

THE FAYETTE COUNTY PLANNING COMMISSION met on September 17, 2015 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Al Gilbert

MEMBERS ABSENT: Arnold L. Martin, III

STAFF PRESENT: Pete Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff. He stated that Arnold L. Martin is absent.

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1. Consideration of the Minutes of the Meeting held on September 3, 2015.

Al Gilbert made a motion to approve the minutes. John Culbreth seconded the motion. The motion passed 3-0-1. Chairman Graw abstained as he did not attend the meeting on September 3, 2015 and Arnold Martin was absent.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat for Brent Payne. The property will consist of one residential lots zoned A-R, is located in Land Lot 59 of the 7th District and fronts on Willow Road.

Dennis Dutton said staff has approved the plat.

Brent Payne said he was subdividing the lot to build a house and it is family owned property.

Chairman Graw asked if there was anyone who would like to make any comments on the technical aspects of the plat. Hearing none he said he would entertain a motion.

Al Gilbert made a motion to approve the Minor Subdivision Plat for Brent Payne. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

3. Consideration of a Minor Subdivision Plat of Larry D. Oldag & Juanita D. Wyatt. The property will consist of two (2) residential lots zoned A-R, is located in Land Lots 100, and 101 of the 4th District and fronts on Highway 85 Connector and Whitewater Road.

Dennis Dutton said staff has approved the plat and the property is a family estate.

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Steve Reeves said there was a minor issue with the location of the septic system but that has been corrected and the reason for the subdivision is to settle an estate.

Chairman Graw asked if there was anyone who would like to make any comments on the technical aspects of the plat. Hearing none he said he would entertain a motion.

Brain Haren said for clarification this is a Minor Subdivision Plat and is that a revision to an existing plat or a new subdivision of land.

Pete Frisina said it is a Minor Subdivision Plat because there are no new roads and the lots are five (5) acres or greater.

Brian Haren made a motion to approve the Minor Subdivision Plat of Larry D. Oldag and Juanita D. Wyatt. Al Gilbert seconded the motion. The motion passed 4-0. Arnold Martin was absent.

4. Discussion of exemption from buffers from A-R and residential zoning districts that allow nonresidential uses as a conditional use in the County Zoning Ordinance.

Dennis Dutton said there is a situation staff is dealing with where a new proposed private school is next to an existing church and buffers are required between the two (2) uses.

John Lee said they are proposing to build a private school next to Christ's Church at Whitewater on SR 85.

Dennis Dutton said when the school was drawing up plans the buffer issue became apparent. He added that currently the zoning ordinance does not require a buffer when property is adjacent to property owned by a local government, the state or the federal government. He stated that the uses listed in the proposed ordinance amendment are nonresidential uses allowed in an A-R or residential zoning districts as a conditional use. He said in this case with a private school locating on an adjacent lot to the church property a 50 foot buffer and a 50 setback would be required.

Chairman Graw asked if the buffer and setback would be required on both properties.

Dennis Dutton said that was correct. He stated that the approach we are taking is not requiring a buffer between nonresidential uses located in residential zoning districts. He added the nonresidential uses being considered are from the list of Conditional Uses that include a church and/or other place of worship, college and/or university, hospital, private school, child care facility, cemetery, golf course, driving range, or recreation centers and similar institutions owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.

Chairman Graw asked why you are including a child care facility, cemetery, golf course, driving range, or rec-centers in this.

Pete Frisina said those are Conditional uses allowed in A-R and/or residential zoning.

John Culbreth asked what the special exception will be.

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Al Gilbert asked what the school is asking for.

Dennis Dutton said relief from the buffer.

Chairman Graw so not the setback just the buffer.

Dennis Dutton said that is correct. He added that these uses are the more common as Conditional Uses in A-R or residential.

Chairman Graw said you are suggesting a 25 foot buffer and a 50 setback.

Dennis Dutton said he is suggesting no 50 foot buffer but keeping the 50 foot setback.

Brian Haren said what if the church still owned that property and it had not been carved out and something like a kinder care came in and a lot of people have a problem with a kinder care because of the traffic. He said so we make an exception for that but I can see other situations where people would want that buffer in place because they don't want to look out of their window onto to a kinder care.

Pete Frisina said the buffer would not apply where the kinder care abuts a church for example but the buffer would still apply where the kinder care abuts residential property.

Chairman Graw asked if the church owns the property where the private school is planned.

Pete Frisina said that is correct.

Chairman Graw asked what happens if a church sells a portion on their property for residential development and there is no buffer there.

Pete Frisina said when a church abuts residential property developed as residential a buffer will still apply, but for example if two churches were abutting with no buffer and one of the churches were torn down and residential development put there we could not reestablish a buffer but the chances of a church going away is probably slim.

Chairman Graw asked how big the school is going to be.

John Lee said about 30,000 square feet in three (3) buildings.

Brian Haren said he didn't think golf courses and driving ranges need to be included in the list.

Pete Frisina said we can take golf courses and driving ranges out of the list.

Brian Haren asked if the property could be leased from the church.

Pete Frisina said if the property is not subdivided there is no buffer but the school's goal is ownership of the property.

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Al Gilbert said with a lease financing may be difficult.

Pete Frisina said the buffer is required as part of a conditional use so a variance is not allowed.

Chairman Graw asked if there is any other situation staff is aware of that is similar to this situation.

Pete Frisina said he is not aware of another situation similar to this.

Brian Haren asked if you could build a playground or athletic field in a buffer and setback.

Pete Frisina said a baseball field would have to be out of the buffer and setback.

John Culbreth asked what type of school this is.

John Lee said a private school for home school families that will meet four (4) days a week.

Pete Frisina asked if it is a K through 12th grade school.

John Lee said it is a 4th grade through 12th grade and it is similar to King's Academy in Woodstock.

Brian Haren asked if this property will be big enough.

John Lee said the model is for 250 kids and we want to stay at that level so this property is big enough for our needs.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

5. Discussion of allowing in-home beauty salons/barbershops as a Home Occupation in the County Zoning Ordinance.

Dennis Dutton said we have a letter from a citizen that is interested in having a beauty shop in her home. The County used to allow a beauty shop or barber shop as a home occupation but it was taken out some time back. At that time the County Attorney didn't think it was an appropriate use as a home occupation and there could be issues with a septic tank. He added that he had met with Environmental Health and their concerns are the washing of hair and hair dyes or chemicals that can cause problems with the septic system so they would have to be involved with the approval of these uses.

Al Gilbert said he has a problem with this because he doesn't see how the County will control the number of customers or whether they wash and/or dye hair. He added that a barber shop and beauty shop should not be treated the same because a barber shop is not going to be as environmentally harmful as a beauty shop. He stated that a barber could easily do two to three haircuts an hour and by limiting him to eight (8) customers he probably won't be able to make a living.

Chairman Graw said all Home Occupations are limited to eight (8) customers per day.

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Brian Haren asks who inspects for that.

Dennis Dutton said it is addressed on a complaint basis.

Brian Haren asked what the effect on a septic system is when large amounts of hair dye are used.

Dennis Dutton said that is why Environmental Health will be involved and he doesn't recommend handling barber shops differently than beauty shops.

John Culbreth said he doesn't have a problem as most people want their home to stay residential.

Chairman Graw said you recommend limiting this to one (1) chair but they may also have a hair dryer does that also count as a chair.

Dennis Dutton said a home occupation also limits it to two (2) customers at a time.

Chairman Graw said he has his hair cut by a person in their home in Peachtree City and this person has a few customers on Saturday and a few during the week.

Brian Haren asked if we need to restrict customers on Sunday.

Pete Frisina said a Home Occupation is already limited to Monday through Saturday for customers.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

Al Gilbert said he still has a problem with this concerning the number of customers and the potential effect on the septic system.

Chairman Graw asked Al Gilbert what he would recommend.

Al Gilbert said he would suggest not allowing it at all.

Brian Haren said if Environmental Health determines the septic system can handle it he doesn't have a problem and he would feel better if we had a letter from Environmental Health.

Chairman Graw said with eight (8) customers per day for six (6) days as currently regulated under Home Occupation that is a potential of 48 customers per week and I don't think that will happen.

It was the consensus of the Planning Commission to proceed with Public Hearings for the proposed Zoning Ordinance amendments.

OLD BUSINESS

6. Discussion of the SR 85 and SR 74 intersection.

Pete Frisina said based on questions from the last meeting he went through the uses in the L-C zoning district to determine if they needed to be more defined. He said the first use is an Antique Shop and he found some definitions but he didn't want to use them because they were based on the percentage of items that were of a certain age and this is too labor intensive to determine. He stated the question raised at the last meeting was does a Vintage store, Thrift store, Consignment store, or Used books/records store qualify as an Antique Shop. He said he doesn't have a problem with including these uses along with an Antique Shop.

Brian Haren said he would like to it limited to for-profit establishments.

Pete Frisina said the next use is an Art and/or crafts studio and he found three (3) definitions that he thinks fit. He said these definition are an Artist's studio where works are created and sold, a Studio where customers purchase then paint or create their own canvas, pottery, glass pieces or sculpture, and a Gallery with pieces by various artists, plus a studio with classes & a supply store.

John Culbreth said those definitions fit well with the use.

Chairman Graw he agrees with the definitions.

Pete Frisina said he would use these three (3) definitions to craft a description of the use. He said a Bakery (no drive-through or drive-in allowed) can be defined as an establishment engaged in the preparation and production of baked goods for consumption and sale both on and off the premises.

John Culbreth said that sounds good for a bakery.

Pete Frisina asked would a Dunkin Donut or Krispy Kreme be a bakery or restaurant.

Brian Haren said there are very few Dunkin Donuts where the donuts are baked in-house.

Al Gilbert said without a drive-through window the odds of either one of those coming are remote.

Chairman Graw said he sees a bakery as a place that makes pastries, cakes, bread, etc.

John Culbreth said the old traditional bakeries really don't exist anymore.

Al Gilbert said most grocery stores now have a bakery.

Pete Frisina said a Bank and/or financial institution would include a bank, savings and loan, credit union, and mortgage office.

Al Gilbert asked if we have said no drive through with a bank.

Pete Frisina said the ordinance does not prohibit drive through windows with a bank.

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Al Gilbert said if we are going to prohibit drive through windows for other businesses we should not allow them with a bank.

Pete Frisina said currently only bakeries and restaurants are prohibited from having a drive through window.

Chairman Graw said while we are looking at L-C in context to the SR 74 and SR 85 intersection it can be used in other areas of the County and I don't want to limit it too much.

Pete Frisina said L-C has always prohibited drive through windows with food service establishments because L-C was created as a less intense commercial zoning district.

Al Gilbert said a restaurant can't have a drive through window but the bank next door can have a drive through window and that is not treating the businesses equally.

Brian Haren said but these rules were in place before you started construction of the restaurant.

Chairman Graw said his opinion is if you want the restaurant with a drive through window this is not the zoning for you.

Al Gilbert said we should prohibit all drive through windows in L-C.

Brian Haren asked if a Pay Day Loan and a Title Pawn is a financial institution.

Pete Frisina said he didn't think a pawn shop is a financial institution.

Brian Haren said he would not like to see a Pay Day Loan or a Title Pawn in L-C.

Pete Frisina said the G-B zoning District excludes pawn establishments from the uses of Financial, credit, real estate, and/or insurance establishments.

Chairman Graw said he agrees that we don't want title pawns or pay day loan establishments.
Brain Haren asked how is a pay day loan establishment classified.

Pete Frisina said that would be a financial institution.

Chairman Graw asked if we need to have a separate category for a financial institution.

Brain Haren asked if a Pay Day Loan is not included under Bank and/or financial institution.

Pete Frisina said he didn't feel that he could make a distinction that a Pay Day Loan is not a Financial Institution.

Chairman Graw asked if Brian Haren wanted Pay Day Loans excluded.

Brian Haren said that is correct.

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Chairman Graw said can we say Pay Day Loans and Pawn Shops are excluded.

Brain Haren suggested excluding Pay Day Loans, Pawn Establishments, Short Term Loan establishments, and Check Cashing establishments as well as no drive through windows but walk up ATM will be allowed.

Pete Frisina said a Book, stationery, and/or card shop is the next use. He said Stationary Store is defined as an establishment which sells office-related products to the public at retail and products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. He added a card shop usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

Chairman Graw said your first sentence describes Office Depot, Office Max and Staples so would we permit those establishments in L-C.

Pete Frisina said given the size of the typical Office Depot, Office Max and Staples, the square footage restrictions of L-C probably won't be big enough for their standard store.

Al Gilbert said these companies will do a market study and that area probably wouldn't support one of those stores.

Pete Frisina said the next use is Clothing and accessories. He said an accessory can be any piece of clothing that you wear or carry as long as it isn't part of the main outfit, traditional carried accessories include purses and handbags, hand fans, parasols and umbrellas, canes, etc, and accessories that are worn may include jackets, boots and shoes, cravats, ties, hats, belts and suspenders, gloves, jewelry, watches, sashes, shawls, scarves, socks, and stockings.

Brian Haren said you mentioned jewelry.

Pete Frisina said a jewelry store is also a separate use in L-C. He said the next use for discussion is a Gift shop. He added a Gift Shop is retail stores where items such as art, antiques, jewelry books, and notions are sold and notions are small useful things (such as pins, thread, buttons, ribbon) that are used for sewing. He stated another definition of a gift shop is a shop that sells souvenirs and small items suitable to be given as presents.

Chairman Graw said a gift shop and a card shop sell a lot of similar items.

Pete Frisina said Home furnishings and accessories is the next use. He said a definition of a Furniture Store is an establishment for the sales for furniture and other domestic articles used in readying an area (as a room or patio) for occupancy or use. He added another definition includes

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furniture, home furnishings, and home appliances and means a business primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cookstoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like, as well as the sale or rental of consumer electronics such as televisions and stereo equipment.

Chairman Graw said that sounds like an HH Greg store.

Brian Haren suggested excluding appliances.

Pete Frisina asked would we also exclude floor covering, window covering, lighting fixtures, and consumer electronics such as televisions and stereo equipment.

Brian Haren said those should also be excluded. He asked if a veterinarian would be allowed under Medical/dental office.

Pete Frisina said they would not because Medical/dental office is limited to human treatment. He said at the last meeting a mailbox/UPS store was suggested for L-C and the other proposed L-C type district. He added that these uses are defined as Mail Services and consist of a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

Chairman Graw said he thought it was a good use to add to L-C.

Pete Frisina said another suggestion was to add a cellular phone store to L-C.

Brain Haren said it sounds OK.

Pete Frisina said at the last meeting it was suggested that we add a Hardware Store to L-C. He added that a Hardware Store is an establishment engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery.

Chairman Graw asked when you say garden supplies do you mean everything a Pikes Nursery has.

Brain Haren said that could include lawn mowers, weed eaters, wheelbarrows, etc. and I think we were referring to an old-tome hardware store not a Home Depot but how do you distinguish between the two.

Al Gilbert said you exclude outside storage.

Brian Haren said size limitations will also help.

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Pete Frisina said currently L-C allows a Floor to Area Ratio (FAR) of .1 with a total of 8,500 square feet.

Chairman Graw said the previous language in L-C provided a bonus of more square footage if the developer built two (2) building as opposed to one (1) building to discourage a strip commercial development. He added it required the buildings to be a minimum of 26 feet apart.

Pete Frisina said in the previous language the maximum square footage was 10,000 square feet and if you built two (2) buildings you got a 15 percent square footage bonus so with 10,000 square feet that would be an additional 1,500 square feet for a total of 11,500 square feet.

Chairman Graw said he would like to consider adding this language back in L-C.

John Culbreth said can we anticipate that each building would have more than one (1) business.

Pete Frisina said that would probably be the norm but it is not required.

Brian Haren asked how big is 10,000 square feet.

Pete Frisina said using the square root that is 100 feet by 100 feet.

Chairman Graw asked on four (4) acres how much square footage could you build.

Pete Frisina said under the current ordinance with a maximum square footage of 8,500 square feet that is all you could build on four (4) acres because with the FAR of .1 you would hit the maximum square footage on a little over two (2) acres.

Chairman Graw asked could you build another two (2) building with four acres.

Brain Haren said you could not on the same parcel. He added that he likes the old language with the bonus square foot for building two (2) buildings and we should consider putting it back in L-C.

Chairman Graw suggested putting the language back in L-C with 10,000 square feet.

Al Gilbert asked if the building square footage should be based on acreage.

Pete Frisina said the L-C concept is to create a small less intense commercial zoning district and not create a big sprawling development.

Al Gilbert said you could start with 8,500 square feet with two acres and with three acre and add more square footage and so on.

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Pete Frisina said with a FAR of .1 you would hit the maximum square footage of 10,000 at about two and a half acres.

Brain Haren asked what restrictions the County has to stop someone from subdividing a lot to get more square footage.

Pete Frisina said nothing but once you subdivide the lot you get more separation between the developments because you would have setbacks landscaping between them.

Chairman Graw asked about the squared footage limits for a convenience store.

Pete Frisina said a convenience store is limited to 3,500 square feet. He said the question from last week was does a Convenience commercial establishment in L-C allow a grocery store or natural foods store. He added that he found a definition of a Convenience Store that states a small store that stocks a range of everyday items such as groceries, snack foods, beverages, toiletries, tobacco products, and newspapers, and may also provide the sale of fuel. He said the current definition in L-C for a Convenience commercial establishment is a facility limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches, and other freshly-prepared foods for off-site consumption. He said he prefers the new definition he read as opposed to the one currently in L-C because it is more general. He added that if he used the Convenience commercial establishment definition currently in L-C a small grocery store or natural food would not be allowed as the term prepackaged food products would not allow the sale of produce for example.

Brain Haren said he liked the new definition of Convenience commercial establishment.

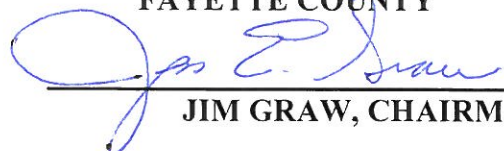
Pete Frisina said he would work it into the ordinance and we would continue the discussion at a future meeting.

John Culbreth made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 9:05 pm.

ATTEST:



**PLANNING COMMISSION OF
FAYETTE COUNTY**



JIM GRAW, CHAIRMAN

