

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 15, 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  
Patrick Stough, County Attorney

**Welcome and Call to Order:**

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

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

Al Gilbert made a motion to approve the minutes. Bob Simmons seconded the motion. The motion passed 3-0-1. Brian Haren abstained because he did not attend the meeting.

Chairman Graw said at this time there are only four (4) members of the Planning Commission because a fifth member has not yet been appointed by the Board of Commissioners.

**2. Discussion of wedding/event facility in the A-R Zoning District.**

Pete Frisina said the only changes that were made since the last meeting is the definition of a "wedding/event facility." He added this change was in response to Brian Haren's concern with the definitions for private and public events and that we didn't want a private wedding held on someone's property to be regulated under this proposed section. He stated that Dennis Davenport created the definition of a wedding/event facility and rewrote the first portion of the section to read "The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent." He asked Brian Haren if this addressed his concerns

Brian Haren said the changes address his concerns.

Pete Frisina asked Rick Minter if he had any concerns.

Rick Minter said he is concerned with the section that addresses unpaved roads and didn't see how this applied to his case. He said for the events he has had a dirt road is better than a paved road and didn't know why this was needed.

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Pete Frisina said originally this was written that a facility would not be allowed on an unpaved road and this is what the County Engineer developed as a way to allow use of an unpaved road that he determined could carry the traffic. He added not all unpaved roads were in the same shape and some unpaved roads may not be appropriate for the use. He said when Rick Minter comes in to get this conditional use the County Engineer would have to do an assessment of the road based on the ordinance to determine if the conditional can be established. He added that Rick Minter could contact the County Engineer to look at the road prior to the ordinance being adopted.

Rick Minter asked if his road was an Arterial.

Pete Frisina said he thought it classified as a Local road.

Rick Minter asked about the use of the property for Inman Heritage Days.

Pete Frisina said Rick Minter has been able to hold those types of events under the conditional use that limits them to no more than 14 days per year. He said the wedding/event facility is different as it is not limited to 14 days per year.

Al Gilbert said what happens if the County Engineer and a property owner disagree as to the use of the road.

Pete Frisina said the decision of the County Engineer can be appealed to the Zoning Board of Appeals.

Chairman Graw said there are criteria the County Engineer will use but it is still up to his judgment.

Rick Minter asked if his road is an Internal Local road.

Pete Frisina said his road was a Local road and it was not an Internal Local road.

Chairman Graw said he still has a concern about lighting and thinks it needs to be required for safety.

Rick Minter said he didn't have lights as he wanted to be considerate to his neighbors.

Chairman Graw asked Patrick Stough if the County has any liability by not requiring lighting.

Patrick Stough said the County would not have any liability by not requiring lighting.

Brian Haren asked if the County controls lighting for any other commercial development.

Pete Frisina said the County controls lighting so it doesn't shine into the road or adjacent parcels but the County does not require lighting.

Brian Haren said he is not in favor of requiring lighting.

Al Gilbert said if the County doesn't require lighting in a commercial development why would we require it for a part-time venture.

Brian Haren asked if the procedure for applying for this is addressed in these amendments.

Pete Frisina said it would follow the procedure for a Conditional Use and they would need to do a sketch plan on a survey.

Chairman Graw asked the Planning Commission if they were ready to go to public hearings and it was the consensus of the Planning Commission to move ahead with public hearings.

**3. Discussion of proposed amendment to the Zoning Ordinance, Article IX. Policies, Procedures and Standards Governing Amendments and Article VII. Zoning Board of Appeals.**

Patrick Stough said there were just a few changes since the last meeting. He added most of the changes were just changing terms used such as the planning and zoning department for the zoning administrator. He said in Section 110-292 the time allotted for public hearings was increased from 15 minutes to 20 minutes per side. He added in Section 110-297 a petitioner that requests a table due to the lack of a full board can only table once.

Pete Frisina said that had been the policy but it was never written in the ordinance.

Chairman Graw asked why the ordinance does not require the inclusion of the vote to the BOC like 5-0 or 3-2.

Pete Frisina said the vote is included in the information sent to the BOC.

Brian Haren asked about Section 110-297 paragraph a, 2, second to the last sentence which reads "If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next planning commission public hearing, provided the petitioner requests to table the agenda item prior to the presentation" and what is considered the presentation.

Pete Frisina said it is when the applicant starts presenting the merits of the petition.

Brain Haren said so he can walk in here take a look and only see three (3) members and say I want to table right now.

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Pete Frisina said we always offer that option.

Bob Simmons said at the last meeting when the applicant asked to table he had already made his presentation.

Pete Frisina said he didn't table because of a lack of a full board, he tabled because he was confused.

Patrick said lets be specific in your language he asked to be tabled and the planning commission allowed him to table.

Bob Simmons said when that applicant comes back to the next meeting even if there is not a full board he can't be tabled again.

Chairman Graw said next month we have to take a vote but he could withdraw.

Al Gilbert asked if he would be allowed to withdraw since he already started the presentation.

Chairman Graw asked if there is anything in this section about withdrawing.

Pete Frisina said applicants can request to withdraw and the Planning Commission and BOC would have to vote to allow the withdrawal.

Chairman Graw said it doesn't say when they have to request to withdraw.

Patrick Stough said once it is advertised the applicant can't withdraw unless the BOC votes to allow the withdrawal.

Pete Frisina said his interpretation is an applicant can withdraw the application prior to the legal advertisement and the application is void, but once it is advertised the Planning Commission and BOC have to vote to allow the withdrawal. He said under section 110-294 it reads "An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided herein" and then you go to section 110-297 which reads "The planning commission shall make a recommendation of approval, denial, table, or withdrawal without prejudice on each application" so then you go through the public hearing process to allow the withdrawal.

Patrick Stough said there doesn't seem to be a limitation as to when an applicant can request to withdraw.

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Pete Frisina said under Section 110-297, 2 an applicant can only ask to be tabled once when there is less than a full board but under 1 the applicant can ask for a table and there is not a limit on how many times an applicant can asked to be tabled.

Patrick said that is true but the table is ultimately decided by the BOC but keep in mind when you table something it will have to be re-advertised so there should be a certain set of circumstances that lead to a tabling. He added that the Planning Commission has 100 days to make a recommendation and in Section 110-297 it states that actions by the petitioner such as a request to table where there is not a full board shall not count toward the 100 days.

Bob Simmons asked for clarification about what is “prior to the presentation” and when does the presentation start.

Patrick Stough said if the applicant wants to table that should be the first thing out of his mouth.

Chairman Graw asked if there are any other amendments that need to be discussed.

Patrick Stough said if a petition is tabled the legal ad will need to be re-run and the sign changed to reflect the new dates for the public hearings. He added that the provisions discussing the ability of the applicant to propose recommended conditions were deleted.

Chairman Graw asked if all of the factors in Section 110-300 have to be met before a rezoning can be approved.

Patrick Stough said they need to be considered but they are not criteria that must be met before a rezoning can be approved. He said the amendments concerning the Zoning Board of Appeals include limiting the time to 20 minutes similar to a rezoning and in Section 110-242 we have added three addition types of petitions that can be heard by the ZBA such as request for change of the legal nonconforming use of a structure, request for extension or enlargement of the legal nonconforming use of a structure, and continuance of a legal nonconforming use.

Brian Haren asked if the ZBA had seen these changes.

Pete Frisina said he would get the changes to the ZBA for their comments.

Chairman Graw asked if all of the seven criteria on page four must be met to grant a variance.

Patrick Stough said they all have to be met.

Chairman Graw suggested putting the word “and” in between each of the criteria so it is clear that all of them must be met.

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Pete Frisina said number 6 is not really a criteria it just indicates that the ZBA can place conditions on the variance.

Patrick Stough said that can changed and number 7 is really not a criteria either.

Chairman Graw said f and g on page 5 have criteria and all of them must be met so the word "and" should be added between each criteria. Chairman Graw asked if a petitioner asks to withdraw after they have given their presentation, what criteria should the Planning Commission use to determine whether to let them withdraw.

Patrick Stough said it is similar to what do you use to let them table and you have to use your best judgment and once a petition is advertised it still goes through to the Board of Commissioners. Patrick Stough said he would make the changes discussed tonight.


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Chairman Graw said he would entertain a motion to adjourn the meeting.

Al Gilbert said so moved.

Chairman Graw said the meeting was adjourned at 8:15 pm.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

  
**JIM GRAW, CHAIRMAN**

**ATTEST:**

