

THE FAYETTE COUNTY PLANNING COMMISSION met on June 3, 2004 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Douglas Powell, Vice-Chairman
Bob Harbison
Bill Beckwith
Al Gilbert

MEMBERS ABSENT: None

STAFF PRESENT: Aaron Wheeler, Director of Zoning/Zoning Administrator
Chris Venice, Director of Planning/Community Development Division
Director
Delores Harrison, Zoning Technician
Ali Cox, Assistant County Attorney

STAFF ABSENT: Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on May 6, 2004.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Doug Powell seconded the motion. The motion passed 4-0-1 with Bob Harbison abstaining from the vote due to being absent from the May 6, 2004 Public Hearing.

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Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and only the technical aspects of the Preliminary Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON JUNE 3, 2004.

2. Consideration of a Preliminary Plat, Whisper Creek Subdivision, Robin Hood, LLC and Thomas B. Chandler, Owners, and Larry Seabolt of Seabolt & Company, Inc., Agent. This property consists of 112.46 acres with 64 single-family dwelling lots. This property is located in Land Lots 131 and 132 of the 5th District, fronts on Gingercake Creek Road and Hood Road, and is zoned R-40.

Larry Seabolt, Agent, advised that the subject property was located at the corner of Gingercake Creek Road and Hood Road. He said that some of the lots contain floodplain, however there will be a minimum of one (1) acre out of the floodplain. He requested approval of the preliminary plat dated May 24, 2004.

Chairman Graw asked if there were any public comments. Hearing none, he closed the floor from public comments.

Bill Beckwith remarked that he saw no mention of the proposed street length.

Mr. Seabolt confirmed that the street length was under the 3,000 foot length.

Bob Harbison made a motion to approve the preliminary plat dated May 24, 2004. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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3. Consideration of a Preliminary Plat, Brenleigh Park Subdivision, Caroline L. Wilson and Joe Simpson-Rich, Owners, and Omni Consulting Services, Inc., Agent. This property consists of 29.4 acres with 22 single-family dwelling lots. This property is located in Land Lots 23, 42, and 43 of the 5th District, fronts on Inman Road, and is zoned R-40.

Tom Daniels, Agent, said that he understood that Staff was recommending to table the preliminary plat until July 1, 2004. He noted that there were four (4) technical items consisting of a setback omission and sight distance note. He requested approval subject to these revisions. He advised that there is a new owner of the property. He confirmed that the subject property had gone through two (2) rezonings. He commented that the lot count had been decreased from 22 to 19.

Chairman Graw asked if there were any public comments. Hearing none, he closed the floor from public comments. He asked Attorney Ali Cox if the P.C. could approve the preliminary plat subject to resubmittal of the preliminary plat with corrections.

Attorney Cox advised that the P.C. could approve the preliminary plat conditionally, however it is not a good practice.

Al Gilbert asked what exactly needs to be corrected in order for the preliminary plat to be approved by Staff.

Aaron Wheeler replied that there were conditions of approval not indicated on the preliminary plat which include a ten (10) foot perimeter buffer which must be deeded to the homeowners association, however they are not planning on establishing a homeowners association.

Chairman Graw remarked that he felt more comfortable to table the preliminary plat until all the stipulations were addressed.

Doug Powell concurred.

Doug Powell made a motion to table the preliminary plat. Bob Harbison seconded the motion.

Mr. Daniels pointed out that there is no stipulation in the Zoning Ordinance to establish a homeowners association for a subdivision. He said he had no issue to the ten (10) foot perimeter buffer. He stated that he had previously met with Kathy Zeitler, who is no longer employed by the County, and the owners were going to dedicate property to the County for greenspace but now the stipulation states that a homeowners association must be deeded the buffer. He remarked that the new owners are discussing if they want to establish a homeowners association, however there are no requirements in the Ordinance for a homeowners association. He commented that the buffer was indicated on the plat, however the B.O.C. is requiring a homeowners association.

Bob Harbison stated he was unaware of any requirement for the establishment of a homeowners association and that there are subdivisions all over the County which do not have a homeowners association. He added that he would be reluctant to see any condition to require the establishment of a homeowners association. He said that the preliminary plat should be tabled because the approval of a preliminary plat should be a final approval.

Chairman Graw asked if there were conditions of approval required by the B.O.C.

Mr. Wheeler replied yes.

