

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 16, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Danny England, Chairman  
John H. Culbreth  
Brian Haren  
Jim Oliver

**MEMBERS ABSENT:** Arnold Martin, Vice-Chairman

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Plan & Zoning Coordinator

**Welcome and Call to Order:**

Chairman England called the Planning Commission meeting to order.

**PUBLIC HEARING**

- 1. Consideration of Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.**

Pete Frisina said this item was tabled from the last meeting because one of the ordinance sections being amended was left out of the legal ad. He stated that the two things these amendments address is the time duration for changeable copy signs, mainly digital signs, and allowing signs on awnings, canopies, gasoline canopies, marquees, or other similar structures. He stated concerning the changeable copy signs the regulation of the time duration was actually in the definition and this amendment moves the regulation to a new section created in the ordinance. He added that the time duration of how long the sign image must remain before changing is being reduced from 30 second to 15 seconds as he had attended a sign ordinance seminar and 15 seconds is becoming the regulation standard. He said the amendments would now allow lettering, logos or other graphics on awnings, canopies, gasoline canopies, marquees, or other similar structures which was prohibited before. He added that lettering, logos or other graphics have been placed on awnings, canopies, gasoline canopies, marquees, or other similar structures without the County regulating it and in his opinion none that have occurred seem to be unsightly or offensive. He stated, given that, we are recommending that they do not need a permit but they may not be placed on top of one of these structures and the lettering, logos or other graphics cannot exceed the dimensions of the face of the awning, canopy, gasoline canopy, marquee, or other similar structure.

Chairman England asked if anyone would like to comment on the proposed amendments

to the sign ordinance. Hearing none he said he would bring it back to the board.

Brian Haren made a motion to approve the amendments to the Sign Ordinance. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

### NEW BUSINESS

**2. Consideration of the Minutes of the meeting held on August 19, 2021.**

John Culbreth made a motion to approve the minutes of the meeting held on August 19, 2021. Brian Haren seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**3. Consideration of the Minutes of the meeting held on September 2, 2021.**

John Culbreth made a motion to approve the minutes of the meeting held on September 2, 2021. Brian Haren seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**4. Consideration of the Minor Final Plat of the Victor Stinchcomb Estate. The property will consist of 11 lots zoned R-40, and is located in Land Lots 38 & 39 of the 7th District and fronts on Huiet Drive.**

Randy Boyd said the property was zoned R-40 in 1980, then annexed into the City of Fayetteville and then de-annexed in 1990 and back to R-40 in the County. He added that the final plat was submitted to the County and all of the County department comments have been corrected on the final plat and subsequently the final plat was approved by all of the departments.

Brian Haren made a motion to recommend approval of the Minor Final Plat of the Victor Stinchcomb Estate. Jim Oliver seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**5. Consideration of a Petition No. VA-021-21, Mr. Luis Arango, Owner, and his attorneys, Bovis, Kyle, Burch & Medlin, LLC. Steven Jones, Agent, request a variance to the Fayette County Subdivision Regulations, Section 104-603 – Variance of appeal. (a) Variance. This variance is to reduce the contiguous area for Lot 26. The property will consist of 1 lot zoned R-50, is located in Land Lots 59, 60, and 69 of the 5th District and fronts on Old Senoia Road and GA SR 85 South.**

Steven Jones said he is submitting for the record a certified copy of the Subdivision Regulations, our cover letter and constitutional and York objections, and certified copies of Planning Commission minutes of this board's prior approval of similar requests. He stated this request is associated with a recent R-50 rezoning in May of this year and the variance request is to reduce the contiguous building area requirement for a lot in the

subdivision. He added that Lot 26 is 1.69 acres and a stream cuts through the lot and the watershed buffers and setbacks take up a large portion of the lot reducing the contiguous building area. He said we are asking for a reduction in the contiguous building area from .3 acres to .22 acres which is a reduction of .08 acres. He stated that .22 acres is about 9,583 square feet which is ample to build a house with a footprint of 3,000 square feet with some 6,000 square feet left over. He added that the unique characteristics of the lot supports the request. He stated from a subdivision aesthetic not being able to build a house on this property will leave a visual void in the streetscape and the project economics of the development is tight so this lot meaning a lot towards the development of the subdivision.

Pete Frisina said this subdivision is at the Preliminary Plat stage at this point.

Jim Oliver asked if there would be any additional setback for the watershed buffer and setbacks.

Steven Jones said there are not any additional setbacks beyond the watershed buffers and setbacks.

Chairman England said this information was not initially on the layout we saw.

Pete Frisina said that was the concept plan for the rezoning and usually this type detailed information is not known at that time.

Brian Haren asked if there was any administrative flexibility for contiguous area.

Pete Frisina said there is not.

Jim Oliver said the issue could be where you put your septic fields.

Pete Frisina said septic fields could go into the zoning setbacks.

Brian Haren asked what the shaded area represents on the lot.

Pete Frisina said that is the watershed buffers and setbacks.

Brian Haren asked if septic could go into the watershed buffers and setbacks.

Pete Frisina replied they could not.

Jim Oliver said it could also be possible to get a variance for the zoning setbacks to build on this lot.

Chairman England said it is too bad that the amenity area couldn't be moved to this lot but you have to work around the existing lot within the subdivision.

Brian Haren made a motion to recommend approval of Petition VA-021-21 to reduce the contiguous area for Lot 26 to 0.22 acres. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin was absent.

**6. Discussion of Sec. 110-169. - Conditional use approval, concerning outdoor amusement facilities, rides, structures over 35 feet in height.**

John Arie of Fun Spot joined the meeting via teleconference.

Pete Frisina said the Fun Spot is building a roller coaster and we have gone through the first round of site plan review and have an issue with the roller coaster and the Conditional Use requirements for an amusement ride greater than 35 feet in height. He stated that 35 feet is significant because 35 is the height limit for the C-H zoning district. He said but an amusement ride can exceed 35 feet in height as a conditional use with five conditions as follows:

1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.
2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.
5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.

He stated that the issue is a portion of the roller coaster would be less than 300 feet from property zoned A-R or residential to the rear of the property. He pointed out on a concept plan that the portion of the roller coaster that is higher than 35 feet is close to SR 85 on the front of the property.

John Arie said the portion of the roller coaster parallel to SR 85 is approximately 140 feet in height and as it travels toward the rear of the property the height of the roller coaster is at 35 feet or less in height and even where the roller coaster goes over an existing building the height does not exceed 35 feet.

Pete Frisina said the way staff has interpreted condition #2 is that all structural and support parts of the roller coaster shall not be located closer than 300 feet from any A-R or residential zoning district even though in that area to the rear the roller coaster will not exceed 35 feet in height. He added that if a roller coaster did not exceed 35 feet in height in any area the 300 foot setback would not apply. He said when this ordinance was originally developed in the early 90's it was to allow a bungee jumping tower in the Dixie Land Fun Park, so remember that term "tower." He stated the County needed some regulations related to towers and where did they already have those kind of regulations.

Chairman England said the Cell Tower Ordinance.

Pete Frisina said correct, and conditional use requirements # 2 through #5 were derived from the cell tower ordinance and at that time cell towers had a standard setback of 300 or 400 feet.

Chairman England said we cleaned that up in the cell tower ordinance some time back.

Pete Frisina said the other regulations for the removal of the tower when it is no longer in use, that it has to be surrounded with a fence and that it is designed to fall entirely within the site is all cell tower related. He stated that he recommends changing condition #2 to state that only the portion of the amusement ride that exceeds 35 be setback 300 feet from property zoned A-R or residential. He asked John Arie to explain the fencing requirements under the American Society for Testing and Materials (ASTM) standards.

John Arie said the ASTM sets standards for all amusement rides and they have a 42 inch requirement for fencing, no gap in the fence can be more than 4 inches and the fence has to have a supporting strength of 150 pounds. He added that the roller coaster will have a six foot fence in most places but in areas where you have cue lines waiting to get on the roller coaster is where you would use the 42 inch fencing and the state inspects and approves the fencing.

Brian Haren clarified that the ASTM standards would apply.

John Arie said that is correct.

Chairman England said as an architect he is familiar with the ASTM standards.

Pete Frisina asked since there are fencing standards in place from other agencies does the county needs fencing regulations that may conflict with these other fencing requirements.

Brain Haren said we do not.

Pete Frisina said I suggest we delete condition #4 in its entirety.

It was the consensus of the Planning Commission to delete condition #4 in its entirety.

Pete Frisina said if the Planning Commission is comfortable with these amendments we can go to Public Hearings in October.

It was the consensus of the Planning Commission to go to Public Hearings.

John Culbreth asked what the setback will be along SR 85.

Pete Frisina said 75 feet from the right-of-way.

Chairman England asked about the requirement for that the structure be designed to fall entirely within the boundaries of the site.

Pete Frisina said we will need a stamped and signed letter from the design engineer.

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Brian Haren made a motion to adjourn. Jim Oliver seconded. The motion passed 4-0. Arnold Martin was absent.

The meeting adjourned at 8:00pm.

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PLANNING COMMISSION  
OF  
FAYETTE COUNTY



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DANNY ENGLAND, CHAIRMAN

ATTEST:



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HOWARD L. JOHNSON  
PLANNING COMMISSION SECRETARY