He stated that generally it is related around fire protection because our fire apparatus will only go so high. He stated that if there is a four story building in un-incorporated county and there is not a ladder truck that can meet that demand we would not want to allow that structure to be built. He continued that un-inhabitable space is a different story. He stated that if there will only be people in the top ten feet of the building and everything else is air and it really is not a fire hazard to people and the fire fighters will be able to fight that as well. He stated that those type scenarios he would like to take a look at.

Mr. Frisina commented that part of the height restriction is fire protection and the other part of height restriction is character. He stated that the County is a low density, low intensity county. He stated that as mentioned, there are things in the county that will cause the county to look at height

limitations. He stated that we need to look at this and is an easy fix. He stated that churches have a certain look that is not usually detrimental to the character of the area. He continued that there is a struggle with height with the movie studio and trying to find common ground. He stated that other issues are non-residential uses that are moving into the county that need a higher limit. He stated that while he is working on this he would like to go ahead and look at the other zoning districts as well.

Commissioner McCarty stated that water and cell towers are taller than that and we have those in the county as well.

Mr. Frisina agreed.

Commissioner Ognio stated that the City of Fayetteville has a higher height than the County so maybe we can look at their ordinance.

Chairman Brown stated that he thinks Peachtree City is five (5) stories.

Mr. Frisina stated that everyone handles it differently and to remember that whatever numbers the county comes up with, someone will want to go higher.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission do research and to look at height restrictions across the Board in Fayette County.

10. **Discussion of Conditional Use Requirements for churches and existing residential structures that do not meet the Conditional Use Requirements.**

Chairman Brown led this discussion and stated that there is a church that wants to build a structure. He stated that there are conditional uses on churches in terms of zoning; the church can reside in any zoning classification in the county, but in lieu of just dropping a church building on any site there are conditions related to the zoning application they fall in. He stated that there was a church where there was an existing house on the property and the house was properly zoned for the zoning district that it was in and they wanted to build a small sanctuary on the church and they wanted to use the house as an administrative office for a couple of years until they had the money to buy a building behind the sanctuary.

Commissioner Ognio suggested looking at limitations. He stated that if it is partially in, tell them they can keep it for so many years.

Mr. Frisina stated that we have some zoning districts and allowances for that under certain highway corridors and some of the zoning districts. He stated that they encourage retrofit of the existing homes and the office for instance. He stated that with certain limitations we should allow for this and also limit the uses that can go in there as well.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission look at the issue of Conditional Use Requirements for churches and existing residential structure that do not meet the Conditional Use Requirements.

NEW BUSINESS

3. Consideration of Minor Subdivision Plat of William R. Chapman Subdivision, William R. Chapman, Owner. The property is zoned A-R and is located in Land Lot 89 of the 4th District and fronts on Kelley Road.

Angela Chapman asked the Planning Commission to please approve the Minor Subdivision Plat.

Doug Powell said the taking of right-of-way reduced the lot size below five (5) acres on these lots.

Chairman Gilbert said this has happened in some cases where the County has taken right-of-way or realigned a road.

Angela Chapman asked for clarification that the taking of right-of-way would not make the lots unbuildable.

Doug Powell said once the Minor Subdivision Plat is approved by the Planning Commission the lots would be buildable.

Chairman Gilbert said that since the County took the right-of-way the lots could be less than five (5) acres.

Jim Graw said the County will consider these lots to be non-conforming but legal.

Chairman Gilbert read the note of the plat which states, "The area of the lots is less than the 5.0 acres required for A-R Zoning due to a requirement by Fayette County of right-of-way donation associated with subdivisions (See Subdivision Regulations Section 8-505(G). The lot is recognized as a non-conforming lot."

Angela said the land is in a Trust as her father is deceased and if the two lots can't be built on she would rather leave it as one (1) lot.

Doug Powell made a motion to approve the Minor Subdivision Plat. Bill Beckwith seconded the motion. The motion passed unanimously 4-0.

*** 4. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI, Sec. 6-22., M-1 Light Industrial District regarding: building height.**

Pete Frisina said he is recommending that the building height for the M-1 Zoning District be increased from 35 feet the 50 feet.

Chairman Gilbert asked if that is the height that was requested by the individual because he thought it was higher than 50 feet.

Pete Frisina said as far he knew the individual needs a 50 foot building.

Jim Graw said this property is on Etowah Trace and it backs up to some homes and there is a line of trees along the property between the houses.

Doug Powell asked if the area is a required buffer.

Pete Frisina said it was a required buffer.

Jim Graw said this area doesn't cause him much concern because of the trees but where are the other areas of M-1 in the County.

Pete Frisina said the majority of M-1 was along SR 85 North and some in the area of SR 54 East.

Jim Graw said his concern is once we amend the ordinance any M-1 property could have a building of 50 feet and are there going to be residential properties abutting the M-1 properties where a 50 foot building can be built.

Pete Frisina said all M-1 property abutting residential will have a 75 foot buffer and a 25 foot setback which equal 100 feet.

Jim Graw asked if the buffers all have trees.

Pete Frisina said some buffers areas could have fewer trees than others.

Chairman Gilberts said the majority of the M-1 is along SR 85 North and there is very little residential property in that area.

Jim Graw asked if there are other areas of M-1.

Chairman Gilbert said along SR 314 there are the Lee Center and the concrete company.

Pete Frisina said the O-I and BTP zoning districts have 40 foot building heights. He added that he didn't think someone would build to this height unless they need to for equipment or procedures as the person that needs the height now, needs it because his equipment needs clearance to prevent electrical arching and some industrial uses may require higher building because of what they produce in terms of the mechanisms or equipment.

Doug Powel said the height costs money and he wouldn't think anyone would build that high unless there was a need.

Pete Frisina asked if the Planning Commission is comfortable with sending this back to the Board of Commissioners.

The consensus of the Planning Commission was to send it back to the Board of Commissioners for direction.

Pete Frisina asked the Planning Commission how they felt about the building height in commercial zoning.

Doug Powell said we should wait until we have a request for something higher than 35 feet.

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Pete Frisina said the Planning Commission should have a meeting on September 19th to consider some subdivision plats.

Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Doug Powell said so moved.

Chairman Gilbert said the meeting was adjourned at 7:16 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
Al GILBERT, CHAIRMAN

ATTEST:

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