

THE FAYETTE COUNTY PLANNING COMMISSION met on January 7, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator
Patrick Stough, County Attorney

Welcome and Call to Order:

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

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1. Consideration of the Minutes of the Meeting held on December 3, 2015.

Al Gilbert made a motion to approve the minutes. John Culbreth seconded the motion. The motion passed 4-0. Brian Haren abstained because he did not attend the meeting.

2. Election of the Chairman.

Arnold Martin made a motion to open the nominations for Chairman and John Culbreth seconded the motion. Al Gilbert made a motion to nominate Jim Graw as Chairman and John Culbreth seconded the motion. Al Gilbert made a motion to close the floor to nominations, Brian Haren seconded the motion and the motion passed unanimously. The motion to elect Jim Graw as Chairman passed 4-0-1 with Jim Graw abstaining from the vote.

3. Election of the Vice-Chairman.

Arnold Martin made a motion to open the nominations for Vice-Chairman and John Culbreth seconded the motion. Brian Haren made a motion to nominate Arnold Martin as Vice-Chairman and John Culbreth seconded the motion. John Culbreth made a motion to close the floor to nominations, Al Gilbert seconded the motion and the motion passed unanimously. The motion to elect Arnold Martin as Vice-Chairman passed 5-0.

4. **Election of the Secretary.**

Arnold Martin made a motion to open the nominations for Secretary and Brian Haren seconded the motion. Al Gilbert made a motion to nominate Chanelle Blaine as Secretary and John Culbreth seconded the motion. John Culbreth made a motion to close the floor to nominations, Al Gilbert seconded the motion and the motion passed unanimously. The motion to elect Chanelle Blaine passed 5-0.

OLD BUSINESS

5. **Discussion of the SR 85 and SR 74 intersection.**

Pete Frisina stated that the following designation will be added in its entirety to the Fayette County Comprehensive Plan, Land Use Element, Future Land Use Map and Narrative, under the Commercial section. Pete Frisina said that Limited Commercial One (1) & Two (2) will be added as two (2) new land use designations. He then read the designation section:

This category designates properties where specifically small scale businesses which do not generate large amounts of traffic, noise or light are to be located. For more descriptive purposes, Limited Commercial land use is subdivided into "Limited Commercial One" and "Limited Commercial Two" categories:

Limited Commercial One: This category identifies properties where the L-C-1 (Limited-Commercial (1) District) is recommended.

Limited Commercial Two: This category identifies property where the L-C-2 (Limited-Commercial (2) District) is recommended.

Pete Frisina added that Limited Commercial One (1) land use category will be tied to the Limited Commercial One (1) zoning district.

Chairman Graw asked if Limited Commercial One (1) was the less intense district.

Pete Frisina replied yes.

Chairman Graw stated that the Limited Commercial One (1) district will not have the convenience commercial in it. He added that it will have everything else except the gas station.

Pete Frisina stated that in the hierarchy of zoning your lower number has the less intensity and intensity increases as the numbers go up. He added that's how the document is formatted.

Pete Frisina stated that the Limited Commercial Two (2) land use category will be tied to the Limited Commercial Two (2) zoning district. He named the area the "Starr's Mill Historic

District” and wrote a synopsis about the area. He asked the Planning Commission if they were okay with name.

By consensus, the Planning Commission agreed with the name.

John Culbreth asked how Historic District was defined in the code.

Pete Frisina replied that we don’t have a definition for it in the code. He added that this was just an overlay that he is calling a historic district. He stated that we do not have any historic regulations.

Brian Haren asked if we had anything in the County that we called a historic district.

Pete Frisina replied no.

Arnold Martin asked if we could create one (1).

Pete Frisina replied that’s what we’re doing right now.

Dennis Dutton stated that this will be on the land use plan.

Pete Frisina read the next section and stated the following will be added in its entirety to the Fayette County Comprehensive Plan, Land Use Element, Future Land Use Map and Narrative, under the section titled Future Development Factors. Pete stated that section labeled Starr’s Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road Intersection goes over all the existing factors of the district.

Chairman Graw asked had anything change since the last time they looked over it.

Pete Frisina replied that on page two (2) he changed the order of the “goals of Starr’s Mill” and put the Historic District first. He then read the section:

The goals of the Starr’s Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, (2) control the intensity and aesthetic quality of development at the intersection as it is the southern gateway into Fayette County, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.

Pete Frisina stated the recommendations of the non-residential land use will consist of Limited Commercial One (1) and Limited Commercial Two (2). He added the fringe areas will have a residential land use designation of Low Density Residential (1 Unit/1 to 2 Acres). He said that this section was also new.

Pete Frisina stated the following will be added in its entirety to the Fayette County Comprehensive Plan, Future Land Use Plan Map. He then read the section:

Starr's Mill Historic Overlay District and Overlay Zone
Overlay District (see Fayette County Comprehensive Plan, Land Use Element)
Overlay Zone (see Fayette County Zoning Ordinance, Sec. 110-174 Historic District
Overlay Zone)

He added that the Starr's Mill Historic Overlay District and Overlay Zone will be added to the list of districts that are in the Comprehensive Plan and Zoning Ordinance.

Arnold Martin asked if this area can be created as a mixed-use development.

Pete Frisina replied no. He added that the reason is because the County does not have a sewer system. He said that once you add the infrastructure (i.e. detention pond, septic systems) it would overload the site. He stated that it is one of the reasons why the County has not allowed highly intense development because it can't service it.

Arnold Martin stated that he asked the question because of the word "historic" and was wondering if this designation would be given to residential property.

Pete Frisina replied that all of these regulations are geared to the non-residential portions of the property. He added that we are not going to control a residential area with architectural control of residences.

Al Gilbert stated that many years ago the planning commission presented the concept of a merchant living above his store. He stated that the merchant would buy his property in a condominium fashion and would have his business on the ground level and his residence above.

Arnold Martin stated that on Edgewood Avenue downtown this concept has taken off with the lofts. He added that the business owner lives above his business in a loft.

Pete Frisina stated that none of the zoning districts allow for that type of mix. He added that the County is saying that particular use needs to be in the incorporated areas.

Brian Haren asked when is a Future Land Use Plan become a Current Land Use Plan.

Pete Frisina replied it is always in the future. He added that a Current Land Use Plan is something that is in the Comprehensive Plan but it's only there to give you a snap shot in time.

He said that it's usually there to tell you the zoning and the way that you depict current land use is zoning.

Chairman Graw asked Pete what he meant by some areas will have a residential land use designation.

Pete Frisina pointed to those residential land use designations of Low Density Residential (1 Unit/1 to 2 acres) on the map. He added that they are changing it based on the zoning surrounding the area. He stated that we're changing the corners of the intersection to a non-residential land use which we never had before. He said that there will an area sandwiched between commercial and existing one (1) acre zoning.

Chairman Graw asked where the power lines were.

Pete Frisina pointed to them on the map.

Chairman Graw stated that we're only looking up to the powerlines for property number three (3).

Pete Frisina said yes we're only looking up to the powerlines for commercial. He stated that the powerline creates a very small area that is sandwiched between commercial and one (1) acre zoning. He said that he believes it is appropriate to allow that to be one acre zoning as opposed to holding it to A-R.

Al Gilbert stated that it strengthens the line on Limited Commercial.

Chairman Graw asked if the buildings the church owns can be incorporated into the L-C.

Pete Frisina showed the church on the map and said that it will be incorporated into the Limited-Commercial 1 (L-C-1).

Chairman Graw asked how many houses does the Limited Commercial two (L-C-2) incorporate.

Pete Frisina replied four (4).

Brian Haren asked if L-C-1 was more restrictive than LC-2.

Pete Frisina replied that one (1) has less uses than (2). He added that L-C-2 will allow the convenience commercial and L-C-1 would not.

Pete Frisina stated you put higher density residential near commercial areas. He said that there is a land use designation called Transportation, Communication, and Utilities. He added that the area was bought by DOT for a future use because the highway is going to be widened. He said that there is a 12 to 15 inch high pressure natural gas line going through that property and the Transportation, Communications and Utilities designation goes well in that area.

Brian Haren asked if we were going to do anything with the A-R district to the southeast.

Pete Frisina replied no. He added that the subdivision over there had been platted years ago.

Brian Haren asked who owns the low density residential property east of the L-C-1.

Pete Frisina said he thinks the church owns that.

Brian Haren asked why we don't include that.

Pete Frisina replied that there is a road which is a good dividing line. He pointed at another property and said that it has a spring coming out of it and would be limited for development.

Pete Frisina stated that the following will be added in its entirety to the Fayette County Zoning Ordinance, Section 110-3.-Definitions. He added that nothing had changed.

Pete Frisina stated that on page four (4) the following will be added in its entirety to the Fayette County Zoning Ordinance the L-C-1 District.

Chairman Graw asked had it been changed at all since the last time they reviewed it.

Pete Frisina replied that there were no substantial changes. He stated that L-C-1 and L-C-2 were based on L-C. He said L-C was written back in a period of time when we didn't have many overlays. He added that they made sure to add architectural requirements within the zoning districts, and leaving them in there because we have overlay requirements on all of the state routes. He said the reasoning behind that was because if L-C was ever put somewhere outside the overlay districts it would have architectural requirements tied to it. He added that there is a note in there that states the overlay takes precedence over the zoning district.

Arnold Martin asked if there was ever a time when overlay districts are updated or altered.

Pete Frisina replied yes. He added that it's all part of the zoning requirements. He reiterated that every state highway in the county has an overlay.

Brian Haren read page five (5) section (d) Regulations subsection (1): These structures shall maintain a residential character.

Pete Frisina said that there is a note under subsection one (1) that states: properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.

Pete Frisina stated that there is nothing new on page six (6). He said that on page seven (7) the Limited-Commercial District will be amended as follows in the Fayette County Zoning Ordinance to become L-C-2 now. He said that the red lines depict the L-C becoming L-C-2.

Al Gilbert asked if walk-up ATM's and kiosk are okay.

Pete Frisina replied yes walk-up is okay.

Arnold Martin asked if it were possible for a bank to put a walkable ATM on the side of their building that could be used for drivers as well.

Pete Frisina replied that the intent is to have no drive-through.

Arnold Martin said that banks could argue that a teller is not assisting any drivers.

Brian Haren said that normally you can't walk up to an ATM that is situated that you can drive up to.

Chairman Graw said that he thinks the way it's worded would prohibit even a drive-up to an ATM.

Pete Frisina replied that we can always put no drive-up, drive-through, or drive-in.

Al Gilbert said that on page nine (9) it says no drive-through or drive-in facilities allowed.

Arnold Martin asked if we had a definition for drive-through or drive-in.

Chairman Graw asked Patrick if the wording we have now would stop someone from driving up to an ATM.

Patrick Stough replied that he wasn't sure. He said there could be potential for someone to say that it is not a drive-through. He added that it's not your normal drive through because you are not dealing with a person. He asked Pete if we had a definition.

Chairman Graw stated the only way to stop a drive-in access to an ATM would be to specifically state that there will be no drive-in ATM access allowed.

Patrick Stough said it could be as simple as adding drive-up, drive-through, and drive-in to the definitions.

Pete Frisina said he would add drive-up as a definition. He said he believes drive-through means a service is provided to you through a window.

Chairman Graw stated that the drive-through definition would take care of an ATM.

Pete Frisina read the definition for drive-through:

Drive-through: Means an opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Pete Frisina said that a drive-up / drive-through ATM would be designed and intended to be used to provide a service to customers who remain in their vehicles.

Patrick Stough said that he doesn't believe it's strong enough. He said when he hears provides service to customers he is seeing employee's providing service to customers. He added that he does not see customers interacting with a machine. He said that someone could argue this in court.

Pete Frisina replied that he could come up with a drive-up definition.

Patrick Stough said with the drive-up definition that it should emphasize situational whether a person is interacting with a machine not just an employee.

Pete Frisina said that the definition would be added to the list. He added that he would send it out to the Planning Commission for review.

Pete Frisina said that on page 10 Section 110-169 goes over the Conditional Use section of the convenience commercial establishment. He stated that we took the heading portion out of the convenience commercial establishment to create a definition.

Arnold Martin asked about the Conditional Uses on page eight (8) that addresses Single-Family residences.

Pete Frisina replied we have that in all of our non-residential zoning districts. He said the reasoning behind that was because you may have a single-family home on a one (1) acre lot that you have zoned to C-C to potentially sell to someone. He stated that we have people on C-C property for 20 years or more; it allows the residential use to stay. He added that the conditional use also says you can't subdivide to make a residential subdivision.

Dennis Dutton said we don't allow you to do business and residential together.

Pete Frisina said in the Zoning Ordinance under General Provisions it states that once you're zoned non-residential it allows you to do residential but you can't do both residential and non-residential.

Pete Frisina stated Section 110-174 Historic district overlay zone is the companion piece to the overlay district. He said that these are regulations that outline the architectural controls and introduce two (2) new terms the brick palette and the color palette. He added that Patrick Stough advised him not to put the color palette and brick palette on Municode because different screens will display different colors than the initial color we imported on the site. He stated that the idea is to laminate the color palette and brick palette and have them in the planning and zoning department. He then added the contractor would bring in their color chips and staff will see if the color matches up.

Al Gilbert asked how a color gets added to the color palette.

Pete Frisina replied that this will be approved as part the ordinance.

Al Gilbert then stated that we need to develop a process. He then asked who makes the determination on the colors and where does he go if he doesn't agree.

Pete Frisina replied that they would have to make an amendment to the zoning ordinance. He said it would have to go back through Planning Commission and then the Board of Commissioners.

Al Gilbert stated that he doesn't want one (1) person determining whether a color is good or not. He added he would like a committee be it Planning Commission or some other entity. He said that he fears someone will be turned down and would go to the Board of Commissioners about the matter. He then asked Patrick Stough if he agreed with him.

Patrick Stough stated that he does believe there is an issue there that needs to be addressed, and he doesn't know necessarily how.

Chairman Graw asked Al Gilbert if he wants the approval of colors to come through the Planning Commission.

Pete Frisina stated if there is a disagreement we could bring it before the Planning Commission.

Al Gilbert stated that it will happen at some point.

Pete Frisina said that if someone comes in wanting pink it's not on the list therefore not allowed.

Al Gilbert said we could allow them to go before the Zoning Board of Appeals if they don't agree with colors.

Pete Frisina said that he would add the color palette and brick palette after architectural intent on page 11.

John Culbreth asked if another area wanted to create a Historic District could they use these regulations as a standard.

Pete Frisina replied this Historic District designation is only for this particular area. He added that all historic districts aren't the same, and that he doesn't think there are that many other historic areas in the county. He said that if someone does want to create another historic district he would write something similar but specific to that area.

Al Gilbert asked if the Hopewell Church on S.R. 92 could be considered as a Historic District.

Pete Frisina replied yes and we could look at that area for a Historic District in the future.

Brian Haren suggested that they have three (3) people make an independent judgement on a submittal meets the color palette and that one (1) of the decision makers need to be a female. He said his reason behind the statement was that some males have some degree of colorblindness and most females do not. He added that they should also look at it outside in sunlight.

Pete Frisina presented the color palette and brick palette to the Planning Commission.

By consensus, Planning Commission agreed with the color choices.

Pete Frisina asked Patrick Stough if we should make the color palette and brick palette a part of the vote.

Patrick Stough replied that he thinks the original palette should be approved by the board. He added that he doesn't know if he would make it an exhibit, amendment, or addendum to the ordinance because you will have to put it online.

Pete Frisina said that he would make reference to them and make sure they are approved as a part of the overlay and will be on file.

Patrick Stough mentioned that maybe it should be in a separate book.

Al Gilbert asked when this will be taken before the Board of Commissioners.

Pete Frisina replied that he would like to get together with each Commissioner on an individual basis to brief them and ask for their input. He added that he would ask the Commissioner's if they would like to expand the area or have suggestions for other sites. He said he would bring their suggestions back before the Planning Commission to discuss to see if those are changes they would like to make. He stated that they might be able to make the Public Hearings in March.

Arnold Martin asked if we know of any Board opposition to this concept.

Pete Frisina replied no because they don't really know that we're doing it. Chairman Graw asked why they had Limited Commercial two (2) (i.e. gas stations) on sites one (1) and three (3).

Pete Frisina replied that most of these corners operate on a morning and evening basis, and if you only put one (1) gas station on a corner it would cause traffic congestion for people trying to enter and leave the gas station and for people drive to and from their destinations.

Arnold Martin stated that he goes to two (2) separate gas stations on his way to and from work.

Chairman Graw stated that he doesn't like two (2) gas stations on opposite sides of the street because of the aesthetics. He added that he thinks the gas stations will detract from the area. He said that he understood where Arnold was coming from about the access, but he added that there are gas stations on Bernhard Road, S.R. 16 and S.R. 85, and S.R. 74 at Crosstown. He stated that you have three (3) gas stations within four (4) miles and none of those areas have two (2) gas stations on a corner. He added that he could see one (1) but two (2) he has a problem with.

John Culbreth stated that he believes that the gas station would slow down the traffic and attract customers to the other amenities. He added that sometimes people won't stop unless they have a direct need to stop.

Arnold Martin stated that the Dunkin Donuts on S.R 85 is a traffic nightmare because there is only one (1), but if there was another donut shop across the street it would relieve a lot of the traffic in the area. He added that he was leaning toward having the two (2) gas stations on opposite sides of the street because they are not your typical gas station. He said that he believes the way in which we are designing the corner will make it aesthetically appealing.

Chairman Graw stated that the property is not that big and a gas station will take up a lot of area that could be used for retail space.

Pete Frisina replied that the gas stations have been limited in size to 3000 square feet. He added that amount of pumps have been limited.

Arnold Martin said that a lot of the residents in that area have complained about the lack of gas stations in the area. He added that later on down the road the population is going to increase and these gas stations will be warranted.

Chairman Graw reiterated that he doesn't understand why they need to have two (2) stations in the area when there are so many gas stations around the area.

Brian Haren asked how we would restrict gas stations in one (1) of the two (2) the areas.

Chairman Graw suggested that we look at the traffic flow for one (1) station.

Brian Haren asked how we can say to a developer you can have one (1) gas station on this corner and not on the other.

Pete Frisina replied you would change the zoning designation.

Brian Haren said that we discussed this earlier and decided to use restrictions in the amount of pumps and square footage to detract the QuikTrip's and RaceTrac's. He added that it's a risk we're going have to take.

Arnold Martin said that there is a possibility that a gas station won't develop in the area.

Chairman Graw asked when S.R. 85 becomes four (4) lanes will it be easier to access tracts (1) and (3).

Pete Frisina replied it depends on whether or not a median is put in. He said that we have made a demarcation of the more intense land uses and the less intense land uses. He added that the land uses will get less intense as it moves toward Starr's Mill. He stated that the market will dictate whether or not you get one (1) or two (2) gas stations.

Chairman Graw stated that he just wanted to voice his concerns and that he will carry his concerns all the way to the vote.

Pete Frisina said that he will make the changes that they discussed tonight and will send them out. He added that he will talk with the Board of Commissioners as soon as he can. He said it will give them a few more times to discuss it if the Board of Commissioners has any issues with it. He told them to look for March for it to go before a Public Hearing.

Al Gilbert asked if there will be a workshop.

Pete Frisina said we will see depending on whether or not he gets some feedback between now and then.

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

John Culbreth said so moved.

Chairman Graw said the meeting was adjourned at 8:27 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



JIM GRAW, CHAIRMAN

ATTEST:


