

**THE FAYETTE COUNTY PLANNING COMMISSION** met on August 2, 2012, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

**MEMBERS PRESENT:** Tim Thoms, Chairman  
Al Gilbert, Vice-Chairman  
Douglas Powell  
Bill Beckwith

**MEMBERS ABSENT:** Jim Graw

**STAFF PRESENT:** Pete Frisina, Director of Community Development  
Dennis Dutton, Zoning Administrator, P.C. Secretary  
Deputy Barry Baney

**Welcome and Call to Order:**

Chairman Thoms called the Public Meeting to order. Bill Beckwith gave the Invocation followed 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 Public Meeting/Workshop Minutes of the meeting held on June 7, 2012.**

Chairman Thoms asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Doug Powell seconded the motion. The motion passed 4-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was: Jim Graw.

**2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on July 19, 2012.**

Chairman Thoms asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes. Al Gilbert made the motion to approve the Public Meeting/Workshop Minutes. Doug Powell seconded the motion. The motion passed 4-0. Members voting in favor of approval were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was: Jim Graw.

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**THE FOLLOWING WILL BE CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 2, 2012, AND BY THE BOARD OF COMMISSIONERS ON AUGUST 23, 2012.**

- 3. Consideration of Petition No. 1224-12, James L. Dixon and Maria Dixon, Owners/Agent, request to rezone the property from A-R: Agriculture-Residential to C-H: Highway Commercial for said property to develop an Auto Service and Repair Garage. This property consists of 0.93 acres and is located in Land Lot 154 of the 7th District, and fronts on 349 Senoia Road.**

Maria Dixon said that she and her husband purchased the subject property in hopes of operating a specialty import automotive service/repair garage. She stated that they planned to construct a two bay building where the repairs would take place and use the existing residence for the office and customer waiting area.

Chairman Thoms 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 required, he closed the floor from public comments.

Maria Dixon stated that the Planning and Zoning staff was helpful in recognizing that the property was not 1.5 acres, but rather 0.93 acres. She continued that she had been in contact with the original property owner, Mr. Edward Byce, about the discrepancy in the acreage. Maria Dixon stated that talks with the owner were about acquiring acreage from his adjoining lot to make their lot 1.5 acres. Pete Frisina said before any changes are made to either lot they should check with staff so they can determine if this will create any problems. Tim Thoms stated that before they acquired additional property it should be discussed with the P&Z staff.

Al Gilbert questioned if the rezoning would be affected by the addition of more land from the neighbor's property. Pete Frisina answered that the adjacent lot is zoned C-H as well, so there is no conflict in terms of zoning.

Doug Powell questioned staff if there would be any issues with the rezoning a nonconforming lot. Pete Frisina responded that under Section 7-2 of the Zoning Ordinance, as explained on page 1-3 of the staff report, a legal nonconforming lot could be considered for rezoning. He further stated that the lot was platted and recorded in 1974 prior to the effective date of November 13, 1980.

Doug Powell then queried the applicants and staff about the Environmental Health Department comments which mentioned that the drain field line encroaches into the adjacent property. Mrs. Dixon responded that they were made aware of this by the Environmental Health Department and were in discussion with them on how to resolve the matter.

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Al Gilbert asked the petitioners if they were in agreement with the conditions of the rezoning and asked if they should be read aloud.

Doug Powell volunteered to read the recommended conditions and did so. Al Gilbert then asked if the petitioners understood and agreed to the recommended conditions.

Mrs. Dixon said she read and understood the conditions of rezoning, but had a question first. She asked about the quit-claim deed for 50 feet from the center line of Senoia Road to Fayette County. Mrs. Dixon then asked if that was a general procedure for a request to rezone.

Tim Thoms then stated that during a request for rezoning or recording of a plat, the County does ask for right-of-way as part of the County's provision for adequate right-of-way per the County Road Department.

Pete Frisina addressed the question by stating that Senoia Road used to be SR 74 but was relinquished by the State DOT when SR 74 realigned. The road then became a County road. He stated that there were no right-of-way deeds to Fayette County per the research of the Public Works Department. He said that per the Dixon's property survey, their front property line is approximately 40 feet from the centerline of the road so the county was only getting an additional 10 feet of right-of-way from the property. He said since Public Works did not have any deeds to the right-of-way they were asking for quit-claim deed for the entire area to the centerline of the road. The Dixon's then concurred and agreed with the recommended condition.

Jim Dixon questioned the condition concerning the variance that is required for the existing residence and asked why it is not considered to be grandfathered as it is now. Pete Frisina explained that the lot and residence are legally nonconforming under the current zoning, but Section 7-2 requires that the structure be brought into compliance or get a variance to remain in the setback when the property is rezoned. Jim Dixon said, as stated previously, they may be able to acquire additional property from the adjoining lot which could alleviate the setback issue. Pete Frisian said that he was not aware of the acquisition of additional property until this meeting and Staff needs look at this situation to make sure that this will not create any problems. He further stated that the condition of rezoning could be amended prior to going to the BOC to reflect the option of also acquiring additional property to alleviate the setback issue.

Doug Powell commented that he looked at the property and saw that the proposed rezoning was a good fit within the area. He continued that only when you look at the staff analysis, did you see the complications with the property, but he was still satisfied with the property being utilized for commercial.

Chairman Thoms pointed out to the Dixons that, though the rezoning might be approved, a hearing before the ZBA would still have to be held and the ZBA would have the authority to deny or approve the variance required by the condition of zoning. The Dixons indicated they understood this situation and hoped that either a variance approval or adjusting the property line with the adjacent parcel might address it. Chairman Thoms reiterated that the applicants get back with the staff to deal with their proposed property line changes and whether to proceed with a variance of the structure's setbacks.

Al Gilbert made a motion to approve the rezoning petition subject to two (2) recommended conditions. Doug Powell seconded the motion. The motion unanimously passed 4-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw.

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**4. Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: the SR 138.**

Pete Frisina reported to the Planning Commission that he had been before the Board of Commissioners on August 1, 2012 to get direction on whether staff and the Planning Commission should proceed with amendments to the Future Land Use Plan for SR 138 as a Commercial area and the consensus of the Board was to move ahead with SR 138 as a Commercial area. He further stated that he explained to the Board that staff and the Planning Commission had looked at two different options, 1) allow a TV/movie studio in the O-I zoning district and 2) create a new specialized business zoning district with a limited amount of uses and that the Planning Commission and staff did not recommend adding TV/movie studios to the O-I zoning district because it was out of character with the zoning district and the Planning Commission felt strongly that a new zoning district was not recommended and that Commercial was appropriate for the SR 138 corridor. He stated that he informed the Board that staff was in agreement with the Planning Commission. He added that one of the Board members asked if inter-parcel access would be required on SR 138 to minimize traffic impact and Pete replied that is required currently in the Development Regulations where possible but that could be reinforced in the Overlay Zone and required to be considered as part of the rezoning process taking topography and drainage into account.

Pete Frisina then distributed a draft of Comprehensive Plan amendments and SR 138 Overlay to the Planning Commission for discussion (inserted below).

## Comprehensive Plan

~~SR 314 and SR 138: As an entrance to Fayette County, this area is a mix of nonresidential developed land and vacant land zoned for commercial uses. The opportunity exists here for infill development and redevelopment of older establishments.~~

SR 138 and North SR 314: This area is designated with a mix of Commercial and Office land uses and borders Clayton County. The opportunity exists for new and infill development, as well as redevelopment of older establishments. This area is regulated under the SR 138 and North SR 314 Overlay Zone.

## Zoning Ordinance

- A. *S.R. 138 and North S.R. 314 Overlay Zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North S.R. 314 Overlay Zone. The intent of the overlay is to set standards specific to SR 138 and North S.R. 314 as described above.
1. *Purpose.* The purpose of the SR 138 and North S.R. 314 Overlay Zone is to achieve the following:
    - a. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
    - b. To enhance and maintain the aesthetic qualities of the corridor; and
    - c. To protect existing and future residential areas.
  2. *Access Standards.* Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points and interparcel access shall be required to comply with Fayette County Development Regulations. A Concept Plan, submitted with a rezoning application, and/or a Site Plan shall illustrate compliance with these requirements.
  3. *Dimensional Requirements.*
    - a. All parking areas shall be located at least 50 feet from any State Route right-of-way.
    - b. *Front yard setback on S.R. 138:* 100 feet
    - c. *Berms for nonresidential zoning districts:* Berms, when required as a condition of zoning, shall be a minimum of four (4) feet in height.
  4. *Architectural Standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be

submitted as part of the Site Plan.

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
- b. *Gasoline Canopy.* Gasoline canopies shall also comply with the following requirements:
  - i. Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of 3" to 12" to permit the height of the peak of the roof to be equal to or no more than five (5) feet above the peak of the roof of the convenience store.
  - ii. The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
  - iii. The support columns for the gasoline canopies shall match the façade of the convenience store.
  - iv. The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
- c. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential.
- d. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two (2) foot high knee wall consisting of fiber-cement siding (i.e.: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco.)

- e. Structures of **20,000 (?)** square feet or greater may utilize the following architectural standards:
    - i. All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or any architecturally engineered facades which simulate these materials.
    - ii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.
    - iii. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
  - f. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
  - g. When an existing nonconforming structure is enlarged by 50 percent or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of January 24, 2008. Only one (1) structure per lot shall be entitled to the exemption.  
When an existing nonconforming structure is enlarged by more than 50 percent, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards.  
This exemption shall expire on January 24, 2015, seven (7) years from the effective date of January 24, 2008. After the expiration date, the entire nonconforming structure shall be brought into compliance with the aforementioned Architectural Standards when any enlargement is made.
5. *Landscape Requirements:* In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. *Street Frontage.* SR 138 and SR 314 (Major Arterial) - Landscape area: 50 feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system

- placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/ groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
- b. *Side Yard Landscape Area.* 10 feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
6. *Lighting.*
    - a. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
    - b. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of 10 feet in height within non-vehicular pedestrian areas.
  7. Additional Requirements.
    - a. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
    - b. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
    - c. Bay doors shall not be allowed to directly face SR 138 or SR 314.
    - d. All utilities shall be underground.
  8. *Use of Existing Structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

He stated that the draft SR 138 Overlay was mainly the General State Route Overlay with expanded architectural standards that were taken from the SR 85 North Overlay where larger buildings are anticipated and as such, they could not maintain a residential character. He said, for discussion purposes, he proposed a building threshold of 20,000 square feet where a building less than 20,000



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square feet would meet the typical residential architectural standards and a building of 20,000 or greater square feet would meet the architectural standards that are not residential in character. He also said that he would like to come up with an additional threshold where the width or span of the building is taken into consideration as opposed to only using a square footage threshold because a building of 20,000 square feet with a narrow footprint, such as a small strip center, could still meet the residential character.

Chairman Thoms said he liked the direction staff has proposed with some type of threshold where the two different architectural standards could be applied.

Al Gilbert said the key was finding a balance between architectural standards for these large buildings and the expense to the builder to meet those requirements.

Doug Powell asked if we should consider additional front setbacks or vegetative screening for the larger buildings. He asked Pete what the front setbacks in Fayette and Clayton County would be. Pete Frisina replied that the front setbacks in Fayette County would be 50 feet for the parking and

100 feet for the building and in Clayton County the setback for sidewalks and parking is 10 feet per their overlay zone and, as he recalled, the building would be closer than the 100 foot Fayette county setback because Clayton County was allowing a mixed used development pattern with commercial, office and residential that is more urban in character. He further stated that additional vegetative screening could be considered but the drawback is when the screening dies and getting it replanted. He stated that the property where the studio is being proposed has a tree line along the road and every attempt should be made to maintain it perhaps through conditions of rezoning.

Doug Powell said given what he just heard, he felt that the County's setbacks were adequate.

Bill Beckwith agreed with Doug Powell and thought the County's setbacks were adequate for SR 138.

Pete Frisina said staff would continue working on the SR 138 Overlay and try to find another factor to be considered for the architectural standards at the next workshop.

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Chairman Thoms asked if there was any further business.

There being no further business, Al Gilbert made the motion to adjourn the Public Hearing. The motion for adjournment unanimously passed 4-0. Members voting in favor of adjournment were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw. The Public Hearing adjourned at 7:55 P.M.

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PLANNING COMMISSION  
OF  
FAYETTE COUNTY

ATTEST:



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TIM THOMS  
CHAIRMAN



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DENNIS S. DUTTON  
PC SECRETARY