

THE FAYETTE COUNTY PLANNING COMMISSION met on June 7, 2007 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

MEMBERS ABSENT: Tim Thoms

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Bill McNally, County Attorney
Deputy Tommy Tyler
Deputy Harold Myers

STAFF ABSENT: Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Delores Harrison, Zoning Technician
Phil Mallon, Director of Engineering

Welcome and Call to Order:

Chairman Powell called the Public Meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on May 3, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Tim Thoms was absent.

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2. Consideration of the Workshop/Public Meeting Minutes of the meeting held on May 3, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Jim Graw made the motion to approve the Public Meeting/Workshop Minutes. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Tim Thoms was absent.

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3. Consideration of the Workshop/Public Meeting Minutes of the meeting held on May 17, 2007.

Chairman Powell asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Bill Beckwith made the motion to approve the Public Meeting/Workshop Minutes. Jim Graw seconded the motion. The motion passed 3-0-1. Al Gilbert abstained due to being absent from the Workshop/Public Meeting. Tim Thoms was absent.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 7, 2007 AND BY THE BOARD OF COMMISSIONERS ON JUNE 28, 2007.

4. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-19. C-H Highway Commercial District, C. Conditional Uses, Self-Storage Facility and Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 34. Self-Storage Facility as presented by the Planning & Zoning Department.

Pete Frisina advised that the proposed amendments had been discussed at a previous Public Meeting/Workshop. He reported that a self storage facility was previously allowed as a conditional use under the C-H zoning district and parcels had been developed as such. He pointed out that when self storage facility was removed from the C-H zoning district that these facilities became nonconforming causing difficulty with refinancing and acquiring insurance. He confirmed that this item had been discussed at the B.O.C. Workshop and it was concluded that either a self storage facility should be allowed as a conditional use under the C-H zoning district or rezone the existing properties which contain a self storage facility from C-H to M-1. He reported that he did not want to rezone the properties to M-1 because some of the areas were not appropriate for the M-1 zoning district. He presented the following proposed amendments:

Staff's amendments to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-19. C-H Highway Commercial District.

- C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Section 7-1 herein are met:

16. *Self-Storage Facility;*

~~16.~~ 17. Single-Family Residence; and

~~17.~~ 18. Telephone, Electric or Gas Sub-Station or Other Public Utility Facilities.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval. B. Conditional Uses Allowed:

34. Self-Storage Facility. (Allowed in M-1 and C-H Zoning District)
(Adopted in its entirety 06/28/01; Amended 06/24/04; Amended 01/13/05;
Amended 03/24/05)

- a. The maximum size of a storage bay shall be 550 square feet.
(Amended 03/24/05)

- b. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area, and the colors selected shall be classic exterior or nature-blending compatible with the area. *The Transportation Corridor Overlay Zone shall apply when applicable.*

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- c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be twenty-five (25) feet as measured from the closest part of the structure including any overhang. (Amended 03/24/05)
- c. Storage of vehicles, boats, and trailers, 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. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed twenty-five percent (25%) of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of fifty (50) feet wide unless it is angle parking. (Amended 01/13/05)
- e. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two (2) foot berm with double the minimum planting requirements.
- f. All outdoor lighting shall be shielded away from adjacent residential uses. (Amended 03/24/05)
- g. No exterior loudspeakers or paging equipment shall be permitted on the site.

Chairman Powell asked if there was any public input. Hearing none, he closed the floor from public comments.

Jim Graw made a motion to approve the proposed amendments as submitted. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Tim Thoms was absent.

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5. **Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions; Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 1. Adult Day Care Facility and Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 8. Church, Temple, or Place of Worship; and Article VI. District Use Requirements, Section 6-17. O-I Office-Institutional District, D. Conditional Uses, Adult Day Care Facility; Section 6-18. C-C Community Commercial District, C. Conditional Uses, Adult Day Care Facility; and Section 6-19. C-H Highway Commercial District, C. Conditional Uses, Adult Day Care Facility as presented by the Planning & Zoning Department.**

Pete Frisina advised that the proposed amendments had been discussed at a previous Public Meeting/Workshop. He stated that Staff was proposing ordinance amendments regarding Adult Day Care since it was not addressed in the Zoning Ordinance. Under Definitions, he said he would like to add a definition for Adult Day Care and also delete the section number only, of each definition; however, the definitions would remain in alphabetical order. He presented the following proposed amendments:

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Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Delete all sections numbers 3-1. thru 3-124. and add a definition for an Adult Day Care Facility. All definitions are to remain in alphabetical order. Only the section numbers are to be deleted.

ARTICLE III. DEFINITIONS

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

3-1. Accessory. A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as such principal use or structure.

3-2. Acre, gross. A measure of land equal to 43,560 square feet.

3-3. Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100 year flood plain; all water impoundments; and all lands proposed to be dedicated to a governing authority.

Adult Day Care Facility. *Adult Day Care Facilities shall include any building or portion thereof used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day.*

3-4. Alteration. Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.

A. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan must be submitted to the Zoning Administrator and approved by the appropriate County officials. This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meeting and/or events which are conducted no longer than fourteen (14) days per year.

B. Conditional Uses Allowed:

1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts).

a. The facility shall comply with all licensing requirements of the State of Georgia.

b. The hours of operation shall be limited to: from 6:00 a.m. to 10:00 p.m.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

8. Church, Temple, or Place of Worship. (Allowed in O-I, A-R, and residential zoning districts).
- a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.
 - b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
 - c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas.
 - d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (1) Front yard: 100 feet
 - (2) Side yard: fifty (50) feet
 - (3) Rear yard: seventy-five (75) feet
 - e. Uses and/or structures incidental to a church such as a private school, parsonage, gymnasium, playground, and/or athletic field shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 8.c. and 8.d., above. Outdoor lighting for recreation purposes shall be prohibited.
 - f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met.
 - g.** **Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met.**
 - gh.** Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
 - hi.** All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area.

6-17. O-I, Office-Institutional District.

- D. Conditional Uses. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Section 7-1 herein are met:

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1. Adult Day Care Facility;

- ~~1.2.~~ Church, Temple or Other Place of Worship;
- ~~2.3.~~ Church or Religious Tent Meeting; (Added 04/09/98)
- ~~3.4.~~ Day Care Facility (Nursery School or Kindergarten);
- ~~4.5.~~ Hospital;

6-18. C-C Community Commercial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Adult Day Care Facility;

- ~~1.2~~ Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
- ~~2.3.~~ Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
- ~~3.4.~~ Campground Facilities;
- ~~4.5.~~ Care Home, Convalescent Center or Nursing Home;
- ~~5.6.~~ Church or Religious Tent Meeting;
- ~~6.7.~~ Commercial Driving Range;
- ~~7.8.~~ Day Care Facility (Nursery School or Kindergarten);

6-19. C-H Highway Commercial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Section 7-1 herein are met:

1. Adult Day Care Facility;

- ~~1.2.~~ Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic;
- ~~2.3.~~ Automobile, Truck, Farm Equipment, or Motorcycle Sales and Accessory Repairs; (Amended 06/24/04)
- ~~3.4.~~ Automobile Service Station, including gasoline sales in conjunction with a Convenience Store;
- ~~4.5.~~ Care Home, convalescent Center or Nursing Home;
- ~~5.6.~~ Cemetery;
- ~~6.7.~~ Church or Religious Tent Meeting;

- 7.~~8.~~ Commercial Driving Range;
- 8.~~9.~~ Day Care Facility (Nursery School or Kindergarten);
- 9.~~10.~~ Dry Cleaning Plant;

Chairman Powell asked if there was any public input. Hearing none, he closed the floor from public comments.

Bill Beckwith suggested to change Section 7-1.,B.,1.b. to read as follows:

The hours of operation shall be limited to: ~~from 6:00 a.m. to 10:00 p.m.~~

Jim Graw stated that an Adult Day Care Facility is a commercial business and he objected to including the hours of operation which makes it easier to regulate this type facility. He said that this should not be included in the Zoning Ordinance. He added that he agreed to allowing an Adult Day Care Facility but not regulating the hours of operation.

Pete Frisina explained that he has spoken with the President of the Association of Adult Day Care Facilities in Georgia and she said that the industry operates from 6:00 A.M. to 6:00 P.M. and is closed on the weekends. He stressed that the reason for limiting the hours of operation is to avoid an Adult Day Care Facility from becoming an Assisted Living Care Facility or Nursing Home. He added that this was his major concern and also the best way for enforcement of the ordinance.

Chairman Powell stated that the proposed amendments are less restrictive and give businesses latitude to operate. He added that if there are any problems with the ordinance that it could be amended in the future.

Bill Beckwith made a motion to approve the proposed amendments as amended. Al Gilbert seconded the motion. The motion passed 3-0-1. Jim Graw abstained from the vote. Tim Thoms was absent.

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Chairman Powell asked if there was any further business.

Pete Frisina presented copies of proposed amendments to the Fayette County Zoning Ordinance regarding a Non-Emergency Medical Transport Service as follows:

Staff's additions to the current ordinance are indicated in **bold**, underline, and *italics*. ~~Strikethrough~~ indicates deletion.

Article III. Definitions

Non-Emergency Medical Transport Service. A service providing prearranged non-emergency medical transportation.

Article VI. District Use Requirements

Section 6-17. O-I, Office-Institutional District

D. Conditional Uses.

9. Non-Emergency Medical Transport Service

Article VII. Conditional Uses, Exceptions, and Modifications

7-1. Conditional Use Approval

B. Conditional Uses Allowed:

29. *Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District)*

a. *Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only.*

b. *No vehicle maintenance or fueling is allowed on-site.*

~~9.30.~~ Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping.

Mr. Frisina advised that the B.O.C. had received a proposal from Group VI to consider adding a non-emergency medical transport service as a use in the O-I zoning district. Group VI pointed out that a non-emergency medical transport service is allowed in the Fayetteville's MO zoning district which is similar to the County's O-I zoning district. He confirmed that the B.O.C. directed Staff to begin reviewing the ordinance.

Mr. Frisina commented that he had received input from Fayette County E.M.S. department and this is an industry that is engaged in moving people to and from medical facilities with a lot of their business centered at the hospital. He said that their patients cannot travel in a typical automobile because they need basic life support. He reported that the vehicles must be equipped with sirens and lights per State regulations; however, they are not licensed to respond to emergency calls. He confirmed that only Fayette County E.M.S. is licensed to respond to 911 calls. He advised that an ambulance service/rescue squad was allowed in the C-H and M-1 zoning districts currently; however, a non-emergency medical transport service is a less intense use. He explained that the two (2) conditions would apply anywhere in the County under the O-I zoning district for a non-emergency medical transport service but if the property is located on a State Route, the overlay requirements would also apply.

Chairman Powell reiterated that this type facility, if located on a State Route, must also comply with the transportation corridor overlay zone regulations. He added that he would like to advertise the proposed amendments for the July 5th Public Hearing.

Jim Graw asked if parking of vehicles is limited to the side/rear yard(s) for other uses.

Mr. Frisina replied that they are not and that the B.O.C. had expressed a concern about the parking of transport vehicles in the front yard.

Al Gilbert remarked that as protection for a state route corridor, he would prefer to require that the ambulances be parked out-of-sight to the rear of the building or be stored inside a facility. He stressed that the S.R. 54 West corridor had been well protected and he would prefer to see stronger conditions for the corridor should the business located on S.R. 54 West.

Mr. Frisina explained that inside storage may encourage vehicle maintenance which the proposed conditions would not allow.

Mr. Graw stated that businesses are parking their vehicles out in the front of the building with their business name affixed to them and asked if this was addressed in the Sign Ordinance.

Mr. Frisina replied that signs affixed to business vehicles are not regulated in the Sign Ordinance.

Chairman Powell commented that this type of use is similar to a taxi service. He said that vehicle transportation does not fit the description of office-institutional.

Mr. Frisina explained that medical uses are located in an O-I zoning district and this is a supporting service to medical institutional uses. He said that the vehicles are equipped with life supporting equipment and the transporting of medical patients is licensed by the State.

Mr. Gilbert stated that there will be a disservice to other property owners if the transport vehicles are not hidden from view.

Mr. Frisina pointed out that there are uses in O-I currently which could utilize fleet vehicles and can be parked anywhere on the property.

Mr. Graw asked if the Overlay Zones could be modified to include the required parking location for vehicles.

Attorney Bill McNally explained that the proposed amendments are about allowing a non-emergency medical transport service in an O-I zoning district as a Conditional Use with one (1) of the conditions being that parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only. He advised that should the business locate on a State Route that the overlay requirements would apply in addition to the conditional use requirements.

Mr. Frisina reported that the Interim Emergency Services Director had advised that these type vehicles are usually parked outside and normally are operated from 8:00 A.M. to 5:00 P.M.

Chairman Powell stated that the P.C. must decide if this is a use compatible to the O-I zoning district because it appears to be a motor park which should not be associated with the O-I zoning district.

Mr. Frisina confirmed that he would review the item further for discussion at the June Public Meeting/Workshop.

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Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, June 21, 2007, in the Board of Commissioners Conference Room, First Floor at 7:00 P.M.

There being no further business, Al Gilbert made the motion to adjourn the Public Meeting/Workshop. The motion for adjournment unanimously passed 4-0. Tim Thoms was absent. The Public Hearing adjourned at 8:05 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**DOUG POWELL
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**