

THE FAYETTE COUNTY PLANNING COMMISSION met on February 20, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman
Brian Haren
Arnold Martin

MEMBERS ABSENT: Danny England, Vice-Chairman
Al Gilbert

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Robert Kurbes, Director of Environmental Health

STAFF ABSENT: Howard Johnson, Planning and Zoning Coordinator

GUEST PRESENT: Bill Beckwith, Zoning Board of Appeals
Diana Galloway & Marshall Phillips (Food Truck)

Welcome and Call to Order:

Chairman Culbreth called the Planning Commission Meeting to order.

1. Consideration of Minutes of the Planning Commission meeting held on February 6, 2020.

Brian Haren made a motion to approve the minutes of the meeting held February 6, 2020. Arnold Martin seconded the motion. The motion passed 3-0. Danny England and Al Gilbert was absent.

NEW BUSINESS

2. Consideration of a Final Plat of The Handley Estates. The property will consist of six (6) residential lots. Lots One (1) and Six (6) are zoned A-R, and Lots Two (2) through Five (5) are zoned R-55. This property is located in Land Lot 31 of the 5th District and fronts on Redwine Road.

Chairman Culbreth asked is the petitioner present.

Rod Wright responded yes. I ask that you will approve the plat as submitted and approved by staff. Thank you.

Chairman Culbreth responded Commissioners, do you have any questions or comments.

Brian Haren stated I think we approved the preliminary plat.

Pete Frisina replied well you did the zoning of Lot 2 through 5, the rest of it was left A-R.

Chairman Culbreth responded if there are no further questions, a motion is in order.

Arnold Martin made a motion to approve the Final Plat of The Handley Estates. Brian Haren seconded the motion. The motion passed 3-0. Al Gilbert and Danny England were absent.

Chairman Culbreth stated that for the record, we have only three Commissioners present, so we can hold it, or send it off or we can retrieve our vote.

Rod Wright responded I think we are good.

Brian Haren replied we simply forgot a procedural order here.

Chairman Culbreth said he need to get clarification for the record.

Rod Wright replied I think we are all set.

3. Discussion of Food Truck Plazas.

Pete Frisina opened the discussion by saying that you have a write-up from Diana Galloway (542 Banks Road) and her partner Marshelle Phillips (145 Hunters Glen) have a concept they wish to present to us. He remarked technically, the County ordinance does not allow a mobile food vendor or a food truck to set up in Fayette County, and it does not allow sales outside of a permanent structure. He said the only thing it says is that we allow ice cream trucks to drive through the neighborhoods, we allow the trucks to go to a construction site to sell food, and then we will allow food trucks and similar things at a special event such as county fair or church that is having their fall festival. He explained that at some of the private schools, when everyone returns in the fall, parents and students show up on a Saturday. He added all of those are sanctioned events. He also said Diana Galloway and Marshelle Phillips have a piece of property that is zoned commercial and they would like to present their concept of what they are wanting to do, because right now it's not allowed.

Diana Galloway began with saying thank you for having us and we are glad to be here. She said I have been living in Fayetteville for more than 20 years and I have been active here in the community. She also said I live off on Banks Road where all of the construction is going on and I have been there for a long time. She observed over the years I have noticed that the stretch from Tara Boulevard all the way into Fayetteville there are no restaurants and nothing to eat at all. She explained I know that may be coming soon with

all the construction that is going on, but as of right now, there is nothing to eat. She commented when we saw that the property was for lease, we thought this would be a perfect location to have a food truck plaza because there is nothing to eat and the owner wants to build a permanent structure on that lot down the road. She stated we decided that we would lease it out and make it a food truck plaza so that people coming through can have something to eat. She explained for the construction workers, there is no competition, the park is right across the street, as we see during the construction, and they are making sidewalks.

Diana Galloway noted you will be able to walk from the subdivisions and neighborhoods to the sidewalk to the food truck plaza. She said it's not going to be barbeque pits where people can just pull up and setup barbeque pits, and no what I call tin-foil vendors, so no tin foil vendors. She stated it is going to be a structured plaza that we would contract with food vendors for either a week at a time or a month at a time, so they would be fixed there. She also stated it would be structured where we would know who's coming in and out. She added it is not going to be anybody just driving up and just parking, so it's going to be more for the community like a neighborhood eatery that's right there in your back yard. She also added for safety, we would have parking attendants, to make sure that it is safe to get in and out. She commented it's not where they are going to linger; they pretty much are going to get their food and leave and we will have picnic tables where they can eat. She summarized it's almost like an everyday fair for people and we want to operate Tuesday through Saturday from 11am to 8pm; that would give the lunch time folks opportunity to eat, and those coming home for dinner time if they wanted to pass in. She concluded there will be absolutely no alcohol sales.

Dana Galloway continued when we first proposed it, we came down to the County; Robert Kurbes (Health Department) met us out there and he told us that if we want to operate on basis that we want to operate, we would need to have a restroom facility for the food truck vendors if they are going to be there for a long period of time. She said the owner said there is no problem of putting in the septic tank because he wants to put in a permanent structure; so he doesn't have a problem putting in the septic and putting in a restroom facility similar to what's across the street at McCurry Park. She said we are not in competition with McCurry Park or with their concessions stand. She further added this is giving the neighborhood of Fayetteville the opportunity to have a food truck experience like food truck frenzy like they have on Redwine, but if you are not here between 11am and 2pm when they have it, you don't get to have that experience. She offered we want to give the neighborhood and the community that experience and it will only be a seasonal thing from May to October. She noted we wouldn't like to have it in the winter months. She acknowledged we understand that Fayette County does not permit roadside vending, this would not be roadside vending, it is going to be an organized event, like a business, but it is not going to be something permanent. She also said eventually we may have to move to another County and of course the vendors will have their health inspections in Fayette County. She clarified all of that will be taken care of before we even opened up. She explained we are asking permission to do that. She said it is zoned C-C which is Community Commercial and it is in unincorporated Fayetteville. She remarked we have

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been told a lot of different things, but we want to go through the right procedure and if a regulation has not been written that doesn't mean that it cannot be written for such an event. She concluded that's what we are asking if you will consider doing whatever we need to do to get it.

Chairman Culbreath asked are there any questions.

Brian Haren responded first of all, I like food trucks, I don't have problem with this, but I do have specific questions. First of all, do you have any personal experience running something like this or restaurants?

Diana Galloway responded not a food truck, I have several business here in Fayetteville and I have been a business owner in Fayetteville.

Brian Haren asked are there enough food truck vendors in the area to fill what your vision is.

Diana Galloway replied we actually have a waiting list of food truck vendors waiting for this opportunity, they are not just only going to be local, and the food truck vendors will come from different areas as well. She stated like I said they just would not be just driving up; it will be a contractual thing with them.

Brian Haren asked would we consider them like a mobile restaurant, they have to go through all the same permitting, business licensing and all that kind of stuff.

Pete Frisina said well, we have not gotten that far yet, that's why we are just here to have the discussion and to try to frame it, so I wanted to give her the floor to explain her concept.

Diana Galloway replied I have done food truck vending personally myself going to different events like the Atlanta Motor Speedway and you have to go to that County, you have to go through the food handling course, you have to show papers. She said, for example, if they wanted to setup their food truck in another County, although they are based in Fayetteville, they still have to go to that county to get permission and permits. She said we would be operating out of an office, not out of our home. She noted Chuck Golden who owns that lot is very much for it.

Brian Haren asked Pete which of the lot it is; is it the pie-shaped one.

Pete Frisina responded it is the one with the blue around it.

Arnold Martin replied is that right across where Banks Road ends.

Pete Frisina, Brian Haren and Diana Galloway all responded McDonough Road.

Pete Frisina replied this is what it looks likes now and they have cleared the front of it, so

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it is just dirt right now, that's the lot.

Diana Galloway responded they took out the septic system because there was a house there and a septic system and the house was removed. She said as we see now with the construction that they are doing, they are putting in crosswalks. She also said they are making it walkable and neighborhood friendly.

Arnold Martin responded I am now familiar with the lot, but based on the amount of trees and everything, where would it fit.

Pete Frisina and Diana Galloway both replied it has been cleared.

Diana Galloway responded that we are looking to have about ten (1) food trucks in sort of an L-shape which will use half of it and other half will be used for parking. She said if possible we would grade it some more. She commented there is actually a turn-in so that if someone were to turn into the food truck plaza it would not disturb traffic.

Arnold Martin replied my next question was going to be if you are going east on Jonesboro, so you would be turning left into the food truck park. He further added there is a light there, you have the soccer fields to the right. He noted I know there used to be a cinder block building in the back there.

Diana Galloway replied it is still there, it is a white body parts shop now. She said we would be in the lot right but kind of a little bit upon the hill. She acknowledged I would love to work along with the County because if we have an overflow of traffic the customers would be able to park at McCurdy Park if possible. She offered the people at the park would be excited to have something else beside them.

Brian Haren responded I really like the concept for the County, but that is a tough piece of property because of the level of traffic. He remarked but as a concept for the County I really like it; I'd rather see something like this go in there than another fast food restaurant.

Diana Galloway responded well if anybody put anything there, it would be the same thing with traffic.

Arnold Martin responded tell us again [how] many trucks you think would [be] the maximum capacity.

Diana Galloway replied the maximum would be ten (10), that would give a good variety of food plus we would like to have picnic tables. She said they can park on or off the lot, with the sidewalks coming. She noted I see more foot traffic because I can actually walk to the site from my house. She added during the day, it will be the construction work.

Arnold Martin stated in the long-term, the construction workers will go away so who are you counting on as your customers, are you really counting on people passing by.

Diana Galloway said I am counting on the community to come out, because on the east side there is nothing to eat over there, we have the Fayette Pavilion. This will not take away from the brick and mortar because some of the brick and mortar restaurants have no one sitting there right now. She explained because there is such a small choice of eateries, they are tired of fast food restaurants. She also commented, Yes, Fayetteville is growing and they are building more restaurants, but that still requires a drive. She noted we have millennials moving here for the studio; instead of them having to drive to another county into Atlanta to get that food truck experience, we can keep it right here.

Arnold Martin asked if you have at max capacity, ten (10) food trucks, you have places to sit, will there still be enough room for people to drive around and pull-in and pull-out.

Diana Galloway replied yes, and that's where we are going to work with Kurbes and Mr. Golden to widen it. She said right now there is a way to get in there but we want to work on making it a little more solid. She then said, then maybe we can have a way to have in-traffic and out traffic. She remarked we plan to hire parking attendants, especially during heavy times. She stated it also will be safe and secure, which is very important to me and the community because if it gets a little on the crazy side, we don't want to be shut down. She acknowledged we want to create a really nice experience.

Arnold Martin asked what are the restroom requirements, if you have picnic tables, some people may need to use the restrooms.

Pete Frisina replied there are no requirements. He said if this is something we want to pursue we have to build it from the ground up. He added so we have none.

Brian Haren asked does the City of Fayetteville allow food trucks.

Pete Frisina replied not that I am aware of.

Brian Haren responded I guess Peachtree City does.

Pete Frisina replied Peachtree City has something in their ordinance about it but for special events. I think we are talking about something different, what we are talking about is a site-specific use for this and this will be the use for that site. He stated I don't want to open it that people can start parking on every parking lot in the County, but the idea is that once we create something, it's open to anybody to the County to pursue it. He stated how many choose to or not choose to we don't know. He further stated I did bring Robert Kurbes here who has a lot of responsibility in this. He said I want to bring him in because I asked him two (2) questions and he was talking too fast for me to remember everything. He remarked, I thought let's bring him in and he can talk about it and I can give you a little more information, if we choose to pursue this how we are going to have to do it.

Robert Kurbes began by stating first and foremost just to give you some background, I am

Robert Kurbes, I am the County Environmental Health County Manager for the Fayette County Health Department. He said we handle all ready to eat food operations within the geographical Fayette County, we do not recognize city limits. He responded to your question about Peachtree City is actually, yes. He said there are specific areas of Peachtree City that do allow food trucks to setup. He explained the one right by City Hall is actually exempt of it because the City sponsors it and it's done through a non-profit group. He said the two (2) farmer's markets that are down in Peachtree City are actually approved sites and then the one (1) that you referred to, Line Creek Brewing, Peachtree City does allow food trucks to setup with the property owner's permission along the industrial corridor which is Huddleston and Dividend and couple of select spots on Highway 54, which right now the only would be the Pit Stop; we have one barbeque restaurant that sits up there.

Robert Kurbes explained our regulations will allow the concept first and foremost, because we will have two (2) state-mandated programs involved. He said the first and foremost are the food trucks themselves, we have to inspect and permit all food trucks themselves operating within Fayette County. He commented we will be the department responsible for inspecting her contracted vendors as well as maintaining those records and tracking when they are there during routine announced inspections and unannounced inspections, and during any enforcement that has to be done if they are outside of compliance of state regulations for food trucks.

Robert Kurbes continued by saying the other aspect would be the restroom facilities; anytime you develop a piece of property according to the state regulations under public health, for occupancy for more than two hours per day, you have to provide restroom facilities. So with this operation, even though it may be a few days a week, a few weeks out of the year, unless it was a one or two times per year event, which is a temporary event, we will have to require a minimum amount of basic sanitary facilities, men's room, ladies' rooms, hand washing stations for the food workers as well as the public. He further stated the challenge with this lot is soil quality; that lot is in a hole, the left side of that property is bordered by Mud Creek. He said the soils out there are predominantly field from construction projects for a year or so. He observed there is some brick, some masonry, debris that would not support a septic system. He suggested what we would have to look at doing, if you look at the adjacent property, it is owned by the same individual, those soils are likely to support a septic system of the size they would need.

Pete Frisina said they could move the property lines.

Robert Kurbes replied yes, my understanding from what they said, the property owner is looking at doing that down the road because they want to do a permanent strip center at some point. He offered the septic would pose a challenge but our regulations provide if they are willing to put in and provide the necessary solid testing and space to do a septic system, we can write that permit, we can allow them to put the septic system in to create the restroom facilities. He said the food service aspect, based on the state regulations, we could do that. He then stated however, because of my experience in

Fayette County, as with most state-wide regulations, there's always a catch-all that says the facility also must meet all local applicable requirements or federal or state regulations.

Mr. Kurbes continued by saying the big hurdle comes in because we know we cannot issue this permit because right now Fayette County's regulations does not permit this type of vending. He said we have food trucks in Fayette County, but they are within the city limits of Peachtree City and we have a couple in Tyrone. He stated when people come to us asking if they can setup in Fayetteville, Peachtree City, Tyrone or unincorporated Fayette County, we tell them that their first stop needs to be Planning & Zoning in the appropriate jurisdiction. He also stated we know from our experience the answer right now is No, in Fayette County. He commented we know the answer is no; in Fayetteville with the exception of what they call 'spring and summer Market setup in Peachtree City at an approved location. He explained they can setup in Tyrone with our permit and a daily solicitor's permit. He noted if someone comes to us with a proposal for a food truck, by definition, the food truck must operate from a fixed base of operation associated with a restaurant or a designated commissary where the truck goes back daily to be cleaned, restocked with portable water and restocked with supplies. He also noted if that facility is located within Fayette County, our department gets to do both permits, the truck and the base of operations. He observed we have several around town, the most notable two are Grazing Here in Peachtree City and The Chicken Coop at Wings and Things in Tyrone. He stated I am prepared to answer any questions that you may have or offer my department's services if you decide to pursue some type of regulatory development so they don't conflict with each other.

Brian Haren replied my questions about Peachtree City allowing it is does someone have a boilerplate built that we can use.

Robert Kurbes responded no for what they are proposing. He said the gentleman who originally opened Grazing Here actually worked for about 12 months with Peachtree City's planner to develop a food truck regulation. He stated it was going to be based on the template that the City of Atlanta used for their food trucks from the Mobile Food Truck Association. He commented they basically had five (5) pre-selected sites around the City of Atlanta. He added on Monday food trucks could setup in this area, then Tuesday at another site and so forth. He said this lets the whole City get the experience, but no one in Fayette has pursued that.

Brian Haren responded its first a matter of addressing this in zoning, and then addressing your specific issues.

Pete Frisina replied what you have to do, number one (1), is figure out, is it going to be allowed in zoning, and number two (2) if it is going to be allowed, and if so in what form or fashion, what regulations are you going to put in place because it going to have be a developed site. He said it will have to have a site plan that meets the county regulations like any other commercial site which will be drawn by an engineer and

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meet all the requirement whatever they may be. He stated that space will have to have GDOT's approval as well, because GDOT has control of the curb access.

Chairman Culbreth responded let me ask you a question, what timetable did you anticipate in lieu of the fact that you find out the nuts and bolts of what is required.

Diana Galloway replied now that I see it is a little more entailed, we were looking at May and we understand that the restroom facility has to be built, the owner is going to do that so he is going [to need] some time, also the soil testing is going to take some time. She said what we will like to do, to get it out there in the public and kind of get a feel for it is do a festival and obtain a special events permit first. She acknowledged we have come up with a summer festival.

Pete Frisina replied but the site is not developed for the use, it's just dirt right now.

Diana Galloway responded I understand that but what if I obtained a special event permit.

Pete Frisina replied we don't have a special event permit.

Diana Galloway asked but if I want to do a yard sale on that particular property.

Pete Frisina replied technically yard sales are supposed to be at home. So don't run a yard sale.

Diana Galloway responded I understand. She said it seems like although it hasn't been done, it can be done. We are willing to do whatever needs to be done so we can obtain a special event. She said I understand if we only did it one or two days a week.

Pete Frisina replied we don't have a special event permit that I am aware of, not from us.

Diana Galloway responded so what you are saying is that Fayette county does not issue special event permits.

Pete Frisina replied no.

Diana Galloway asked do other counties issue special use permits. It seems like there is a lot of stuff Fayette does not consider.

Brian Haren replied that's why you are here.

Diana Galloway replied I understand the need for regulations, because I don't want to start doing something and the next thing you see is they're putting up barbeque grills at every gas station. She said I understand that regulations have to be written and

guidelines have to be followed; that is what it takes to get this done, that is why we are here. She said the lot is an idea for us because we are not putting up a permanent structure that the owner does not want. She also said we don't have the funds, if I could put in a building and put in food truck vendors in there and answer to no one that would be good, but I know I can't.

Arnold Martin asked is this zoned Community Commercial. Under C-C what does it allow?

Pete Frisina replied retail and everything tailored to brick and mortar.

Brian Haren replied what we have to do first is get it into zoning to allow this kind of activity, not what you are specifically wanting to do but to allow food truck activity in the County, that is the first step and once that is approved. He said then [it] is applying the new zoning to the site that you want to use. He said we first have to carve out that space in zoning to allow this type of activity in the County. He stated I don't think there is a problem with the concept, I like the idea, like I said, I'd rather see this happen than a [fast food restaurant] but first we have to allow it in zoning for the entire County and then it's your specific situation.

Chairman Culbreth responded in other words, what it sounds like is we have homework to do to see whether it can be considered, what is the framework of what has to be done, and changes to the zoning ordinance to make it permit-able. He stated at this time I would say that I can't see you being able to host the event by May from what I have seen and heard. He also stated that does not mean in the future, there can't be a zoning ordinance that will allow a special permit where that is possible.

Pete Frisina replied that what you are going to end up with is a developed site, and once that site is developed and approved for that use, and at that point it doesn't really matter if you operate one a week, twice a week or 365 days a year, the site will meet the standards for the use. He concluded the period of time is not important. He offered we would have to create some kind of food truck plaza put it in C-C and C-H or both and figure out what are the standards for that to be because it is not typical. He stated we are geared to deal with shopping centers with parking lots and that's what we do and that is a permanent structure, and once that site plan is approved and the building built there are no changes, the building does not go away. He also remarked as far as the facility, you have standards to say this is how a food truck plaza has to be setup, these are the regulations that have to go in place and at that point anybody in C-C and/or C-H who can meet those regulations can do it.

Arnold Martin replied I think it a great concept, I think we talk very often at this table and in the other room about the change and the direction that Fayette County needs to go into especially with the movie industry here and everything that has been built around it. He said I just saw in the paper the new movie theater that they are putting in here that's going to have rooftop screening and all this other stuff at Pinewood. He

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stated if we are getting ahead of the curve here in realizing that some of these things are going to come, or we are going to have the next Waffle House on the same lot, but we already have enough Waffle Houses already in Fayette County.

Pete Frisina replied don't forget they do have Waffle House food trucks, too.

Arnold Martin stated the challenge here is always the process, nothing [has happened] like that but obviously we want to move as swiftly as possible now that it has been brought before us, I like the concept definitely.

Diane Galloway said my question is I am still bewildered about is the fact it was recommended to me to introduce this concept as a special event festival by someone from Fayetteville, I am trying to find out if you can't have it Fayetteville.

Pete Frisina responded let me ask you a question, when you use the term Fayetteville, that's the City, and the County is Fayette County, and they are two different animals.

Diane Galloway responded so right now, who I am talking to.

Everyone at the table responded the County.

Diane Galloway said but the location I want to use is in County, so if I wanted to do something in the County because I am a little confused here, if I want to do something, who I need to talk to.

Pete Frisina replied us.

Diane Galloway asked but who I am talking to now.

Pete Frisina replied the County.

Diane Galloway then said the County is saying that no special event permits are given.

Pete Frisina responded if someone has a special events permit in the County I am unaware of it.

Diane Galloway replied but the City allows it.

Pete Frisina responded the City may have it, yes.

Chairman Culbreth responded what he is saying is there is no regulations or laws or legislation that permits what you are asking to do.

Pete Frisina replied what I am saying is to get a special events permit from the City and hold in the City.

Arnold Martin stated that you are trying to test and measure that particular location to see how it is done there

Diane Galloway replied yes, because I know the traffic is great there.

Arnold Martin replied sure, but where does one go to get a business license.

Pete Frisina explained occupational tax is a tax for a business, business is from a fixed location, and it is based on the address of that building.

Arnold Martin asked so when we have one of the fairs that come into town and it is held on the fairgrounds, is that based upon that particular location to get a permit.

Pete Frisina replied yes and we don't have them anymore, but those were always run by the Kiwanis, a non-profit organization.

Arnold Martin stated which is different.

Diane Galloway replied so it seems to me what you are saying is these things haven't been requested or asked for in the past until now.

Arnold Martin replied yes, for example, not too long ago we created the zoning and the requirements for a bed and breakfast. He said we didn't have it before and so citizens like yourself came before us and said we just learned there is nothing written up about bed and breakfast, we would have one, so they came just as you have done and said we would like to do this. He said he had to discuss it and toil over it and everything else to come up with it because we are sitting here; we are not just having a discussion for you, we are having the discussion for the next people and the next people and so on. He said we are having to think about so many things. He stated to answer your question, in that scenario there wasn't anything, they helped us to invent the wheel.

Diane Galloway stated now I get that because I get a little confused when it comes to voting with City vs. County.

Pete Frisina responded the County is everything outside the Cities, you see most of your commercial and all of your businesses inside the Cities, there is not that much business in the county as compared to the cities.

Diane Galloway replied now I understand because my home is a septic tank.

Pete Frisina responded the County is mainly a residential area with a small amount of non-residential. He said Fayetteville probably has got as much as commercial as they do residential but they have the facilities to serve it, which we don't, because as Robert

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Kurbes said it is a septic system in the County, so that limits the amount of development that you can do in the County.

Pete Frisina responded a lot of it depends on dirt, and Rod Wright, who develops subdivisions can tell you some lots are not buildable.

Rod Wright responded there is a lot of land that it doesn't work with the septic systems. He said as a suggestion I would check with GDOT as one of the first things I would of check for this site.

Diane Galloway asked is that the same thing as a variance.

Rod Wright replied no I was thinking in terms of costs that it cost you. Because they could require a right turn decel lane, left turn, decel lane that is one of the first things that when you check the site out, especially on a State Highway is GDOT, because that could kill your concept financially.

Pete Frisina noted that food trucks are a big thing right now. He also noted five (5) years ago, they were not a big thing.

Robert Kurbes said seven (7) years ago they were not even possible in the State codes.

Diane Galloway said that's why I would like to give it a test run if I can figure it out to see if we can do a special event in the County and to be able to see if it is really worth doing.

Pete Frisina responded what he is saying is that site is not setup for a lot of people to go in and out of a gravel driveway.

Rod Wright asked what is possible of writing it up where it is a business-sponsored type of event.

Pete Frisina said I like this because this is a site specific group for that use and I don't want every parking lot in the County having these sort of uses. He said because what they are going to do is take up all the parking with the food trucks. He emphasized again, a developed site is what we really need and that's going to have to meet all the standards for the County plus maybe GDOT. He noted this site specifically because it is along a State Highway. He explained that's why I gave you that list of what-ifs. He commented at some point, once you get this through, we will have to go to a public hearing and then take this to the Board of Commissioners and see if they approve it, if that all happens, the development of that site has to be done based on the site plan.

Rod Wright said that can get expensive.

Diane Galloway replied the site plan.

Rod Wright said the site plan and creating what the rules require you to do.

Pete Frisina responded Rod is on the receiving end of the rules, he knows what it is.

Diane Galloway responded I think he has a site plan, but it has to be drawn by an engineer to meet County standards.

Diane Galloway replied it is, I thought I would have it tonight but I didn't get it and I will find out exactly what you require.

Pete Frisina stated the checklist that I gave you is what is required for a site plan.

Chairman Culbreth said thank you for your presentation, we have some things that we need to discuss among ourselves and at some point we will see what is feasible and what is not.

Diane Galloway said thank you everyone for listening to our request.

Arnold Martin said we are trying to encourage you, not to discourage you, it's just a lot of processes.

Pete Frisina asked does the City of Atlanta have a food truck ordinance.

Robert Kurbes replied it gets really confusing because Fulton County is the one County in the State that does not exactly follow the State codes and that is based on their State Charter.

Pete Frisina responded so what we will do is try to get what Atlanta is doing.

Robert Kurbes replied Atlanta is the only community I am aware of that has sites setup.

Chairman Culbreth said it probably would be a good idea to get a copy of that.

Robert Kurbes said the only other thing that I have seen that closely resembles this; Marietta has a food court but it's not mobile.

Chairman Culbreth said it's on the square.

Robert Kurbes said it is just off the square in one of the old foundries. He said it looks like a very high class mall food court. He noted you go in and you have shared restrooms and shared dining facilities you go from pizza to Indian to seafood, to all kinds of upper end selections.

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Robert Kurbes explained the area where they are putting in crosswalks, please are not going to running across that street. He said there are crosswalks at Highway 74 and Highway 54 and you never see anyone trying to cross that intersection, it's a GDOT requirement.

Pete Frisina stated they put sidewalks along State highways, if I could think of a less conducive place to walk, it would be along a State highway. He reported they have a mandate to put sidewalks in when they do highway construction.

Diane Galloway said thank you again.

Pete Frisina said we have your write up, but if you have any other suggestions about layout, shoot them to us and we will start the framework.

Arnold Martin replied also send the site plan you spoke about.

Diane Galloway said I am going to get it from him, he is a developer that's why the site plan is already done. She also said if I were to grade it and make it concrete or something like that would that help.

Pete Frisina replied that would be a definitely a step in the right direction, the site is going to have to meet whatever the specifics all the departments have, that they look at. He remarked that's why the site plan comes in and goes to six (6) departments for review to make sure it meets whatever their area of requirement are.

Diane Galloway and Marshelle Phillips said thank you very much and have a good evening.

Pete Frisina said Robert said you are welcome to stay as long as you want.

Robert Kurbes said I just want to make myself available, there is a lot of confusion. He observed I think you got a piece of that at the end. He noted when I first met with her, the concept of City vs. County, I could not bridge that gap. He stated moving along if I can provide any input or guidance on a development of a use.

Arnold Martin asked based on all that you are experiencing with Peachtree City and Tyrone, what do you think about the future of food trucks, He remarked I know they can be here and gone; do you feel that the best concept is adopt what Atlanta is doing.

Robert Kurbes responded I never have seen Atlanta's in action because personally in doing what I know there are some good ones out there. He commented every other facility that I have been involved with including the markets in Peachtree City where we do have to permit these trucks, you have an organizer. He said the organizer knows they have to notify us of the vendor and the organizer is supposed to be checking for permits but they don't. He stated we have limited staff and to go out every Tuesday,

Wednesday, and Thursday and do a truck count to see who's there, either means I am not getting to something else or I am having to put on more staff but now with the budget crunches, it's not in the cards.

Pete Frisina responded that Robert Kurbes is a state employee.

Robert Kurbes replied no I am a County employee.

Pete Frisina responded but your department is quasi-state.

Robert Kurbes explained that every County in the State has to have a Health Department, that's in the State Charter. He said the Health Department is charged with the protecting the public's health, but we are not County employees, I am grateful that I work in Fayette County because of my counterparts in surrounding counties, I get to sit in on things like this, things like the department managers' meeting, so we can keep in tune what's coming down the pike and hopefully trying to prevent problems. He stated the County said it may be done but then they come to us to get a food permit then I can't do it. He remarked but this is the opposite, she could come to me, turn in her application tomorrow. I can take her application money, I could do the plan review but as soon as I try to get the letter from zoning saying they can do what they are trying to do, then it's going to come back as no, all of that work was for naught.

Robert Kurbes continued that's why we at Fayette County regardless of what jurisdiction they are in, we send them to zoning first to make sure they can do they concept of where they want to do it. He said if they can't, there is no sense of anyone trying to roll up their sleeves, and it is a waste of time and resources. He also But the food trucks, some of them Robert Kurbes checks out, some of them he doesn't, some of them are a just little more than a glorified trailer, and some are a mobile kitchen. When Pinewood first came in with all those movie catering trucks, the State did not know what to do with them. We got hammered and Coweta County got hammered because we are the two highest film-industry based counties in the area. We wound up having to permit the movie caterers as mobile food units. The biggest one we have in the County is Hanna Brothers, they have 13 trucks.

Pete Frisina asked they set-up at movie sites, right.

Robert Kurbes said Hanna Brothers does not setup for movie sites in Fayette County, because they came in to service Pinewood, but most of the production companies at Pinewood bring in their own people from California, or New York in particular. So we have three (3) other companies the only time we see them is when a Marvel project getting ready to be kicked off or there are a couple of small production companies that do made-for-TV movies. We may not have seen these companies for two years and then all of a sudden they have four (4) trucks in my County. The mobile units are still a challenge for us. The State did address it last year, which is something they are looking to do and I thought your example of the bed and breakfast was a perfect

example because four (4) years ago nobody was talking about bed and breakfast, now we have got it here, and we got it advertised in downtown Fayetteville and we are talking about a couple in Peachtree City. I say that because we have to inspect tourist accommodations which is what a bed and breakfast is, but it didn't fit a typical motel. So the State after a few people approached it sat down and made State regulations for tourist accommodations that included a category of bed and breakfast and then we were able to get Pleasanton taken care of. That what needs to happen here, if you want to pursue it.

The first thing to make it possible for the concept to be done. The nuts and bolts that she was initially concerned about, the permits for the trucks, the tracking of the trucks that's going to fall on my Department, you don't have to worry about that. The decision that I see is do you want this concept. If the answer is yes, you have to figure out a way to make a forethought plan because I guarantee you if they decide not to do it or it doesn't work someone else is going to pick-up the ball, change it a little bit and then you have a whole new animal on your hands.

Chairman Culbreth replied we understand, alright Pete.

Pete Frisina replied well as we develop it, we will be asking input from you. The Fire Marshal has to inspect the trucks too. They have to have fire suppression, apparently the hoods have to be inspected every six (6) months. I think the thing that Robert is talking about is let's say they put ten (10) spaces out there, let's say they operate four (4) days out of the week, I think they are implying they would like to have the same ten (10) people come out all the time. At some point, somebody going to get tired of those trucks. It behooves them to have a variety of truck show up at different times, so you don't have the same thing every time but you just never know.

Arnold Martin said I have been to some events in Senoia, which is in Fulton County and they have an outdoor theater and all these food trucks show up and it's great. But as things keep changing in this County one way or another something is going to come, we might as well create something for it and get ready for it.

Robert Kurbes noted that out on Highway 54 there are only two (2) subdivisions that are walkable to this site.

Pete Frisina said thank you Robert. We will be in-touch.

Robert Kurbes said it was a pleasure meeting everybody. Have a good night.

The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

OLD BUSINESS

5. Discussion of the Zoning Ordinance and Subdivision Regulations.

Pete Frisina stated the first thing that we are talking about is the subdivision regulations. He said as you can see in the top paragraph Legal Basis for the Revision for a Final Plat. That's kind of the essence of what reasonable reliance means. The attorney is working on language for Subdivision Regulations and the Zoning ordinance, I have a meeting with him next Friday. He said we also talked about the framework of some things that we are looking at. He also said and I am bringing this into you to get some idea of what you think is the way to approach this.

Pete Frisina said if we are looking at Final Plat, think of the two examples that we have, Kenley Woods and the Bay Chappell Farm one of things that you talked about street character / front setback. One of the issues you have is sometimes the setback within these old plats was setback at a higher level than what the County requires. So you look at the Final Plat and the existing alignment of homes, which we can do that analysis on GIS, and if the division of land creates a situation where it may put that house in a different location than the other that the ones on either side, what is the degree of proposed change on the plats indoor alignment. What is acceptable, is a 25 percent or a 30 percent change or will have to look at that on a case by case basis. So those are some of the things we have to take into consideration. Again, I am trying to throw a framework out there to figure out what we think is going to the best basis to use.

Pete Frisina explained the next thing will be the lot size character. If you look at the minimum and maximum range of lots within the subdivision. What is average size of lots, number of lots with the size range and then look at what is the acceptable degree of change. What is the threshold where we say we don't like it? Same kind of thing if every lot is 150 feet wide and they want to chop one of those in half because they can per the zoning. What do we think is the best way we think we can deal with it.

The other aspect is the change in principal use based on the current zoning, so let's say you have a residential subdivision, well, there are conditional uses within a zoning residential district that are non-residential, for instance, a school or a church. So what we are looking at are changes of uses that conform to the land use plan. Now here is my commentary, if the zoning allows the use, does the land use plan even matter?

Chairman Culbreth replied it should, it is designed to complement each other.

Pete Frisina said if you have an R-40 lot that sits outside the subdivision you can put a church on it. It is already zoned, land use is usually your guide toward zoning. You can always say that the land use plan does not allow it then it puts you in a situation. That is one of the discussions I had with the attorney is we are going to be in a situation we had to say something to the effect that the plat process overrules zoning.

Pete Frisina explained legally, the zoning ordinance is a control of land, the platting process is separate, it is the division of land but a lot of what you do in the subdivision platting process is to be sure you meet zoning, so we are going to make the distinction that there are two separate ordinances that once you have entered into a final plat, then you have lost some of your zoning rights. So for instance, let's say someone is doing a church, and usually you find you this happening is in older subdivisions where some of the lots are fronting the road and they are not internally access through the subdivision, it is accessed from the main road. And maybe somebody has a lot adjacent to the subdivision the can grab an acre or so. I put in the things that we look at for rezoning, the other things, whether the change in use would reverse the effective use or usability of the adjacent property, and whether the change in use will become excessive burdensome for planned streets, utilities, and whether there are other existing changing uses affecting the use of the property. He said land use is the first criteria that we look at for rezoning but these other three (3) are probably more important.

Arnold Martin asked what happens when the land use plan is updated every few years.

Pete Frisina responded land use can be changed as often as we want to change it. He said there is no mandate that you have to change it in any period of time, the State mandates that you do an update every ten (10) years, you can do the update and not change anything. He also said what they are looking for is that you at least go in and review it. He noted if you are using statistics and demographics you can always update those to move them out ten (10) more years. He further noted the last time we went through a land use change, it was during a period of time when there was a lot of rezoning denials, so a lot of the densities in the County were dialed back. He mentioned the Land Use Plan is less dense than it was prior to 2017.

He remarked in terms of the street character, lot size character, lot width, do you think we should look at a percentage or we should try to say maybe if we don't have a threshold of what the percentage is, we can always just say if this lot gets subdivided in this fashion, this house is going to be x percent changed based on the alignment of the other homes or the setbacks within the subdivision, is this the best way to approach it.

Arnold Martin responded in my mind every situation is going to be different, if you put a specific amount of feet, it may not apply at all.

Brian Haren said just leave the description open.

Pete Frisina responded we can look at the degree of change and determine whether we like it or not, based on the situation. He said another thing we can look at is some of the subdivisions in this County, there are so many trees between houses, a movement of 25 feet may not be that big of a deal, cause you cannot even see where those houses

are, obviously that comes into play.

Pete Frisina stated the next thing we have is amend setbacks increased by a condition of zoning. He claimed that goes back to a public hearing and I kind of just put the same things there. He explained we can always look at the same things and figure out whether that makes sense.

He continued by saying the next one is amend setback increased by a developer. He said there was a question last week from someone that said should this procedure be an administrative decision by the Planning Commission or should it be under the variance procedure and ask the attorney. He stated the attorney seems to think that it will be better under the variance procedures and the variance procedures need to have criteria now. He also stated the paragraph that starts with variance or appeal is basically what's in the ordinance now so we are going to split it between a variance procedure and an appeal procedure because they are different.

Continuing, he remarked so what we will look at in a variance now is basically the criteria that I copied from the Zoning Board of Appeals; so the question is the variance for development of a subdivision similar enough to variance on a single lot when you are trying to provide a structure to use the same exact criteria. He continued by saying or is slightly different because you are looking at development as opposed to a single lot. He stated the only thing I added under the first bullet under a variance may be granted in an individual case was I added environmental impact because you guys look at that a lot, especially when you are looking at the contiguous area.

Bill Beckwith (Zoning Board of Appeals) asked what kind of a variance would receive a subdivision developer request.

Pete Frisina remarked it seems that we have had variances mainly for contiguous area although basically the way it reads, is anything in the subdivision regs these guys (PC) consider the variance for regulation because they are the approval body of the document. He said years ago we used to have a regulation in the subdivision regulations that a street cannot be longer than 3000 feet. He also said and pretty much everyone that came in got a variance to extend the street to whatever it was. He summarized here the issue is, you've got a long narrow piece of property that's 5000 feet long but you get 3000 feet of road and they can use the last 2000 feet of needed road. He also stated that was a common variance.

He continued by saying we had a variance one time where Rod Wright came in with a preliminary plat and while trying to get through the process, he had to cross a railroad. He stated well the railroad didn't give him an answer after a long period of time, and the preliminary plat expired before he could get permission to move ahead. He also stated well, he came in and got a variance for the plat not to expire because it was out of his control, and the Planning Commission granted him the ability to use that preliminary plat and not have to do a new one, so that was one of the

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variances. He concluded there are rules and regulations in the subdivision regulations that someone could ask you for a variance, whatever those maybe.

He acknowledged but now, the section which we have revised twice states where a developer has placed the setback on a lot at a 100 feet instead of 65 feet, so we have two (2) people come in and ask can I reduce this. He said I think the attorney said the best way to approach this is a variance procedure. He offered so you guys can look at these changes to see if they need to be wordsmithed a little bit, give it a shot. He said because really when you are looking at a variance, you are looking at one particular piece of property. I think things are fairly implicable but things may be worded slightly different.

Arnold Martin asked when someone comes in and they want to do it differently than what the developer has done in the past, in general, are we going to try to keep it in conformity as close as possible?

Pete Frisina responded again that's why I put the criteria in addition to the factors above the variance being sought. She said you would be looking at the same thing, street character, front setbacks, you may be also looking at the side and rear setbacks. Now that will be a public hearing before you guys only, and it should be a hearing the neighbors know it is taking place.

He said the appeal is to appeal the staff's decision, it is for someone to come to you guys and say, staff is interpreting the subdivision regulations incorrectly and then you guys can make a decision whether it was interpreted incorrectly or not.

Pete Frisina explained it is very similar to what the ZBA does, they hear variances on the zoning ordinance and they also hear appeals to a decision that we have made. He remarked now technically, under the subdivision regs, any Department that has to approve the subdivision regs, their decisions can be appealed to you as well. He said for example, if Public Works says the roads don't meet the standard and they will not approve the plat. He also stated the developer can say that Public Works is reading it incorrectly and then bring it to you guys.

Pete Frisina said I will write this up and put in a degree of change and leave it open, then we can make a decision on what is the degree of change and what is acceptable or not based on the situation.

Pete Frisina asked as far as the criteria goes, do you think those are fairly good.

Arnold Martin replied I think so, it gives enough of a range for Pete to be able to shape the framework.

Pete Frisina said you have to look at all of these characteristics and how far out of character is what you are approving is it going to be, is what you are going to be

looking at and does the degree of change have a detrimental effect on the subdivision or the surrounding lots.

Arnold Martin replied that in itself gives the neighbors the right to come in.

Pete Frisina concluded yes, these are public hearings, they are right now and they still would be.

6. Discussion of Flat Creek Trail Corridor

Ok, I have started the framework for the Flat Creek Trail Corridor Study. He noted Bill, we had one (1) property [owner] that came in and asked us to consider a conversion of a home to an office. He stated and I know there is another lot there that would pursue this as well. He also noted we have two (2) in my opinion that would pursue this.

He continued by saying so what I did was a basic analysis of the Corridor and there are 18 lots facing the Corridor between State Route 54 north to Tyrone Road, that is our study area; eight (8) of the eastside and ten (10) on the westside. He indicated the total area of the lots facing Flat Creek Trail is 80 acres. He also indicated 61 percent of that area is non-residential and 39 percent is under residential use right now. He stated ten (10) lots have a non-residential zoning and/or use; two (2) of those lots are zoned O-I and are undeveloped. He pointed out that one (1) commercially zoned lot is being used as a residence right now, even though it is zoned commercial. He remarked it was used commercially many years ago; it's just being used as a residence right now. He said I think maybe it was a general store and I am not sure if the road expansion took some [of the] front yard area.

Arnold Martin asked is the house separate from the general store.

Pete Frisina replied no I think the house was in the same building. He said I think it was an old timey general store the owners lived in the back. He remarked one of the lots contain the County fire station and then one the lots is a cemetery, which I consider non-residential. He said then eight (8) lots are zoned residential, five (5) of the lots are non-conforming, and one (1) of the residential lot is undeveloped at this time. He commented the Corridor has changed character somewhat, now it is basically a cut-through from Highway 54 to Tyrone Road. He noted there are a few concepts in the Corridor Plan, now this Corridor Plan was for Tyrone Road, not for Flat Creek Trail, but there are two (2) interchange concepts. He also noted one (1) being a lighted, signalized intersection, and the other being a Run-A-Bout. He sated at some point the County is considering some improvement to that intersection. He further stated right now the Land Use Plan has this area under Rural Residential Two (2) which is one (1) unit per two (2) acres. He explained the two (2) undeveloped lots and a lot with a house, I think the total of that area is about 15 acres that can be assembled.

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Pete Frisina said that Chanelle has something that she wishes to talk with you guys about.

Chanelle Blaine stated that she wanted to talk about recreational vehicles and boats. She said this past week we received a complaint to our Code Enforcement officers. She also said our Code Enforcement officers went out to the property and the homeowners has attached a permanent deck to his RV, as seen on the pictures. She stated the RV is approximately 3600 square feet, and it is a very large RV. She also stated we thought we should work on the ordinance because it is not clear.

Arnold Martin asked what the complaint was.

Chanelle Blaine replied the complaint was people going in and out of the RV and it wasn't just parked, it was being used.

Pete Frisina replied they were kind of using it as an extra room.

Chanelle Blaine responded using it as an accessory structure. She said we just wanted to make the ordinance a lot clearer; we basically are now saying the homeowner or occupant can only park or store their RV at their lot. She indicated you can't live in it or sleep in it for occupancy purposes, it can only be parked and stored. She acknowledged we don't mind you using it for living or sleeping if you are doing a major renovation or if you are doing construction on a new home, but you have to get a permit for that. She concluded this permit is not renewable.

Pete Frisina replied it is good for six (6) months, and that is not new.

Chanelle Blaine responded that is not new, it is already part of the ordinance. She said the other new portion of the ordinance will state that the visitors of an owner/ occupant are allowed to park their recreational vehicles and utilize it for temporary occupancy. She said that was in the ordinance, but we didn't spell out visitors of the owner, we just said that you could use the RV for 14 days.

Pete Frisina replied the intent was if grandma and grandpa were driving around in a Winnebago and they want to come visit for two weeks, they can do that.

Chanelle Blaine said some people were taking it the other way, they were thinking that they could just go out to their RV and live it for two (2) weeks, twice a year, which is not what the intent was.

Chairman Culbreth asked so is it still an RV, can it be hooked up and pulled away.

Chanelle Blaine replied yes it still is an RV, the wheels are in the back and Pete explained to me that they have a little crank used to attach it to the truck and then they

pull it.

Chanelle Blaine concluded that what we are working on and those are changes being made.

Pete Frisina said we just took the original stuff and made it a little more understandable.

Arnold Martin asked so originally there was not a timeline.

Pete Frisina replied yes there was, but the intent that some somebody comes to visit you, not that you keep your RV there and live in whenever you want. He said zoning is not regulating specifically but Code Enforcement and the Marshals are regulating tourist accommodations. He remarked we have a company that data mines all the websites and tells us here are the people in your jurisdiction that are advertising a tourist accommodation, so we have sent two batches of letters out to notify people that if you are doing this, you have to come in and get an annual permit from the County. He recalled I think they sent ten (10) out, four (4) came in, and a number of them decided it wasn't worth so they have taken their posting down and a couple didn't go to the right address.

Chanelle Blaine replied there are some they haven't heard back from.

Pete Frisina said they are sending another batch of letters this week. He noted at any given time there are about 70 to 75 tourist accommodations advertised for unincorporated Fayette County. He reported the Tourist Accommodation ordinance says you can't use a detached structure nor can you use any recreational vehicle (RV) for a tourist accommodation.

Chanelle Blaine stated we just want you to look it over.

Pete Frisina replied that going to be part of all of the other stuff that we are doing. I have two (2) other things that I want to show you. He acknowledged I am glad Bill Beckwith is here.

Pete Frisina stated I don't know if you remember the saga of illegal lots that we went through and we created a variance procedure for an illegal lot to come in, based on some criteria that you have to look at: when the person bought the illegal lot, were aware of it, are the connected to the family that created it, or we connected in creating the lot, and you go through a procedure before the Zoning Board of Appeals to have the lot designated as non-conforming and no longer illegal and there is criteria that we look at for that.

Pete Frisina stated I don't know if you remember the saga of illegal lots that we went through and we created a variance procedure for an illegal lot to come in, based on

some criteria that you have to look at: when the person bought the illegal lot, were aware of it, are they connected to the family that created it, or were they connected in creating the lot, and you go through a procedure before the Zoning Board of Appeals to have the lot designated as non-conforming and no longer illegal and there are criteria that we look at for that. He further stated whether or not it gets there, then the variance can be granted. He remarked the ordinance says, if a variance is being sought it is for an improved lot, which is illegal. He said well-improved lot means it has to have something built on it. He also said recently, I have come into two (2) situations, where I have lots of 35+ acres that do not have any improvement on them, but they need to go through this procedure, but technically by having the word improvement in they can't apply for a variance.

Arnold Martin asked so why are they going through this procedure.

Pete Frisina replied because it is illegal.

Arnold Martin asked in those cases, what is deeming them as illegal.

Pete Frisina replied one (1) of them doesn't have road frontage, it is a landlocked lot, and you are not supposed to subdivide them after the fact, which they did, well actually they didn't, they bought the lot. He said the other one (1) was a lot that has frontage but you have to have a 100 feet of frontage but the deed says the family bought a lot of property in the southern part of the county back in the 1960s. He also stated what I think has happened is over a period of time they have been whittling it down. He commented five (5) acres to this person, five (5) acres to this person, since the early 1960s, they have been whittling it down to the point that there was one big piece of property that is 30 something acres. He indicated on the plat, you really can't tell but they did a survey and they don't have enough road frontage. He stated my opinion is one (1) of these lots, I don't think can go through this and get the variance because it doesn't meet all the criteria, one (1) of them does. He claimed by virtue of that one word, improved, they can't even come through and ask. He also stated my recommendation is we take that one (1) word out. If somebody has 35 acres, and they can't use it. He noted when we created the 100 foot road frontage, the reason we did that was to stop all of these subdivisions that were being built in the County with 25 feet of frontage with these skinny strips of land going down from the highway. He also noted with 25 feet you can create a lot more lots that you can with 100. He summarized then they would have one gravel driveway that snaking through this area with all these lots. He said the 100 foot frontage requirement cut down on that. He also said now we still get flat lots, we get a lot less of them. He claimed does the 100 foot frontage requirement have bearing on whether you could build on a 35 acre tract and have one (1) structure on it.

Pete Frisina continued by saying let's say you need 50 feet, some of the criteria that you have to look at is there any property available surrounding this property that you can get that's 50 feet, and the criteria is you can't take an existing lot and make it non-

conforming by taking 50 feet from it. He further stated this property that I am looking at happens to be such that there is no place to get the property, you can't take 50 feet from any adjacent property, it's pretty much fits the bill. He indicated the other one (1) is quite different in that it is landlocked, but there is property in proximity that they could get; it's just the people won't sell it. He concluded or if they will sell it, they will sell it for an absorbent amount of money, and it says here you can't take the price of the land into consideration.

Arnold Martin replied I would suggest to take the word out and keep it moving.

Pete Frisina said we had this request for an extension or an enlargement of a legal non-conforming use of a structure. He said we have been using this to expand these old churches for years and it really doesn't really quite fit the criteria of expanding a structure because a lot of times they are building a new structure. He also said I am going to just take it out and say it is a request for an expansion or enlargement of a legal non-conforming use, period, because if you look at the criteria again, it never mentioned structure again.

Pete Frisina said one other thing, the Overlay's have had a variety of architectural standards put in them for facades based on when they were written, so they are not the same. He remarked one (1) of things that I have looked at that we were trying to get away from more than anything was the standing seam metal building that you see in industrial parks. He noted that was the one thing that doesn't seem to fit. He further noted it fits in an industrial park, an industrial area and some of the older commercial areas, but out in other areas like Flat Creek Trail, it doesn't make it. He also noted but we have always had this provision in our accessory use section that you can have metal siding as long as it is set up a horizontal seam pattern. He summarized what I have done is I have gone into all of our Overlays and have taken them all and made them all the same or similar and added that baked enamel horizontal metal siding is allowed as well, to get away from the vertical seamed standing metal. He stated I think there are portions of the Overlays that are not residential character which I have added this as well, as long as the metal setups horizontal seams.

Arnold Martin asked can you give an example of that which is not residential in character.

Pete Frisina replied the standing seam metal buildings that you see in industrial parks, we have never thought of them as residential in character, and they just have a certain look. He mentioned when you drive into Kenwood Business Park every building looks like that and that's appropriate there because that's the look. He said when you drive down State Highway 54, we never thought that was an appropriate for non-residential uses along State Highway 54. He said State Highway 85 North we are loosening that because there is no way to go into Kenwood Business Park now and start creating architectural standards when everything not like that. He noted we are going to pull that back and only say that for new developments. He offered I think on Highway 85

North we started that quasi-movie area we started, I put that horizontal pattern in there as well.

Arnold Martin asked where is this?

Pete Frisina replied the first time we had a movie proposal we had the area on State Route 138 by Highway 314 and we came up with some architectural standards for the movie studio there. He said I went ahead and added the horizontal seams, it just made sense. He also said since we make you do the architectural everywhere but it will open up someone if they want the sides to look nice, they could do a metal horizontal seam on the back which reduces their costs.

He concluded by saying that's the basics, I hope to have more information from the County Attorney on the language on the subdivision regs. He further concluded I think once we get that, we are going to bundle everything together from the subdivision regs and everything we are doing in the zoning ordinance and push that through for public hearing in April. He stated after that I hopefully will be working on the Flat Creek Corridor, and then I will be working on the Food Truck thing.

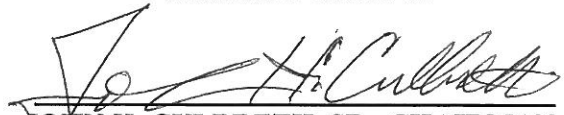
The Planning Commission took no official action on this item and will continue the discussion at a future meeting.

Chairman Culbreth asked for a motion to adjourn.

Arnold Martin made a motion to adjourn. Brian Haren seconded the motion.

The meeting was adjourned at 8:58 PM.

PLANNING COMMISSION
OF
FAYETTE COUNTY


JOHN H. CULBRETH, SR. CHAIRMAN

ATTEST


HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY