

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Workshop** on February 19, 2004 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Douglas Powell, Vice-Chairman (Arrived 7:10 P.M.)  
Bob Harbison  
Bill Beckwith  
Al Gilbert

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Chris Venice, Acting Zoning Administrator/Director of Planning/Community Development Division Director  
Pete Frisina, Senior Planner  
Bill McNally, County Attorney  
Delores Harrison, Zoning Technician  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Graw called the meeting to order and introduced the Board Members and Staff.

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**1. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding the required setback for a gasoline canopy within the State Route Overlay Zones.**

Chris Venice explained that in the C-C, C-H, and L-C Zoning Districts, a convenience store with gasoline sales is a Conditional Use. She pointed out that while a building setback is 75 feet a gasoline canopy may be 15 feet from the right-of-way in C-C and C-H and 35 feet from the right-of-way in L-C. She added that a gasoline canopy must be 100 feet from the right-of-way in the Overlay Zones. She advised that a gasoline canopy is a structure and must meet the 100 foot setback. She asked if this was the P.C.'s intention.

Bob Harbison stated that the L-C zoning district requires a 35 foot setback and asked if this setback could be measured from the 50 foot landscape area along the right-of-way for a total setback of 85 feet.

Chairman Graw expressed concern about the lighting situation for a gasoline canopy and said that they should be kept back from the right-of-way especially if there is residential development in the adjacent areas.

Mrs. Venice replied that the lighting would have to be contained on the site.

Al Gilbert remarked that he viewed the S.R. 85 North corridor differently from the other State Routes because S.R. 85 North is predominantly a commercial corridor and other corridors are more office institutional/residential corridors.

Mrs. Venice asked Chairman Graw if he would consider allowing the representatives from Quik Trip to address the P.C.

Chairman Graw asked the other members if they had a problem allowing the representatives to address the P.C.

The P.C. concurred to allow the representatives from Quik Trip to address the P.C.

Brian Corbin of Quik Trip advised the P.C. that Quik Trip was successful in having their rezoning approved and was in the process of having a Final Plat and Site Plan approved. He said that this was when he was made aware of an encroachment of the gasoline canopy setback. He said that Quik Trip thought that since a gasoline canopy is a Conditional Use that the Conditional Use restrictions would apply. He confirmed that the gasoline canopy was indicated at 81 feet on the site plan.

Stacy Collins of Doug Warner Law Firm concurred with Mr. Corbin's interpretation. She said that a gasoline canopy is an accessory structure. She reported that with the proposed 85 foot setback that the gasoline canopy, as proposed, would still encroach the setback by four (4) feet. She added that Staff could approve an Administrative Variance for five (5) feet.

Mr. Harbison asked Mrs. Venice if she could approve an Administrative Variance for a Conditional Use.

Mrs. Venice replied that the most restrictive setback would apply, which is currently the 100 foot setback. She added that approval of an Administrative Variance is based on a hardship.

Mr. Harbison reported that it was the P.C.'s intent that all structures would be required to meet the 100 foot setback requirement.

Attorney McNally concurred with Mr. Harbison.

Mrs. Venice advised that an accessory structure must be located to the side/rear yard so you do not want to call a gasoline canopy an accessory.

Chairman Graw asked what was Quik Trip's hardship?

Mr. Corbin replied that the travel lane would have to be reduced between the gasoline canopy and the parking spaces. He said that they provided a lot of space to allow their customers easy access.

Chairman Graw instructed Robyn Wilson to advertise the proposed ordinance amendments at the 85 foot setback for canopies for the March Public Hearing.

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**2. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding O-I (Office Institutional) Zoning District to allow for a percentage of commercial uses in O-I.**

Pete Frisina stated that Audrey Massey had requested revision to the ordinance which would allow for a percentage of commercial uses in the O-I Zoning District. He explained that presently a limited number of commercial uses (10% of the floor area) are permitted in an office park with a 100,000 square feet of building, however no external advertising is permitted. He reported that he had also reviewed ordinances from Cobb and Gwinnett which also follow the same framework. He confirmed that the intent is for the commercial uses to serve the development with no outside access to the commercial use. He added that he had also talked with someone who develops large office parks and he was of the opinion that you need a lot of square footage to support the commercial use. He said that this developer had stated that he had seen five (5) story buildings which could barely support the commercial use in its lobby. He commented that the P.C. needed to make a decision if they wanted to amend the ordinance to allow the commercial uses.

Chris Venice advised that Audrey Massey was present and would like to address the P.C.

Mrs. Massey remarked that she had lived in Fayette County since 1976 and that her comments were coming from the heart. She added that she felt the County had been laid out very well. She commented that the City of Fayetteville has adopted a new medical office zoning in the vicinity of

the hospital. She expressed concerns about future annexations in this area. She said that the new medical office zoning allows for an eatery but not a drive-thru, a pharmacy, and a gift shop. She stated she had spoken with Chairman Dunn about allowing broader uses in the vicinity of the hospital such as a “mom and pop pharmacy” or sandwich/coffee shop in an office building.

Chairman Graw remarked that he did not have a problem discussing the allowance of a percentage of commercial uses in O-I in the area between the hospital and Tyrone Road.

Bob Harbison concurred and added that Staff needed to be careful due to the overlay requirements on other corridors.

Mrs. Venice confirmed that parameters would need to be established such as location, minimum/maximum size, and potential uses.

Mrs. Massey asked if the P.C. would be willing to broaden the area to include any area which borders the City. She suggested that the restrictions not be too restrictive which would prohibit the development.

Mrs. Venice advised that in other areas, commercial zoning could be requested.

The P.C. instructed Staff to prepare the proposed amendments for further discussion.

Mrs. Venice replied that Staff would have the proposed amendments prepared for discussion at the March Workshop.

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**3. Discussion 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, 6. Landscape Requirements; B. S.R. 85 North Overlay Zone, 5. Landscape Requirements; and C. General State Route Overlay Zone, 9. Landscape Requirements and the Fayette County Development Regulations to allow a portion(s) of the front landscape area to be used for detention purposes.**

Chris Venice advised that this topic had been discussed several months ago. She pointed out that a normal nonresidential zoning district on an arterial thoroughfare has a 20 foot landscape strip, however the overlay zone requires a 50 foot landscape strip. She stated that since the entire 50 foot landscape strip is never completely landscaped. She added that it is seen as punitive so the question arose if the area could be used for detention and/or septic.

Mrs. Venice presented photographs of different types of detention ponds which vary from gently rolling, grassed and mowable or chainlink fence with standing water or a rocked bottom. She commented that Staff had been unable to find ordinances and wording to come up with the criteria to require the gently rolling, grassed and mowable detention pond.

Bob Harbison remarked that he would prefer to see landscaping along the right-of-way with a grassed mowable or rocked bottom detention pond behind the landscaping. He suggested that Staff be very specific in their requirements which should address slope, materials, etc.

Mrs. Venice concurred with Mr. Harbison in regards to requiring the landscaping along the right-of-way with the detention behind the landscaping.

Al Gilbert commented that the flow of water would basically determine the type detention pond required. He added that the type of business and the size of the structure would also determine the type detention pond needed.

Mrs. Venice stated that Staff would continue to work on the proposed amendments for further discussion at the March Workshop.

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**4. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding the definition of an accessory structure, including any inspection requirements.**

Chris Venice presented a letter from Attorney Dennis Davenport regarding storage cubes/pods/containers. She advised that these type storage containers qualified as accessory structures provided they were 900 square feet or less and located to the side/rear yard of the principal dwelling. She added that she had spoken to the Building Department and there is a concern with the containers just being placed and not anchored because they could blow over in heavy winds. She reported that an accessory structure which has to be assembled on site requires a building permit and the accessory structure is inspected. She remarked that if the County is going to allow these type containers that a Zoning Compliance Form should be issued to ensure the correction location and size and also require them to be strapped down for safety.

Mrs. Venice said that another concern is for these type containers is that they are used as a temporary accessory located in the front yard. She added that there are no regulations for temporary containers. She advised that one of the complaints was about a temporary container located in the front yard being utilized for a very slow renovation project which has lasted nine month and is still not complete.

Chairman Graw asked if the containers were located in subdivisions.

Mrs. Venice replied yes.

Mr. Harbison asked if the Homeowners Association (HOA) did not have the authority to govern these type buildings.

Mr. Gilbert replied that it would take litigation by the HOA. He asked if a dumpster on a construction site would be treated the same as a container.

Attorney McNally said you would want to allow a dumpster for a house under construction or renovation because you do not want them to do burn pits anymore.

Mrs. Venice stated that there were two (2) issues to address, temporary accessory structures and permanent accessory structures.

Mr. Harbison stated that he did not want to regulate the temporary containers.

Mrs. Venice commented that permanent accessory structures are regulated currently, however there should be some means of inspecting the structure for safety reasons.

Attorney McNally asked how large an accessory structure has to be before the Building Inspector insists on inspecting them.

Robyn Wilson replied that an accessory structure over 200 square feet is required to be tied-down.

Mrs. Venice remarked that you will see more of these type accessory structures as the housing stock ages. She reported that she would get more information from the Building Department regarding inspection of these type accessory structures and also take some photographs. She added that this item would be discussed further at the March Workshop.

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5. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding the definition of, and permitted storage in, a private garage in residential districts.

Chris Venice asked the P.C. how would they feel if their neighbor kept their boat in their garage.

The P.C. responded that they did not have a problem with a boat stored in a garage.

Mrs. Venice asked the P.C. how would they feel if their neighbor kept their ATV in their garage.

The P.C. responded that they did not care.

Mrs. Venice asked the P.C. how they would feel if their neighbor kept their airplane in their garage.

The P.C. responded that they did not care.

Mrs. Venice stated she had no further questions.

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Chairman Graw asked if there was any further business. Hearing none, Bob Harbison made a motion to adjourn the workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0. The workshop adjourned at 8:20 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**JIM GRAW  
CHAIRMAN**

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**ROBYN S. WILSON  
P.C. SECRETARY**