

THE FAYETTE COUNTY PLANNING COMMISSION met on March 20, 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
Brian Haren
Bob Simmons

MEMBERS ABSENT: Douglas Powell

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator/PC Secretary

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order and introduced the Commission Members and Staff. He stated that Doug Powell was absent tonight.

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1. Consideration of the Minutes of the Meeting held on December 19, 2013.

Chairman Gilbert made a motion to table the minutes to the next meeting. Jim Graw seconded the motion. The motion passed 3-0-1. Bob Simmons abstained from the vote and Doug Powell was absent.

2. Consideration of the Minutes of the Meeting held on March 6, 2014

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

NEW BUSINESS

3. Consideration of a Variance request (V/A 007-14) for McNeil Farms Subdivision Phase II, Scarbrough Group, Inc., Owner and Joey Scanlon, Scanlon Engineering Services, Inc., Agent,. from the Fayette County Subdivision Regulations, Section 8-505.(c). Contiguous Areas for Residential Development. This variance is to reduce the contiguous area for Lots 2, 3, 4, and 7. This property is located in Land Lot(s) 76, 77, 84 & 85 of the 7 District, fronts on Swanson Road, and is zoned R-70.

Chairman Gilbert advised the petitioners that since there is not a full board tonight they have the option to table until the next meeting.

Joey Scanlon said they would proceed with their request. He stated the BOC approved the

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subdivision request last week and now they are seeking a variance on the contiguous area. He said the dedication of additional right-of-way by the developers for road realignment, based on input from Phil Mallon in Public Works, has impacted the lot area and in turn the contiguous area of these lots. He added that watershed protection buffers and setbacks also have an impact on the contiguous area of these lots. He said the soils have been studied for this property and concept plans shows a typical 2,500 square foot house, two 900 square foot accessory structures, a primary septic field and a backup septic field and there is room on these lots for these improvements. He noted that the Environmental Management Department commented that they would rather have a variance on the contiguous area as opposed to a variance to the watershed protection setbacks/buffers. He said the lowest amount of contiguous area is .75 acres and .9 acres is required.

Brian Haren asked on lots 3 and 4, if you were not giving up additional right-of-way, how much contiguous area would there be on those lots.

Joey Scanlon said based on this layout he would estimate that the contiguous area would be greater than .8 acres and .9 acres is required but it depends because we could also reconfigure the lots if we weren't dedicating additional right-of-way.

Jim Graw said we have to make a decision based on the concept before the commission tonight and the contiguous area for these lots is in the range of .75 acres.

Joey Scanlon said three of the lots are .75 acres and one of the lots has a .8 acre contiguous area and there are probably lots in the county with less than .75 acres of contiguous area and they probably function just fine so he is not sure what the .9 acres is based on.

Pete Frisina said the concept originally came for the Engineering Department because they saw lots that were greatly impacted by floodplain and watershed protection with very little buildable area once the house was built. He added that the contiguous area was calculated using a typical rectangular lot with one road frontage minus the setbacks and an amount to take that into consideration double frontage lots, floodplain, watershed protection and easements that has an effect on the buildable area.

Jim Graw said what he thought Brian Haren was asking is if you only gave us the typical right-of-way what would the contiguous area be on these lots and Mr. Scanlon is saying the contiguous area would still be less than .9 acres on some lots.

Joey Scanlon said yes on this particular layout.

Jim Graw said the county could not require the developer to dedicate any more than is typical for right-of-way but the developer is agreeing to dedicate additional right-of-way in this case and that is what is contributing to the lack required contiguous area.

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Brian Haren asked if there is anything in the regulations that gives staff a 10 percent administrative variance.

Pete Frisina said there is not an administrative variance in the subdivision regulations.

Jim Graw said the watershed protection is also impacting the lots and if that wasn't for that the contiguous area could probably be met.

Brian Haren said the watershed protection, floodplain and wetlands were there before you bought the lot.

Chairman Gilbert asked Pete Frisina how many contiguous area variances have been heard by the Planning Commission.

Pete Frisina said this is about the fourth variance request that has been heard and the first was on SR 85 Connector and Mask Road.

Joey Scanlon said when the developer plats these lots they want them to be buildable and he comfortable as an engineer saying these are good lots.

Pete Frisina said the crucial issue on any lot is there ample septic area and a lot will not be issued a building permit until the septic permit is approved.

Joey Scanlon said the soils consist of A soils and the systems will be gravity fed and will not require pumping.

Pete Frisina said this subdivision will still require a Final Plat as the next step that will come through the Planning Commission for approval. He added that a level 3 soil study is required for the Final Plat, the Environmental Health Department will approve the Final Plat for platting purposes only and each individual lot still will need an individual septic permit from them.

Brian Haren made a motion to approve the variance. Al Gilbert seconded the motion.

Brain Haren said he likes that the right-of-way will be deeded to the county which will make it easier and he deals with watershed protection issues for the City of Atlanta at the airport.

Joey Scanlon said the watershed ordinance is what the ordinance is.

Chairman Gilbert said part of the reason for asking about past variances is he likes to consistent.

Jim Graw asked if any of the past variances were required because of a watershed regulation.

Pete Frisina said all of the past requests had watershed protection buffer and setbacks.

Jim Graw said this request involves watershed and the dedication of right-of-way.

Bob Simmons asked to make this work does it need to be configured in this way to meet the requirements and do you have to have this number of lots in there.

Joey Scanlon said you could develop fewer lots.

Bob Simmons asked if the project was feasible with fewer lots.

Chairman Gilbert called the question. The motion passed 3-1. Bob Simmons voted in opposition to the motion and Doug Powell was absent.

- 4. Consideration of a Variance request (V/A 008-14) for proposed Flowers Field Subdivision, Scarbrough Group, Inc., Owner and Joey Scanlon, Scanlon Engineering Services, Inc., Agent, from the Fayette County Subdivision Regulations, Section 8-505.(c). Contiguous Areas for Residential Development. This variance is to reduce the contiguous area for Lots 4, 8, 9 and 10. This property is located in Land Lot(s) 76, 77, 84 & 85 of the 7 District, fronts on Flowers Road, and is zoned R-70.**

Joey Scanlon said the issue with this variance is watershed protection regulations and the smallest contiguous area is .76 acres and the soils are good as with the last request.

Brian Haren asked if anything can go inside the watershed.

Pete Frisina said the Environmental Management Department has indicated that you can apply for a variance of the watershed setbacks.

Brian Haren asked if you could put a temporary structure in the watershed area.

Pete Frisina said the buffer is undisturbed and the setback can be disturbed but no structures or septic can be built in the setbacks.

Brian Haren asked if that is a Corps of Engineers' requirement.

Pete Frisina said it is the County and the North Georgia Metropolitan Water Planning District requirements and the some of the North Georgia Metropolitan Water Planning District requirements are more stringent than the County regulations but we had to adopt their minimum requirements.

Chairman Gilbert said the original watershed protection ordinance was adopted in the 80's based on encouragement from the State and later it was reduced from the original but the regional watershed district increased some of the regulations.

Joey Scanlon said you cannot tell the difference between the watershed protection buffer/setback from the portion of the lot outside of the buffer/setback because it is not like there is sudden transition between these areas and you are not standing in a swamp.

Pete Frisina said this subdivision will require a Preliminary Plat and then a Final Plat and Phil Mallon has made a comment of the alignment of the entrance road.

Joey Scanlon said that will have to be reworked and once again Environmental Health will have to approve every lot.

Brian Haren made a motion to approve the variance. Al Gilbert seconded the motion.

Brian Haren said this is similar to the previous subdivision and the issue is watershed protection areas.

Chairman Gilbert called the question. The motion passed 3-1. Bob Simmons voted in opposition to the motion and Doug Powell was absent.

OLD BUSINESS

5. Continue discussion of the land use plan for SR 74 south.

Pete Frisina said he wanted to recap the previous discussion points.

Brian Haren asked what the process is once the Planning Commission has made some decisions.

Pete Frisina said he would go back to the BOC with the recommendations and if the BOC feels comfortable they will instruct staff to move ahead with public hearings. He added that the Land Use Plan will be one of the items that will be changed by indicating certain properties for Office and he indicated those parcels on the map on the screen.

Chairman Gilbert recommended that the small parcel in front of the church property on the west side of the road be included in the plans for the intersection of SR 74 and SR 85.

Pete Frisina said he would not recommend that the parcel be included with the intersection plan because it was in the middle of the church property and not at the intersection.

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Chairman Gilbert said whatever goes in across the road will most likely be part of the intersection plan.

Pete Frisina said he didn't think the plan would go that far north on SR 74 and he did not have a problem with Office on the small parcel but was not considering Commercial for the parcel.

Jim Graw asked Chairman Gilbert if he was suggesting taking that parcel out of consideration for Office.

Chairman Gilbert said he suggests making it part of whatever we do at the intersection and if we create a special zoning at the intersection apply it to the small parcel.

Bob Simmons asked if the church ever tried to buy that parcel.

Pete Frisina said Gene Barber who works with the church indicated at the last meeting that they had tried to buy it at some time.

Jim Graw asked why we are even considering that property for Office.

Pete Frisina said it was included because it is remnant property like some of the other properties we are looking at.

Jim Graw asked how big the property is.

Pete Frisina said it may have been an acre at one point but with the road widening it is probably less than an acre now.

Jim Graw said he didn't think that property needs to be considered.

Chairman Gilbert said that was his original thought.

Pete Frisina said he would remove that parcel from consideration for Office.

Jim Graw asked if the other properties we are looking at are at least an acre.

Pete Frisina said all the other properties are an acre or greater. He said that the current General State Route Overlay should provide the architectural regulations that apply to most of the other highways. He added that with his discussions with the officer at Mill Pond Manor there was the issue of the sidewalks not being connected along SR 74 and making the provision of sidewalks along those areas as part of the development requirements.

Chairman Gilbert asked if there are sidewalks at the church.

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Brian Haren said it looks like there is, viewing a map on his iPad.

Jim Graw asked if there are sidewalks down to the intersection with SR 85.

Brain Haren said it appears there are.

Bob Simmons asked if they were installed by the State.

Brian Haren said the sidewalks stop just north of the church property on the west side of SR 74 and there are no sidewalks on the east side of SR 74 in this area.

Jim Graw asked where they stop on the east side.

Chairman Gilbert said it stops where the houses that front on SR 74 are located.

Brian Haren said the sidewalks only go up to the second entrance of Mill Pond Manor and not all the way to the houses that front on SR 74.

Pete Frisina said we would need some type of overlay district to get the sidewalks put in.

Bob Simmons asked if the County had a subdivision regulation that deals with sidewalks.

Pete Frisina said no there are not requirements for sidewalks.

Jim Graw asked if the County could make it a condition of zoning instead of an overlay requirement.

Pete Frisina said in the land use plan text we can address the sidewalks.

Chairman Gilbert asked how the County addressed that on the SR 74 North corridor.

Pete Frisina said he thought it was through the overlay district in the land use plan but he would have to check to make sure.

Bob Simmons asked if we know how many people are using the sidewalk now.

Pete Frisina said the person he spoke to in Mill Pond Manor said they would like to be able to walk to the school.

Bob Simmons asked if the residents had offered to generate the funds themselves to construct sidewalks.

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Pete Frisina said not to my knowledge.

Jim Graw asked if residents generated the funds to build a sidewalk, who would own the sidewalk.

Pete Frisina said it would depend where the sidewalk is located in terms of right-of-way or private property.

Bob Simmons asked about the triangular property on the west side of SR 74 and is the person that proposing an office there looking to buy any of the adjacent property.

Pete Frisina said not to his knowledge. He added that he will review different regulatory options for the corridor and bring those to the next meeting. He said in terms of the intersection plan we were looking at the northwest and southwest corners as a commercial use.

Jim Graw said he saw a for sale sign on the property that is next to the new subdivision on SR 85.

Pete Frisina said we had talked about showing a land use of Office on the property next to the subdivision. He said he thinks we need to evaluate the northeast corner as there is a church site there now and while it is land used for residential it has never been a residence and we need to give that consideration to be repurposed for a light non-residential use.

Jim Graw asked where Starrs Mill is in relation to the church.

Pete Frisina said it was to the east of the church.

Jim Graw said do we need commercial on that northeast corner.

Pete Frisina said we need to acknowledge that the church has never been a house and is not likely to be used as one in the future as there are three building there and a large parking lot.

Chairman Gilbert said this intersection will require a unique zoning approach.

Pete Frisina said we had planned a special development district for the intersection with specialized architectural control.

Jim Graw said why we don't look at Office for the old church.

Pete Frisina said he would like to have more options so if somebody comes in with a use that fits the character of the area.

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Bob Simmons said with a location like that he thinks the commercial people would jump on it right away.

Pete Frisina said he didn't want the heavier uses on the east side of the intersection but if a restaurant came that would be a good fit.

Chairman Gilbert said to serve alcohol you have to be so many feet from a church.

Bob Simmons asked how you would measure for alcohol.

Pete Frisina said it is not measured in a straight line it is measured along the right-of-way.

Chairman Gilbert asked if there is some way to know how the location of the churches will affect alcohol sales at this intersection.

Jim Graw asked what you think about commercial on that northeast corner with very tight controls.

Pete Frisina said we have to recognize that there are three buildings there with a parking lot and I don't think it will be used a house so we need be able to do something with the property.

Jim Graw said if we put Commercial on the northwest corner then we should land use an equal amount on the northeast corner.

Pete Frisina said we can treat the corners differently.

Jim Graw said one of these days if we allow commercial on the northwest and southwest corners someone on the northeast corner is going to want commercial and we are going to say no and we are going to end up in court.

Pete Frisina said the last time we discussed this area we were only looking at the northwest and southwest corners.

Jim Graw said that was not his opinion and he thinks putting a very tightly controlled Commercial area there might be a better solution.

Pete Frisina said that is a good approach because the buildings and parking are already there and he would like to see the historic buildings preserved and used.

Jim Graw said someone could use those buildings as part of a plan for the intersection.

Pete Frisina said preserving those building preserves the historic character of the area.

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Brian Haren said he has been in the building and he didn't see an upscale business going into it but a small antique shop could work. He added that Starr Mill should set the character for the northeast corner.

Chairman Gilbert if he meant from an architectural perspective.

Brian Haren said from an architectural perspective and a use perspective because Starr Mill is the jewel of the County.

Jim Graw said he doesn't see a convenience store on the northeast corner himself and we have talked about convenience stores going on those other corners and the architecture would have to be very tightly controlled and we have a zoning district called Limited Commercial with very few uses and we would need something new because we want tighter architectural controls than what is existing in the ordinance.

Pete Frisina said we established different regulations and architectural controls for each side of SR 74 North because we wanted different development on each side.

Jim Graw said he agrees with Brian Haren that whatever happens on the northeast corner will dictate development down to Starrs Mill.

Pete Frisina said we really don't want non-residential development down to the mill.

Jim Graw said we to look at the SR 85 and SR 85 Connector intersection too.

Pete Frisina said he did not want to get too far away from the SR 85 and SR 74 intersection. He added that we could talk to everyone that owns property on a corner on SR 85 and they will tell you they want commercial on their property and you to determine which intersection is the predominant intersection for that use and obviously it is this intersection.

Chairman Gilbert said southern Fayette County is that heavily populated and you have to have a certain number of residences to support the businesses.

Pete Frisina said convenience stores have the numbers with people driving by commuting.

Chairman Gilbert said that is encouragement for gas stations and he doesn't think we can just say we want one gas station on only one corner and we can control what it looks like but we can't control the type of business that goes there.

Pete Frisina said he thinks we can control the corners differently.

Bob Simmons said in his experience retail establishments need a certain number of roof tops in a certain radius and you have to be on the right side of the road.

Pete Frisina said there is a morning side and an evening side of the road for convenient stores.

Chairman Gilbert said he thought you need two gas stations down there because you have people commuting different directions and if we are limiting the number of gas pumps then we will have a mess if you don't have a second gas station.

Bob Simmons said RaceTrac and QuikTrip design their islands to get the maximum number of cars in there at one time.

6. Continue discussion of hoop houses and detached rooms.

Pete Frisina said he had spoken to the BOC at their last meeting about hoop houses and explained that in Article V the size of an accessory structure ranges from 1,800 square feet on lots less than five acres to 3,600 square feet on five acre and greater lots in residential zonings. He added that hoop houses don't meet the requirements for an accessory structure. He added that we have had two individuals in a residential zoning that have come to us to build hoop houses.

Jim Graw asked how big the second property is.

Dennis Dutton said there were two properties and they each were about seven acres or more in size.

Pete Frisina said the first individual had two lots that totaled about seven acres.

Chairman Gilbert said on five acres or greater you can have 3,600 square feet.

Pete Frisina said hoop houses still don't meet all of the requirements for an accessory structure under Article V and it will need to be amended to address hoop houses. He added that one of the points from the BOC was on lots of less than five acres we may not want a 1,800 square foot hoop house but once you get up to five acres a 3,600 square foot hoop house wasn't a concern. He said the other issue is that if we allow hoop house that they be used for their intended purpose and that is to grow crops and not be a storage building for household junk and we need to make sure they are maintained.

Chairman Gilbert asked should we have a regulation that if they are not used for this purpose anymore they have to be taken down.

Pete Frisina said once it falls into disrepair is when we need to act on it.

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Chairman Gilbert asked if they will need a business license.

Pete Frisina said we do not currently require something like that for growing and selling crops and the County does not issue a business licenses anymore we charge an occupational tax.

Jim Graw asked if we are going to allow a 1,800 square foot hoop house on one acre.

Pete Frisina said he thinks we should not allow that size hoop house on a one acre lot.

Jim Graw said he is concerned on one acre lots and we may want to increase the setbacks.

Pete Frisina said that would be a good approach.

Bob Simmons said we need to be careful not to require too much or nobody will be able to build one.

Pete Frisina said just because someone wants a hoop house on a one acre lot does not mean they are in the organic vegetable business as they may want it for their own personal use.

Pete Frisina said to recap we want to limit the size of a hoop house based on the size of the lot, require that it be used only to grow crops, and require that it be maintained. Pete Frisina said another issue we are dealing with is houses in the County with detached rooms and they are common in certain styles of homes such as Mediterranean and Spanish that are built around a courtyard and some of the rooms do not have a heated connection. Pete Frisina said he wants to do some research to see if we have homes with similar situations and amend the ordinance so these rooms are not considered detached accessory structures. Pete Frisina showed the Planning Commission an example house elevation on the screen and asked if they could point out the portion of the house that is a detached accessory structure.

Chairman Gilbert and Brian Haren said they couldn't tell.

Jim Graw and Bob Simmons asked if it was the right side of the house.

Pete Frisina said it was the left side of the house and when you walk into what appears to be the front door you walk into an open courtyard that contains a pool and the house is built around the pool. He added technically the room does not have a heated connection and qualifies as a detached structure.

Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Jim Graw said so moved.

Chairman Gilbert said the meeting was adjourned at 9:00pm.

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**PLANNING COMMISSION
OF
FAYETTE COUNTY**



AL GILBERT, CHAIRMAN

ATTEST:



