

THE FAYETTE COUNTY PLANNING COMMISSION met on May 18, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
John H. Culbreth, Sr., Vice-Chairman
Jim Graw
Al Gilbert
Arnold Martin, III

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Patrick Stough, County Attorney
Bill Beckwith, Chairman, Zoning Board of Appeals

Welcome and Call to Order:

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

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1. Consideration of the Minutes of the meeting held on May 4, 2017.

Pete Frisina informed Chairman Haren that the minutes were not completed and couldn't be acted on this evening. Al Gilbert made a motion to table the minutes until the June 1, 2017 meeting. John Culbreth seconded the motion. The motion passed 5-0.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of William Mercer Massengale Disclaimer By-Pass Trust. The property will consist of one residential lot zoned A-R, is located in Land Lots 131 &132 of the 4th District and fronts on Massengale Road.

Randy Boyd stated that all of the county staff has approved the minor subdivision plat and he asks that the Planning Commission to approve it as submitted.

Jim Graw asked if the lot will be joined with the parent tract.

Randy Boyd said the parent tract is directly east of the proposed lot and the parent tract will be further subdivided later.

John Culbreth made a motion to approve the Minor Subdivision Plat of William Mercer Massengale Disclaimer By-Pass Trust. Arnold Martin seconded the motion. The motion passed 5-0.

3. **Consideration of a Final Plat of Waterlace. The property will consist of 62 residential lots zoned R-40, is located in Land Lots 6, 7, & 27 of the 7th District and fronts on Blue Point Parkway.**

Mark Zion stated that that all of the county staff has approved the final plat and he asks that the Planning Commission to approve it as well and he can answer any questions.

Chairman Haren said he understood that the condition originally recommended for the final plat has been satisfied and the performance and maintenance bonds have been received.

Pete Frisina said we have an e-mail from Bryan Keller of the Environmental Management Department stating that the bonds have been submitted.

Jim Graw made a motion to approve the Final Plat of Waterlace Pod A3. John Culbreth seconded the motion. The motion passed 5-0.

4. **Discussion of A-R Wedding and Event project.**

Pete Frisina said that a representative had planned to be at the meeting tonight but he couldn't make the meeting. Pete Frisina said he would just discuss the items shown on the concept plan. He said their plan is to come in for A-R zoning to do what they can under the A-R Wedding and Event conditional use. He discussed the various facilities and uses as follows:

Ranch House – Proposed as the events center which fits into the A-R Wedding and Event conditional use.

Youth House – This is a multi-functional facility that will target the younger generation to provide educational, recreational, leadership and mentorship opportunities with classrooms and study rooms. These uses do not fit into the A-R Wedding and Event conditional use and seem like something a church or a nonprofit like a YMCA would provide.

Woodland Area - Areas on the site could be designed for recreational and passive trails that could be educational and be used by the public for passive recreation. This is a use that would be in a public park and not in an A-R Wedding and Event conditional use.

Native Garden Area/Nursery - The native garden is an outdoor classroom with community gardens open to the public. This is a use that would be in a public/community garden and not in an A-R Wedding and Event conditional use.

Farmer's Market – Community farmer's market for the sale of agricultural products with buildings containing offices and/or classrooms. Farmers markets are not mentioned in the zoning ordinance and they are not a use in an A-R Wedding and Event conditional use.

The Pavilion – The pavilion is an open plaza where events would take place.

The Chapel – The chapel is a partially open-air structure where events would take place.

Passive Recreation – The passive recreation area would be for recreational purposes such as frisbee, football, kickball, etc. This is a use that would be in a public park and not in an A-R Wedding and Event conditional use.

Chairman Haren said it is a good concept but there is not a single zoning category that this all fits into.

Jim Graw said it goes beyond what we envisioned for an A-R Wedding and Event facility where someone would use an existing barn.

Arnold Martin this is a major commerce facility that could bring commerce into the county if it is successful but you have a lot things going on here and this is more than a farm allowing weddings. He said he has a concern categorizing this under A-R.

Jim Graw said he would like to get more details on what they are proposing.

John Culbreth said he would like to review this in context to the surrounding properties and traffic.

Pete Frisina said a lot of these uses are what you would find in a publically owned park/community center, church, a private school, or nonprofit recreation facilities which are all different uses allowed in A-R.

Al Gilbert said this concept reminds him of a church camp.

Chairman Haren said we need to get someone from this group to address the Planning Commission.

5. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX. - Policies, Procedures and Standards Governing Amendments and Article X. - Planning Commission.

Pete Frisina said these amendments were started as the Board of Commissioners (BOC) have changed their meeting time from 7:00 pm to 6:30 pm and the zoning ordinance under zoning procedure needs to reflect this change. He added that he is taking this opportunity to make some housekeeping amendments to the portions of the zoning ordinance addressing the Zoning Board of Appeals (ZBA), rezoning/ordinance amendment procedures and the Planning Commission (PC). He stated that a change to the time the ZBA can give an applicant to come into compliance will be changed from 10 days to 30 days to 30 days to 60 days and the time in which an application can be resubmitted when a variance is denied will be clarified as 180 calendar days instead of six months. Under the zoning procedures section is the change to the BOC meeting

time and allowing the BOC and allowing the BOC and PC set time limits for public input through their individual rules of procedure instead of stating these limits in the zoning ordinance.

Patrick Stough stated that the time limits could not be set to less than 10 minutes per side based on State zoning procedure laws.

Pete Frisina said Section 110-299 states, rezoning conditions which relate to the use, occupancy, or development of the property contained in the petition may be approved by the BOC. He said he is recommending that the terms “use, occupancy, or development” of the property will be deleted because this is not what we have been doing and they are not well defined.

Pete Frisina stated that the under the terms of office for the PC, a member will serve until they are reappointed or a successor is appointed and the procedure to fill a vacancy in the membership of an unexpired term is not needed as the BOC have their own procedure to appoint commission members.

It was the consensus of the PC to move ahead to public hearings with these amendments.

OLD BUSINESS

6. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Pete Frisina said the new Planned Unit Development – Planned Residential and Business Development (PUD-PRBD) zoning category needs to be added to section 100-149, (a), (1).

Arnold Martin asked if any of the suggestion made by Representative Jackson were taken into consideration.

Pete Frisina said some of the amendments are a result of suggestions made by the citizens and Representative Jackson. He said he added “through the use of large lots and the preservation of existing single-family dwellings maintain rural character” based on the direction of the new comprehensive plan of maintaining rural character. He asked, as this is a mixed use development allowing a principal residential use with an incidental business use and do we need to add more qualifying description of these potential businesses such as “service oriented” or “non-retail”?

Al Gilbert said as a PUD the County has the choice to clarify that in each individual PUD.

Pete Frisina said as the business structure shall have an agricultural character he added that the structure shall have a hip, gambrel and gable roof. He asked if the PC were comfortable with the minimum house size of 2,100 square feet.

Chairman Haren said he was comfortable with the minimum house size of 2,100 square feet.

Arnold Martin asked if it should be stated that the house size could be increased if the surrounding area contains larger homes because the subdivision in Tyrone contains very large homes.

Chairman Haren said under the PUD it is stated that the development shall be compatible with surrounding uses and the land use plan so when we review the Summary of Intent we can make recommendations to set such things as the minimum house size if we think a bigger house is more compatible with the surrounding area.

Arnold Martin said the ordinance says “uses” and someone could argue that residential to residential is a compatible use and a smaller house is compatible with a larger house.

Al Gilbert said the surrounding area would be better served by the PUD with 2,100 square foot homes because with the present R-70 zoning you might get 30 lots and the minimum house size in R-70 is 1,500 square feet.

Jim Graw said what if the surrounding area contains 6,000 square foot homes and the PUD is proposing 2,100 square foot homes does the County have the authority to require 6,000 square foot homes.

Pete Frisina said the County could require that but house size is a sensitive subject so the County wouldn’t want to be too unreasonable in setting house size.

Patrick Stough asked what the greatest minimum house size is required in the County.

Pete Frisina said he thinks 3,000 square feet.

Patrick Stough said then 3,000 square feet would be the most the County should require.

Arnold Martin said legally if we don’t put something specific in this zoning district that says a larger than minimum size house could be required can the County actually require a larger home.

Patrick Stough said he would intend to agree with that if there is not a minimum house size specified.

Pete Frisina said each PUD is a unique zoning district and the development standards are outlined in the Summary of Intent and the BOC has the ability to approve the PUD with different development standards.

Chairman Haren said the review of the Summary of Intent is where the county sets the standards for the development.

Arnold Martin said the citizens are concerned with how a development will affect their property values and they look to the County to protect their property values.

Pete Frisina said there are other ways to mitigate the effect of development and 100 foot buffer around the development will create a separation between the uses and the buffer could be enlarged if the county feels it warranted.

Pete Frisina said the ordinance clarifies that the business operator be the owner/occupant of the property if the business is not owned by a corporation or partnership or if the property and business is owned by a corporation or partnership in which case the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership. He said the hours of operation in the context of customers are now 7:00am to 5:00pm Monday through Sunday per a citizen's suggestion. He added that any subdivision entrance sign would be regulated under the standards for a residential subdivision in the sign ordinance.

Jim Graw said each residential lot gets three signs of which one is permanent and the other two are temporary and is there a time limit for the temporary signs.

Pete Frisina said a permanent sign is permanently affixed to the ground and temporary signs are not and there is not a time limitation on a temporary sign.

Jim Graw said so four (4) lots could have three signs each which is a total of 12 signs and since these lots are business related they are more apt to have the maximum number of signs and this is yet another reason that I am opposed to this whole thing. He said he has voiced his opposition to this new zoning with a statement in two public meeting and they are in the record of why he is opposed to the zoning district. He added that he is opposed to this because you are taking a residential area and putting businesses building in a residential area with three signs per lot.

Arnold Martin said the only thing I can say is that it goes to the spirit that everything is self-contained and the person is buying into this concept. He added that the lots will be served by an internal road so they won't be visible from the main roads.

Chairman Haren said the project on Sandy Creek Road is not proposing an internal road.

Jim Graw said at that last meeting there were citizens that were concerned about his type development next to their subdivision.

Arnold Martin said but with the buffers it probably won't be visible from the surrounding area.

Chairman Haren said three signs are what are allowed on all residential lots per the sign ordinance.

Pete Frisina said while this is a mixed use zoning with residential and business these standards regulate signage in a residential context and not a non-residential context which allows larger signs.

Chairman Haren said we have to allow signage.

Jim Graw said there is a way to control this signage issue and I know you guys are going to get tired of hearing this but you don't approve this PUD. He added that he does not feel comfortable with putting businesses in a residential area because you are taking a Kenwood Business Park which is zoned M-1, Light Industrial and you are putting industrial uses in a residential neighborhood and it is totally unfair to the people that live in that subdivision and I wouldn't want to live there.

It was the consensus of the PC to move ahead to public hearings with these amendments.

Jim Graw said he objected to sending the PUD forward to the BOC for the reasons he had stated in previous minutes of our meetings and for the reasons he had stated at the 5/18 meeting.

Jim Graw made a motion to adjourn the meeting. John Culbreth seconded the motion and the motion passed 5-0. The meeting was adjourned at 8:20 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



BRIAN HAREN, CHAIRMAN

ATTEST:



