

Meeting Minutes 4/20/23

THE FAYETTE COUNTY PLANNING COMMISSION met on April 20th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
Arnold Martin
John Kruzan
Danny England

MEMBERS ABSENT: John H. Culbreth Sr., Vice Chairman

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Danny England made a motion to approve the agenda. Arnold Martin seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.

4. Consideration of the Minutes of the meeting held on March 2, 2023.

Arnold Martin made a motion to approve Minutes of the meeting held on March 2, 2023. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.

5. Consideration of a Minor Final Plat of Metzger Manor.

Deborah Sims, Zoning Administrator briefly spoke about the plat and that it met the zoning requirements for R-40. There were no further questions or comments.

Arnold Martin made a motion to approve Minor Final Plat of Metzger Manor. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.

6. Consideration of the Preliminary Plat for Liberty North.

Daniel Fields introduced himself and stated the plat had come before the Planning Commission before.

Deborah Sims stated it was the fourth review.

Arnold Martin asked if there were any major changes from the previous time.

Page 2
April 20, 2023
PC Meeting

Mr. Fields stated no.

There were no further questions or comments.

Arnold Martin made a motion to approve Preliminary Plat for Liberty North. John Kruzan seconded the motion. The motion carried 4-0. John H. Culbreth Sr. was absent.

7. Work Session – Discuss Amendments to zoning ordinance.
 - a. Discuss parking ordinance.
 - b. Discuss commercial parking in A-R.
 - c. Discuss amendments to 110-3, 110-79, 110-241 & 110-292

Debbie Bell stated staff is preparing to amendments for the May agenda. She stated they will add a few definitions. The first will be Building Line Front for a corner lot. This definition will show how staff determines the front yard on a corner lot. She stated this is because in certain overlays there are special requirements for parking in the front yard.

Jim Oliver asked if they are trying to clarify because of how the building is oriented?

Debbie Bell stated yes.

Danny England stated they've clarified this in residential lots.

Debbie Bell stated there is not anything quite like the language. She stated there is language that speaks to building things in the front of the lot but this would be a little different.

The Planning Commission spoke about the front yard being where the mailbox is placed. Chairman Oliver stated sometimes the mailbox is placed on one street and the house faces the other street.

Danny England said it was determined by the plane of the structure, that way it didn't matter what the angle was on the corner lot, one could still see the front yard based on the plane of the structure. He continued, it would be nice for the language to match.

Debbie Bell stated the only definition for Building Line Front is a line running parallel to the street which touches the nearest point to the principal structure to the street. She continued, that definition does not work for corner lots. She then referred to the Secondary Front Yard on a Corner Lot, the area parallel to the street between the property line adjacent to a street and the principal structure outside of the primary front yard.

Danny England stated they already fixed this.

Allison Cox stated the problem is with the overlay zones. There isn't a parking requirement that's causing some issues. She continued the 85 Overlay Zone mentions Building Line Front and not the front yard.

Danny England stated Building Line makes more sense because you can see the building but you can't see the property line and setbacks.

Chairman Oliver stated it could be the terminology too. It may be better as Building Setback Line.

Debbie Bell stated the building line could be different from the setback. In this case the building line is different from the setback because of the parking requirements.

Arnold Martin referred to the handout and asked which street would be the address?

Debbie Bell stated they can request the address for either street.

Danny England stated his concern for the language they created before not showing up.

Allison Cox stated it's possible when they added the definition it fixed the problem but it didn't fix it in the overlay zone.

Debbie Bell read the language in the overlay, "No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site."

Allison Cox stated there are two definitions one for the front yard and one for front building line. She stated, going to the Definitions section in the ordinance, note that this would be a primary front yard.

Chairman Oliver stated the front parking is where the front of the building is regardless of which road it's facing.

Allison Cox agreed and stated the ordinance references the front building line which is defined as building parallel to the building.

Danny England asked if the amendment would only be for corner lots?

Allison Cox stated yes.

Debbie Bell stated the second definition for discussion is still in progress. She stated the office has had a few requests for a drug abuse treatment facility. She stated this is currently not a use in the ordinance. She continued they need to add a definition and a use.

Chairman Oliver asked if it would be in a residential district.

Debbie Bell stated many of the requests have been made for O-I districts which is approved for hospitals, but this is different from a hospital and the attorneys want them to address it differently. She continued there are some different requirements. There is a state law that it goes through a zoning procedure where it goes before the Planning Commission and then not before six months but not before nine months must go before the Board of Commissioners.

Chairman Oliver asked if there had been any requests for this to be in a residential district instead of the medical district.

Debbie Bell stated not at this point.

Arnold Martin stated someone could see a big house and want to use it as a treatment facility so they should prepare all the language as it relates. He asked if they would also need to be aware of all the medical standards the state requires to create the language?

Allison Cox stated it would be like a hospital and they are not specific about the language for the hospitals in the ordinance. She continued; with the drug use facility they need to be specific about the zoning procedures. She stated she thinks the legislative intent is to make the public and nearby residents aware. She suggested they put a definition in and decide which zoning districts it would be in. She continued that O-I is appropriate and they want make sure they are covering the notices to residents. She stated it would be set up as a special use of property so that each time applies to put one in it would run through a special hearing process with the Planning Commission and then with the Board of Commissioners.

Chairman Oliver asked if there is a medical office zoning?

Debbie Bell stated medical offices are allowed in O-I.

Danny England stated this would be good for the personal care homes who become medical. There will already be something zoned for it and they can move into.

John Kruzan asked if there will be a part of the definition that triggers the medical aspect such as detoxing that will differentiate from a personal care home?

Danny England stated usually your administering drugs over the course of several days to help them.

Allison Cox stated the state law considers it a halfway house, a drug rehabilitation center or any other facility for the treatment of drug dependency.

Danny England asked if there are any distance requirements from schools or anything.

Allison Cox stated she didn't see anything but that they need to develop a permitting process that puts those requirements in place. She stated O-I is probably away from most residences anyway but they can still add those in.

Danny England stated some may be close to a school or day care.

Allison Cox stated the request that is in front of them right now is for an acute detox facility that specifically help after an overdose for the first few days.

Danny England stated those may also have the most intensive medical use.

Arnold Martin asked if there is any language for prisoners that have been recently released into an halfway house?

Allison Cox suggested they add a definition for special use of property and start dropping in those things that will define drug use facility and halfway house so that it's easier to look at these things and know that they're coming.

Page 5
April 20, 2023
PC Meeting

Arnold Martin agreed. He stated oftentimes there are ten people in a house that looks normal and there may be one person that sleeps there at night and couple of staff people during the day.

Allison Cox stated she's not aware of any language, but they can place those in O-I as well.

Arnold Martin stated the owners are paid by the state to house them there so it would be beneficial to prepare language. He continued it's dependent on what grade of offender they were as well as to which halfway house they may be released to.

John Kruzan stated it's like they're running a house with some roommates.

Arnold Martin agreed that is the intent. He stated there is a person there monitoring but everyone is trying to matriculate there way back into society.

Debbie Bell stated the next two amendments are similar. Section 110-241 and Section 110-192 are related to public hearings. She stated some of it is an updated. There is a change in state law taking affect on July 1 that changes advertising requirements from between 45 day and 15 days to between 45 days and 30 days. She continued internally, they've modified their submittal schedule since they will have a different advertising window. She stated there is other language about appeals.

John Kruzan asked what publications do they have to advertise in?

Debbie Bell stated they have to advertise in the local newspaper and they have to run the ads for public hearing not less than 15 days but not more than 45 days before the meeting and that window is being narrowed to 30 to 45 days.

Arnold Martin asked if this applies to sign posting as well.

Debbie Bell stated yes.

Allison Cox stated there was a procedure for appeals that change that is for the step up from here and going to court.

Debbie Bell stated the next item is the architectural standards for accessory structures. She stated the Planning Commission recommended that those be removed and the Board of Commissioners concurred. She explained that those will be removed. She continued that the next item is the parking of business vehicles. She stated they've gotten a lot of requests for truck parking. She stated she envisions this for M-1 or M-2 for tractor trailer parking and defining other parking lots for retail or passenger vehicles and things like that.

Danny England gave the example of a business owner owning a dozen small trucks and parking them on his property which is zoned A-R. He said they often think of semis but somebody could also have 15 white vans and the uncertainty of where to draw the line.

Debbie Bell stated in A-R if it's greater than ten acres than there's no restriction. She stated they would like to make an amendment because most of the A-R properties in Fayette County lean more toward residential then agricultural. She continued this would still not include bonafide farm equipment. She moved on to the last item which was Rick Ross' car show. She stated they will be looking at the

definitions of special events. She explained how they would look into creating categories and find the tipping point from a small special event. She stated she'll bring it back as a discussion once they have something more flushed out.

John Kruzan asked if advertising would be a consideration?

Debbie Bell stated it could be.

Arnold Martin stated he read Rick Ross' property is extremely multi use and part of it is designated as a zoo.

Debbie Bell stated the property is not zoned for a zoo but that it is A-R which allows livestock but not exotic animals.

Arnold Martin asked if any of the property is in Fulton County.

Debbie Bell stated no. She continued that staff has met with his event staff and event coordinator they are doing the things they were looking at saying such as parking , security, emergency services, and working with the sheriff's office. She continued they have spaced the parking areas three to five miles apart for the shuttle to help minimize traffic.

Arnold Martin asked if there will be any language to define the shooting of a movie as a special event?

Debbie Bell stated there are requirements in place for a film permit so that's addressed. She said one option is for him to apply as an A-R Special Event Facility but each event would still need a permit.

Danny England asked what are they most concerned about with the special events ordinance?

Debbie Bell stated the goal is to continue to make it feasible with people with small events like a wedding or big graduation party. The only thing they would need is a noise permit through the Marshall's office.

Danny England asked if there are any parameters in the ordinance?

Debbie Bell stated it is currently vague. They are allowed to have an event and it isn't defined how large that event can be. She continued the other event listed is a horse show, carnivals, and community fairs. She stated it's a broad coverage. She continued no one predicted something of this size and the even for the listed events they don't require a site plan. She continued it doesn't require safety issues. She stated if it's more than 500 people they are looking to request a traffic plan, safety plan and an emergency plan and they'll need the proper permits from Environmental Health and Building Safety. She stated these are not uncommon for a large event.

Arnold Martin stated it's their role to tighten it up where the language is broad. He stated there also isn't much language regarding amusement parks and now there is a roller coaster in the County. He stated any area that didn't seem to apply 50 years ago may need to be tightened up.

Chairman Oliver made a comment about applying it to the number of people instead of the zoning district.

Debbie Bell stated they can say if the event exceeds a certain number of people, the event needs to be held in C-H zoning. She stated they need to provide the number of exits in case of emergencies. She stated Rick Ross' property only has two driveways if there were to be an emergency.

Allison Cox stated the last number she heard was 6,500 tickets have been sold plus another 1,000 for VIP. She stated this year is limited and is proposed to be smaller than last year.

Debbie Bell stated tickets are presale only.

Arnold Martin stated it is important to put the language for the special events because these types of events will continue. He added this will also provide the authority to shut it down if permits are not received and/or violated.

Debbie Bell stated they are working with Environmental Health, Building Safety and the Marshall's office. She stated they could still make provisions for horse shows and carnivals in A-R. She stated the definitions, public hearing, and architectural standards will be a public hearing in May.

Chairman Oliver asked what else is coming up?

Debbie Bell stated Morning Falls subdivision was rezoned to Conservation Subdivision but only phase one was built. She stated there are property owners preparing a revised development plan to remove lots from the subdivision and rezone it back to A-R.

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Arnold Martin made a motion to adjourn. Danny England seconded. The motion passed 4-0. John Culbreth Sr. was absent.

The meeting adjourned at 7:54pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



JIM OLIVER, CHAIRMAN

ATTEST:



DEBORAH SIMS
ZONING ADMINISTRATOR