

THE FAYETTE COUNTY PLANNING COMMISSION met on September 18, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Douglas Powell
Bob Simmons

MEMBERS ABSENT: Brian Haren

STAFF PRESENT: Pete Frisina, Director of Community Services
Phil Mallon, Director of Engineering/Public Works

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff.

1. Consideration of the Minutes of the Meeting held on June 19, 2014.

Doug Powell made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed 4-0. Brian Haren was absent.

2. Discussion of greenhouses.

Pete Frisina said he had taken a slightly different approach to the regulations for greenhouses and hoop houses. He said the premise we had been working with was there is the typical greenhouse that is built on a foundation and constructed of wood or metal framing with glass panes and a hoop house which is not built on a foundation and is constructed of hoop framing with a plastic sheet stretched over the hoops. He stated based on research he had done on the internet he had found another type of greenhouse that was similar to the hoop houses in that it was not built on a foundation but was not hoop shaped it had a pitched roof line and appeared to be a kit. He said based on the pitched roof he did change to the height limit from eight (8) feet to 10 feet.

Doug Powell said to looks to be a least ten feet tall.

Pete Frisina said as a result he is recommending that we put greenhouses into two (2) categories: temporary and permanent and define them as follows:

Greenhouse, temporary means a structure constructed with metal, plastic, or wood framing, (bent in a half round or hoop shape in the case of a hoop house) with a plastic sheet or cloth covering that is not mounted on a permanent foundation used for the purpose of growing or storing plants.

Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or plexiglass that is mounted on a permanent foundation used for the purpose of growing or storing plants.

Doug Powell asked if there is any time connotation to the terms permanent or temporary.

Pete Frisina said it is not time it is the structural characteristics.

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Jim Graw said what do you mean by a permanent foundation.

Chairman Gilbert said something made of concrete or masonry.

Bob Simmons said do we need to define what a temporary foundation is.

Pete Frisina said he didn't think there is a temporary foundation, but it is that a temporary greenhouse would not be mounted on a foundation. He added the temporary structures would not likely require a building permit as opposed to a permanent greenhouse.

Jim Graw said a structure with a permanent foundation would require a building permit.

Pete Frisina said these temporary greenhouses appear to be kits that are assembled and they just sit on the ground. He added that on page three there is language that is added to the end of paragraph (3) and that language was deleted by mistake by a past amendment so it is being added back in now.

Doug Powell said I don't think we ever included bee hives in accessory structures.

Pete Frisina said this paragraph lists things that do not count toward the total accessory structure square footage and bee hives are not counted. He added the amendments are the same other than the height has been raised to ten feet and the terminology used now is "temporary greenhouse" and "permanent greenhouse." He pointed out that the size restrictions under (n) in the amendments would apply to temporary greenhouses and not the permanent greenhouses.

Chairman Gilbert said maybe the size restriction should apply to both a temporary and a permanent greenhouse as both could be intrusive.

Doug Powell said under the current ordinance you could have a 1,800 square foot stick built greenhouse.

Pete Frisina said we allow up to 3,600 square feet of accessory structure on a lot of five acres.

Doug Powell said but only 2,400 square feet could be a temporary greenhouse.

Jim Graw asked if a greenhouse is allowed in residential zoning.

Pete Frisina said they are allowed.

Jim Graw said their square footage is regulated under the current accessory structure restrictions.

Doug Powell said if you have a greenhouse they are heated and they would be limited to 750 square feet.

Pete Frisina said that is the square footage limits on a guesthouse not a greenhouse.

Jim Graw said on a three (3) acre lot you could have a 1,800 square foot accessory structure and could you also have a 1,000 square foot temporary greenhouse.

Pete Frisina said of the 1,800 square feet, 1,000 square feet could be a temporary greenhouse.

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Jim Graw said the 1,800 square feet could be a permanent or a temporary greenhouse.

Pete Frisina said the temporary greenhouse would be limited to 1,000 square feet in your example of a three (3) acre lot.

Bob Simmons asked if the temporary greenhouse incorporates any time limit.

Pete Frisina said temporary refers to the structural characteristics and that it is not stick built on a permanent foundation.

Doug Powel asked at what point the county would intervene when a temporary greenhouse starts to look bad.

Pete Frisina said the ordinance requires the temporary greenhouse to be maintained.

Jim Graw said a temporary greenhouse regardless of the shape has to meet these regulations we are proposing.

Pete Frisina said we are raising the size of agricultural structures in A-R from 1,800 square feet to 3,600 square feet for lot of five (5) to ten acres which will match the amendments we made for accessory structures in residential zoning last year.

Joe Wayton said the only reason he wants a hoop house is to increase his growing season for about 90 days. He added that he wants to pass on his knowledge to kids by letting them help him grow crops.

Doug Powell asked Joe Wayton if these proposed regulations satisfy his needs or does he still feel that he has to rezone to A-R.

Pete Frisina said Joe Wayton is going to request A-R zoning.

Jim Graw asked Joe Wayton his opinion of the proposed regulations in terms of the square footage and height restrictions.

Joe Wayton said it does not meet his needs as it is not enough square footage and not high enough. He said he plans to have at least 2,900 square feet or more and he needs 12 to 15 feet in height for a tractor to clear.

Jim Graw said we have to look at the surrounding property owners when we create regulations and try to find a balance between you doing what you want on your property and protecting the adjacent properties.

Joe Wayton said the Constitution is only three (3) pages and we have all this written for hoop houses. He said one person's opinion doesn't count and when we fought the revolutionary war only 25 percent wanted to leave England.

Jim Graw said he understood and he may not be the only person who wants to put these temporary greenhouses in and these can go into others areas where there are smaller lots that may only be one (1) acre.

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Joe Wayton said when he was young and confronted at school he was either going to get whipped or he was going to whip the other guy so he really doesn't care what his neighbor does and if I am busy doing my job at my house, I don't even look at his house. He added if his house needs painting that's his job and if runs out of food or power I will ask him if he needs me to help him but as far as what he does in his yard is his business and I think we have way more rules than we need.

Bob Simmons said we are charged with certain responsibilities and we are governed by certain rules and regulations. He added that ours is an advisory position and the Board of Commissioners has the final say so, but they look to us to do our due diligence to help them make the final decision. He said he appreciates what you are trying to do but it is not just you, it is the other 40,000 people we have to consider.

Joe Wayton said do you know what e pluribus unum means.

Bob Simmons said I know exactly what it means and don't condescend to me.

Joe Wayton said we have forgotten the meaning of it.

Bob Simmons said it makes no difference to me and he calls the question.

Doug Powell said how much A-R do you have before you can have unlimited agricultural buildings.

Pete Frisina said more than 10 acres.

Doug Powell said Joe Wayton will have seven (7) acres when his lots are combined.

Joe Wayton said he has about 6.9 acres.

Chairman Gilbert asked Pete Frisina where we go from here.

Pete Frisina said if the Planning Commission is ready to move forward we go to public hearings.

The consensus of the Planning Commission was to move forward with public hearings.

3. Discussion of wedding/event facility in A-R

Pete Frisina said we have Phil Mallon of the Engineering/Public Works Department here tonight. He said what we have to review tonight is proposed Conditional Use regulations for a Wedding/Event Facility in A-R. He said there are two (2) definitions as follows:

Event, private means an event that is not open to the general public.

Event, public means an event that is open to the general public.

He said concerts, sporting events and vehicle racing shall not be allowed at a Wedding/Event Facility but a horse show, rodeo, carnival, community fair, and/or religious tent meeting would be allowed as they are related Conditional Uses already allowed in A-R but the

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most restrictive regulations shall apply and they would be limited in the time and duration.

Doug Powell said we had discussed noise and light and do we need to mention these other regulations.

Pete Frisina said we could mention noise but we don't have regulation requiring lighting.

Doug Powell said the regulations that control light not shining into adjacent properties is what he was referring to.

Pete Frisina it is standard in Conditional Uses that there is a minimum lot size and in Zane's case the farm is made up of multiple lots under different family ownership and we usually base everything on the individual lots and his property consists of a undeveloped 20 acre lot with a three acre lot that contains the house and barn.

Chairman Gilbert said it may need to be addressed on the 20 acres and not on the three (3) acres unless you want to combine it.

Jim Graw said if you have a function on the three (3) acres do you have enough room for parking.

Chairman Gilbert said he would use the three (3) acres in conjunction with the 20 acres.

Doug Powell suggested defining it in terms of ownership say a combined ownership of 10 acres or more of A-R property, fine let them do it and if a portion is sold off then they can't do it.

Jim Graw said he agrees if a combined property totaling 10 acres is used and a portion is sold off the wedding/event facility couldn't continue to operate.

Pete Frisina said what makes this difficult is you still need to pay attention to the internal property lines of the combined site and if someone wants to build additional structures they would have to meet the setbacks from those property lines.

Jim Graw asked Doug Powell what term you would use to describe this site.

Doug Powell said combined ownership and the property would have to be contiguous.

Chairman Gilbert said I believe we will be hit with people that are on unpaved roads, but some of these roads are well maintained and some aren't so we would need to determine criteria to assess the adequacy of the road for one of these facilities.

Doug Powell said where the Inman Days Festival is held on Minter's Farm part of the road is gravel and seems adequate for the traffic.

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Bob Simmons asked if it is private road and maintained by the property owner.

Pete Frisina said it is not a private road.

Zane Ardis said why not make it contingent on an inspection of the road.

Jim Graw said what was our reasoning for requiring a paved road.

Pete Frisina said it is standard for most Conditional Uses as paved roads can hold up to traffic.

Bob Simmons asked if there is a standard for the maintenance of a gravel road.

Phil Mallon said there is not a standard and he agrees some gravel roads may function fine for this use but not all of them. He added the problem he sees is the increased usage of a gravel road could force the County to dedicate more resources to that road taking away resources from other roads to support this business and is that fair. He said if there is a way to tie maintenance of the road to the development that may be an option to consider.

Chairman Gilbert said could it be an option to require the developer to pay a maintenance fee based on the linear frontage on the road.

Doug Powell said he agrees with Phil that he doesn't think an average citizen should be paying for access to someone else's business.

Phil Mallon said we need to make it clear if you locate one of these facilities on a gravel road there will be no increase in maintenance.

Pete Frisina said we have had instances where a developer has upgraded a road to serve a development.

Zane Ardis asked if there are any agricultural businesses where the public comes in to purchase products from the farm.

Pete Frisina said most of the large scale operations are on paved road but there could be some small ones on gravel roads.

Phil Mallon said Roberts Roads, which is gravel, gets heavy use from the junk yards and we don't use more resources there than other gravel roads.

Pete Frisina said but nobody lives on that road.

Bob Simmons suggested that the access has to be within so many feet of a paved road.

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Chairman Gilbert suggested making the cost of the maintenance of the unpaved portion of a road the business owner's responsibility.

Pete Frisina said the problem is you could be affecting the road for other people that live on the road.

Phil Mallon said we may need language to temper expectations of increased maintenance on a gravel road. He added that looking at these on case by case basis may be the way to address this and have the flexibility to require something from the business owner to help maintain the road.

Chairman Gilbert said he wouldn't have a problem with the business owner signing an agreement that if they are creating a problem on the road then they should pay to repair the road.

Phil Mallon said it will be the County's responsibility to maintain these roads if they have a big event and it tears up the road. He suggested we could limit the number of events or size of events. He added that if it becomes a problem we need the ability to stop the activity.

Zane Ardis said he didn't know that a business owner would have the expertise to maintain a road.

Jim Graw said what would be the cost to maintain the road and would one of these facilities make enough money to cover this cost.

Bob Simmons asked Zane Ardis how many weddings his facility would hold per year.

Zane Ardis said 10 to 20 weddings per year possibly.

Jim Graw said one of these facilities could have an effect on an unpaved road and it could become a nightmare to repair.

Bob Simmons asked if gravel roads are held to a certain speed limit.

Phil Mallon said they are limited to 25 miles per hour.

Pete Frisina asked if 20 feet is the average size width of a gravel road.

Phil Mallon said that would probably be about the maximum size some could be less than 20 feet.

Jim Graw said the Minter Farm does not front on a paved road and they couldn't do this.

Doug Powell said it could affect the road for the rest of the residents on the road if any damage occurs.

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Phil Mallon said with facilities on a gravel road we could require a traffic assessment and that language is already in the development regulations and if it is determined that the operation of the facility will have a detrimental impact of the road the owner then could be asked to make improvements to the gravel road and if they can't afford the improvements then the facility would not be allowed to operate.

Pete Frisina said we would want to evaluate the road prior to the operation starting.

Doug Powell it is important that we be able to also stop the operation if damage occurs.

Jim Graw said he likes Phil's approach because it allows a facility on a gravel road but it gives the County the opportunity to say the road can handle it or can't handle it then we present to the business owner this is what needs to be done to address the road and it will be their decision whether they want to do it or not.

Bob Simmons asked if Phil has any idea what the criterion will be for a gravel road.

Phil Mallon said we have what is required for a traffic impact study but that could be a costly exercise and he didn't know if that extensive of a study would be required for one of these facilities. He added that he didn't think it needs to be mandatory but if the County feels its necessary we have the option to require a study.

Bob Simmons said that's subjective.

Phil Mallon said yes that is subjective.

Pete Frisina said we have to evaluate the road prior to a facility being approved under the Conditional Use aspect and make a determination that the road can handle the facility because there are some unpaved roads where it is just not feasible to have a facility.

Doug Powell said it may not be wide enough for safe two-way traffic.

Pete Frisina said he would work with Phil on language to address unpaved roads.

Doug Powell asked what a Tourist Accommodations is.

Pete Frisina said it is another section of the County code that allows someone to rent their house for less than 30 days as a vacation rental and we don't want that used in conjunction with a wedding/event facility.

Doug Powell said asked if a honeymoon suite would be allowed because I can see that being something someone will want to do.

Pete Frisina said early in this process there was some concern from the BOC and the county attorney that since this is something we are having some problems with we do not want to mix these uses.

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Doug Powell said a facility he is familiar with the catering was doing so well they opened up a restaurant so these facilities can grow into areas you didn't expect.

Pete Frisina said we are starting slow with these facilities and can make changes as necessary in the future. He added the setbacks for all buildings and areas utilized for weddings and events is 100 feet from any abutting residential zoning but it will not be increased from abutting A-R zoning and the normal A-R setbacks would apply. He said a 50 foot setback shall separate parking areas from any abutting residential zoning district and there would be no setback for parking areas from abutting A-R property. He stated that the hours of operation would not apply to setup and cleanup for an event. He said one of the things he is trying to address is the type of sketch plan or site plan the County needs and a sketch plan on a survey that is scalable would be good if you are only utilizing existing buildings for weddings and events but if you plan to build new buildings for weddings and events or add a lot of impervious surface we may need a typical site plan as we require for extensive agricultural operations and we need to be consistent. He added that it is feasible that someone would create a wedding/event facility as the principle use of the property.

Phil Mallon said if an event facility adds 5,000 square feet of impervious surface storm water regulations kick in and a site plan would be required. He added it is a good idea to use the sketch plan as a baseline for existing structures but if more is added and meets the threshold we need a site plan.

Zane Ardis asked if you want to build a small five (5) by 10 foot structure or add a porta-johns will that count toward these 5,000 square feet.

Pete Frisina said when development hits thresholds these regulations will come into play we are just not clear on the threshold right now.

Jim Graw said we had discussed lighting for safety.

Pete Frisina said we don't presently have regulations to require lighting.

Bob Simmons said you can't have lighting that invades the surrounding property.

Zane Ardis said they have power in the barn and they were thinking of putting up floodlights around the porta-johns.

Jim Graw said the parking area needs to be adequate and that needs to be addressed in the regulations and requiring some lights poles in the parking area or somebody is going to get hurt. He said he didn't think we should leave it up to the owners of the property to determine what adequate lighting is.

Pete Frisina asked Phil Mallon if lighting was a requirement for non-residential development per the Development Regulations.

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Phil Mallon said it is not a requirement but most businesses put up lighting.

Bob Simmons asked if certain candle power is required.

Pete Frisina said to his knowledge the light regulations address the light shining into adjacent property.

Jim Graw said we need to provide some lighting for safety purposes for people walking back to their cars in the dark.

Doug Powell said he didn't think we should require it and we could regulate this to death.

Jim Graw said we look out for the health, welfare and safety of the citizen of Fayette County and requiring lighting adds to the safety of the citizens.

Doug Powell said he would vote for no lighting.

Pete Frisina said we will have to see when one comes because Zane Ardis said he understands the need and would put in some minimal lighting.

Doug Powell said he is going to an event in the country with no lighting and he has been to the facility before and they have a sign that says you are entering the property at your own risk.

Chairman Gilbert said since we are done with this subject his subdivision is experiencing houses that are being rented or they are owned by a bank and nobody is taking care of the property and the grass is getting high.

Pete Frisina said the County has an ordinance stating grass can't be higher than 14 inches and the Code Enforcement Section in the Planning and Zoning Department can address the complaints.

Bob Simmons made a motion to adjourn the meeting.

Chairman Gilbert said so moved.

Chairman Gilbert said the meeting was adjourned at 8:30 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

AI GILBERT, CHAIRMAN