

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on July 1, 2010, at 7:10 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 (Arrived 7:30 PM)
Jim Graw
Douglas Powell

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

* * * * *

1. **Discussion of proposed amendments to the Fayette County Zoning Ordinance, in its entirety.** *This is part of a year plus long review of the Zoning Ordinance.*

Gas Pumps

Pete Frisina reported he was contacted by Jack Krakeel, the County Administrator, who asked if staff and the PC had reviewed limiting the number of gas pumps adjacent to the City of Fayetteville. He explained some of the BOC felt that the issue of the number of gas pumps should be considered in close proximity to the City of Fayetteville. He reminded the PC about the proposed rezoning for a convenience store with gasoline sales located at SR 314 and White Road which brought this issue of the number of gas pumps up initially. The property was eventually annexed into the City of Fayetteville. He also reminded the PC of the proposed RaceTrac at the intersection of Ramah Road and SR 85 South, approved for 12 gas pumps. He advised the City of Fayetteville is concerned about the RaceTrac because the city will only permit six (6) gas pumps. He pointed out the Ramah Road and SR 85 South intersection consists of three (3) corners in the City of Fayetteville and one (1) corner in the unincorporated County.

Doug Powell asked if the City of Fayetteville could annex the RaceTrac property.

July 1, 2010
PC Public Meeting/Workshop

Pete Frisina replied the subject property was not an island and the city may not have as much authority to annex. He presented photos of an existing RaceTrac to illustrate the potential size of a gas canopy. He added that the size of gas canopy is related to the distance between gas pumps. He discussed two existing gas canopies each with 10 gas pumps in the County. He explained that one canopy was roughly twice the size of the other due to the spacing of the gas pumps.

He presented a map and indicated the potential area for convenience stores with gasoline sales which included an area along SR 54 East and an area along SR 85 south of Fayetteville, approximately 1,200 feet south of Ramah Road that is currently zoned commercial. He noted the SR 85 North Corridor had some of the highest concentration of nonresidential development in the County and should be exempt from limiting the number of gas pumps. He reported there are two (2) companies leading the convenient store industry in the metro area, QuikTrip and RaceTrac. He remarked they had a model of larger stores, a wider range of products, and more area for fueling.

Several options were suggested by the PC: 1) develop an overlay within a set distance from the city limits of Fayetteville; 2) permit a maximum of six (6) gas pumps adjacent to the city limits of Fayetteville and increase the number the further out you are located from the city limits; 3) permit a maximum of eight (8) gas pumps adjacent to the city limits of Fayetteville; 4) permit a maximum of six (6) gas pumps adjacent to the city limits of Fayetteville and exempt the SR 85 North corridor; 5) require L-C zoning adjacent to the city limits of Fayetteville; and 6) keep the current ordinance with no limitation on gas pumps.

Chairman Thoms asked about Tyrone and Peachtree City.

Pete Frisina replied they do not have any restrictions on the number of gas pumps.

Al Gilbert referenced the high traffic count at the intersection of SR 74 South and SR 85 South and commented the waiting line could possibly create traffic congestion, if the number of gas pumps is limited to four (4) or six (6) at this intersection.

Pete Frisina reminded the PC that this intersection would need to be studied and the land use map amended after the widening is complete and the size and configuration of the lots at the intersection are finalized. He displayed existing lots in close proximity to the subject intersection on the County's GIS. He said review of this intersection should begin after the adoption of the revised Zoning Ordinance.

PC Public Meeting/Workshop

Bill Beckwith advised the convenience store with gasoline sales located at the intersection of TDK and SR 74 South in Peachtree City has eight (8) to ten (10) gas pumps; however, to the side is a 20 to 30 foot high canopy to accommodate buses at the diesel dispenser.

Pete Frisina noted diesel and kerosene pumps should not be considered in the number of pumps.

Al Gilbert asked if other areas in the County needed consideration.

Pete Frisina replied that currently the discussion involved the area adjacent to the city limits of Fayetteville and the SR 74 South and the SR 85 South intersection should be handled in the near future.

Robyn Wilson clarified that the current proposal is if the property is adjacent/abuts the city limit of Fayetteville, the number of gas pumps should be limited to a maximum of six (6), except for the SR 85 North Corridor.

Pete Frisina commented he would prepare a map indicating areas abutting the city limits of Fayetteville.

Home Occupation

Dennis Dutton presented the following proposed amendments:

25. Home Occupation. (Allowed in A-R, residential 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, M-1, M-2, and BTP zoning districts) and the following nonresidential zoning districts: ~~O-I, C-C, C-H, M-1, and M-2.~~) (See Single Family Residence under Section 7-1, ~~B.~~) (Amended 10/23/08)
 - a. Residents. Only residents of the dwelling ~~may~~ ***shall*** be engaged in the home occupation. ***No outside employees are allowed within the residence and must meet for work off-premise.*** – For Discussion with Planning Commission

Dennis Dutton stated more clarification is needed to address residents of the dwelling.

July 1, 2010
PC Public Meeting/Workshop

Pete Frisina explained currently staff asks the owner of the home occupation if the employees are being issued a W-2 or a 1099 and if the answer is a W-2 then the home occupation is prohibited; however, a 1099 is associated with contract workers which are not considered employees. He stressed only residents of the dwelling should be engaged in the home occupation within the dwelling and that is what needs to be clarified.

Doug Powell commented there are home occupations currently operating with employees.

Robyn Wilson replied this has never been allowed and is a violation of the ordinance.

Al Gilbert said a lot of times, the employees meet at the residence before work.

Pete Frisina replied this is what we don't want and the issue is handled on a complaint basis.

Doug Powell remarked you should not notice or be impacted by a home occupation by cars or signage. He said when you ride by a house you should not know there is a business being operated there.

Robyn Wilson advised three (3) signs are permitted for a lot zoned residential per the Sign Ordinance.

Pete Frisina said the intent is that only the persons who live in the dwelling shall engage in the home occupation within the dwelling. If there are employees they should not be reporting to the dwelling each morning.

- b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District. {Number persons at the residence for products??? – **For Discussion with Planning Commission**

Dennis Dutton said a number needs to be established for number of customers permitted at the residence such as one (1) per hour not to exceed eight (8) per day.

Bill Beckwith replied this is unreasonable.

Doug Powell stated he preferred none.

Pete Frisina explained you could have someone dropping off their taxes to have them prepared, dropping off items for alterations, or visiting their attorney.

Al Gilbert stated you could be a distributor and the people working for you would stop by to pick up products to be sold.

Doug Powell said the business owner should establish his business in an O-I zoning district because a residential subdivision is for residential purposes. He remarked home occupations would increase traffic which decreases the safety in the subdivision. He stressed a subdivision is for the people who want to reside there. He stated a home occupation should not be accommodated to the point the business is encroaching on somebody else living in the subdivision who wants their kids outside playing. He commented a customer could hit a kid playing outside.

Pete Frisina stressed a customer threshold was needed for enforcement.

Doug Powell pointed out the hours of operation and the number of customers needed to be addressed.

Bill Beckwith stated the ordinance should be specific.

Doug Powell read and promoted the following from the City of Escalon: *Home Occupation Intent*. This Ordinance makes a clear distinction between residential land use and business land use. Residential zoning districts are deliberately separated from business zoning districts to promote a quiet, safe living environment. Residential neighborhoods are intentionally reserved as places to be safe for children to play out-of-doors and adults to enjoy outdoor recreational activities such as walking and jogging. Residential neighborhoods are intended to be kept free from the hustle and bustle of business activity. *Home Occupation Criteria*. The home occupation is the lone commercial exception to the separation of residential and business activities. The home occupation is allowed only if the business is undetectable from normal and usual residential activity and has no perceptible effect on the residential nature of the neighborhood.

Pete Frisina read the following from the City of Escalon: *Home Occupation Customer Traffic*. The home occupation must not generate pedestrian or vehicular traffic beyond that which is normal to a residential zoning district and/or that particular neighborhood, which ever is less. He pointed out the number is not quantifiable.

Pete Frisina asked what time did the PC want to cut off the customer traffic.

Al Gilbert suggested 10:00 PM.

Dennis Dutton advised he had two (2) customers requesting firearm sales license which requires a background check. He said with a transfer of sales, the person has to come to the location where the weapon is kept.

Doug Powell replied he did not have a problem with the transfer of firearms as a home occupation.

d. Number. No more than four (4) home occupations may be issued per residence.

d.e. Area. Use of the building for this purpose shall not exceed **a total of thirty-five (35) 35** percent of the principal building.

Doug Powell suggested decreasing 35 percent to 25 percent.

f. **Alterations.** No internal or external alterations inconsistent with the residential use of the building shall be permitted.

g. **Accessory Buildings.** No accessory buildings or outside storage shall be used except as otherwise provided herein.

h. **Music ~~,-etc-~~ Lessons and/or Tutoring.** ~~Instructions in music and similar subjects~~ **Lessons and/or Tutoring** shall be limited to two (2) students at a time.

i. **Vehicles.** Only **customary passenger vehicles, vans and pick-up trucks** shall be permitted to remain on the premises **in conjunction with a home occupation. Said vehicles cannot exceed two (2) axles, 22 feet in length, 10 feet in height, and/or 8,000 pounds (empty vehicle weight.)**

A trailer in connection with the home occupation, open or enclosed, shall not exceed two (2) axles and not exceed {???) feet in length. – For Discussion with Planning Commission

Dennis Dutton pointed out there are no provisions regarding trailers in connection with a home occupation. He said a landscaper could utilize a trailer in connection with the home occupation. He noted he had found measurements up to 28 feet in length. He remarked the ordinance does not address trailers in conjunction with a home occupation.

Al Gilbert said since trailers are not controlled for non-home occupations then they should not be controlled for home occupations.

Pete Frisina commented the ordinance is limiting the type of vehicle utilized in conjunction with the home occupation. He advised the ordinance does address business vehicles not in conjunction with a home occupation.

Doug Powell read the following from the City of Sacramento: No nuisance producing activity shall be permitted as a home occupation. No home occupation shall be permitted which creates noise, odor, dust, vibration, and fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated.

Doug Powell suggested requiring trailers to be stored in a garage and/or barn.

Chairman Thoms said he did not want to regulate a trailer.

Pete Frisina asked if the PC wanted the ordinance to state: “A trailer in connection with the home occupation shall be allowed.”

Chairman Thoms, Al Gilbert, and Bill Beckwith concurred.

- j. Uses. The following and similar uses shall not be considered home occupations: automobile service station; automobile and related machine sales; on-premise automobile/motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; beauty salon, barber shop, rescue squad; amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic ~~or~~ with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; and massage therapy.

Page 8
July 1, 2010
PC Public Meeting/Workshop

Pete Frisina suggested prohibiting the following on-premise uses: medical/dental facilities, repair

service (bicycle, lawn mower, small engine, and appliance) tire sales and storage; dog groomers, tanning salon, sale and/or storage of hazardous chemicals, tattooing, funeral services, and welding.

Doug Powell asked if signage on vehicles could be addressed for a home occupation.

Pete Frisina replied signage on vehicles could not be addressed per the Fayette County Sign Ordinance.

Doug Powell suggested developing a home occupation subdivision and only allowing home occupations in a home occupation subdivision.

Chairman Thoms said a residential zoning is for a place to live; live includes, live, work, and play.

Jim Graw suggested reviewing the commercial zoning districts and adding the uses which should be prohibited as a home occupation.

Telecommunication Ordinance

Pete Frisina presented the PC with copies of the reorganized Telecommunication Ordinance for their review.

* * * * *

Chairman Thoms asked if there was any further business.

Chairman Thoms asked if the PC could get several sections of the Zoning Ordinance to be able to read at their leisure.

Doug Powell said he would like to see like items next to like items and also an index.

Al Gilbert expressed concerns about those waiting for the ordinance to be adopted.

Hearing no further business, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. Jim Graw seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 9:22 P.M.

Page 9
July 1, 2010
PC Public Meeting/Workshop

PLANNING COMMISSION

**OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**