Chairman Graw asked if one of the conditions required the buffer to be deeded to the homeowners association.

Mr. Wheeler replied yes.

Chairman Graw advised that the P.C. could not change the condition of approval.

Mr. Daniels said that the preliminary plat indicated the ten (10) foot buffer so the condition has been met and it doesn't say that the plat must say on it that the buffer will be deeded to the homeowners association. He added that the dedication is a moot point but he is being held up because of that.

Chairman Graw asked Mr. Daniels if he was at the B.O.C. meeting when the property was rezoned.

Mr. Daniels replied yes.

Chairman Graw advised Mr. Daniels that he should have objected the condition before the B.O.C.

Mr. Daniels asked Attorney Cox what legally needs to be done to satisfy the preliminary plat requirements since there is not a requirement nor is it in the checklist.

Attorney Cox advised that the requirement is a condition of zoning and must be met.

Mr. Daniels reiterated that the buffer is indicated on the preliminary plat and asked what had not been met.

Attorney Cox advised that the rezoning conditions must be stated on the preliminary plat.

Mr. Gilbert confirmed that when an item is not in the Ordinance, a condition of zoning approval may be added. He advised that the only recourse is to apply for a rezoning and ask that the condition be removed but the P.C. is bound by what is approved by the B.O.C.

Mr. Daniels replied that no where in the checklist or the Ordinance or the revisions received from Staff does it state place the conditions of zoning approval on the preliminary plat. He asked again why he is being held up.

Chairman Graw advised that Attorney Cox had answered the question.

Mr. Powell stated that he had not seen any comments from Staff, therefor he made a motion to table the preliminary plat until July 1, 2004.

Mr. Daniels requested a letter from somebody so he could protect himself from the owner as to why something outside of the Ordinance and checklist which was followed is being required.

Mr. Harbison asked if legally a preliminary plat was approved which did not have the wording that the buffer be deeded to the homeowners association did it change the fact that the buffer must be deeded to the homeowners association.

Attorney Cox replied that it confuses the issue if you don't make it a part of what you approve. She added that you do not want to conflict with what the B.O.C. says needs to be done.

Bill Beckwith pointed out that the condition of approval was the only item missing.

Mr. Harbison asked if the P.C. approved the preliminary plat conditionally and the condition was not on the resubmittal that the preliminary plat would be null and void.

Attorney Cox advised that the P.C. could approve the preliminary plat conditionally.

Mr. Harbison asked if there were any other issues.

Mr. Wheeler replied not to his knowledge.

Mr. Powell asked Mr. Daniels what were the missing items.

Mr. Daniels replied that Lot 1 did not have the correct front yard setback and two (2) items from the Engineering Department. He said he must meet Phil Mallon on the site again regarding watershed protection.

Mr. Harbison commented that he could not vote on an inaccurate preliminary plat.

Chairman Graw stated that he could not remember the P.C. ever approving a preliminary plat with conditions.

Mr. Daniels clarified that the conditions of zoning should be indicated on the preliminary plat.

Attorney Cox confirmed that the rezoning conditions should be indicated on the preliminary plat.

Mr. Wheeler advised that the P.C. does not have comments from Staff because Staff could not approve the preliminary plat and added that there might also be some issues to be approved by the Engineering Department.

Mr. Powell asked if the B.O.C.'s Resolution only addressed the establishment of a homeowners association.

Mr. Beckwith asked what were the legal ramifications if the homeowners association was not established.

Attorney Cox advised that there would be legal recourse. She added that the owners could have objected to the establishment of the homeowners association when the rezoning petition was heard before the B.O.C. and by not objecting, they have agreed to the rezoning conditions.

Mr. Daniels commented that the new owner, Randy Hayes will deal with the legal issues of establishing a homeowners association.

Doug Powell amended his motion to table the preliminary plat until July 1, 2004. Bob Harbison seconded the amended motion. The motion unanimously passed 5-0.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 3, 2004 AND BY THE BOARD OF COMMISSIONERS ON JUNE 24, 2004.

- 4. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zones; B. S.R. 85 North Overlay Zone; and C. General State Route Overlay Zone.**

Chairman Graw noted that there was no audience present.

Aaron Wheeler advised that the proposed amendments had been previously discussed several times. He pointed out that the P.C. has a copy of the current ordinance and the proposed ordinance. He confirmed that the proposed ordinance contained the revisions discussed at the various Workshops.

He noted that the addition of septic and detention in the front landscape area was added and Special Requirements is an entirely new section.

Doug Powell asked if there were any changes between the proposed ordinance mailed to the P.C. and the one presented tonight.

Mr. Wheeler replied no.

Chairman Graw asked what were the changes between the old ordinance and the new ordinance.

Mr. Wheeler replied that the ordinance had been rewritten in its entirety. He pointed out the major changes include the Architectural Standards and Special Requirements. He added that the proposed ordinance was the same as the matrix provided at the previous Workshop.

Chairman Graw asked if there was a copy of the matrix available.

Mr. Wheeler replied that he only had one copy of the matrix.

Mr. Powell referenced pages 4, 5, and 7 and pointed out some typos. He asked why gasoline canopies were only addressed for the S.R. 85 North Overlay Zone and not the other overlays.

Mr. Wheeler replied that the front yard setback was only reduced for the S.R. 85 North Overlay Zone, otherwise the front yard setback requirement is 100 feet.

Mr. Powell asked why hardy Plank® was not listed for the S.R. 85 North Overlay Zone.

Mr. Wheeler replied that the general character of S.R. 85 North is not necessarily residential in character, however it was requested by the P.C. to add hardy Plank® to the other Overlay Zones.

Mr. Powell asked why allowing detention was not permitted under the General Overlay Zone.

Mr. Wheeler replied that detention would only be allowed under the S.R. 85 North Overlay Zone.

Hearing no further comments, Bob Harbison made a motion to approve the proposed amendments as written. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Chairman Graw abstaining from the vote because he did not feel comfortable with voting on the proposed amendments.

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5. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Section 6-17. O-I, Office Institutional, E. Auxiliary Conditional Uses and amend the sequencing order to reflect the proposed amendment.

Chairman Graw noted that there was no audience present.

Aaron Wheeler advised that the proposed amendments had been previously discussed at the Workshop. He pointed out that Counter-Service Restaurants had been added per Attorney Bill McNally's request.

Doug Powell made a motion to approve the proposed amendments as submitted. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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6. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, C-H Highway Commercial District, B. Permitted Uses, 7. Auto parts and Tire store; retail and C. Conditional Uses, 2. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs and 17. Self-Storage Facility and amend the sequencing order to reflect the proposed amendment.

Chairman Graw noted that there was no audience present.

Aaron Wheeler advised that the proposed amendments had been previously discussed at the Workshop. He pointed out that an inquiry had been made to the Zoning Department about an auto service repair business in the C-H Zoning District. He noted that the current ordinance allows Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs. He confirmed that the County Attorney had determined that in order to do repairs you had to sell cars with the idea being like a car dealership. He commented that the ordinance had been clarified to specifically list the types of uses that would be permitted, such as a minor oil change or a heavy service repair.

Doug Powell asked why the ordinance listed Furniture upholstery shop and Upholstery shop.

Mr. Wheeler replied that both were listed in the current ordinance.

Al Gilbert pointed out that upholstery shop could include automobile upholstery.

Mr. Powell commented that both furniture and automobile upholstery could be included under upholstery shop.

Mr. Wheeler remarked that only the sections listed in the agenda were advertised for consideration and therefore no other items could be voted on tonight. He added that the proposed amendments must be made available to the public upon legal advertisement.

Attorney Ali Cox confirmed that the legal ad needs to be as specific as possible.

Mr. Powell asked that the two (2) items be noted for the next revision.

Mr. Wheeler pointed out that Self-Storage Facility was being deleted as a Conditional Use under the C-H Zoning District and placed as a Conditional Use under the M-1 Zoning District because it is not quiet the same as a retail facility.

Hearing no further comments, Bill Beckwith made a motion to approve the proposed amendments as submitted. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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7. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, M-1 Light Industrial District, B. Permitted Uses, 6. Automobile or truck sales, service station, paint shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop and 39. Mini-storage facilities with a unit floor space not to exceed 425 feet and C. Conditional Uses, 8. Self-Storage Facility.

Chairman Graw noted that there was no audience present.

Aaron Wheeler pointed out that automobile repair facilities not specifically permitted under the C-H Zoning District were added for clarification of what types of repair could be performed in the C-H Zoning District and in the M-1 Zoning District.

Doug Powell requested that Paint shop, automobile; Parts store, automobile; Insecticides sales and storage; Pest control; and Furniture Store which is listed twice in the current ordinance be noted for the next revision. He asked what was a Shell home display.

Mr. Wheeler replied that on Tara Boulevard there was a home display store which sold prefabricated homes which were only a shell and then you finish the inside.

Doug Powell made a motion to approve the proposed amendments as submitted. Bob Harbison seconded the motion. The motion unanimously passed 5-0.

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8. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, B. Conditional Uses Allowed, 34. Self-Storage Facility.

Chairman Graw noted that there was no audience present.

Aaron Wheeler explained that Self-Storage Facility was removed from the C-H Zoning District as a Conditional Use and inserted under the M-1 Zoning District as a Conditional Use.

Al Gilbert made a motion to approve the proposed amendments as submitted. Doug Powell seconded the motion. The motion unanimously passed 5-0.

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9. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions regarding Section 3-18. Cabana (Pool Cabana) and 3-80. Public Utility Facility and amend the sequencing order to reflect the proposed amendment.

Chairman Graw noted that there was no audience present.

Aaron Wheeler advised that cabana was added for clarification. He explained that a cabana is a building with one side open to the pool area but isn't a gazebo which has circular roof.

Doug Powell asked if someone could construct a square gazebo.

Mr. Wheeler replied that you could have a square gazebo but the roof would have to be round.

Mr. Powell asked why the County wanted to dictate the shape of the roof.

Mr. Wheeler replied that the ordinance requires a circular roof per the current definition of a gazebo.

Mr. Powell pointed out that the County had recently constructed two (2) pavilions at Lake Horton which are square roofed open structures.

Mr. Wheeler replied that pavilions are allowed for a church but not at an individual home specifically.

Bill Beckwith asked if a pole barn was considered as a pavilion.

Mr. Wheeler advised that a pole barn must be utilized for agricultural purposes only.

Mr. Powell asked if a tractor was to be stored under the pavilion at Lake Horton could it be classified as a pole barn.

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Mr. Wheeler replied yes.

Mr. Wheeler asked if there were any questions regarding Public Utility Facility. He added that the changes requested by Mr. Harbison had been included in the proposed amendment. He noted that the definition was pulled from the Webster's Dictionary.

Al Gilbert made a motion to approve the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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10. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory uses and structures, B. Incidental Uses, Section 6. Home Garden, F. Administration, and G. Temporary Accessory Storage and amend the sequencing order to reflect the proposed amendment.

Chairman Graw noted that there was no audience present.

Aaron Wheeler advised that the proposed amendments had been discussed several times at previous Workshops. He commented that the B.O.C. were unsure if they wanted to permit the temporary accessory storage units and requested a defined way to regulate them which is why the proposed amendments are back for consideration by the P.C. He pointed out that the words "and structures" had been deleted in Section B. Incidental Uses because it was redundant and "Home Garden" had been deleted as an incidental use. He also pointed out that Section F. Administration and G. Temporary Accessory Storage were new sections which had been added to the Ordinance. He stated that temporary accessory storage was portable on demand storage units or "PODS" which may only be allowed on a temporary basis and only in conjunction with an on-going renovation project for the purpose of household items for a period not to exceed one year. He added that only one temporary accessory storage unit is allowed per lot. He commented that an accessory structure of 200 square feet or greater shall be placed on a permanent foundation and shall require the issuance of a building permit and subsequent inspection.

Bob Harbison clarified that home garden was deleted because it is not an accessory use.

Mr. Wheeler stated that a home garden would be permitted but would not be counted toward the number of accessory uses.

Bob Harbison made a motion to approve the proposed amendments. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Al Gilbert requested a copy of the recommended conditions of the P.C. and the B.O.C. for the rezoning on Inman Road.

Doug Powell requested that copies of the B.O.C. Minutes be forwarded to the P.C.

Chairman Graw said that he e-mailed Chairman Dunn approximately three (3) months ago but have not received a response.

Aaron Wheeler remarked that he could forward the B.O.C. Minutes to the P.C.

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Mr. Wheeler reminded the P.C. of the Workshop scheduled for June 17, 2004 in the Board of Commissioners Conference Room, Suite 100 at 7:00 P.M. He added that there would be approximately 3-4 items on the Workshop Agenda.

Bob Harbison commented that he hoped to have some information regarding the Lighting Ordinance by the June Workshop.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:30 P.M.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

DELORES HARRISON
ZONING TECHNICIAN