

THE FAYETTE COUNTY PLANNING COMMISSION held a **Workshop** on March 17, 2005 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Douglas Powell, Vice-Chairman
Bill Beckwith
Al Gilbert
Bob Harbison

MEMBERS ABSENT: Jim Graw, Chairman

STAFF PRESENT: Aaron Wheeler, Director of Zoning/Zoning Administrator
Chris Venice, Community Development Division Director
Bill McNally, County Attorney
Phil Mallon, Acting County Engineer
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

GUESTS: Tim Thoms

Welcome and Call to Order:

Vice-Chairman Powell called the meeting to order and introduced the Board Members and Staff. He welcomed Tim Thoms, the newly appointed P.C. Member whose appointment is effective April 1, 2005. He also welcomed the students from Fayette County High School.

* * * * *

1. Discussion of proposed amendment to the Fayette County Development Regulations regarding Article XIII. Post-Development Stormwater Management for New Development and Redevelopment as presented by the Engineering Department.

Phil Mallon stated that he had prepared a “strike-out/underline” version and a “clean” version of the proposed ordinance. He said that he would be referencing the “clean” version with the discussion tonight. He commented that he had presented the proposed ordinance approximately six (6) or seven (7) weeks ago and the Goals and Objectives were discussed. He remarked that there were seven (7) areas which needed to be revisited by Staff and the County Attorney’s Office. He pointed out that this included the following: 1) incorporating language for the homeowners association; 2) setting up a tax assessment area; 3) clarifying the sequence of submittals; 4) establishing an effective date; 5) removing all references to a County utility; 6) clarify the bond requirement; and 7) reviewing the water quality credits.

Mr. Mallon reviewed the following changes which has been made to the proposed ordinance.

- Pg 3, Section 1.2 – no change to model applicability threshold of 5,000 sf impervious cover
- Pg-3, Section 1.2 – delete “hotspot” land use
- Pg 4, Section 2 – added definition of Common Plan of Development
- Pg 4, Section 2 – delete “hotspot” definition
- Pg 8, Section 3.2 – added requirement to extend topographic data to upstream drainage divide and to downstream receiving water (or R/W) - data to be clarified in the field and not by utilization of quad maps due to the accuracy required
- Pg 11, Section 3.2 (I) – move Operations and Maintenance Plan requirement to its own section or make part of Inspection and Maintenance Agreement
- Pg 11, Section 3.2 (J) – no ponds on individual lots, must be commonly owned - doing so relieves individual property owners of the liability of maintaining ponds
- Pg 11, Section 3.2 (K) – delete paragraph, redundant with next section
- Pg 12, Section 3.4 – Revisions per County Attorney, establishes requirements for inspection and maintenance

March 17, 2005

- Pg 13, Section 3.4 – Homeowners Association requirement
- Pg 13, Section 3.5 – Revisions per County Attorney, establishes Tax Assessment Areas
- Pg 14, Section 3.X – draft language for business license permitting process, pending discussion with Finance Department
- Pg 14, Section 3.5 – two-year maintenance bond, independent of street bonds
- Pg 15, Section 3.6 – Application Procedure language changed, allowing O&M plan, Inspection and Maintenance Agreement, Tax Assessment Area, HOA creation, etc, to be submitted post-construction but prior to final plat approval or issuance of Certificate of Occupancy
- Pg 17, Section 4.3 – flood protection required for all drainage basins, reference the Georgia Stormwater Management Manual in each performance criteria bullet
- Pg 23, Section 7.1 – remove appeal option for notice of violations

Vice-Chairman Powell advised that he had some typos and formatting items which he would review with Mr. Mallon after the Workshop.

Mr. Mallon stated that he has two (2) items left to review: finalize language for commercial projects regarding business license leverage and organization/formatting changes. He added that the effective date would be July 1, 2005. He advised that he would like to discuss the proposed ordinance at the April Workshop and to advertise the proposed ordinance for the May Public Hearing.

* * * * *

2. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, 7-1.,B. Conditional Uses Allowed, 3. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs as presented by the Zoning Department.**

Aaron Wheeler advised that the ordinance was revised in October or November regarding light automobile repairs and heavy automobile repairs in the C-H and M-1 zoning districts. He stated that it was brought Staff's attention that this may be unfair or restrictive because an automobile sales location can perform any type of repair but a standard repair shop could not.

Bob Harbison suggested that the item be re-named Sales and/or Repairs of Automobile, Truck, Farm Equipment, or Motorcycle. He also objected to the overhead doors being located in the rear of the building. He said that there were a lot of dealerships with overhead doors on the side of the building. He stated that the lot may not accommodate a building so that the overhead doors are at the rear of the building. He added that he did not agree with this requirement.

Vice-Chairman Powell concurred with Mr. Harbison.

Mr. Wheeler replied that he did not want to see the overhead doors on the side of the building because the inside of the building would be visible from the street.

Mr. Harbison asked if a business would be denied the capability of building if they had a drive-thru repair service.

March 17, 2005

Mr. Wheeler replied no because the proposed ordinance is addressing heavy automobile repairs such as replacement of an engine and not a light automobile repair such as an oil change.

Mr. Harbison asked why the overhead doors could not be screened from being visible from the street.

Mr. Wheeler replied that the business owner would object because the screening would block the view of the building.

Al Gilbert suggested giving the business owner the option of either screening the overhead doors from the street or locating them in the rear of the building.

Mr. Harbison stated that he resisted the idea of forcing someone to do something if there are alternatives.

Mr. Wheeler explained that the proposed amendment is allowing repair in C-H which is currently not allowed. He stated that this is an advantage that is currently not given since heavy repair is allowed in an M-1 zoning district only.

Vice-Chairman Powell suggested adding "no external loud-speakers allowed" under 2.

Mr. Wheeler concurred.

Vice-Chairman Powell instructed Robyn Wilson to advertise the proposed amendments for the April public hearing.

* * * * *

Vice-Chairman Powell asked if there was any further business.

Aaron Wheeler advised that the Marshal's Office had received complaints regarding noise from dirt bikes and the lighting of dirt bike tracks. He said that there is currently a change being proposed to the Noise Ordinance and asked if the P.C. wanted to entertain an amendment to the Zoning Ordinance to regulate the issue of recreational activities on residential property.

Vice-Chairman Powell asked if there were any limits on the hours a dirt bike could be operated.

Mr. Wheeler replied no.

Attorney McNally advised that a proposed Noise Ordinance was currently under consideration. He said that the proposed ordinance was very comprehensive. He added that the County has a meter to measure the decibel level.

Chris Venice asked the P.C. to decide if they would like to regulate recreational activities on residential property such as baseball diamonds, dirt bike trails, etc. She instructed Robyn Wilson to forward the P.C. members a copy of the proposed Noise Ordinance for their review and input.

* * * * *

March 17, 2005

Vice-Chairman Powell asked if there was any further business.

Aaron Wheeler stated that there had been discussion about separating Agricultural land from Residential land. He commented that if someone resides in a residential subdivision zoned A-R then livestock is permitted but may not be conducive for a subdivision. He advised that the Estate zoning district should be revised.

Bob Harbison suggested changing the name from Estate to R-100 and allowing an administrative rezoning from A-R to R-100 should someone want to develop a single-family residential subdivision which would not create a burden on the developer.

The P.C. concurred with the suggestion.

Mr. Wheeler replied that Staff would begin preparing the amendments to the Estate zoning district.

* * * * *

Vice-Chairman Powell asked if there was any further business.

Aaron Wheeler advised that he had one (1) more item to discuss. He stated that a question was raised about nonprofit organizations vs profit organizations in an A-R zoning district.

Chris Venice explained that the uses at the Kiwanis Fairgrounds has changed over time. She said that the dilemma is created when the Kiwanis rents out their building to someone making a profit from sales which is a commercial business in an A-R zoning district. She added that another problem will be if the Kiwanis want to sell their property and building.

Mr. Wheeler stated that Staff may want to consider making these type uses Conditional Uses.

Ms. Venice advised that Staff would review the ordinance to either tighten up what could be done as a recreational use in A-R or to remove it and present the proposed amendments at a future Workshop.

* * * * *

Bob Harbison expressed his thanks for everyone's support and commented that he had enjoyed working with everyone and it had been a pleasure.

* * * * *

Hearing no further business, Bob Harbison made a motion to adjourn the workshop. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Chairman Graw was absent. The workshop adjourned at 8:40 P.M.

Page 5

March 17, 2005

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

DOUGLAS L. POWELL
VICE-CHAIRMAN

ROBYN S. WILSON
P.C. SECRETARY