

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2007 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell, Chairman
Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Delores Harrison, Zoning Technician
Bill McNally, County Attorney
Sgt. Earl Williams

STAFF ABSENT: Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Tom Williams, Assistant Director of Planning & Zoning
Phil Mallon, Director of Engineering

Welcome and Call to Order:

Chairman Powell called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on January 4, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Jim Graw seconded the motion. The motion unanimously passed 5-0.

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2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on January 18, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Bill Beckwith made the motion to approve the Public Meeting/Workshop Minutes. Tim Thoms seconded the motion.

Chairman Powell stated that the Workshop Minutes were fairly extensive; however, there were a couple of uses which Staff recommended but the P.C. did not recommend to be included in the proposed amendments. He said that he wanted the B.O.C. to understand why the P.C. did not concur with Staff. He commented that Jim Graw had stated at the Workshop that the O-I zoning district and the M-1 zoning district should be kept separate, distinct, and pure which was the rationale for not recommending approval of certain uses. He remarked that the P.C. felt that some of the O-I uses were being recommended to be allowed under the M-1. He asked that future Minutes reflect the P.C.'s rationale so the B.O.C. will understand the P.C.'s recommendation.

There being no further comments, the motion unanimously passed 5-0.

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Dennis Dutton read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON FEBRUARY 1, 2007 AND BY THE BOARD OF COMMISSIONERS ON FEBRUARY 22, 2007.

3. **Consideration of Petition No. 1191-07, Russell Peacock, Owner, and Brian Corbin, Agent, request to rezone 6.521 acres from A-R to R-70 to develop three (3) single-family dwelling lots. This property is located in Land Lot 22 of the 5th District and fronts on Inman Road.**

Russell Peacock requested to rezone 6.5 acres from A-R to R-70 to develop three (3) single-family dwelling lots. He stated that the subject property joins his family's property and he plans to subdivide the subject property to allow his family to build their homes.

Chairman Powell asked Mr. Peacock if he agreed with the recommended condition regarding the dedication of additional right-of-way.

Mr. Peacock replied that he agreed to the recommended condition.

Chairman Powell asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Tim Thoms expressed concern that the R-70 is the proper zoning for an area which is still fairly agricultural residential. He pointed out that there are plans for the development of a school. He said that there is R-20 from older rezonings in the area but that is not adjacent to the subject property. He added that there are also some nonconforming lots in the area.

Jim Graw remarked that he understood Mr. Thoms' concerns; however, the area is not going to remain A-R. He said that the R-70 would help establish a good precedent for the area. He asked since the relocation of the waterlines is at the owner's expense per the Fayette County Water System, does this need to be a condition of zoning.

Pete Frisina replied that Tony Parrott, Director of the Fayette County Water System had said that this does not need to be a condition of zoning.

Mr. Peacock stated he understood that the relocation of the waterlines would be at the owner's expense.

Mr. Graw pointed out that there was a curve in Inman Road along the subject property and asked if there was a possible sight distance problem.

Dennis Dutton replied that the Engineering Department had stated that they would review sight distance upon review of the Final Plat. He added that if there is a potential safety hazard, the Engineering Department may approve a shared driveway.

Chairman Powell commented that he had driven around in the area and while there is a lot of A-R zoning, there is a lot of one (1) acre nonconforming lots zoned A-R. He said that R-70 would be a real good fit for the neighborhood.

Bill Beckwith stated that the R-70 zoning would be a positive precedent.

Jim Graw made a motion to approve the petition subject to the following recommended condition: The owner/developer shall dedicate an additional ten (10) feet of right-of-way, at no cost to Fayette County, to create a minimum of 50 feet of right-of-way as measured from the centerline of Inman Road, for future road improvements and must be indicated on the Final Plat.

Bill Beckwith seconded the motion.

Al Gilbert read the recommended condition to the public.

The motion passed 4-1. Tim Thoms voted in opposition.

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4. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures as presented by the Planning & Zoning Department.

Dennis Dutton stated that the proposed amendments had been discussed at a previous Workshop. He explained that the Permits & Inspections Department had adopted the International Building Codes, which became effective January 1, 2007. He pointed out that the current ordinance requires a building permit for an accessory structure which is 200 square feet and over and the International Building Codes states 120 square feet. He noted that the proposed amendment would bring the Zoning Ordinance into compliance with the International Building Codes and would resolve a conflict between the code and the ordinance. He added that the proposed amendment is a “housekeeping” item.

Mr. Dutton presented the following proposed amendments. (Staff’s amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicated deletion.

Article V. General Provisions

5-10. Accessory uses and structures. Construction of an accessory structure shall only occur concurrently with or after the construction of the principal structure.

F. Administration. Accessory structures of ~~200~~ 120 square feet or greater as a requirement of Chapter V: Building, General Fees (also known as the Construction Codes) of the Fayette County Code shall be placed on a permanent foundation and shall require the issuance of a building permit and subsequent inspection. (See Sections 5-112 & 5-212 of the Fayette County Code.) (Adopted 06/24/04)

Chairman Powell asked if there were any public comments. Hearing none, he closed the floor from public comments.

Bill Beckwith made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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5. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-14. Landlocked Property as presented by the Planning & Zoning Department.

Dennis Dutton stated that the proposed amendments had been discussed at a previous Workshop. He explained that landlocked property is considered to be unusable; however, the Courts do not like to look at property as being totally unusable. He reported that under the current ordinance, the original owner may be issued one (1) building permit provided that a twenty (20) foot easement has been acquired. He said that the property owner should be able to sell the landlocked property to another owner.

Attorney Bill McNally further explained that this amendment grants to a subsequent owner the same rights the original owner had. He confirmed that the current ordinance could not be enforced because a person is free to sell the property and if the first person had the right to do it, the second person would have the right to do it as well. He added that this should have been cleaned up a long time ago and is basically a “housekeeping” item.

Mr. Dutton presented the following proposed amendments. (Staff’s amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Article V. General Provisions

5-14. Landlocked Property. In the event property is landlocked, as of the effective date of this Ordinance, the property owner shall be entitled to one (1) building permit, provided:

- A. No other principal building exists or is being constructed on said property;
- B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;
- ~~C.~~ ~~The property was and continues to be under single ownership since the effective date of this Ordinance;~~
- ~~D.~~C. The property owner has acquired a twenty (20) foot easement to a County maintained street, and said easement has been duly recorded and made a part of the property deed; and
- ~~E.~~D. In the event said property is divided into two (2) or more tracts, no further building permits shall be issued until such time as there exists a street meeting all of the requirements as specified in the Fayette County Subdivision Regulations.

Chairman Powell asked if there were any public comments. Hearing none, he closed the floor from public comments.

Jim Graw made a motion to approve the proposed amendments. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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6. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Manufacturing District as presented by the Planning & Zoning Department.

Dennis Dutton stated that the proposed amendments had been discussed at a previous Workshop. He explained that the proposed amendments would provide a more precise list of permitted uses in the M-1 zoning district. He said that the present list of permitted uses is vague. He added that the proposed uses could be supported by other businesses, which are not retail, but more warehousing and distribution.

Mr. Dutton presented the following proposed amendments. (Staff’s amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Article VI. District Use Requirements

6-21. M-1 Light Industrial District.

A. Description of District. This district is composed of certain lands and structures which are suitable for *light* industrial development but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.

B. Permitted Uses. The following Permitted Uses shall be allowed in the M-1 Zoning District:

1. Ambulance service;
2. Amusement facilities, indoor or outdoor;
3. Appliance sales and repair;

Architectural or Design Firms;

4. Armories for meeting and training of military organizations;
5. Athletic events (temporary in nature);
6. Automobile or truck sales, service station, paint shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop, automobile repair facilities not specifically permitted under the C-H Zoning District; (Amended 06/24/04)
7. Blueprinting/ *graphics service;*
8. Bookbinding;
9. Building *construction/* contracting and related activities, e.g. sale and storage of supplies and materials;

10. Bus passenger station;

Cabinet sales and installation;

11. Carnivals (temporary in nature);
12. Car wash and/or detailing facility; (Amended 07/22/04)
13. Community fairs (temporary in nature);

Copy Center;

14. Dental laboratory;

Delivery/courier service;

15. Drive-in theater;
16. Electrical repair;

Engineering Firms;

17. Engraving;
18. Farmer's market;
19. Farm equipment sales;
20. Feed sales;

Flooring sales and installation;

21. Fertilizer sales;
22. Freezer locker service;
23. Freight express office;
24. Furniture store;
25. Glass sales;

Grading service;

26. Greenhouse;
27. Gunsmith;
28. Hardware;
29. Home furnishings;
30. Horse show and equine activity facilities; (Amended 07/22/04)
31. Hotel;
32. Ice storage;
33. Insecticide sales and storage;

Janitorial service/supply;

Land development firms;

Land surveying service;

Landscaping service;

34. Light manufacturing including the following:
 - a. Appliance and electronic device assembly plant including the manufacturing of parts for appliances and electronic devices;
 - b. Assembly of products from previously prepared materials;
 - c. Bottling and canning plant;

- d. Ceramic products provided that kilns shall only be by gas or electricity;
 - e. Construction of signs, including painted signs;
 - f. Copperage;
 - g. Ice manufacturing;
 - h. Laundry, cleaning and dyeing plants;
 - i. Light sheet metal products such as ventilating ducts and eaves;
 - j. Musical instruments, toys, novelties, and similar products;
 - k. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
 - l. Machine welding shop and related activities;
 - m. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
 - n. Tinsmith and roofing service.
- 35. Locksmith;
 - 36. Magazine publication and distribution;
 - 37. Medical laboratory;
 - 38. Manufactured home salesroom and sales lot;
 - 39. Newspaper publication and distribution;
 - 40. Nursery, plant;
- Office Equipment Service and Repair;**
- 41. Office trailer;
 - 42. Parking lot, automobile;
 - 43. Pest control;
 - 44. Petroleum bulk plant (storage);
 - 45. Photostating;
 - 46. Planing or saw mill;
 - 47. Printing shop;
 - 48. Public utility facilities;

- 49. Radio studio;
 - 50. Railroad freight station;
 - 51. Railroad passenger station;
 - 52. Recreational facilities, indoor or outdoor;
 - 53. Rent-alls;
 - 54. Rescue squad;
 - 55. Restaurants;
- Restaurant supply;**
- 56. Rodeo/rodeo facilities; (Amended 07/22/04)
 - 57. Seed sales and storage;

Security system service;

- 58. Shell home display;
- 59. Shrubbery sales;
- 60. Taxidermist;
- 61. Taxi service;
- 62. Television studio **/media productions;**
- 63. Tire sales;
- 64. Trade school;

Uniform service;

- 65. Utility trailer rentals and rent-alls;
- 66. Warehousing/**Distribution;** and
- 67. Wholesaling.

C. **Conditional Uses.** The following Conditional Uses shall be allowed in the M-1 Zoning District provided that all conditions specified in Section 7-1 herein are met:

- 1. Aircraft Landing Area;
- 2. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
- 3. Experimental Labs;
- 4. Feed Lot and/or Commercial Barn;

5. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;
6. Recycling Facility; and
7. Self-Storage Facility (Adopted 06/24/04)
8. Single-Family Residence.

D. Dimensional Requirements. The minimum dimensional requirements in the M-1 Zoning District shall be as follows:

1. Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
 - b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. Lot width: 125 feet
3. Front yard setback:
 - a. Major thoroughfare:
 - (1) Arterial: 100 feet
 - (2) Collector: eighty (80) feet
 - b. Minor thoroughfare: sixty-five (65) feet
4. Rear yard setback: twenty-five (25) feet
5. Side yard setback: twenty-five (25) feet
6. Buffer: If the rear or side yard abuts a residential or A-R Zoning District a minimum buffer of seventy-five (75) 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: thirty-five (35) feet
8. Lot coverage limit, including structure and parking area: seventy (70) percent of total lot area
9. Screening dimensions for storage areas, loading docks and parking see Section 5-18, Section 5-19, and the Development Regulations.

Chairman Powell stated that this is the item which was addressed with the approval of the Workshop Minutes.

(Explanation of the approval of the Workshop Minutes follows in italics.) Chairman Powell stated that the Workshop Minutes were fairly extensive; however, there were a couple of uses which Staff recommended but the P.C. did not recommend to be included in the proposed amendments. He said that he wanted the B.O.C. to understand why the P.C. did not concur with Staff. He commented that

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Jim Graw had stated at the Workshop that the O-I zoning district and the M-1 zoning district should

be kept separate, distinct, and pure which was the rational for not recommending approval of certain uses. He remarked that the P.C. felt that some of the O-I uses were being recommended to be allowed under the M-1. He asked that future Minutes reflect the P.C.'s rational so the B.O.C. will understand the P.C.'s recommendation.)

Chairman Powell stated that the P.C. had a problem with Business Centers with at least 50,000 square feet of total floor area.

Al Gilbert pointed out that Business Centers with at least 50,000 square feet of total floor area had been deleted from the proposed amendments. He said that the 50,000 square foot requirement appeared to be establishing a separate zoning classification and should not be intertwined with the M-1 zoning district. He added that it was not right to allow additional uses due to the size of the structure. He also expressed concern that a development could begin with plans to construct 50,000 square feet and due to septic placement issues may only be able to construct 40,000 square feet. He stated that some of the proposed uses seemed to be infringing on industrial zoning with possible retail businesses.

Tim Thoms commented that uses which were previously under consideration at the Workshop were becoming a mix between industrial and retail. He said uses were being updated to today's business uses, which fit under warehousing/distribution. He stated that the proposed uses are suitable because retail had been kept retail and industrial had been kept industrial. He added that this is what the P.C. was thinking at the Workshop but did not say it.

Jim Graw said that the P.C. had recommended to delete grading services from the M-1 zoning district; however, Dennis Dutton had advised that there are grading services currently located in the M-1 zoning district.

Chairman Powell clarified that grading services were listed under the proposed amendments.

Tim Thoms remarked that architects work well with development firms which work well with engineering firms which work well with grading companies.

Chairman Powell asked if there were any public comments. Hearing none, he closed the floor from public comments.

Tim Thoms made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Powell asked if there was any further business.

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, February 15, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M. He advised that the Comprehensive Plan must be submitted to the State for adoption June.

There being no further business, Bill Beckwith made the motion to adjourn the Public Meeting/Workshop. The Public Hearing adjourned at 7:30 P.M.

OF
FAYETTE COUNTY

ATTEST:

DOUG POWELL
CHAIRMAN

DELORES HARRISON
ZONING TECHNICIAN