# COUNTY AGENDA REQUEST

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| Department: | Planning and Zoning | Presenter(s): | Shenicka Madden / Pete Frisina |
| Meeting Date: | Wednesday, October 3, 2012 | Type of Request: | New Business |

Wording for the Agenda:

Ms. Shenicka Madden, owner of Time For Learning Day Care, would like to request the Board's consideration of amending the Zoning Ordinance related to set-backs and buffers, which would allow her to establish a child-care business in a commercial center in Fayette County.

Background/History/Details:

This a citizen request to amend the zoning regulations regarding the buffer and setbacks for a child care facility.

Ms. Shenicka Madden, the owner of Time For Learning Day Care, has leased space at 2400 Highway 138, Suite 204, Fayetteville Georgia. This location is in a commercial center.

A child care facility is a Conditional Use which requires buffers in addition to setbacks when said property abuts A-R or residentially zoned property. (Conditional Use allows for specific uses in which all conditions must be met and a variance is not an option.) Since property both to the west and south of the leased property is residential, the commercial center cannot meet the Conditional Use requirements, meaning it is impossible for Ms. Madden to locate her childcare business in this commercial center.

Ms. Madden is requesting the Board's consideration to reduce the current zoning restrictions in order to locate at the commercial center and establish her business in Fayette County. Specifically, the request is to consider proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards.

What action are you seeking from the Board of Commissioners?

Direction from the Board of Commissioners on whether or not to pursue amendments to Child Care Facility requirements in the Zoning Ordinance.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | Yes | If so, when? | March 2, 2012 |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Not Applicable | County Clerk's Approval | Yes |
| Administrator's Approval | Yes | | |

Staff Notes:

A similar request was heard by the Board of Commissioners at the March 2, 2012 Workshop Meeting. Minutes from that meeting are included in the backup material to this request.

TIME FOR LEARNING

"The time for learning is NOW".

August 29, 2012

To the Members of the Fayette County Board of Commissioners,

My name is Shenicka Madden. I am a new business owner in Fayette County hoping to open a daycare center. The purpose of this letter is to ask for a reduction of the zoning restrictions to allow my daycare center to operate. The address where I will be locating my business is 2400 Hwy 138, Suite 204, Fayetteville, Georgia.

I have already invested money. Unfortunately because of the delays in getting the necessary licenses to operate, I have had to temporarily house my students at a different location. The result is a loss of income for my family. As a small business owner losing such revenue makes it that much harder to survive during the difficult economic times we are all experiencing.

If there is any way that a reduction of the current zoning restrictions may be granted it would be greatly appreciated. I look forward to speaking with you to discuss this matter further. Thank you in advance for your consideration. If any additional information is needed please feel free to contact me at or by email

Sincerely,

Shenicka Madden

## ARTICLE VII. CONDITIONAL USES, NONCONFORMANCES, TRANSPORTATION CORRIDOR OVERLAY ZONE, AND COMMERCIAL DEVELOPMENT STANDARDS

(Amended 05/24/12)

**Sec. 7-1.**

B. *Conditional Uses Allowed*:

12. *Child Care Facility.* (Allowed in C-C, C-H, O-I, A-R, and MHP Zoning Districts, and *Church and/or other Place of Worship* (see Article VII.) (Amended 05/24/12)
    a. The facility shall comply with all applicable licensing requirements of the State of Georgia. (Amended 05/24/12)
    b. Outdoor play areas shall be located to the side or rear of the principal building.
    c. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
    d. A fence measuring at least four (4) feet in height shall enclose the entire play area.
    e. If the side or rear yard abuts a residential or A-R Zoning District, a minimum 50 foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. (Amended 05/24/12)
    f. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
    g. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner. (Amended 05/24/12)
    h. Such use shall only be permitted on a lot which fronts on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. All access is limited to the Major Thoroughfare only unless such use is within a nonresidential development which has access to a Major Thoroughfare. (Adopted 05/24/12)

Workshop Minutes
Board of Commissioners
March 2, 2011
3:30 P.M.

**Notice**: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in an Official Workshop Session on Wednesday, March 2, 2011, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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| Commissioners Present: | Herb Frady, Chairman<br>Robert Horgan, Vice Chairman<br>Steve Brown<br>Lee Hearn<br>Allen McCarty |
| Staff Present: | Jack Krakeel, County Administrator<br>Scott Bennett, County Attorney<br>Carol Chandler, Executive Assistant<br>Floyd L. Jones, Deputy Clerk |

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NEW BUSINESS

7. Ms. Kiana Robinson, owner of Kidology Preschool in College Park, would like to request the Board's consideration of amending the Zoning Ordinance related to set-backs and buffers, which would allow her to establish a similar facility in north Fayette County. Ms. Kiana Robinson, her associate Mr. Farmer, and Director of Community Development Pete Frisina discussed Ms. Robinson's request with the Board. Ms. Robinson told the Board that she desired to bring a preschool to the Fayette community off Westbridge Road, and that the particular location she was considering had been abandoned for several years. She reported that she has spoken to several members of the Westbridge community concerning the property, and those neighbors supported having a preschool at the location. She explained that the problems that she experienced with the property concerned the buffers and the setbacks, and she stated that the property under consideration was across the street from Old Ford Road at a green, two-story building.

   Mr. Frisina explained that the property under question really involved two separate properties at the intersection of Old Ford Road and Westbridge Road, and that both of the tracts were legal, non-conforming lots with legal, non-conforming structures and have had legal, non-conforming uses within them. He said there are different types of uses in the County's Zoning Ordinance: permitted uses and conditional uses. He explained that the problem with the lots in question were zoned A-R, which requires five acres, but both properties, if combined, would not compose one acre of property. He further explained that under their current, non-conforming use and status, basically one property had a small general or convenience store at it, and the other building had a

car or tire repair business in it. He explained that there was no way the lots could meet the conditional use requirements for a daycare center or preschool, and that the setbacks and buffers could not be met on anything less than a three-acre tract of land. He added that if the Board changed the ordinance in order to accommodate Ms. Robinson then it would have to change the ordinance for the entire county. He concluded that the County does not have a mechanism for a special use. Commissioner Brown informed Ms. Robinson that he could not support her request since the property was "so far out of compliance", and he suggests that she look at other locations that may be available due to the current real estate market. Chairman Frady replied that he was not in favor of forwarding the request. Commissioner Horgan said he would be concerned if there were underground storage tanks for fuel, oils, and greases since it was an automobile shop, and he recommended looking elsewhere. The Board consented not to amend the Zoning Ordinance as requested, and to not consider this request at a later date. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

ATTACHMENT 7

# COUNTY DEPARTMENT AGENDA REQUEST

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| Department: | Planning and Zoning | Presenter(s): | Pete Frisina |
| Meeting Date: | Wednesday, March 2, 2011 | Type of Request: | New Business |

Wording for the Agenda:

Ms. Kiana Robinson, owner of Kidology Preschool in College Park, would like to request the Board's consideration of amending the Zoning Ordinance related to set-backs and buffers, which would allow her to establish a similar facility in north Fayette County.

Background/History/Details:

Kiana Robinson is the owner and operator of Kidology preschool located in College Park, Georgia. Since her three years in operation began, she would now like to open a second preschool in Fayette County. The site she is interested is located at an abandoned storefront at 560 West Bridge Road in Fayetteville. Although she would like to open her business, she believes that the space dimensions required in the County's current commercial zoning setback and buffer limitations will not allow her to open her preschool business. The use she proposes in a "conditional use".

Ms. Robinson is asking the Board to consider amending the County's zoning requirements. Fayette County Code, Zoning Ordinance Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, is the code she would like to discuss.

Ms. Robinson has met with Planning and Zoning Staff and now has requested a meeting with the Board to explain her case and to learn if the Board has interest in her request.

What action are you seeking from the Board of Commissioners?

Staff requests the Board's direction on how to proceed in this matter. If a code amendment is desired, the process would involve advertising proposed amendments and public hearings before the Planning Commission and the Board of Commissioners.

If this item requires funding, please describe:

Not applicable.

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| Has this issue come before the Commissioners in the past? | No | If so, when? | |
| Do you need audio-visual for the presentation? | No | Back-up Material Submitted? | Yes |

## STAFF USE ONLY

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Not Applicable | Approved by County Clerk | Yes |
| Administrator's Approval | Yes | | |

Staff Notes:

The Kidology Preschool
Where learning connects to life.

To Whom It May Concern:

My name is Kiana Robinson, owner/operator of the Kidology preschool in College Park, GA. I have been a business owner for the past three years and as such, I've amassed a considerable amount of experience communicating and negotiating with various federal and state agencies, including Fulton permitting/zoning offices.

I currently live in Fayetteville and I perceive a business opportunity within the Fayetteville community, which would necessitate a zoning change regarding setback and buffer regulations. I would like to address this matter and request a review of the local zoning ordinances pertinent to the following:

562 (LR)

There is an abandoned storefront property located at 560 West Bridge Rd., Fayetteville, GA 30214. The site would be an ideal location for a preschool in an area of the city that would clearly benefit from having this service in the community. However, due to the space dimensions required in the current commercial zoning setback and buffer regulations, this enterprise is currently deemed ineligible.

That's unfortunate because a quality, preschool in the area would offer the following benefits to the community:

- Eliminate an existing abandoned building situation and positively impact neighborhood property values.
- Offer a needed, affordable preschool education and daycare service to the surrounding community.

- Improve the landscape aesthetics of the area.

- Provide a social hub of family activity within the neighborhood.

Easing the zoning requirements in the area, specifically regarding setback and buffer dimension requirements is needed to aid and abet business potential in the area – especially during this era of challenging economic climate. A recent preliminary focus group survey indicates local Fayetteville residents living near the address in question support a regulatory environment that promotes creative business growth.

A Kidology Pre-School in the area would be an example of that type of local governmental responsiveness to the business needs of the community.

I will call shortly to discuss your view on the matter, and any necessary procedures that I can do to promote the above-mentioned opportunity.

Thank you for consideration,

Sincererly,

Kiana Robinson

3890 Stonewall Tell Road *College Park, GA. 30349 * Office: 404.343.3020 * Fax: 678.705.4724