

THE FAYETTE COUNTY PLANNING COMMISSION met on June 7, 2001 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Fred Bowen, Chairman
Bill Beckwith, Vice-Chairman
Al Gilbert
Bob Harbison
Jim Graw

MEMBERS ABSENT: None

STAFF PRESENT: Dennis Davenport, Assistant County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Ron Salmons, County Engineer (Left 8:00 P.M.)
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Bowen called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff.

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1. Consideration of the Minutes of the meeting held on May 3, 2001.

Chairman Bowen asked the Board Members if they had any comments or changes to the Minutes as circulated. Bob Harbison made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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2. Consideration of the Workshop Minutes of the meeting held on May 17, 2001.

Chairman Bowen asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Al Gilbert made a motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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Kathy Zeitler explained the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 7, 2001 AND BY THE BOARD OF COMMISSIONERS ON JUNE 28, 2001.

3. Consideration of Petition No. 1081-01, Mary C. Kartos, Owner, and Sarran Marshall of SprintCom, Inc., Co-Location Agent, and Crown Castle, Inc., Tower Owner, request to rezone 127 acres from A-R Conditional to A-R Conditional to increase the height of the existing 180 foot Monopole Telecommunications Tower to 190 feet. This property is located in Land Lot 45 of the 5th District, fronts on Morgan Road, and is zoned A-R.

Attorney James Ney representing SprintCom requesting a rezoning from A-R Conditional to A-R Conditional. He said he was not seeking a change to the zoning classification but a change of one (1) condition which limits the height of the existing tower to 180 feet. He commented he was seeking to raise the height to 190 feet to allow SprintCom to co-locate at this height. He noted that

this would avoid the prospect of building an additional tower and is totally in keeping with Fayette County's expressed policy of encouraging co-location. He confirmed that the existing tower is sitting way back in the woods and is located on 127 acres on Morgan Road which is mostly a gravel road. He remarked that the property was owned by Mrs. Kartos but the existing tower is leased by Crown Castle.

Attorney Ney confirmed that the conditional zoning was approved in 1998 which provided for a height limit of 180 feet plus a 15 foot lightening rod. He stated that SprintCom is seeking to increase the height limit to 190 feet plus a 9 foot lightening rod. He noted that the additional height would enable SprintCom to meet their coverage needs in the area and supply wireless telecommunication services.

Attorney Ney presented a propagation map which indicated a coverage gap in the area. He explained that a coverage gap could result in a dropped or terminated call or the inability to make or receive calls. He then presented radio frequency projections which showed how the coverage gap became covered with the proposed 190 foot antenna.

Attorney Ney referenced the Section 5-40. of the Zoning Ordinance which recommends and encourages shared use of existing towers for co-location. He confirmed that the tower (at 190 feet) and lightening rod (9 feet) would total 199 feet in height which would not be required to be lit per F.A.A. standards.

Attorney Ney noted that the Staff recommends approval of the request. He reported that the Staff Analysis acknowledged that the proposed request for co-location is generally a permitted use, with the exception of the condition imposed to limit to height of the tower to 180 feet. He confirmed that Staff had also reviewed the setback requirements applicable to the site and the tower facility complies with those requirements. He referenced page 1-4. of the Staff Analysis which indicates that the proposed request complies with all of the required factors.

Attorney Ney reported that the property is heavily wooded with dense vegetation with the exception of one (1) clearing to accommodate a large transmission line. He presented photographs showing the dense vegetation on and around the subject site. He pointed out that due to the great setback distances that the subject site is rather isolated which reduces the visual obtrusiveness of the entire site and the surrounding area. He said that the dense wooded vegetation of the subject property acts as a natural barrier to soften the effects of the tower.

Attorney Ney commented that the request may seem minor, however it is very important to SprintCom because it would enable them to provide coverage to this area. He confirmed that the request complies with the specific requirements and goals and intent of the ordinance. He respectfully requested a favorable recommendation. He added that Sarran Marshall of SprintCom was also present and available to answer any questions.

Chairman Bowen asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal, he closed the floor from public comments.

Al Gilbert made the motion to approve the petition subject to the following condition: The monopole tower shall be limited to 190 feet in height plus a 9 foot lightening rod totaling 199 feet. Bob Harbison seconded the motion.

Jim Graw asked how many carriers were located on the existing tower.

Attorney Ney replied that he had seen two (2) antenna arrays when he visited the tower facility today. He said that Powertel and another carrier were utilizing the tower and that SprintCom would be the third carrier.

Mr. Graw said the tower should be constructed to accommodate three (3) carriers.

Attorney Ney replied that the tower was owned by Crown Castle and it appeared that the current carriers were located at 170 feet and 180 feet approximately.

Mr. Graw asked why an additional 10 feet was necessary.

Attorney Ney replied that coverage at 160 feet is inadequate but the radio frequency engineers have satisfied themselves that 190 feet would cover the coverage gap. He advised that a gap of 10 to 12 feet is required between antenna arrays.

Mr. Graw asked how many carriers could be located on the tower.

Attorney Ney replied that only Crown Castle could answer that question.

Mr. Graw asked if a 9 foot lightening rod is sufficient since a 15 foot lightening rod had been requested by the previous applicant.

Attorney Ney replied that 9 feet will take care of their needs and be safe, however 15 feet is better but SprintCom is trying to accommodate the lighting situation.

Mr. Graw asked if the owner would be coming back later to ask for additional height.

Attorney Ney replied that he could not speak for Crown Castle, however the motion on the floor would require a public hearing to increase the height limitation.

Bill Beckwith referenced the comments from the Falcon Field Airport Manager recommending that any tower over 120 feet be lighted for safety purposes.

Attorney Ney replied he had read the Airport Manager's comments and said he had dealt with other counties where they required that towers under 200 feet be lighted, however most pilots argue that this is confusing because they think they are up higher than they actually are, due to the lighted tower being under 200 feet. He added that lighting the tower may also create objections from citizens in the community.

Mr. Graw asked how the lighting of a tower was regulated.

Kathy Zeitler advised that lighting was per F.A.A. requirements.

At this time, Chairman Bowen called for the vote. The motion unanimously passed 5-0.

Chairman Bowen stated that the request was well presented, promoted co-location, and would serve to minimize the number of towers in the County.

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4. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article VI. Tree Retention, Protection, and Replacement by the Engineering Department. (Tabled from the 05/03/01 Public Hearing.)

Chairman Bowen informed the audience that this item had been discussed numerous times and expert input had been received and considered.

County Engineer Ron Salmons advised that the proposed ordinance reflects the changes discussed at the previous workshop which are indicated on page 14. He confirmed that the perimeter buffer

had been reduced from 50 feet to 25 feet. He noted that a waiver of the perimeter buffer where it is adjacent to undeveloped property was added. He reported that due to the addition of the section regarding a waiver of the perimeter buffer, the section dealing with the issuance of a joint timbering permit had been deleted since it was redundant. He added that in regard to thinning, the elimination of marking seed trees had been eliminated. He further added that a time limitation of one (1) year had been established for timbering permits.

Chairman Bowen advised the audience that the P.C. had held a public hearing on the proposed amendments but tabled their vote until tonight. He said that typically there would not be discussion at this public hearing, however he opened the floor to technical input and comments.

Scott Jones of the Georgia Forestry Association asked if there was a definition of developed property as referenced on page 14, paragraph C. He remarked that developed property could be interpreted to be a shopping mall, a paved area, a residential subdivision, a honey camp, clearing, or a trailer parked on the property. He said Section C. also gives all of the power to the Director of Engineering to waive the requirement for a buffer on part or all of the perimeter of the timber stand which opens up the requirement for abuse. He remarked that he agreed with a time limit on the timbering permit but there should be a provision for an extension or increase the permit to cover two (2) years due to the time frame from the point of sale to the point of harvesting the timber and brought to market usually extends over one (1) year.

Julie Matulia commented that allowing a waiver by the Director of Engineering could open up the County for a lawsuit.

Hearing no further comments, Chairman Bowen closed the floor from public comments.

Mr. Salmons explained that developed property would be property which contained a residence, is in a residential subdivision, or a residential area next to a timbering stand, however an agricultural use or a timbering use would be an undeveloped property.

Kathy Zeitler confirmed that the Zoning Department would view developed property as any kind of use on the property, other than conservation use which is a tax break. She added that there could be a structure or some type of use.

Bill Beckwith asked if this would also apply to a recreational area such as a ballfield.

Mrs. Zeitler replied yes because a ballfield is a recreational use of property.

Bob Harbison stated it was his intention for developed property to mean within a platted residential or nonresidential subdivision. He pointed out that if there was a house on 150 acres that the 150 acres would be considered to be developed.

Chairman Bowen asked Mrs. Zeitler to repeat her definition of developed property.

Mrs. Zeitler reiterated that where there is a land use on property with the exception of conservation use, whether there is a structure on the property or not. She confirmed that a use could be recreational, industrial, residential, commercial, or office.

Mr. Harbison replied that this was not his intent. He suggested that the language be changed to "a platted subdivision".

Jim Graw asked Mrs. Zeitler what would be the one thing to allow a waiver.

Mrs. Zeitler replied if the property was vacant, undeveloped as in conservation.

Mr. Harbison replied that it was his intent to protect residential and nonresidential platted subdivisions. He suggested to waive all A-R except platted subdivisions.

Chairman Bowen asked if there is a definition of agricultural use.

Mrs. Zeitler advised that the Zoning Ordinance defined bona-fide agricultural uses as the raising of crops and livestock, etc.

Attorney Davenport suggested to add the following wording: For the purposes of this section, undeveloped property shall include an active farming operation and land placed under conservation use for tax purposes.

Mr. Harbison stated he wanted to ensure that there are not aesthetic impacts.

Chairman Bowen stated the other concern was the time limitation of the timbering permit. He remarked that he had no problem with increasing the limit from one (1) year to two (2) years.

The P.C. concurred with the proposed changes as discussed.

Jim Graw made the motion to approve the proposed amendments subject to the following changes:

Section 8-185.C. Where the timber stand to be harvested is adjacent to undeveloped property, the Director of Engineering shall waive the requirement for a buffer on part or all of the perimeter of the timber stand. All buffer waiver requests will be included in the timber harvesting plan and will be evaluated on a case-by-case basis. For the purposes of this section, undeveloped property shall include an active farming operation and land placed under conservation use for tax purposes.

Section 8-185.G. The timber harvesting permit shall expire two (2) years from the date of issuance.

Bill Beckwith seconded the motion. He stated that the public input and public interest had been very helpful in the development of the proposed amendments. He also thanked Mr. Salmons for all of his hard work.

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5. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article II. Nonresidential Construction; Approval and Compliance, Section 8-26. Site Plans by the Zoning Department.

Kathy Zeitler advised that Staff was proposing an exemption of the requirement for a Site Plan for a change of use, provided it met all of the proposed criteria. She explained that for example a shopping center could have a change in tenant of minor square footage, and the use is not more intensive than the use previously located there, however it is a change of use. She said that in this case, the current ordinance requires submittal and approval of a site plan for the new use. She explained that if the proposed criteria is met, the Zoning Administrator could grant a waiver of the site plan requirement to allow a tenant to be issued a business license without first having to go through a revised site plan approval process. She noted the proposed criteria included: no additional building square footage is proposed for the new use, the proposed use is a permitted use not a conditional use, the proposed use is similar or a less intensive use than the last authorized use, thresholds for water use, septic system, etc. are similar or less intensive than the last authorized use, the site complies with all minimum parking requirements for the proposed use and all other existing uses on the site, the site is in compliance with all conditions of approval, and site/landscape standards. She added that the waiver of a site plan would not exempt any other requirements such

as required permits and inspections.

Chairman Bowen opened the floor for public comments. Hearing none, he closed the floor from public comments.

Al Gilbert made a motion to approve the proposed amendments. Bob Harbison seconded the motion and commended Mrs. Zeitler for her recommendations and said that if all of the regulations were reviewed this closely that anything not absolutely necessary could be eliminated.

Chairman Bowen concurred with Mr. Harbison.

The motion unanimously passed 5-0.

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6. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements by the Zoning Department:

6-17. O-I Office Institutional District, Section E. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

6-18. C-C Community Commercial District, Section D. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

6-19. C-H Highway Commercial District Section D. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

6-20. L-C Limited Commercial District Section E. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

Kathy Zeitler explained that currently there are no restrictions on the amount of impervious surfaces in an office zoning district or commercial zoning district. She advised that there is already a lot coverage limit of seventy percent (70%) in industrial zoning districts. She confirmed that the proposed amendments serve to establish a maximum lot coverage limit of sixty percent (60%) of the total lot area which includes buildings and paved areas such as parking lots. She added that 60% is consistent with the standards of other jurisdictions, such as the City of Fayetteville.

Bill Beckwith asked if the proposal had been tested by using the required parking spaces required by various uses.

Mrs. Zeitler replied that the minimum lot size for nonresidential is one (1) acre or more. She advised that the parking requirements have also been reduced and are mainly calculated on square footage for the proposed use. She stated that usually the range fell between 45% to 55%.

Chairman Bowen opened the floor for public comments.

Julie Matulia commended Kathy Zeitler on reducing the required number of parking spaces and for attempting to reduce the amount of impervious surfaces. She read the following article: As we build and replace our natural landscape with streets, parking lots, and other impervious surfaces, as the amount of impervious surface within a watershed grows, stream beds are widened, flooding is increased, and groundwater recharge is reduced. As the amount of impervious surface with a watershed rises above 10 percent, impacts on local water bodies are significant, beyond 30 percent

they are quite damaging. Most runoff from urban areas is the leading source of damage to estuaries and the third largest source of water quality damage to lakes. Runoff can be reduced through clustering of development or open space development. As seen in the past half century, development has been winning those battles. The U.S. Fish and Wildlife service reports that urban and suburban development accounted for 21 percent of total net wetland losses in the last decade. Loss of open space impact the environment in many ways including our health. Fayette County is still mostly rural, this is the future of Fayette County. At present we have not lost our wetlands or forest. Development and open space protection can coexist. I would like to point out that the prognosis is really a little bleaker than some people may think. We are dealing with air pollution in a significant way as well as water pollution. There are many concerns that are due to the erosion and ratification of our green space.

Ms. Matulia requested the P.C. to table the proposed amendments until additional research has been done to include how the nitrogen oxide, carbon monoxide, and the volatile organic compounds released into the air each year can be reduced by one (1) tree. She also requested the P.C. to talk with Gregory Crawford who is associated with the E.P.A. about cool cities. She explained that the maintenance of green space and impervious surfaces along with watershed protection helps to keep the temperatures of our city lower. She noted that there was significant information which had not been uncovered and researched before these proposals were presented. She disagreed with the sixty percent (60%) limit of impervious being similar with other areas. She remarked that the City of Peachtree City has nowhere near sixty percent (60%) impervious surfaces but only has twenty percent (20%). She commented that Peachtree City has been called the Magic Kingdom. She said it was the best place she has ever lived and she hated to leave it. At present, she went on to say that Fayette County has less than 3.5% green space and has been given over \$700,000.00 this month by the Federal government to purchase green space but with the cost of land, we will be lucky to get any of any significance. She pointed out that with the growth in Fayette County that an amendment so significant to the quality of life and a rural attractiveness can be so quickly approved.

Hearing no further comments, Chairman Bowen closed the floor from public comments.

Al Gilbert stressed that currently someone could develop 100% impervious surfaces and 60% is 40% better than what is on the books today. He said the County needed to proceed and that it could be reviewed in the future. He noted that this was a step in greatly improving what can happen tomorrow without an ordinance in place.

Al Gilbert made the motion to approve the proposed amendments. Jim Graw seconded the motion. He concurred with Mr. Gilbert's comments.

Chairman Bowen said that the County has been very concerned over the past several years about water runoff and impervious surfaces and the County must move quickly to establish some limits and protect what we have now. He added that this would not be the last time that this issue would be discussed.

Bob Harbison asked Ms. Matulia to provide a copy of her material to the Secretary so it could be made a part of the permanent Minutes.

At this time, Chairman Bowen called for the vote. The motion unanimously passed 5-0.

Chairman Bowen thanked the public for their comments and added that the comments had not gone unnoticed.

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7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-19. C-H Highway Commercial District, B. Permitted Uses, 57. Mini-Storage Facility with a unit floor**

space not to exceed 425 square feet, delete and insert into C. Conditional Uses, 17. Self-Storage Facility. Renumber remaining conditional uses by the Zoning Department.

Kathy Zeitler explained that currently a self-storage facility is a permitted use in C-H and she proposed to revise the self-storage facility use from a permitted use to a conditional use. She pointed out that the proposed conditions addressed maximum size of a storage bay, orientation of the storage bay doors, parking and circulation, storage of vehicles and boats, screening requirements, accessory uses, outdoor lighting, and loudspeakers and paging equipment.

Chairman Bowen opened the floor for public comments.

Julie Matulia stated that recently a storage facility had been approved with little discussion just outside the city limits of Fayetteville. She said that architectural design, integrity, and impervious surfaces were compromised. She asked if any of these conditions would also apply to the recently approved storage facility. She also asked if there was any discussion regarding the elimination of storage facilities in a commercial zone.

Hearing no further comments, Chairman Bowen closed the floor from public comments.

Ms. Zeitler explained that the rezoning which Ms. Matulia was referring to was approved with many conditions which included all of the proposed conditions. She added that they were bound by those conditions and could not vary them. She advised that as a conditional use all of the conditions are required to be met and cannot be varied, otherwise the site plan is not approved.

Bill Beckwith asked if any combination of a privacy fence, berm, and vegetation could be used for screening.

Ms. Zeitler replied that all three (3) are not required, however a combination can be utilized, similar to the requirements for a buffer.

Chairman Bowen asked if it was a choice.

Ms. Zeitler replied yes as long as it provides adequate screening.

Bob Harbison suggested that the requirement state one or a combination of the following.

Attorney Davenport suggested the following: Storage of vehicles and boats shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation.

The P.C. concurred.

Bob Harbison made the motion to approve the proposed amendments. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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8. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1.,B. Conditional Uses Allowed, 34. Self-Storage Facility. Renumber remaining conditional uses. Presented by the Zoning Department.

Kathy Zeitler explained that items 7. and 8. had been discussed together.

Chairman Bowen opened the floor for public comments.

Julie Matulia asked if there was any discussion about removing a self-storage facility from the C-H zoning district since it was an industrial use.

Ms. Zeitler advised that a self-storage facility was currently a permitted use in an industrial zoning district, however the proposal is to change a self-storage facility from a permitted use to a conditional use in the C-H zoning district. She added that by moving the use from a permitted use to a conditional use all of the proposed conditions would have to be met for the use to be located in C-H.

Bob Harbison made a motion to approve the proposed amendments with the revised verbiage in condition e. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Bowen asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled for June 21, 2001 in Suite 202A at 7:00 P.M. She advised that the Engineering Department and the Planning Department would have items for discussion.

Chairman Bowen announced that this would be his last time to chair a public meeting. He stated that he had served on the P.C. for five (5) years. He said he remembered leaving the Olympics where he held tickets to key events to be at the P.C. meetings. He remarked that it had been a wonderful five (5) years. He stressed that Fayette County was an outstanding county and he was privileged to have lived in the county and be a part of the governmental process. He commented that he would treasure almost all of those times since there clearly had been times when it was not fun for anyone. He added that the P.C. had gone about things in an objective manner and their hearts had been in the right place even though they had agreed and disagreed many times but they had always respected one another's opinions. He went on to say that the P.C. had listened to input from the public and it was amazing how you could prepare yourself for these meetings, after you read the Staff Report and looked at the property, and thought about the position you would take, and then at the public hearing the public input was critical and provided new information and changed your thoughts. He thanked the County for putting up with him and his colleagues. He said that his fellow P.C. members were wonderful people and he was thankful to be associated with them. He wished the P.C. his best.

Bill Beckwith stated that Mr. Bowen had been a gentlemen and a very professional member of the P.C. and the entire P.C. was pleased to work with him. He presented Mr. Bowen with a Certificate of Appreciation.

Mr. Bowen commented that it was wonderful and thanked the entire P.C.

Bob Harbison remarked that it had been a pleasure serving with Mr. Bowen, especially since he brought a different perspective and was very helpful in forming a lot of ordinances. He thanked Mr. Bowen for everything he had done.

There being no further business, Jim Graw made the motion to adjourn the meeting. Bob Harbison seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:25 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

FRED BOWEN
CHAIRMAN

ROBYN S. WILSON
SECRETARY