

THE FAYETTE COUNTY PLANNING COMMISSION met on February 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
Phil Mallon, County Engineer

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 15, 2015.

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

2. Consideration of Petition No. 1241-15, Joe Wayton, Owner, request to rezone 6.49 acres from R-20 to A-R to develop a Farm to establish agricultural uses. This property is located in Land Lot 197 of the 5th District and fronts on Neely Road.

Pete Frisina stated that the applicant has requested to withdraw the rezoning petition.

Chairman Graw asked if anyone was present that wished to speak in favor of the request to withdraw. Hearing none he asked if anyone was present that wished to speak in opposition of the request to withdraw. Hearing none he brought the request back to the board.

Brian Haren made a motion to recommend approval of the withdrawal of Petition 1241-15. Al Gilbert seconded the motion. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

3. Consideration of Petition No. RP-054-15, Joe Wayton, Owner, request to develop a Farm to establish agricultural uses on 6.49 acres consisting of lots 2 and 3 of Alvin Acres Subdivision. This property is located in Land Lot 197 of the 5th District and fronts on Neely Road.

Pete Frisina stated that the applicant has requested to withdraw the petition.

Chairman Graw asked if anyone was present that wished to speak in favor of the request to withdraw. Hearing none he asked if anyone was present that wished to speak in opposition of the request to withdraw. Hearing none he brought the request back to the board.

Al Gilbert made a motion to recommend approval of the withdrawal of Petition RP-054-15. Brian Haren seconded the motion. The motion passed 3-1. Bob Simmons voted in opposition to the motion.

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 amendments are the A-R Wedding/Event regulations staff and the Planning Commission has been working on for the past several months. He stated the regulations establish the A-R Wedding/Event facility as a Conditional Use in the A-R zoning district which came out of a citizen request. He added the Conditional Use regulations address the following: those related Conditional Uses such as a horse show, rodeo, carnival, community fair, and/or religious tent meeting to be held but still be restricted to no more than 14 days, the regulations exclude concerts, sporting events, or vehicle racing, the minimum lot size is 10 acres, a facility would not be allowed on a lot accessing an internal local road (subdivision street), a facility can be allowed on an unpaved road when certain conditions are met as evaluated by the County Engineer, establishes setbacks, requires off street parking, sets hours of operation, requires all structures utilized for weddings/event to meet all applicable building and fire codes, requires sanitation facilities be approved by the Environmental Health Department, requires food service to meet all state and local requirements, does not allow Tourist Accommodations in conjunction with an A-R wedding/event facility, all tents shall require the approval of the county fire marshal, and 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.

Chairman Graw asked if there was anyone from the public that would like to comment on these regulations.

Rick Minter said he is concerned with the regulations about the unpaved roads and the County Engineer's evaluation. He said each County Engineer may have a different opinion of how to apply these conditions for an unpaved road. He added that a good unpaved road is better than a not so good paved road and an unpaved road will be a natural speed break and safer.

Rand Ogino said he feels the same way as Rick Minter about unpaved roads and we should allow a facility on an unpaved road to the point it starts to cost the County for increased maintenance of the road and then the increased cost be worked out with the facility owner and he thinks the extra maintenance is the real issue. He said an unpaved road is more in character with a farm wedding atmosphere.

Chairman Graw said if I am not mistaken this does not require a facility to be on a paved road.

Phil Mallon said that is correct.

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Chairman Graw said when the Planning Commission first started talking about this it was restricted to paved roads only and even having paved driveways up to a certain point for safety purposes. He added after input from the public the Planning Commission moved toward allowing them on an unpaved road with some control for the protection of the public and the County. He stated that there may be additional cost to the County from wear and tear on the unpaved road and the Planning Commission tried to take the middle ground on an unpaved road.

Randy Ogino said these regulations will require interpretation from someone and as those groups of people change the interpretation may change and we need something that will be more concrete and not left to the discretion of a County Engineer.

Chairman Graw said there are criteria in the ordinance to make this evaluation.

Randy Ogino said some of the criteria is how many owners there is along the road and so what is the number of owners that will make the difference. He said these regulations leave too much to interpretation and they are too broad and we need something simpler.

Phil Mallon said there are more concerns than the cost of maintaining an unpaved road, there is also safety. He added that if a facility tears up a road the County will have to divert funds from other roads to maintain this road.

Rick Minter asked about the traffic impact that could be required and what would be involved.

Phil Mallon said the study would need to be conducted by a licensed engineer.

Rick Minter said that sounds like it would be overly burdensome for this type of development.

Al Gilbert suggested a list of what would be required of someone in terms of paying for road maintenance or improvements to set up a facility. He added that he also has concerns with how different County Engineers will interpret these regulations.

Brian Haren said maybe not owner responsibilities but better evaluation criteria that will lead the County to a conclusion of whether to approve or deny a facility.

Chairman Graw said the criteria could be tighter and simpler.

Phil Mallon said that is possible.

Randy Ogino said the County has churches that are located on unpaved roads and they can have as many wedding as they want with no restrictions.

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Brian Haren said he would not have a problem with holding a church to the same requirements on an unpaved road.

Pete Frisina said new churches are not allowed on an unpaved a road. He said the issue is we don't know how much traffic one of these facilities will generate and how it will affect an unpaved road.

Brian Haren said we need to balance the need of the facility owner and the public.

Phil Mallon said we could tighten the criteria and add a statement that a written agreement is required from the facility owner to pay for any additional maintenance or improvements.

Brian Haren asked if a bond could be posted for road maintenance.

Pete Frisina said bonds are usually temporary.

Chairman Graw said we need a mechanism to determine the cost of maintaining an unpaved road and how much a facility owner would have to pay. He added that these amendments may not be ready for a vote and they need to be looked at again.

Randy Ogino said the last sentence in b. which says" As Fayette County will not provide an increased level of resources for a road to support an event facility, any required improvements and/or repairs will be at the cost of the owner/operator "and the next sentence that says "The Conditional Use approval may be revoked by Fayette County if any of the above conditions cannot be met in a manner satisfactory to Fayette County" will give the County the teeth to revoke the Conditional Use permit if the facility owner won't help pay for road maintenance.

Chairman Graw asked if we need a formula to determine the road maintenance cost.

Rick Minter suggested deleting everything in 2. except the following sentences: "These facilities shall not be permitted on a lot which fronts on a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer. As Fayette County will not provide an increased level of resources for a road to support an event facility, any required improvements and/or repairs will be at the cost of the owner/operator. The Conditional Use approval may be revoked by Fayette County if any of the above conditions cannot be met in a manner satisfactory to Fayette County."

Chairman Graw suggested that these amendments be tabled for further discussion.

Pete Frisina said we need to table to a specific date for action as this is a public hearing.

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Al Gilbert said we could table to the next month and meet in two (2) weeks to discuss. Al Gilbert made a motion to table the public hearing to March 5, 2015.

Bob Simmons seconded the motion.

Phil Mallon said he would get with Pete Frisina to address the concerns raised tonight.

Al Gilbert asked if the Planning Commission needs to wait 30 days to vote.

Brian Haren said he is not comfortable voting on something until it is before him and he can read it.

Chairman Graw agreed with Brian Haren.

Chairman Graw called for the vote and the motion passed 4-0. Chairman Graw said the Planning Commission would discuss these amendments on February 19th and vote on March 5th.

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**


JIM GRAW, CHAIRMAN

ATTEST:



