

THE FAYETTE COUNTY PLANNING COMMISSION held a **Workshop** on May 15, 2003 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

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

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Zeitler, Director of Zoning/Zoning Administrator (left at 8:00 p.m.)
Chris Venice, Director of Planning/Community Development Division
Pete Frisina, Senior Planner
Bill McNally, County Attorney
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Graw called the meeting to order and introduced the Board Members and Staff. He explained that a Workshop is usually for the P.C. to discuss items among themselves, however he would open the floor for input from the audience. He asked that each speaker sign in and to hold the microphone as they speak. He also requested that there be only one (1) speaker at a time.

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1. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District, B. Permitted Uses and E. Special Regulations.

Kathy Zeitler stated that there were several issues raised by the public at the last Public Hearing. She advised that the proposed amendments were sent back to workshop to address the issues raised. She reported that the P.C. requested that the public work with staff on the revisions, however the Zoning Department did not receive any calls or suggested wording, so staff proposed some revisions to address the issues.

Issue #1. Farmers do not want to be restricted to sell only what they grow.

Mrs. Zeitler explained that the current ordinance states “growing crops and gardens and the sale thereof”. She advised that due to the State law which allows 50% of products sold to be from elsewhere, Staff was proposing the following: “growing of crops and the sale of produce mainly grown on the premises”. She stressed that Staff does not recommend specifying a limited percent of what is sold from elsewhere because this is enforced by the State. She added that this item pertains to agricultural produce sales and not nurseries.

Chairman Graw asked if there were any public comments.

Lynn Henning of Covered in Bloom Nursery on Malone Road suggested that the ordinance should state: “growing of crops and produce and the sale thereof” because it looks like it is limiting the growing of crops but not selling them.

Mrs. Zeitler advised that produce is what is produced from the harvesting of crops.

Bob Harbison explained that Ms. Henning sees a difference between crops and produce. He said that produce is the results of growing crops. He suggested the following: “growing of crops and the sale of produce that results from those crops”.

Tom Kerlin expressed concern about the verbiage “mainly” and how it could be interpreted ten (10) years down the road. He explained that the 50-50 rule also protects the land from being purchased by a large commercial operation selling produce on the side of the road.

Mrs. Zeitler confirmed that official records will include minutes from the Workshop and Public Hearing, and if anyone in the future questions how it should be interpreted they can refer to those minutes. She added that there is also a process where someone can appeal an interpretation of the Zoning Administrator which is decided by the Zoning Board of Appeals. She explained that staff wanted to ensure a true agricultural use of the property. She advised that staff does not want property just because it is zoned A-R to be misused for profit from agriculture when there is not an agricultural use on the property, such as a roadside produce stand with no crops grown on the premises.

Chairman Graw objected to the using the verbiage “mainly” because it is vague and does not specify a certain quantity.

Mark Porter said he has operated a growing nursery for 29 years in the Starrs Mill area. He stated he had grown on his premises but sold elsewhere. He advised that he had a retail store up the road from his growing nursery but some people do not think that he actually grows the items because it is taken from one side of the road to the other side. He asked if it mattered which side of the road the items are grown on and would it still be considered grown on the premises.

Mr. Harbison asked what the P.C. felt was the proper amount to specify if the word “mainly” is deleted.

Chairman Graw asked how the 50% would be measured because the ordinance would have to state how it would be measured. He said that if you can’t administer it then it should not be in the ordinance.

Al Gilbert said that the intent of the ordinance was to ensure the property was being used as a farming operation, and anyone could view the property and if there are no crops being grown then the property is not a farming operation. He suggested deleting the verbiage “mainly” and utilizing the 50-50 rule.

Bill Beckwith commented that once a number was in the ordinance then the Marshal’s Office would have to check for compliance. He added that “mainly” should satisfy the situation.

Attorney McNally advised that “mainly” is a vague term and would be left up to interpretation. He suggested using 50%.

Doug Powell remarked that “mainly” suggests that it is not solely limited to the crops grown on the premises. He added he liked the word because it does not limit the growing to solely grown on the premises.

Attorney McNally pointed out that “mainly” is not enforceable. He suggested having the same requirement as the State.

Mrs. Zeitler stated that it would be difficult for staff to enforce the 50% requirement, and it was already a state law enforced by the state.

Mr. Harbison suggested using the verbiage “majority”.

Mr. Powell suggested using the verbiage “conforming to State regulations”.

Attorney McNally suggesting the following verbiage: "Growing of crops and the on-premise sale of produce and agriculture, provided 50% of the produce sold must be raised on-premise. A structure used for sales of produce may not exceed blank square feet."

Mrs. Zeitler advised that the ordinance already addresses produce stands of 100 square feet or less under Section E. Special Regulations, and exempts them from a site plan.

Chairman Graw confirmed that a majority of the P.C. concurred with Attorney McNally's suggested wording.

Issue #2. Nurseries do not want to be restricted to sell only what they grow.

Mrs. Zeitler stated that greenhouses and plant nurseries were being set out in a separate category. She said that no sales of related garden supplies had been added for clarification purposes because a garden center is a commercial use and not permitted in an agricultural zoning district. She explained that related garden supplies consisted of such items as bagged fertilizer, mulch, and soil, gardening tools, etc.

Chairman Graw asked if there were any public comments.

Mark Porter commented that in order to stay competitive you need related items such as a Christmas tree farms selling Christmas tree stands or a nursery selling pots and soils. He remarked that people do not like to go to several locations to pick up items. He asked that his previous question concerning growing "on-premises" be addressed.

Mr. Harbison stated that it was his understanding that if property is parallel or adjacent that a separation of the road would not affect it and you could take produce from one side of the road to the other, but if the property is up the road and you don't own the property in between then that is not legal.

Carolene Thames said that if farmers were allowed to sell related items then this would stop people from driving into Fayetteville to make their purchases. She stated that agricultural businesses should be allowed to sell related items such as soils, pots, shovels, etc.

Mrs. Zeitler advised that currently the ordinance does not allow the sale of related garden supplies in A-R. She said that the proposed wording is nothing new, and has been that way for 20 plus years.

Mrs. Thames remarked that the ordinance should be amended to allow related garden supplies in A-R so people can purchase what they need without having to drive into Fayetteville.

Mrs. Zeitler replied that by allowing the related garden supplies such as wheelbarrows, tools, etc. it would become a store in an agricultural zoning district. She stressed that the County wants the agricultural use, but not the commercial use, because A-R is a residential zoning district, and garden centers are permitted only in a commercial zoning district.

Mrs. Thames stated that agricultural use is a commercial enterprise.

Mrs. Zeitler replied that agriculture is a business and commercial enterprise, which is exactly why some rules are needed when located in a residential zoning district.

Mr. Harbison stated that A-R can be either agricultural or residential, but in neither of those cases is it commercial.

Chairman Graw added that these type activities are permitted in a residential area and there has to be a balance.

Mr. Kerlin read Section 6-1.A. Description of District and stated that it seemed to be the problem because A-R is becoming more residential and people are beginning to complain. He referenced the residents next to Mr. Porter who purchased two (2) acre lots. He explained that the land was zoned A-R long before the two (2) acre lots were purchased. He remarked that for anybody who moves into an agricultural area and don't like what is going on, well the agricultural business was going on before they moved here. He commented that the County should tell these people that they have no legitimate complaint. He advised that when the petitioners requested to rezone Felton Woods Subdivision at the corner of McElroy Road and McDonough Road that Mr. Thames spoke at the Public Hearing and stated that he was not sure if he was in favor or opposed to the development because he had moved to Fayette County in the 50's and purchased 400 acres to develop a dairy farm. He explained that his dairy farm was right next door to the proposed subdivision and they need to understand that he does not want any complaints from the subdivision because it smells like a dairy farm and there are flies. He said that a lot of the people present are five (5) and six (6) generations and that the area is rural and there are going to be certain things to come along that might detract from residential uses.

The P.C. concurred with the proposed amendment.

Issue #3. Existing nurseries want written assurance that they are exempt from site plan (even if they expand at their existing location).

Mrs. Zeitler stated that the existing businesses wanted written assurance that they would be exempted from a site plan even if they expanded. She pointed out that the revision states: "growing of crops and the on-premise sale of produce at agricultural stands of less than 100 square feet of floor area; growing and seasonal sale of Christmas trees; plant nursery, tree farm, or greenhouse operations (existing prior to the effective date of June 26, 2003) and expansions of such existing operations; and the raising and/or selling of livestock."

Attorney McNally advised that expansions should not be exempt from site plan approval due to the State regulations regarding runoff and point of discharge.

Mr. Kerlin said that it was his understanding that greenhouses have water collection procedures for runoff and they capture 85-90% of the storm water runoff and use it for irrigation. He pointed out that staff needed to understand that if a greenhouse operation wants to expand that there might be a viable alternative as opposed to construction of a detention pond.

Mr. Gilbert concurred with Mr. Kerlin regarding staff considering any viable alternative to the control of storm water runoff.

Mr. Harbison concurred with Attorney McNally because if other businesses want to expand they are required to submit a revised site plan. He added that he also concurred with Mr. Kerlin regarding viable alternatives provided they could prove that they can control runoff. He stressed that he was not in favor of exempting future expansions because the regulations on storm water runoff are getting tighter every day.

Mr. Porter asked if the Zoning Ordinance did not already contain rules regarding runoff.

Mrs. Zeitler advised that the ordinance exempts agricultural operations, greenhouses, and nurseries so if a site plan is not submitted and approved then this item is not addressed.

Ms. Henning said that she had tried doing "the Matthew 18 thing" but it did not work. She explained that she lived on a middle elevation. She advised out that the runoff from the property above hers runs down onto her property, and then that water runs down on the property below hers. She stated that she has talked to her neighbors and has also e-mailed them. She commented that if she had water runoff then she was doing a poor job as a grower. She advised that she had requested the E.P.A. to come out and do testing on her property because she had some neighbors who did not like

her, and they found a less trace of water runoff and chemicals than in a regular yard.

Gerald Woolsey asked if timbering a tree farm is exempt from a site plan. He explained that his trees are timbered for pulp wood and not sold for replanting.

Mrs. Zeitler clarified that timbering a tree farm would be exempt from a site plan. She suggested to add the word “landscape” in front of tree farms in Section E.

The P.C. concurred with Attorney McNally and Mrs. Zeitler’s suggestion.

Mr. Harbison advised that public input had been held at the last Public Hearing and the P.C. would vote at the June Public Hearing and forward their recommendation to the B.O.C. who would make the final decision on June 26, 2003.

Mr. Kerlin thanked the P.C. for their time and consideration on behalf of the Farm Bureau.

Chairman Graw thanked the audience for their input.

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Chairman Graw called for a break at 7:55 P.M. He reconvened the Workshop at 8:00 P.M.

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2. Discussion of the Land Use Plan Map.

Pete Frisina presented proposed amendments to the Land Use Plan Map in the following areas:

Area One: Change the Low Density Agricultural (0.2 to 0.5 units/acre) area along the Hwy. 54 West Corridor to Low Density (.5 to 1 units/acre).

The southern boundary of the proposed Low Density area runs along Willow Road and follows a small stream into Lake Edith to the city limits of Fayetteville. This area encompasses a large area currently zoned R-40 (Signa Property). The northern boundary runs along Linden Road to an unnamed creek which runs into Sandy Creek to Whitewater Creek.

This proposal would create a one acre land use area along the Hwy. 54 West Corridor. Given current and future nonresidential development along the Hwy. 54 West Corridor, one (1) acre residential development would be appropriate along this corridor.

The P.C. concurred.

Area Two: Extend the existing Low Density (.5 to 1 units/acre) in the area of Ellison Road and Tyrone Road, north along the western side of Ellison Road to Sandy Creek Road, further north along the Tyrone City Limits west of Landmark Mobile Home Park to the County line and west to Trickum Creek. This northern portion of the area encompasses both sides of Hwy. 74 North, north of the Town of Tyrone.

Doug Powell asked why Staff was not proposing two (2) acre lots since Tyrone had developed two (2) acre lots in the area.

Attorney McNally stated that by allowing one (1) acre lots that it may help to take away their ability to annex into the Town of Tyrone.

Area Three: Change the Low Density (.5 to 1 units/acre) in the area of Rockwood Road to Light Industrial. The area is currently zoned M-1. A majority of this area has been annexed into the Town of Tyrone and is also zoned for industrial uses.

The P.C. concurred.

Land Use Plan Map Legend

Mr. Frisina presented a copy of the proposed Legend as discussed at a previous Workshop:

Agricultural Residential (1 Unit / 5 Acres)
Rural Residential (1 Unit / 2 to 3 Acres)
Low Density Residential (1 Unit / 1 to 2 Acres)
Low Medium Density Residential (1 to 2 Units / 1 Acre)
Medium Density Residential (2 to 4 Units / 1 Acre)
High Density Residential (5 Units / 1 Acre)
Mobile Homes
Commercial
Office
Light Industrial
Heavy Industrial
Public Facilities / Institutional
Conservation Areas
Parks and Recreation
Transportation / Communication / Utilities

Bob Harbison asked where the County had any medium and high density residential.

Mr. Frisina replied that there was none.

Doug Powell suggested to delete them from the Legend.

Mr. Frisina replied that they could not be removed because multi-family is provided for in the Zoning Ordinance.

The P.C. concurred with the proposed Land Use Plan Map Legend.

Mr. Frisina advised the P.C. that he would attempt to have a full color map available at the next Workshop.

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Chairman Graw asked if there was any further business. Hearing none, Bob Harbison made a motion to adjourn the workshop. Doug Powell seconded the motion. The motion unanimously passed 5-0. The workshop adjourned at 8:15 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
P.C. SECRETARY