

THE FAYETTE COUNTY PLANNING COMMISSION met on December 17, 2020 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth, Chairman (Virtual)
Danny England, Vice-Chairman (Virtual)
Brian Haren (Virtual)
Arnold Martin (Virtual)

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

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 December 3, 2020.

Brian Haren made a motion to approve the minutes of the meeting held on December 3, 2020. Danny England seconded the motion. The motion passed 4-0.

NEW BUSINESS

2. Consideration of a Consideration of a Preliminary Plat of Liberty North. The property will consist of 28 lots zoned R-50, is located in Land Lot 230 of the 13th District and fronts on Georgia SR 279.

Chairman Culbreth asked if the petitioner was present.

Richard Ferry said we need to have the Liberty North Preliminary Plat re-approved because it has expired. About two (2) and a-half years ago, I came before this Commission with the Preliminary Plat that is in front of you, we had it approved, began the construction drawings and the proposed builder backed out of the deal. We now have found an interested builder. So this is the same Preliminary Plat that you saw a couple of years ago. Upon approval of the Preliminary Plat tonight the construction drawings will submitted as soon as tomorrow. I am here to answer any questions that you may have.

Chairman Culbreth asked are there any comments or questions by the members of the Planning Commission.

Arnold Martin asked whether there were any changes or it is just a renewal since it expired.

Richard Ferry replied it is just a renewal since it expired

Chairman Culbreth asked do any of you have any comments.

Chairman Culbreth said if not, I will entertain a motion.

Arnold Martin made a motion to approve the Preliminary Plat of Liberty North. Brian Haren seconded the motion. The motion passed 4-0.

3. Consideration of a Major Final Plat of Autumn Lake Estate Phase II. The property will consist of two (2) lots zoned A-R, is located in Land Lot 36 of the 4th District and fronts on Highway 85 Connector and Village Lake Court.

Chairman Culbreth asked if the petitioner was present.

George Cocolos said I am a resident of Autumn Lakes and my request is to approve the revision of Autumn Lakes Estates.

Chairman Culbreth asked commissioners are there any comments or questions regarding this Major Final Plat. Hearing none, I will entertain a motion.

Brian Haren made a motion to approve the Major Final Plat of Autumn Lake Estate Phase 2. Danny England seconded the motion. The motion passed 4-0.

4. Discussion of Sec. 110-105. - Standards for telecommunications antennas and towers.

Pete Frisina said we have had a couple of recent occurrences with cell towers and the subdivision of property. So we have a situation now with a property in the southern portion of the County. The property is about 100 acres, it has a cell tower and a house on it and as you know, there are two setbacks requirements for a cell tower. The first is the cell tower's height plus ten (10) feet from the property line of the lot in which it is located and the second setback is three times the tower height to an off-site residence.

Pete Frisina stated we have a situation which brought us into a discussion with the County attorney. The situation is a property which has a house and a cell tower on it and the property owner, for estate purposes, now would like to subdivide that property to put the house on a separate lot and leave the tower on the remainder of the 100 acre lot. Staff noticed that the tower has to have a setback from the property line and we realized that now the house becomes an off-site residence and it doesn't meet the setback to the tower. Staff determined that we can't approve the subdivision plat because the house and the tower are too close. We got the County attorney's input. The staff was considering that the tower becomes a non-conforming structure. The County attorney's opinion was that the house becomes the non-conforming structure.

Arnold Martin asked what makes the house non-conforming.

Pete Frisina said that is a good question because there is a setback from a tower to an off-site residence but not a setback from an off-site residence to a tower. He added in his opinion you can't approve the subdivision either way. Normally zoning doesn't work measuring from something that is not on the property, it's usually from the property line inward. So the question is what purpose does the setback requirement to an off-site residence serve. You already have a requirement the tower has to be setback from the property line distance equal to the tower height plus ten (10) feet. If the tower were to fall, it is obviously it's not going to fall outside of the property.

Pete Frisina added we recently had a rezoning on Flat Creek Trail and Crabapple Lane last month, with a tower in the southwest corner of that property. When they brought the rezoning in, staff informed the applicant that the tower cannot be in R-50 so they had to cut out a large parcel to maintain it as A-R and set the property line so that the tower was the height of tower plus ten (10) feet away from the property lines. What we didn't consider is the layout of those lots and whether the new homes would be within three (3) times the height of the tower. However, by virtue of having to cutout the A-R portion plus a condition that no new driveways can enter onto Crabapple Lane there is not going to be a lot within the distance of three (3) times the tower height.

Pete Frisina stated in 2005, we had a subdivision in the northern part of the County, we did the same thing, when that subdivision came in we made them maintain an A-R lot that could contain the tower with a setback equal to the tower height. What we didn't do was look at the surrounding lots that were being created. Now this tower was 300 feet tall, so that was a 900 foot setback in a radius where there are lots and homes.

Pete Frisina said to give a hypothetical example, a property contains a conforming tower that meets the setbacks from the property lines and also meets the setbacks to off-site residences. So let's presume that the adjacent property owner decides to build a house on the property and house will be within that area that is three (3) times the tower height. Now these are two pieces of properties that are independent of each other. I don't know if the County wants to be in the position of telling the adjacent property owner they can't build a house because of a tower on the next door property.

Arnold Martin asked do you know if the height setbacks were originally created based on safety in case of a tower possibility falling or was it an environmental concern because some people felt there was too much energy emitted from a tower which may cause cancer.

Pete Frisina replied I will give you what I think the historical aspect of it this is. This tower ordinance has it genesis from the early 1990's and the prevailing wisdom at that time was people only use cell phones in their car. When they got home the use a land line, therefore we don't need a tower close to anybody's house and now many people have given up their land lines. I think there was also a feeling that a tower close to someone's house could affect the value of that home, so I think that's where that came from. The three (3) times the tower height actually

was a reduction from a greater setback that was previously in the ordinance.

Arnold Martin asked are these guidelines similar to those for electrical towers?

Pete Frisina replied we don't have any control over electrical towers. They can put them pretty much anywhere they want.

Brian Haren asked Pete Frisina so on this one the height of the tower plus ten (10) feet stays in effect?

Pete Frisina replied yes.

Brian Haren said I can understand three (3) times, but five (5) times seem to be a little much. My sympathy for this particular petitioner is a limited because he is making money off of this tower, it's not like someone came in the middle of the night and planted it in his back yard

Pete Frisina replied I don't disagree and that was part of the discussion. He said the point I made before is an adjacent property owner could build a house within the area that is three (3) times the tower height. Technically I don't know if we can stop an independent landowner next door from building.

Pete Frisina noted that under Section 110-105 on the top of Page 2, is where the amendments start. There has also has been various interpretations about what is the tower height so I am excluding the lighting rod from the tower height. We have had some zoning administrators from the past that added it to the tower height. I just wanted to make sure that is clear. Section d covers the tower height and setback and item number three (3) excludes the lighting rod.

Pete Frisina said on page three (3) there are no changes, and on page four (4) the reference to a setback requirement to an on-site residence is removed. On the bottom on page five (5), the reference to an off-site residence is removed. On page seven (7) the reference to the nearest off-site residential was also removed.

Pete Frisina said we will advertise this for January 7th and I thank you for working with us on this.

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

OLD BUSINESS

5. Discussion of SR 54 West Overlay Zone, Architectural Standards.

Pete Frisina said these are all of the regulations that we have talked about for the new architectural standards. I re-arranged them in the hierarchy of how they should be applied. So I moved the materials, un-articulated façade and the horizontal length of the roof line to number

one (1), number two (2) and number three (3). I then I took the other portions, the pitched peak roof and the gasoline canopy and moved those down. That is the only change I made, everything else is the same. Again, I am ready to go to public hearing with these as well. I will advertise both of the amendments we talked about for January 7, 2021.

Chairman Culbreth asked are there any other questions on the architectural standards?

Brian Haren asked at the bottom of number one (1), it says all of the material establish a horizontal pattern.

Pete Frisina responded no, just the metal siding has to establish a horizontal pattern. That is a way to get away from the standing seam metal buildings. So that only applies to the metal siding.

Danny England said that will likely eliminate the use of metal, since most metal panels are installed with the pattern running vertically. It is difficult to install them horizontally and keep them waterproof.

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

Chairman Culbreth asked Pete Frisina if there were any other items.

Pete Frisina replied that there are no other items. He asked Chanelle and Howard do we have anything else.

Chanelle Blaine replied no I don't have anything.

Pete Frisina announced that he will be taking the recommendations for the positions on the Planning Commission to the Board of Commissioners on January 14, 2021 and hopefully we will have a fifth member here pretty soon.

Arnold Martin asked how many people have you interviewed?

Pete Frisina responded we have three (3) people apply for two (2) positions and we have interviewed and made decisions.

Chairman Culbreth said that in the January meeting that we will prepare for new officers. He also wished everyone a great holiday. He entertained a motion to adjourn.

Arnold Martin made a motion to adjourn. Danny England seconded. The motion passed 4-0.

The meeting adjourned at 7:29pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



JOHN H. CULBRETH, SR, CHAIRMAN

ATTEST:



HOWARD L. JOHNSON
PLANNING COMMISSION SECRETARY