

THE FAYETTE COUNTY PLANNING COMMISSION met on March 17, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
Al Gilbert
Brian Haren

MEMBERS ABSENT: John H. Culbreth Sr.

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

Welcome and Call to Order:

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

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Chairman Graw stated that Pete Frisina asked that we add the ZBA Administrative Conditions to the agenda. He stated that John Culbreth was absent and that we would not have a full board. He urged the Planning Commission to come to a consensus on the vote because a tied vote would mean that it would not be added to the agenda.

Al Gilbert made a motion to add to the agenda the discussion of ZBA Administrative Conditions. Brian Haren seconded the motion. The motion passed 4-0. John Culbreth was absent from meeting.

1. Consideration of the Minutes of the Meeting held on March 3, 2016.

Brian Haren made a motion to approve the minutes. Al Gilbert seconded the motion. The motion passed 4-0. John Culbreth was absent.

2. Consideration of a Variance request (V/A 010-16) for proposed Flowers Field Subdivision, Scarborough Group, Inc., Owner, and Dawn Scarborough, Brent Holdings, LLC, Agent, from the Fayette County Subdivision Regulations, Section 104-597. (3). Contiguous Areas for Residential Development. This variance is to reduce the contiguous area for Lots 2, 5, 9, and 11. This property is located in Land Lot 76, of the 7th District, fronts on Flowers Road, and is zoned R-70.

Chairman Graw stated that back in 2014 the Planning Commission reviewed the preliminary plat for this subdivision. He said that at the time there was a request made by the petitioner to ask for a variance on several lots because they didn't meet the contiguous area. He added that the petitioner needed to have the variance to proceed with the preliminary plat to go ahead to the

final. He referred to the zoning analysis that was done by Pete Frisina which stated that back in 2014 the Planning Commission voted to give a variance to lots four (4), eight (8), nine (9), and 10. He said that the Planning Commission has the authority to grant variances under the subdivision regulations, and gave it to them so the petitioner could proceed with the development of the property. He stated that the petitioner has already gone ahead and done the work but found that the final lots (2), five (5), nine (9) and 11 that have been planned need variances. He added that lot five (5) had recently come up. He said that the minimum contiguous area for the R-70 zoning district is 0.9. He stated that the petitioner is asking for the following:

Lot Number	Contiguous Area/Acres
2	.76
5	.897
9	.75
11	.87

Dennis Dutton stated that when it came to staff for review there were a few discrepancies with lots two (2), five (5), and 11 due to the rerouting of the road. He added that a preliminary plat just shows you the concept of how it is going to be developed. He stated that the road department could have ask for a slight shift or change in the road, or they may have areas that they need to stay out of when doing the cul de 'sac that may have not been caught on the original preliminary plat. He stated that all the developer is asking is for a variance to correct the lots so they can meet the requirements. He added that they also submitted a diagram showing how the house, a pool, and a detached garage would fit on the lots.

Brian Haren asked if the impact of these lots two (2), five (5), and 11 were due to an engineering change imposed to them by the County.

Dennis Dutton replied yes.

Chairman Graw asked if the lot number changed.

Dennis Dutton replied no.

Chairman Graw stated that we have given approval lots for the subdivision in the past and are being asked to give approval for additional lots. He asked if the variances given to lots in 2014 null and void.

Patrick Stough replied it sounds like they still do need those variances.

Chairman Graw stated that you will have variances on seven (7) lots: two (2), four (4), five (5), nine (9), ten, and eleven if these areas are approved.

Arnold Martin asked why lot five (5) was added after the agenda packages had already been sent out to the Planning Commission.

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Dennis Dutton stated that lot five (5) has a contiguous area of 0.897 and the problem staff had been wondering was when do you round up. He said to be safe staff added it to get it squared away. He added that it is three-hundredths of a tenth of an acre.

Al Gilbert asked about the plat showing the house, pool, and detached garage had an area for the septic tank site and an alternate site.

Dennis Dutton replied yes and said that septic tanks can go in any of the setbacks.

Chairman Graw asked how many lots are in a subdivision.

Dawn Scarborough replied twelve.

Brian Haren asked before the engineering changes that the County mandated did lots two (2), nine (9), and eleven meet the contiguous area minimum of 0.90. He asked did they not need a variance previously.

Dennis Dutton replied that they did not and it was lots two (2), five (5), and eleven.

Arnold Martin stated that this variance is because of the way the road is cut.

Dennis Dutton replied that is part of it and anything dealing with environmental impact. He reiterated that a preliminary plat doesn't catch everything and no engineering studies are done until you do the final plat.

Al Gilbert stated that Watershed Protection Ordinance has an effect on the plat and at times these issues aren't seen until engineering is on the ground.

Brian Haren stated that he assumes developers are well aware of the requirements set out by the various ordinance and should account for it.

Al Gilbert said that developers are only going to spend so much money for engineering to start with. He added that that the real engineering comes after the approval.

Brian Haren said that it is not the County's responsibility to squish here and there to meet a lack of due diligence on the part of the developer.

Arnold Martin stated that the previous variance given to this development in 2014 was before his tenure with the Planning Commission. He asked if this variance different in any particular way than previous variances that have been denied.

Brian Haren said that he asked the same question earlier in the week and then he also asked how many variances have the Planning Commission addressed.

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Chairman Graw said that the Planning Commission has approved several variances for subdivisions in the past.

Chairman Graw stated that the Planning Commission has only four members present tonight and that it takes three members to approve, and if it is a tie vote 2-2 than it's an automatic denial of the variance. He said to Dawn Scarborough that she has the right to table the variance until there is a full board.

Dawn Scarborough said that if the variance is denied that she has a mess on her hands.

Patrick Stough said that it can be appealed to the Board of Commissioners.

She stated that her company was not trying to pull any fast ones and that when they initially got the variances previously they thought that would be it. She added that this literally just came out a couple of weeks ago and the roads and infrastructure is already on the ground.

Chairman Graw asked would she like to continue without a full Planning Commission present.

Al Gilbert when is the next time we could here this variance.

Dennis Dutton said we will not have to advertise for this variance, because it is a part of the Subdivision regulations.

Al Gilbert stated she could be seen at the next Planning Commission meeting scheduled for April 7th, 2016.

Arnold Martin asked if Dawn Scarborough could give him any other background on the subdivision.

Dawn Scarborough said that these are minimum two (2) acre lots with a contiguous building area of .90 of an acre. She added that all of these lots are impacted by watershed and, that Fayette County does a great job of requiring setbacks and buffers. She added that the watershed affected areas impact their building area but the area can still be used. She said that they could have gone for acre lots but decided not to do that. She said that these variances they're asking for are really small and the largest one is .14. She stated that lot nine (9) has already been approved and they're just asking for lot seven (7). She added that they really did not know until most of it was done and that she doesn't think that it will be harming anything. She stated that there diagram shows plenty of room for the house, accessory structure, pool, and primary/secondary septic tanks.

Arnold Martin asked what the usual size of the watershed buffer.

Dennis Dutton replied for this particular one you have a buffer of 150 feet. He said that 100 feet is for watershed protection buffer and the 50 feet is for the setback. He added that they are now classifying that as a State tributary.

Brian Haren stated that the result here is due to County action and not that of the developer.

Chairman Graw asked Dawn Scarborough again if she wants to continue on.

Dawn Scarborough said she would like to continue.

Al Gilbert stated that they have had 10 variances, and have approved all that was able to fit in a pool and detached garage on the lot.

Chairman Graw stated that we gave variances four (4) lots back in 2014, and if we feel that it wasn't right back then we shouldn't have done it. He added that to not give them variances on these right now would be unfair.

Al Gilbert made a motion to approve the variance for lots two (2), five (5), nine (9), and eleven. Brian Haren seconded the motion. The motion passed 4-0. John Culbreth was absent from the meeting.

3. Discussion of A-R Deer Processing and Wedding /Event Facility.

Dennis Dutton stated that staff was given a charge by a County Commissioner to look into Deer Processing facilities in the A-R district of the County. He said staff researched nearby and out of state jurisdictions ordinances on Deer Processing. He added that Bartow, Harrison, and Newton Counties all have Deer Processing ordinance and Carrollton and Troup Counties are interested in creating their own ordinances. He introduces Johnny Black a Fayette County resident interested in starting his own Deer Processing facility. He added that Johnny Black has contributed valuable information to the proposed ordinance. He stated that the ordinance is comprised of nine (9) items and they all refer back to the Environmental Protection, Department of Natural Resources, landfill, parking, and sketch plans to keep the setting agricultural. He said that the following departments all commented on the ordinance: Marshalls, Environmental Health, and Environmental Management.

Brian Haren said that he was surprised that this wasn't already in the County.

Johnny Black stated that there is one (1) meat packaging facility north of the County off of Roberts Drive.

Al Gilbert stated that there use to be one (1) off of Jeff Davis and they were really busy during deer season.

Johnny Black said that the Deer Processors that were grandfathered in are a dying breed. He added that the new generation is not picking up the activity. He stated that he loves the County and processing deer and would like to help in setting up the ordinance.

Arnold Martin asked Johnny Black what the difference between deer processing and a meat packaging facility.

Johnny Black replied that deer processing is seasonal (September-January) and it keeps the big industries from coming in doing other meats such as beef or pork. He added that the deer processing operation is a smaller scale.

Dennis Dutton stated that Wildlife Processing has to go through the DNR while beef, poultry, and pork go through the USDA.

Arnold Martin asked how people in the County process their deer meet now.

Johnny Black replied that some discard their scraps on the side of the road, some shoot the deer and just leave it there, and others go out the County to have them processed. He stated that he is not making a product and then selling it. He said he is only working on the customers deer that is brought in unlike a meat packaging facility would be mass producing it and selling it to the public.

Brian Haren asked about processing other wild game such as hogs.

Johnny Black said that the regulations for processing hogs are tougher than deer. He stated that he would just stay with deer.

Brian Haren asked if we should instead come up with an ordinance that is geared toward Wild Game.

Johnny Black said if they decide to do that they are opening themselves up to a twelve month a year operation instead of seasonal.

Brian Haren stated that maybe we should create an ordinance that is simpler and encompasses all wildlife.

Johnny Black said that he would just be interested in doing deer processing. He stated that processing wild hogs are a 12 month operation and is not worth the maintenance. He added that at the end of the season for deer processing you can shut down your coolers.

Dennis Dutton said that when the Commissioner brought this to staff it was for deer and hogs.

Chairman Graw asked what other wildlife you would process besides deer.

Johnny Black replied hogs but you have to stay open 12 months a year. He reiterated that at the end of deer season you can shut down your coolers. He stated that it's not worth the power bill to dress five (5) hogs in a month.

Chairman Graw stated that he liked Brian Haren's idea. He added that he would like for the title to be generalize.

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Johnny Black said the Commissioner who is working with him on this ordinance did talk about doing for hogs and deer. He added that these were the two (2) big games in the south.

Brian Haren said he had no problems with the ordinance but he was wondering how the other Planning Commissioner's would like to structure it whether it is just deer or deer and hogs.

Chairman Graw asked if the deer processing will be done at Johnny Black's home.

Johnny Black replied yes.

Chairman Graw asked how many accessory structures he can have.

Dennis Dutton replied that he could have two (2) accessory structures and one (1) farm outbuilding.

Chairman Graw stated that he could have five (5) structures on his lot. He said this would include his home, a detached garage, two (2) accessory structures, and a farm outbuilding. He asked Johnny Black could he be able to run his business with the restrictions on accessory structures.

Johnny Black replied yes.

Chairman Graw asked what the square footage was going to be for the processing of the deer accessory structure.

Johnny Black said the square footage for the cutting room will be a maximum of 400 square feet.

Chairman Graw asked if the cutting room will be refrigerated.

Johnny Black replied yes. He stated that you have to keep the cutting room 50 degrees.

Chairman Graw asked would you have a generator just in case the power goes out.

Johnny Black replied yes.

Chairman Graw asked if it would be attached to his home.

Johnny Black replied no.

Dennis Dutton stated that the pattern the driveway will be a circular drive. He said the access will be similar to a daycare drop off driveway. He added that Mr. Black does not want his deer processing business to interfere with his home they will be two separate entities.

Arnold Martin asked if Johnny Black will be coming back before the Planning Commission.

Dennis Dutton stated that this is just a preliminary meeting just to let you know what's going on. He said that staff hasn't set up public hearings on this just yet. He added that this is just an informal meeting to tell them about the ordinance and to get feedback. He said that there will probably be questions for each departmental requirement.

Dennis Dutton said that there were questions on what to do with the hide and scraps. He was told by Johnny Black that there must be permits from the State to discard the waste in a landfill.

Johnny Black said that they considered the deer scraps to be hazardous waste and it can't be dumped at any landfill. He added that he has already received an application from the State.

Al Gilbert asked if he was trying to get started this fall.

Johnny Black replied no.

Chairman Graw asked if it was necessary for the ordinance to have that you must have a freezer and a generator.

Patrick Stough said isn't that a part of the permit process with the State.

Dennis Dutton replied that they must go through the building permit department process as well.

Johnny Black said that he will have a cooler just for the scraps until he gets ready to dispose of it.

Dennis Dutton asked if they wanted to add a cooler for the scraps to the ordinance. He stated that it could be worded that all deer processing waste not being routed to a rendering plant or other vendor shall be disposed in compliance with the guidance document disposal of deer processing waste with the Georgia Department Natural Resources and Environmental Protection Division. He added that the deer processing will be treated as a commercial solid waste and shall be disposed of in a municipal solid waste landfill and the burial of any deer processing waste is prohibited.

Chairman Graw said that doesn't address the dressed meat.

Patrick Stough said that he would look to the DNR regulations because they may require that there be a cooler and they will have to meet those regulations to comply with our zoning ordinance. He added that he doesn't see why we need to add something like that into this. He stated that we might want to look into this to make sure that something like that is already covered.

Johnny Black agreed that a designated cooler for scraps until it's carry off should be stated in the ordinance.

Dennis Dutton stated that he will check and see if that is a requirement that the DNR has.

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Arnold Martin asked does this open up for anybody having A-R zoned land to have a deer processing facility.

Dennis Dutton said yes.

Arnold Martin asked if there is any way we can put limitations on the amount of deer processing facilities.

Al Gilbert said he doesn't like the beauty parlor ordinance that was drafted recently but he would never want to limit the amount of beauty parlors in the County. He added that they we're getting into personal taste and thought it to be dangerous.

Brian Haren said this business is self-limited because they are not raising deer to be slaughtered but are only processing what is brought to them.

Al Gilbert stated that the process to have a deer processing facility is not a simple process.

Johnny Black said that he wants the ordinance to be as tough as it needs to be to keep the average person from doing it. He stated that this is not an easy job. He added the hoops you have to cross to do it will discourage a lot of people from doing it.

Chairman Graw stated that he doesn't think there will be a lot of these facilities out there. He added that the market will dictate the amount that's going to be out there.

Arnold Martin said it was a great idea for our area.

Johnny Black stated that the ordinance doesn't limit the amount of livestock on A-R five (5) acre zoned property. He stated he could have a hog farm on his property. He said he would think his neighbors would rather him have a deer processing facility than a hog farm. He said it would be open less time throughout the year.

Arnold Martin asked if staff had a timeline for when they wanted this to go before the Board of Commissioners.

Dennis Dutton stated staff wanted to inform the Planning Commission about this ordinance coming down the pipe and will be having work sessions in the future.

Chairman Graw stated that we could limit the amount of facilities by establishing a minimum lot size. He added that he doesn't think it would be a good idea.

Dennis Dutton stated that the Wedding Facility ordinance has affected the Subdivision Regulations because of paved parking. He stated that we have a plan on the way off of Highway 54 where someone wants to do paved parking. He said that the individuals are going to build a barn and give it a historical appearance. He added that this lot will also have a lake on it. He

stated that once you start including paved parking and increasing the square footage of a structure you are required to have landscaping and hydrology studies. He said the first thing staff wants to do add is that paved parking complies with the 10 X 20 requirements for parking. He added that the term "as applicable" has been added for tents for the Fire Marshal. He stated that the Fire Marshal wants to have the discretion to inspect tents and not be forced to inspect tents that are really small, such as 10 X 10 tents.

Al Gilbert stated that we are not changing the initial intent of the ordinance but are saying if someone wants to do a big time development they must adhere to what a normal developer would adhere to, to get approvals.

Dennis Dutton said that the ordinance didn't address the parking.

Brian Haren asked if we put a limit to the amount of events for the Wedding Facility.

Dennis Dutton replied that it's only for the facilities that have non-paved parking and are on local streets. He said that this particular facility would be on S.R. 54 at the old barn near Manassas. He added that since this is in the overlay zone, staff still wants the parking to be 50% around the building. He stated that staff didn't want the facility to comply with the architectural standards of the overlay zone because it's a barn and it wouldn't have a residential character by definition.

Arnold Martin asked if item 12 dealt with storm water.

Dennis Dutton replied yes.

Chairman Graw asked if this had to go to Public Hearing.

Dennis Dutton replied yes.

Chairman Graw asked when staff will want to advertise.

Dennis Dutton replied that he would get with Pete Frisina tomorrow.

Chairman Graw asked how many people have applied for this.

Dennis Dutton replied two (2), but he has had 10 people call about it.

Arnold Martin asked about the press released for the 74/85 Overlay.

Al Gilbert replied that there is an ad on the County webpage about it but he doesn't know if it's been sent to the paper just yet.

5. Discussion of ZBA Administrative Conditions

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Chairman Graw stated that the ZBA can impose conditions to an approval in one particular area. He added that staff would like for the approval to be its on section in the ordinance so it can be used in other areas.

Dennis Dutton reiterated that once it has its own section so it covers all request for variances. He said so they can have the power to put a condition per variance on everything.

Patrick Stough replied that the conditions the ZBA can impose only apply to variances. He said that it doesn't apply to appeals from the Zoning Administrator and extensions of non-conforming uses. He added that this would make it apply to all those things as well.

Chairman Graw stated that were just taking the same paragraph and moving it to another section. He said that the paragraph has not changed. He added by doing this the ZBA will now have the ability to establish conditions.

Arnold Martin asked without this they have not had this ability.

Dennis Dutton stated an example where the ZBA had someone come before them asking for a continuance of a non-conforming use, but there was no avenue for them to say yes and establish conditions.

Arnold Martin asked then who could establish the conditions.

Dennis Dutton replied no one, because it's not an option. He stated that it's not written in the ordinance for them to do so.

Patrick Stough replied that they would either have to approve or deny it.

Al Gilbert asked if there was anything else with the ZBA.

Dennis Dutton replied the six (6) month period was left off when the ordinance was being created. He stated that if someone applies for a variance and is turned down they will have six (6) months to make application for another variance.

Chairman Graw asked if any of the Planning Commissioners had a problem with that.

Planning Commissioners replied no.

Chairman Graw stated that this will have to be advertised and have a Public Hearing.

Bill Beckwith stated that at the last ZBA meeting the conditions would have been helpful to use. He added that they would have liked to have it continue with conditions but was unable to use them so they had to deny it.

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:15 pm.

PLANNING COMMISSION OF
FAYETTE COUNTY



JIM GRAW, CHAIRMAN

ATTEST:


