

Meeting Minutes 5/4/23

THE FAYETTE COUNTY PLANNING COMMISSION met on May 4th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
John H. Culbreth Sr., Vice Chairman
John Kruzan
Danny England

MEMBERS ABSENT: Arnold Martin

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.

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

4. Consideration of the Minutes of the meeting held on April 20, 2023.

Danny England made a motion to approve the Minutes of the meeting held on April 20, 2023. John Kruzan seconded the motion. The motion passed 4-0. Arnold Martin was absent.

PUBLIC HEARING

5. **Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. Residential Accessory Structures and their uses.**

Debbie Bell introduced the petition and stated it is to remove the paragraph requiring architectural standards for residential accessory structures.

There were no comments in support or opposition. Chairman Oliver brought the discussion back to the Board. He asked if there had been any phone calls or comments to staff.

Debbie Bell stated there have been no comments in opposition. She stated there were a few

applicants who were happy this amendment was being considered.

Danny England made a motion to recommend approval of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-79. Residential Accessory Structures and their uses. John Culbreth Sr. seconded. The motion carried 4-0. Arnold Martin was absent.

6. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing.

Debbie Bell stated this is a series of amendments to bring the ordinance into alignment with the state level regarding public hearings and public notice calendars, and appeal language.

Chairman Oliver stated they are bringing the time limit down from 20 minutes to 10 minutes. He asked if this will bring it in line with the state?

Allison Cox, County Attorney, stated it will bring it into compliance for amendments that were recently passed.

Chairman Oliver stated that he does not like to limit public input and he knows it's at the discretion of the chairman whether to abide by the time limit or not. He stated he also knows this is a recommendation and Board of Commissioners will have the final say.

Danny England asked if this limit would apply to the Board of Commissioners as well.

Allison Cox stated she believes the County Commissioners are already at ten minutes.

John Culbreth Sr. asked if it is ten minutes for each side?

Allison Cox stated yes.

Chairman Oliver stated he understood bringing it into alignment with the state and if there was a case where the chairman needed to override he would be able to do so.

Danny England made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing. John Culbreth Sr. seconded the motion. The motion passed 4-0. Arnold Martin was absent.

7. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing.

Debbie Bell stated to address requirements at the state level and the appeal process.

There were no comments in support or opposition. The discussion was brought back to the Board.

Chairman Oliver stated the only issue he had was with the word “morality.” It states, “related to the public health safety morality.” The chairman asked if this wording is standard?

Allison Cox stated it is exactly what the state has.

Chairman Oliver stated he wanted to strike “morality” but if it’s directly from the state, they will leave it in.

John Culbreth Sr. made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing. John Kruzan seconded the motion. The motion passed 4-0. Arnold Martin was absent.

8. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions.

Debbie Bell stated staff is recommending adding a definition for building line front, corner lot which means on a corner lot, a line running parallel to the principal structure front extending the full width of the lot. She stated they will also add a definition for drug abuse treatment facility which means a residential treatment facility staffed by professional and or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who reside on the premises. This is a special use of property requiring the grant of a permit after two (2) public hearings. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health. Ms. Bell stated when they have a request for a use that is not already laid out in the Zoning Ordinance, the first step is to provide a definition for that use.

Chairman Oliver asked if there was anyone that wish to speak.

Michael Mumper spoke and expressed the need for a detox center in the County [comments were inaudible].

John Culbreth Sr. asked how his program related to the community service board funded by the state? He stated Fayette County has a component, and an office where they serve people with mental issues and developmental disabilities.

Mr. Mumper spoke about prevention [comments were inaudible].

Chairman Oliver asked if the 58 deaths Mr. Mumper mentioned all happened in Fayette County?

Mr. Mumper's response was inaudible.

Chairman Oliver asked if Mr. Mumper was looking to open a facility in the County?

Mr. Mumper's response was inaudible.

Adam Kaye shared his comments [comments were inaudible].

Danny England stated the County does not have a definition for nursing home, hospice care, or any of the treatments mentioned. He stated at the last meeting personal care home was mentioned and is already zoned as a lot of those are in converted residential houses and neighborhoods. He stated if there was a private care home in a neighborhood and someone lived next door would they want it to be converted to a drug abuse treatment facility, was the point he was making. He stated it's interesting the County does not have another definition for anything medical in the code other than for hospital. He continued if they are going to break Drug Abuse Treatment Facility as a separate line item then they should also have dentist, hospice, etc.

Allison Cox stated there is a definition for care homes.

Danny England stated Mr. Kaye made a statement that he did not understand why there was a zoning meeting about this. Mr. England explained that when someone wants to do something, there is a name or use that staff has to find. He stated if it is has been defined, then they know where the business can operate relative to adjacent zonings. He stated their goal is to protect everyone. He stated defining it is the first step because then it can be approved or denied. If it is not defined then it becomes a gray area and becomes difficult to approve the application or not. He stated he understands the concern of defining it as something outside what they would normally think of as a hospital and how it may limit the applicant in some way but if they can give it a name then they can move forward. He stated after it is defined he thinks it would be

looked at similarly as a hospital or medical office.

Mr. Kaye spoke about how the definition enforces a stigma on these patients and this stigma must be eradicated. He also spoke about the process of gaining the special use permit [comments were inaudible].

Allison Cox explained the process for a special use of property. She stated there would be a posting of the property to let the property owners know what's going on which is part of the state law. She stated there is a six-month waiting period between the Planning Commission hearing and the Board of Commissioners final decision. She continued as a special use of property it is a zoning decision.

Danny England asked if the property is already zoned O-I and they want to have a drug abuse treatment facility, there would be a six month wait?

Allison Cox stated yes. They would put in their application, Planning Commission would have a public hearing, there's six months of postings and notifications, the Board of Commissioners sends it through if they meet all the requirements.

Danny England asked if it's permitted as a medical facility that treats drug abuse then, no?

Allison Cox stated it has to be residential and in Mr. Kaye's scope it included up to ten days of stay which was her concern. She stated there was no defined end to the stay.

Mr. Kaye expressed his concern for the six-month waiting period [comments were inaudible].

Danny England asked if the licensing this facility would have would be similar to Piedmont Fayette licensing?

Mr. Kaye's response was inaudible.

Danny England stated in theory they have similar DNA.

Chairman Oliver asked where does the six month wait come from?

Allison Cox stated that comes from state law and the location of the facilities. She stated it is treated differently from any other hospital facility under state law because of the drug use. She stated at a hospital, one is discharged after the problem is handled. One does not check in to the hospital for the period following a drug overdose, the person is sent home. She stated it is

not the same but they are similar. They are both for recovery and wellness but this one is specific to an item that is addressed by state law.

Chairman Oliver asked Mr. Kaye what was his contention with the County imposing state law?

Mr. Kaye's comments were inaudible.

John Culbreth Sr. asked Mr. Kaye if he has submitted an application for a permit?

Mr. Kaye stated yes.

John Culbreth asked why the permit was denied?

Mr. Kaye's comments were inaudible.

Allison Cox stated the Occupational Tax Certificate was moved to the next reviewer.

Danny England made a motion to recommend approval of the definition of Building Line, front (corner lot) and table the definition of Drug Abuse Treatment Center until the June 1st meeting. John Culbreth Sr. seconded the motion. John Culbreth Sr. seconded the motion. The motion passed 4-0. Arnold Martin was absent.

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

The meeting adjourned at 7:51pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY


JIM OLIVER, CHAIRMAN

ATTEST:



CHELSIE BOYNTON
PC SECRETARY

