

THE FAYETTE COUNTY PLANNING COMMISSION met on November 7, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

MEMBERS ABSENT: Danny England, Sr., Vice-Chairman

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning and Zoning Coordinator

Welcome and Call to Order:

Chairman Culbreth called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the Planning Commission meeting held on Thursday, October 17, 2019.

Al Gilbert made a motion to approve the minutes of the meeting held on October 17, 2019. Brian Haren seconded the motion. The motion passed 4-0. Danny England was absent.

NEW BUSINESS

2. Consideration of a Final Plat of 905 & 907 Highway 85. The property will consist of 2 lots zoned C-H, is located in Land Lot 70 of the 5th District and fronts on Highway 85.

Chairman Culbreth asked is there any discussion or questions.

Arnold Martin stated I am assuming we don't have any petitioners here.

Chanelle Blaine responded no, the owners were unable to make it. She added these are two already established lots by legal description and survey and they were platting it for sale.

Al Gilbert stated this was a unique situation when it first came up.

Chairman Culbreth asked what the owners want to do with the property.

Chanelle Blaine replied the owners wanted to split the property to sell one of the lots.

Pete Frisina replied that this is Buford Chandler's old property, he used to have the AJC building back there.

Al Gilbert replied the building back behind Family and Children Services.

Pete Frisina replied yes, he is subdividing it.

Al Gilbert replied you be surprised to know the number of people who worked part-time assembling the newspaper back there.

Pete Frisina replied the AJC is gone now.

Arnold Martin responded I didn't know the AJC was back there.

Pete Frisina replied it was a newspaper assembly location.

Chairman Culbreth asked if there were any other comments or questions from other members.

Brian Haren made a motion to approve the Final Plat of 905 & 907 Highway 85.

Arnold Martin, III seconded the motion. The motion passed 4-0. Danny England was absent.

OLD BUSINESS

3. Discussion of the Zoning Ordinance.

Pete Frisina began by stating that we talked about the farm outbuilding as a conditional use. He noted number seven (7) is what we talked about, the cut-off was five acres, under five (5) acres you didn't get a detached farm outbuilding or auxiliary structure. He explained so we looked at a lot of three (3) to five (5) acres allowing 2600 square feet. He said we did have a suggestion from Donna Black and also Patrick Stough who said maybe we should look at something less than three (3) acres, so I put something together. He added let's say you did anything less than three (3) or less than five (5) which would go all the way down, you don't cut off at the three (3) acre mark, or maybe create a third category. He explained in terms of A-R, a permitted use within A-R is livestock and that is not tied to acreage. He added so technically, if I had a non-conforming lot of three (3) acres, I technically get to have livestock. He concluded now how many people do we know that have livestock on three (3) acres, I don't know, but technically it could happen.

Arnold Martin replied all the way down to one (1) acre.

Pete Frisina replied all the way down to half-acre.

Al Gilbert replied but with horses now, you can have up to eight (8).

Pete Frisina replied not in A-R, if you are zoned residential you have to have three (3) acres for the first horse and an acre for every horse after that.

Arnold Martin replied this goes back to that guy from a year and a half ago with the chicken discussion on how many chickens you can have, but that was based on residential.

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Pete Frisina replied yes, we now allow chickens in residential. He added so far so good, no one has complained one way or the other. He explained a lot of times, people wanted to get into the free egg movement and they have the chickens for a while then realize its more work than they thought and they don't get any more chickens, so that could be the issue. He noted technically, I spelled that out to see if we either want to look at something less than five (5) acres have a certain size or maybe creating a third category of less than three (3), three (3) to five (5), and five (5) to ten (10).

Arnold Martin stated if I recall I thought it was Donna Black who brought up something that basically proved that once you get down to less than two acres is it almost impossible to put in the farm buildings.

Pete Frisina replied that was actually Randy Boyd's point. He added Donna Black's point was why restrict if they can fit it let them do it, I do see merit in that. He added but then Patrick Stough said then you may want to consider something that allows them on an A-R lot even if there is less than three (3) acres. He noted we are not done with all of these items, so we get to work with this for another month or two. He asked so would you think if we put in: less than three (3) acres then 1800 square feet, three (3) to five (5) then 2600 square feet, and then five (5) to ten (10) acres then 3600 square feet, and ten (10) acres or larger then no restrictions. He concluded by asking is that too much, too many categories.

Arnold Martin replied personally, that's is a lot to try to keep up with and I always try to hear or see the two sides to the coin, but to Donna Black's point if you have less than five (5) do what you want, was that her point.

Pete Frisina replied her point was why are you cutting it off on three (3), why are you saying that one (1) and two (2) acre lots can't have something too.

Arnold Martin replied I guess my concerns is just keeping up with all the categories, it seems like more of a burden on your office or someone who will have to literally have to keep up with how many acres you have, then check the size of the structure, it just seems like a lot.

Brian Haren responded what are we afraid of, in not allowing it.

Pete Frisina replied that the philosophy of the zoning ordinance, that was established many years ago. He said that restriction was key, slowly we are coming out of it, but that has still been the overall overriding intent is not letting them overburden a lot. He explained that's why initially in residential, you can have two residential structures they could be not be bigger than 900 square feet each, in a residential area because you did not want it overshadowing the principal structure. He noted we have gotten away from that a little bit, now we are saying you can have 1800 square feet. He added we don't care how you split it up, you get up to two, we measure the footprint, whether it is one (1) story or two (2) story, we don't care. He concluded we are coming out of that a little at a time, but there has always been this basis of restriction for accessory structures in a residential setting whether it be A-R or residential. He added is that the right way to go, I can't

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say.

Brian Haren asked do we instead apply these restrictions to just A-R subdivisions. He added can we say that if it is not in an A-R subdivision, we don't care about it, but if you are in an A-R subdivision we got concerns about it. He concluded just like any other subdivision we are concerned about setback and buffers.

Pete Frisina replied but the setbacks are the same within the subdivision as outside. He said so I don't know if the setbacks are the issues. He added I don't think that is a bad idea, it's just that A-R had existed pretty much problem-free, whether or not it is on the side of the road or within a subdivision. He noted I haven't had a lot of issues with A-R subdivisions nor having any real problems. He concluded in fact, we have a lot of activity within a subdivision, in fact I am not sure they built a greenhouse.

Chanelle Blaine replied yes, they did.

Pete Frisina replied it didn't create an issue for anybody. It was not a small greenhouse.

Al Gilbert replied I have said this several times but what has always struck me is the night our County attorney Mr. McNalley said you got five (5) acres and you are A-R, you tell me why I can't have the same rights as anybody in A-R, give me a reason. He added so I still ask that question, what is your reason.

Pete Frisina replied you know Al, if we were having people in A-R subdivisions, having issues and problems, I think you got some real input to say let's alleviate it. He added it just doesn't seem to be the case right now.

Arnold Martin responded to both of those points, why couldn't we just say if you are in A-R, regardless of three (3) or five (5) acres or whatever, if it fits, just have it across the board, because we don't have any problems.

Pete Frisina replied well up until now if you were under five (5) acres you didn't get a barn. He stated that is what I am saying, we are now opening up the area now for more building. He said is it going to be a bad thing, I don't know, not until someone builds something and then someone gets upset about it. He explained now in most of your A-R subdivisions, all those lots are five (5) acres, because of the time when they were developed. He added if you look at the spreadsheet, you have 387 lots in A-R less than two (2) acres; less than three (3) acres are 318 lots; He noted I think it is about 30 percent of A-R lots are less than five (5) acres. He also noted the two (2) biggest sections are less than two (2) and less than three (3) acres. He concluded so the other thing we can do is instead of having three (3) sections under number seven (7), why don't go with two (2) to five (5) acres, is that okay and see how it works.

Arnold Martin responded as it was said you can't put anything on two (2) acres for any additional 2600 or 3600 square feet anyway.

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Pete Frisina replied you may be able to get it in, because they are all different shapes and sizes and configurations. He noted we are coming from a point where we didn't allow anyone to do anything in this vein under five (5) acres, that was the conditional use. He said the question is, do we want to open it up and how far and taking number seven (7) down to two (2) acres a good compromise for the time being.

Brian Haren replied I think so.

Arnold Martin replied Pete in the last meeting, you said the types of barns that people are now putting up and accessory structures and it seems on a couple of acres you can't even see the last acre in the back, it's usually not clear, and so if you put another house or structure back there you wouldn't even know it. He said I agree, I think two (2) acres to five (5) acres and let's see how it goes, then pull it back.

Pete Frisina replied some of them are very nice, so on number seven (7) we will say lot two (2) to five (5) acres will allow 2600 square feet.

Arnold Martin responded also five to ten should be 3600.

Pete Frisina replied that's always been there, once you get past ten (10), it is pretty much open to do whatever you want.

Brian Haren asked if I have less than two (2) acres, what do I get.

Pete Frisina replied you don't get one these, but do you still get your residential accessory structures.

Arnold Martin asked so what if someone wanted to add a two-car garage.

Pete Frisina replied that's not related to this. He explained these are your agricultural buildings; barns, horse stables, greenhouses and auxiliary structures. He said the auxiliary structures was something we added many years ago that when many people asked why I can't have a sculpture studio, or a recording studio bowling etc. He added in the past if you wanted to have an outbuilding it has to be tied to a bonafied agricultural use, so to allow other uses, auxiliary structure was added.

Arnold Martin asked if a tractor trailer driver who owns his own rig can park on his own (2) acre A-R lot.

Pete Frisina responded the truck should not be on two (2) acres.

Arnold Martin asked if they want to park the truck there, are they allowed.

Pete Frisina responded the ordinance says in A-R it needs to be ten (10) acres.

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Arnold Martin replied interesting, so guess in Residential it is not allowed at all.

Pete Frisina replied I will change that number seven (7) to two (2) to five (5) and leave it at 2600 square feet. He said of course number eight (8) you have already seen it, still allows for 700 square feet. He added under the R-85, I think I let you know that we changing the lot width from 125 feet to 175 feet and the side setback from 50 feet to 30 feet which was a typo.

Pete Frisina stated starting with the transportation corridor overlay zone on page two (2), I struck out item number two (2) because that area is no longer within the unincorporated County anymore, it had been fully annexed.

Pete Frisina stated to go to item number six (6). He read aloud the sections when he underlined. He explained the issue that we have here, excluding the incorrect dates, is I have an existing structure and if I want to enlarge it, the idea here was we are not going to make one-half of it fit one architectural character and the other half fit another. He noted the rule that if you enlarge it by 50 percent, the entire building can mimic what was already there. He also noted if you enlarge it by more than 50 percent then you have to redo everything. He said, in my opinion, that is going to be difficult, to tell you the truth. He explained if someone is going from a building with a flat roof and then all of a sudden is required to put on a pitched roof on the entire building, it is likely they will have to start over with a new building. He said I don't know what a good way of dealing with this is. He added I can tell you that we dealt with someone who approached us about an existing building (convenience –type store) with enough room to build a new building next door. He asked does it make sense to try to get half of a development to look different than what's already there. He concluded that is the issue I have, even if it is a secondary building.

Brian Haren replied, no we have these architectural standards to control what happened in the past. We decided what was in the past didn't look right for the County. Why continue to encourage that kind of architectural behavior, if you will. I would say if is an existing building and you just want to expand the existing structure, yeah okay we are not going to make you redo it to bring it up to code so to speak. But if you are putting a new structure on the property, yes it's going to have to adhere to the current architectural standards.

Pete Frisina responded if it is not an expansion.

Brian Haren replied yes, if it not an expansion, maybe it will nudge you to bring your old building up to the current architectural standard.

Pete Frisina responded that's not likely.

Brian Haren replied I know but we come up with these standards for a reason.

Pete Frisina stated that's not how we do it right now. He said what I will probably do on item number six (6) is say if you are expanding an existing building you can build within the same character. We are not going to care if is 50 percent or what percent it is, just allow them to build it out. But if you have a building that is done with a certain architectural character that was

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whatever when it was built and you want to build Building two (2), it going to have the new architecture.

Brian Haren responded yes.

Pete Frisina stated I am good with that if everyone is good that. If I have a development and I built one building under one (1) architectural standard and now I want to come in a build a second building, the second building has to meet the new standards. If I want to take the existing building and expand it, I have to maintain the existing standard that were there before. So I will remove the 50 percent rule. That sounds good, so now I don't have to worry about the expired exemptions.

Pete Frisina stated so let's go on the Page 3, which is in the same vein. The Georgia 85 Corridor needs to be tied to new development and not existing buildings. So for instance, there is Kenwood Business Park, if I come back 1000 feet from Highway 85, I am now in the back of Kenwood Business Park, and I am going to make someone back there develop with a totally different standard and no one is going to see it from the highway. It's just not going to happen and it makes no sense to try to go in and retrofit older buildings with the new standards when every building in there is basically the same metal building. So what I am saying is that all undeveloped property and properties being totally redeveloped. If someone comes in and scrapes down and these are fronting on the highway, I am not going back in to the middle of Kenwood Business Park. If one of these older centers along the frontage of highway came in and took the entire thing down and we will then look at the standards.

Again, if they starting adding more storage buildings or whatever down there, I think they should just go ahead and build as is, especially in this corridor. If you look at the corridor you don't have too much that is not developed. I think someday the amusement park may someday expand to the property north, I think the amusement park bought that property.

So there is a huge swath of undeveloped land which make sense to apply it to those properties.

Al Gilbert asked was any of this during the time we were doing any of the blanket rezoning up there Pete.

Pete Frisina replied I am not sure, I think the blanket zoning came way before because this didn't go into effect until 2007.

So are we good to just say all we want to do is touch up the undeveloped property that has not been developed yet and if someone takes it all the way down to the ground, we will apply it.

Arnold Martin asked do you have to say that and define redeveloped.

Pete Frisina asked do you think I need to add some clarification there.

Arnold Martin replied I mean just what you just said, just bring it down to the foundation,

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Pete Frisina responded or just to take the entire build down to the foundation or build new, okay I can add some verbiage in there.

Pete Frisina stated on the next Page 4, I added something that we have allowed for residential structures, it didn't allow metal here, and what I am saying it will now allow metal as long as you get the horizontal pattern which always looks better to me, in my opinion. Gives them one more option.

Again we have the same thing here under number three (3) with the 50 percent. I will work on that, because that is in about every overlay zone.

Pete Frisina stated on the next page five (5), I am just clarifying that the General State Route Overlay excludes everything but these that are in place for other areas, that is just a clarification there. Okay it's the same on page six (6) under number six (6). Although the General State Route Overlay came after some of the other overlays, I want to move it at the first one, at the beginning of this. It will be the first of the State Overlay district and all of the others will be secondary.

Pete Frisina starting with Conservation Subdivision on Page 1, so when we redid the land use plan we created an additional land use category. We used to have a land use category of one (1) to two (2) acre density, everybody got a one.

So my recommendation is that we come up with a concept for that based on a three (3) acre density, follow the same pattern, a yield plan to figure out how many three (3) acre lots you can get. The two (2) acre density is based on a R-70 concept, and we base the three (3) acre concept on an R-80. So the question I have for you guys,

Brian Haren asked under item number seven (7), are you just booting the

Pete Frisina stated okay going on to Page two (2), I took the reference to the trails under watershed out and I added another a category here. I don't see any reason why we shouldn't allow a detention pond in the conservation area, it not that big of a deal. Someone might be able to use it as an amenity to some degree but I don't see any reason that we need to not allow that to be in the conservation area.

Brian Haren asked what is the difference between a detention pond and a retention pond.

Arnold Martin replied I was about to ask the same thing.

Pete Frisina responded people don't do retention, means it stays on the site forever, it is all detention.

Arnold Martin replied whenever I see a new subdivision, I used to hear the builders refer to it as a retention pond.

Pete Frisina replied they are not really correct, retention means it stays on site and then soaks into the ground, normally that is not what happens, and mainly there is some kind of outlet. He

explained all you are doing is detaining the water to maintain the velocity theoretically before it was cut, so it is really all detention. He said tying it back, all improvements must meet the watershed, if you look at the section that starts with "said fields" it really was part of number six (6) under section E on Page 6, He concluded I am pushing it down here and I let watershed deal with it.

Al Gilbert asked who is now doing our watershed.

Pete Frisina responded Environmental Management, Brian Keller has now taken over the Department. He said we don't do floodplain, watershed or anything like that, it's all done by Environmental Management. He concluded under EST it is the same change.

4. Discussion of the Subdivision Regulations.

Pete Frisina began by stating what I have embarked on is redoing the subdivision regulations because hopefully we are going live by early next year with the electronic submittal of final plats, preliminary plat and site plans. He added we trying to get that all set up in the software and I am going to get the ordinance to match up with that.

Arnold Martin asked is the electronic submittal by the petitioner or the person that's wanting to do that. Will they have to upload to a portal or will they have some similar software to do that.

Pete Frisina replied they will upload, we will review electronically. He said I haven't quite figured out some of the nuances of signing the plat, this is still a work in progress. I have been trying to figure out if you can take the rezonings in electronically, it is harder, but I am working on that right now. He concluded the easy stuff will be preliminary plats, final plats and site plans.

Arnold Martin asked by all of this being electronic, will that change any type of public access to these submissions from the initial point or is it the same access as the public has already. He added I am just wondering it is a thing where someone puts it up, it is automatically available.

Pete Frisina replied to the degree it will be publically available. He explained if someone submits a subdivision plat to us electronically and then someone comes in and wants to see it, I will have to pull it up on a screen because we won't have a paper copy. He said I guess for you guys so far when we sent things out on an 11x17 it hasn't been a problem for you guys, has it but very seldom do we send you the full-sized drawing.

Brian Haren asked are you going to make us go there electronically.

Pete Frisina replied no, we should be able to print out the 11x17 to send to you for the meetings.

Brian Haren asked so this is all going into SAGES right.

Pete Frisina replied yes, we are all working towards that, right now all of our building permits are electronic, everything is electronic, you can do paper, but you have to scan it and upload it. So we

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are taking the same software and trying to fix it for us.

Brian Haren responded we use it at the airport, the concessioners all submit their plans in the SAGES system.

Pete Frisina you guys have SAGES.

Brian Haren replied yes,

Chanelle Blaine asked how do you like it.

Brian Haren replied it's popular, so you know, Blue Beam is the interface. He noted everyone can look at it so the approvals are all done electronically.

Pete Frisina asked does anyone have to sign anything.

Brian Haren there is an actual an online approval signature process, I am not sure how that works, but that is all done digitally.

Pete Frisina asked can you find out for me.

Brian Haren replied sure.

Chairman Culbreath replied so they have electronic signatures

Pete Frisina replied yes because for instance on a final plat, the owner has to sign it. He said the surveyor signs it but the State has made allowances for surveyors now under the surveyor's laws to place an electronic signature over their stamp, so they are taken care of. He added the soils guy has to sign it, the wetlands guy has to sign it, and we've got to sign it. He noted I talked to a rep at SAGES, but in order for them to use DocuSign they have an agreement with DocuSign.

Brian Haren replied remember this the airport, there is an Approvals as part of it. He said each document goes into SAGES as part of a project, so Concessions uploads a project. He added everything that is associated with a project goes under that project, one of the things in each project is an Approvals Form.

Pete Frisina asked are the signatures being affixed to the drawing.

Brian Haren replied no they are not.

Pete Frisina replied our drawings require that a signature be affixed to them, on the face pages. But the outside people, the soils, wetlands and whomever, I have to figure out how to get those worked out.

Brian Haren replies I will ask.

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Pete Frisina stated as I am going through the zoning, working on the subdivision regulations, I have noted there are so many things that need to be taken care of.

Arnold Martin asked how the subdivision regulations will impact the home building.

Pete Frisina replied they are not, we are trying to get the subdivision regulations in-line with how we are going to be doing things. He explained the subdivision regulations cover engineering, watershed, and other items, but everyone says we need to make a change, but we never seem to do it, but now seems like the time to do it. He added now I am asking to get all the changes put in place, and let go ahead and clean it up.

Pete Frisina said one of the things Engineering/Public Works wants on the plats now is the site distance aspects. He added they were never put on plats before, but they keep asking for it, and so now we are going to make a requirement that we do a site distance analysis to make sure the proper site distances. He noted the other thing that has come up, the Road Department now wants to ensure that every subdivision has to have a mail kiosk. He added that nobody gets an individual mailbox in a subdivision. He noted anyway, we don't have regulations other than don't put it in the right-of-way, but now we suggest that maybe you have an area that's owned by the homeowners association.

Arnold Martin asked why this change.

Pete Frisina replied that is a requirement by the Post Office.

Al Gilbert replied that the Post Office does not want to have to go house to house anymore it cuts backs on their costs of delivery.

Pete Frisina replied it is a Postal Service requirement, it not my requirement, but we have to deal with it, so it is one of the aspects they want to look into. He added we just ask people to show us where it's going we just want to make sure it's not in the right-of-way and we tell them to put it on an easement, put it on a 10 x10 piece of property owned by the homeowners association. He said we don't make them do it we suggest it.

Pete Frisina stated that I will keep going through the items, if nothing else, I want to get the subdivision regulations probably done by January.

Brian Haren asked so do take it to the Board of Commissioners all at once.

Pete Frisina responded depending on how this goes, if nothing else, I will do the subdivisions probably January and February, because I don't have a problem getting the thing up and running if they don't match for a short period of time. He explained the whole idea is to make sure we are consistent in the software and the ordinance, if there is a little lag time is it's okay. He concluded part of the ordinance changes that I am making here are to coincide with what we are doing with the subdivision regulations.

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Chairman Culbreth called for a motion to adjourn. Brian Haren made a motion to adjourn. Al Gilbert seconded the motion. The motion passed 4-0. Danny England was absent.

The meeting adjourned at 8:02 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**



JOHN H. CULBRETH, SR, CHAIRMAN

ATTEST



**HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY**