

1THE FAYETTE COUNTY PLANNING COMMISSION met on March 5, 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
Al Gilbert
Bob Simmons

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Patrick Stough, County Attorney

Welcome and Call to Order:

Chairman Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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1. Consideration of the Minutes of the Meeting held on February 5, 2015.

Al Gilbert made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 4-0.

Chairman Graw said the next four (4) items are public hearings and since we do not have a full board the petitioners have the option to request to table until the next public hearing meeting in hopes there will be a full board present at that time so when the petitioners come forward please let us know if you want to proceed or table.

2. Consideration of Petition No. 1243-15, Fland Land, LLC, Owner, and Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision. This property is located in Land Lots 49, 79 & 80 of the 7th District and fronts on Lees Lake Road and Coastline Road.

Chairman Graw asked Pete Frisina to explain conservation subdivisions.

Pete Frisina said the density of this conservation subdivision is based on a yield plan designed under the R-70 zoning district that requires a minimum lot size of two (2) acres. He said the yield plan is reviewed by staff for compliance and the plan yielded 46 lots on 132 acres. He added the C-S zoning allows the lots to be a minimum of one (1) acre and 60 percent of the property can be developed and 40 percent is put into open space under a conservation easement. He said in this case the conservation area is 50 percent of the property which exceeds the requirements of the C-S zoning district.

Donna Black said they would proceed with the public hearing. She said the property is currently zoned R-70 and they were applying for C-S zoning. She added that the proposal does not increase the number of lots on the property but it allows smaller lots and less street length. She said the gross density is about 2.9 acres per lot and 50 percent of the property will be in conservation area.

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Chairman Graw asked if the existing structures on the property will be removed.

Donna Black said they would be removed with the development of the subdivision.

Chairman Graw asked if there was anyone who wanted to speak in favor of the petition. Hearing none he asked if there was anybody who wanted to speak in opposition to the petition.

Robert Torbush of 422 Lees Lake Road said a number of years ago he worked for Mr. Flanders repairing heavy equipment of the property and there were a number of big tanks and 55 gallon barrels behind the shop building and he wasn't aware of what was in them but some of them were underground type tanks and there could be some hazardous chemicals back there and it should be checked out before they start grading back there. He said the area was 100 or 200 yards down below the shop and he could show somebody where that is on the property.

Chairman Graw asked if there was anybody else that wanted to speak in opposition. Hearing none he brought it back to the board and asked if Donna Black could address the issues mentioned by Mr. Torbush.

Donna Black said she just asked Mr. Torbush to call her so he could show them where this area is on the property and their environmental consultants could look the area for cleanup. She said they have had projects in the past where tanks had to be removed and they are familiar with the State process to remove tanks and clean up the area and once they know where the tanks and barrels are located they would evaluate and proceed with the State.

Al Gilbert made a motion to recommend approval of Petition 1243-15 with one (1) condition. Al Gilbert said the condition reads as follows:

The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Coastline Road prior to the approval of the Final Plat and said dedication area shall be shown on the Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

Chairman Graw asked if the petitioner accepted the condition.

Donna Black said they accept the condition.

Bob Simmons seconded the motion.

Brian Haren asked if the County is aware of any environmental issues on the property.

Pete Frisina said he was not aware on any environmental issued on the property but he could not speak for the whole County.

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Chairman Graw asked if the County Environmental Department would be concerned with this.

Pete Frisina said yes someone with County will be concerned with this.

Brain Haren asked should we table this until there is an all clear from the Environmental Department.

Pete Frisina said there is not a specific environmental department that this would solely fall under but this would have to be addressed regardless so that really doesn't have a bearing on the rezoning.

Chairman Graw said that will come up during the platting process.

Chairman Graw called for the vote and the motion passed 4-0.

3. Consideration of Petition No. RP-055-15, Carter Rocky Fork, LLC, Owner, and Donna Black, Agent request to change Lot 15 from a building lot to common area for a centralized mail kiosk and open space. This property is located in Land Lot 140 & 149 of the 5th District and fronts on Rocky Fork Blvd.

Donna Black said they will proceed with the petition and the Rocky Fork subdivision was platted but not built in prior to the requirement of centralized mailbox units now required by the Postal Service. She said lot 15 is not buildable due to soils and would provide an area that could be owned by the Home Owner's Association as open space and the centralized mailbox units could be placed there.

Chairman Graw asked if there was anyone who wanted to speak in favor of the petition. Hearing none he asked if there was anybody who wanted to speak in opposition to the petition. Hearing none he brought it back to the board.

Al Gilbert asked if the County has any regulations regarding these centralized mailbox units.

Pete Frisina said the County does not have any regulations regarding these centralized mailbox units at this time but the developer has agreed to keep them out of the right-of-way. He added that included in the information is a site plan showing a circular driveway and staff has reviewed it and has no problems with this design.

Al Gilbert asked if the post office has requirements.

Pete Frisina said their requirements are more structural and they don't really have regulations on the location as long as they can get to the boxes. He added there is a letter from the post office in the information for this petition and they have approved the proposal.

Chairman Graw said he drove into the subdivision and there is a large tree that has fallen on this lot and asks what is going to be done with the lot.

Donna Black said the lot will be turned over to the Home Owner's Association and the association has a management company that will keep it up and left as open space.

Chairman Graw asked if it will be cleaned up.

Donna Black said yes and she didn't know there was a tree down on the lot.

Al Gilbert made a motion to recommend approval of Petition RP-055-15. Brian Haren seconded the motion. The motion passed 4-0.

4. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.

Pete Frisina said these are the regulations we have been working for the A-R Wedding/Event facilities. He said this originated with a citizen who is interested in starting a facility. He stated this will be allowed in A-R as a Conditional Use. He said the conditions are as follows: minimum lot size is 5 acres, it is not allowed on a lot that accesses an internal local road, a lot which accesses an unpaved road is limited to no more than 12 wedding/events per calendar year, it sets a minimum 100 foot setback for all buildings and areas utilized for weddings and events from any abutting residential zoning district, adequate off-street parking shall be required and a 50 foot setback shall separate parking areas from any abutting residential zoning district, hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends and these hours of operation shall not limit the setup and cleanup time, all structures utilized for weddings and events shall meet all applicable building and fire codes, sanitation facilities shall be approved by the Environmental Health Department, food service shall meet all state and local requirements, Tourist Accommodations shall not be allowed in conjunction with an A-R wedding and event facility, tents shall require the approval of the county fire marshal, a sketch, drawn to scale, on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events and parking areas shall be required, and in the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with the Fayette County Development Regulations shall be required. He added that it excludes concerts, sporting events, or vehicle racing but allows a horse show, rodeo, carnival, community fair, and/or religious tent meeting as these are Conditional Uses currently allowed in A-R.

Chairman Graw asked if there was anyone who wanted to speak in favor of the petition.

Diane Stone said she owns land on Davis Road and she has someone interested in the property for a wedding and event facility but the property is on an unpaved road and this person would probably not buy the property if it is limited to only 12 events per year. She said she understands the reason to limit traffic

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on an unpaved road but it is hard to say that one of these facilities would generate a lot of traffic. She added that this proposed use is a good idea but it wouldn't help her selling her land with the limitation.

Chairman Graw asked her how many acres she has.

Diane Stone said a total of 28.5 acres. She added that she is in favor of the proposal even though it may not help her sell her property, but could the ordinance be revisited in the future.

Pete Frisina said staff and Planning Commission had a lot of concern with unpaved roads and how do we determine if an unpaved road can handle the increased traffic as not all unpaved roads are the same quality. He said Public Works and Planning Commission had originally proposed criteria for the County Engineer to evaluate each unpaved road but that made some of our elected officials and the County Attorney uneasy so we compromised by limiting the number of weddings/events on an unpaved road to determine if there is a problem and overtime we may come back and look at this again. He said staff and Planning Commission came up with 12 events based on a facility functioning six (6) months out of the year and two (2) events per month.

Diane Stone said she understood the reasoning and she thinks overall it is a good use.

Chairman Graw asked if there was anybody who wanted to speak in opposition to the petition. Hearing none he brought it back to the board.

Al Gilbert made a motion to recommend approval of the proposed amendments. Brian Haren seconded the motion.

Al Gilbert said the Planning Commission did a lot of work on these amendments and he appreciated staff's work on the amendments and while this may be revisited in the future we will have something in place and we can reevaluate after we have some experience.

Chairman Graw called the vote. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

5. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Article IX. Policies, Procedures and Standards Governing Amendments and Article VII. Zoning Board of Appeals.

Pete Frisina said these amendments are a result of a presentation made by the County Attorney to the Board of Commissioners concerning parliamentary and zoning procedures and these amendments address zoning procedures for rezonings and text amendments and procedures for the variances and appeals made to the Zoning Board of Appeals. He said since staff and Planning Commission have been working on these amendments for some time, he was not going to go through these amendments line for line but he would answer any questions the Planning Commission may have. He said basically the procedures for public hearing for rezonings and text amendments and those procedures for appeals and variances are now consistent.

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Chairman Graw asked if there was anyone who wanted to speak in favor of the petition. Hearing none he asked if there was anybody who wanted to speak in opposition to the petition. Hearing none he brought it back to the board.

Bob Simmons made a motion to recommend approval of the proposed amendments. Brian Haren seconded the motion.

Brain Haren asked if the Planning Commission was voting to approve only the regulations concerning rezoning and text amendment procedures.

Pete Frisina said the Planning Commission is also voting on the procedures for the Zoning Board of Appeals.

Brian Haren asked if the Zoning Board of Appeals were good with the amendments.

Pete Frisina said they reviewed the amendments and while there have been some changes since then they have not been substantive.


Chairman Graw called the vote. The motion passed 4-0

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:00 pm.

ATTEST:



**PLANNING COMMISSION
OF
FAYETTE COUNTY**


JIM GRAW, CHAIRMAN