COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina or Dennis Dutton
Meeting Date:	Thursday, June 13, 2013	Type of Request:	Old Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Zoning Ordinance concerning building height in the General-Business (G-B) Zoning District.

Background/History/Details:

In conjunction with the rezoning for the Pinewood Studio, the Board of Commissioners instructed staff and the Planning Commission to review the building height limit in the General-Business zoning district to accommodate the studio.

Staff has met three times with the Planning Commission and citizens from the SR 138 area, where another property is zoned G-B, to discuss the issue.

The group came up with a progressive setback and minimum acreage requirements based on building height. Two options were developed for the minimum acreage requirements and are presented for Board input.

What action are you seeking from the Board of Commissioners?

Direction from the BOC on whether the proposed amendments are satisfactory and which minimum acreage requirement option should be utilized.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, March 28, 2013
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.***

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

Staff Notes:

ARTICLE III. DEFINITIONS

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level ***or from where the truss rests on the highest wall for open roof structures***. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. Architectural features, which are not utilized for habitable***/occupiable*** space, shall not be included in the calculation of building height (see *Tower Height*.)

Soundstage. A room or building used for the shooting of film and video content.

Occupiable Space. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting the requirements of the International Code Council.

ARTICLE VI.

Sec. 6-26. G-B General Business District. (Adopted 12/13/12)

Sec. 6-26. G-B General Business District. (Adopted 12/13/12)

A. *Purpose.* The purpose of the General Business District (G-B) is to provide for business development that contains uses which are free from such nuisances as noise, vibration, smoke, gas, fume, odor, dust, radiation or other injurious or noxious conditions related to those uses. The G-B Zoning District limits the development of retail commercial uses and reduces the resulting traffic generation and noise associated with this type development. The uses allowed in this zoning district could lend to a business park development pattern.

B. *Permitted Uses*. The following Permitted Uses shall be allowed in the GB Zoning District:

1. Auction house (indoor only);
2. Banquet hall and/or catering service ;
3. Business, professional, and/or government offices;
4. Business support centers and/or call centers;
5. College and/or university, classrooms and/or administration only;
6. Computer data services and/or information technology;
7. Educational/instructional/tutoring facilities, including, but not limited to: art; computer; dance; driving and/or DUI; martial arts; music; professional/business/trade; and similar facilities;
8. Financial, credit, real estate, and/or insurance establishments (excluding retail banking facilities or pawn establishments);
9. Health club, fitness center, and/or indoor athletic facility (excluding bowling alleys, pool rooms and skating rinks);
10. Medical supply and equipment sales

11. Printing, graphic, blue printing, photography lab, and/or reproduction service;
12. Private school, including, classrooms and/or administration only;
13. Publishing and distribution;
14. Restaurant supply;
15. Scientific, medical/dental, and/or research laboratories;
16. Television/radio broadcasting studio, recording studio, telecommunication, and/or movie/media productions (including on-site with movie/media productions, ancillary businesses that supply support services, equipment and resources to the movie/media industry) ; and
17. Training center, trade school, and/or vocational centers.

C. *Conditional Uses*. The following Conditional Uses shall be allowed in the G-B Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Single-Family Residence and accessory structures and uses (see Article V.);
2. Home Occupation;
3. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium; and
4. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium.

D. *Dimensional Requirements*. The minimum dimensional requirements in the G-B shall be as follows:

1. *Lot Area*:
   a. Where public water is available: 43,560 square feet (one [1] acre)
   b. Where public water is not available: 65,340 square feet (one and one-half [1.5] acres)
2. *Lot width*: 125 feet
3. *Front yard setback*:
   a. *Major thoroughfare*:
      i. *Major Arterial*: 100 feet
      ii. *Arterial*: 100 feet
      iii. *Collector*: 80 feet
   b. *Minor thoroughfare*: 65 feet
4. *Rear yard setback*: 25 feet
5. *Side yard setback*: 25 feet
6. *Buffer*: If the rear or side yard abuts a residential or A-R Zoning District, a minimum buffer of 50 feet shall be provided adjacent to the lot line, in addition to the required setback. The setback shall be measured from the buffer.
7. *Height limit*:
   a. 40 feet
   b. Only soundstages associated with movie/media productions in

this zoning district may exceed 40 feet in height but shall have a maximum height of 65 feet. The area of the building above 40 feet shall not be occupiable space. The front setback shall be increased eight (8) feet for every one (1) foot of building height over 40 feet. If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five (5) feet for every one (1) foot of building height over 40 feet.

c. ***The required minimum acreage shall be increased based on building height per the table below:***

Option 1

Building Height	***Required Acreage***
45 feet	***10 -25***
50 feet	***>25-50***
55 feet	***>50-75***
60 feet	***>75-100***
65 feet	***>100***

Option 2

Building Height	***Required Acreage***
50 feet	***20-50***
55 feet	***>50-75***
60 feet	***>75-100***
65 feet	***>100***

8. *Lot coverage limit, including structures and parking area*: 70 percent of total lot area.
9. *Outside Storage and Refuse Area Requirements*. The following requirements shall apply to outside storage and refuse areas. Where this section contradicts any other requirement, the most restrictive shall apply.
   a. Outside storage of merchandise, equipment, parts, and business vehicles shall be allowed in side or rear yards only, subject to screening, setback and buffer requirements.
   b. All refuse areas shall be allowed in side or rear yards only, shall be screened, and comply with the required buffers and setbacks.

April 18, 2013
PC Meeting

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI, Sec. 6-26., G-B General Business District regarding: building height.

Pete Frisina stated this building height issue came up with the rezoning for the Pinewood movie studio and the Staff Report cited items that were in conflict with County regulations that would need to be discussed in terms of possible ordinance amendments. He said the height of 65 feet is for the soundstage portion of the buildings and the soundstage is basically a shell where the sets are built and there is a catwalk where the riggings and lights will hang and the Board has asked the staff and Planning Commission to look at this issue. He said he what he has prepared for discussion is a definition for a "soundstage" and a proposal in G-B that a soundstage only could be 65 feet high but for every foot the building is over 40 feet the setback will increase. He said this ratio increase in a setback is standard for zoning and the County currently has similar regulations in A-R for agricultural structures such as silos.

Jim Graw said the proposal states "for soundstages associated with movie/media productions."

Pete Frisina responded that that is the listed use within the G-B district.

Doug Powell asked if these proposed amendments would allow the studio owner on SR 138 to go up to 45 feet as he originally wanted.

Pete Frisina responded that it would give him the ability to go to 45 feet or higher as long as he could meet the increased setbacks.

Al Gilbert said he thought we should look at all of the non-residential zoning districts in terms of building height as a Conditional Use with certain criteria that would need to be met such as a minimum lot size like 250 acres so you couldn't have a small postage stamp size lot with a 65 foot tower.

Doug Powell said the increased setbacks may not allow a large structure on a small lot.

Jim Graw said he was concerned about the property on SR 138 because there are homes around the property and a 65 foot building may not be appropriate in the area and he likes the Conditional Use aspect of setting criteria such as lot size. He said he does not know what the purpose of increasing the setbacks achieves.

Al Gilbert said it pushes the buildings further from the road.

Jim Graw said if you have 250 acres the buildings will be well off the road anyway.

Pete Frisina said the standard setback in the G-B is 100 feet from the right-of-way and based on this proposal and increase from a building height of 40 feet to 65 feet would increase the front setback from 100 feet to 225 feet.

Doug Powell said that he would want to make sure that the setback increase did not create a problem for the Pinewood studio.

Pete Frisina stated that the Pinewood studio had the soundstages set back 300 feet from the road.

Doug Powell asked if the property of SR 138 is large enough to allow a taller building.

Pete Frisina said if the building was increased from 40 feet to 45 feet it would increase the setback to 125 feet but an increase to 65 feet would increase the setback to 225 feet.

Doug Powell said that could push the building back to the back of the lot.

Jim Graw suggested increasing the base building height in G-B to 45 feet and then anything higher than 45 feet would be a Conditional Use.

Doug Powell said the only question is; are we comfortable with a base building height of 45 feet in G-B.

Jim Graw said allowing a 65 foot building on SR 138 may not be a good idea as there are more homes in that area.

Al Gilbert said is there a way to determine how much of the building will be visible from the road and make that part of the Conditional Use.

Doug Powell asks what happens if the elevation of the road changes.

Jim Graw said the property on SR 138 is flat and there is no change in elevation.

Doug Powell said that if you move the structure back from the road as the height is increased then the perspective would remain the same. He said his concern is; are we setting precedence for 65 feet.

Pete Frisina said we would set a regulation for 65 feet which is beyond precedence.

Patrick Stough said but it is limited to soundstages only.

Al Gilbert said that in the past it was implied that the 35 foot height limit was based on fire protection and if you see the response from the Fire Chief they don't have a concern as long as people are not occupying that area.

Pete Frisina said in the past 35 feet was an issue with the Fire Department's ladders but now they have ladder trucks that go up higher. He added the fire marshal's comment say that he is not concerned with these types of buildings with 65 feet as this is not occupied space.

Doug Powell asked what would happen if someone in G-B wanted a 65 foot tall non-retail office structure, basically five stories tall.

Pete Frisina said the proposal limits it to soundstages only.

Doug Powell said but by approving the soundstages at 65 feet are we not opening up ourselves to be challenged for occupied buildings at 65 feet.

Patrick Stough said the justification to limiting it to soundstages, is the area at 65 feet is an unoccupied space where an office building is occupied and has a different fire safety concern.

Jim Graw asked if the studio proposed on SR 138 would have soundstages that fit into this definition.

Pete Frisina said he thought the studio on SR 138 would have soundstages that meet this definition.

Doug Powell he didn't know if he would raise the building height to 45 feet and would leave it at 40 with the increased setbacks for greater building height.

Jim Graw asked; what is the reasoning of increasing the setback in relation to the building height.

Pete Frisina said that it was a standard zoning practice and the County has something in A-R for agricultural structures such as silos and it keeps the visual perceptive from the road.

Patrick Stough said the further from the road the less high the structure appears.

Doug Powell asked if the height setback ratio should be made a Conditional Use.

Jim Graw said we should make it a Conditional Use and add a lot size requirement.

Doug Powell asked Patrick Stough for his opinion on the Conditional Use suggestion of requiring additional acreage for an increase in the building height.

Patrick Stough said it is something we could add, but he questions how the increased setback would affect the property on SR 138.

Pete Frisina said he had not looked the property to determine how it would be affected.

Jim Graw asked if the increased setback was a way to preclude small properties from getting 65 feet.

Pete Frisina said we only have two properties in the County zoned G-B and the property on SR 138 may have enough room to allow a 65 foot building but it would be pushed back further from the road and surrounding properties.

Jim Graw said this looks like a way to prevent somebody with a small lot from increasing their setbacks and you add a requirement for 250 acres.

Pete Frisina said requiring 250 acres would really prevent a 65 foot building.

Jim Graw said it would prevent the 65 foot building but you are limiting it based on acreage and not space on the lot.

Pete Frisina said it would allow someone to increase building height on a small lot to the point where they can't meet the setback and if we limit to 250 acres we have precluded any property under 250 acres.

Jim Graw said that is right and you are not forcing someone into something like an increased setback and they know coming in they don't have 250 acres and they can't have 65 feet, or 200 acres I don't know what the exact number needs to be required.

Patrick Stough said the issue is agreeing on the number of acres.

Al Gilbert said if you set a number of acres, what happens when the next studio comes in and they don't have the required acreage and we have to change it again.

Pete Frisina said he recently has had two issues with building height with other buildings in other zoning districts such as churches that were allowed to be higher than 35 feet and rumor is it was based on unoccupied space but the ordinance should have been changed to address this when the church was built and another recent instance is an industrial facility that needs clearance for a crane mechanism to build electrical components that are 30 feet tall that need clearance for the build to prevent electrical arching, so we are dealing with some uses we have never seen before.

Al Gilbert said again we may have to look at all the nonresidential zoning categories with the issue.

Jim Graw asked if the property on SR 138 could meet the increase setbacks.

Pete Frisina said he didn't know.

David Brill suggested increasing the front setback ratio to 10 feet for every one foot of building height and the side and rear setback ratio to five feet for every one foot of building height and would it be guaranteed that the additional space would be greenspace.

Pete Frisina said that only a soundstage and or portion of a soundstage that is greater than 35 feet would have to meet the increased setback and buildings of 40 feet or less would just meet the standard G-B setbacks.

Patrick Stough suggested increasing the front setback ratio to 8 feet for every one foot of building height suggested that would make the setback 300 feet.

Jim Graw asked what are the side and rear setbacks in G-B.

Pete Frisina said both side and rear setbacks would be a 50 foot buffer and a 25 foot setback.

Doug Powell asked what the timeline is for this amendment.

Pete Frisina said it is on a fast turnaround.

Doug Powell said we need to look at the two properties and determine the right distances to propose.

Jim Graw said we need to know if we increase the front to eight feet and the side and rear to five feet how it affects the property on SR 138 and he does not want to see a 65 foot building on SR 138.

Doug Powel said he would like to know what this formula does to the property on SR 138.

Pete Frisina said he wanted Mr. Brill and the Fayette Community Association to be aware of any changes so we could get their input.

Al Gilbert asked Pete Frisina to look at the two properties and determine how the various formulas that were discussed tonight would affect them and present this at the next meeting and also asked if he could research if there are any acreage requirements for buildings in other zoning ordinances we could review.

Doug Powell asked; what is the schedule for the annexation of the Pinewood studios because we are making changes to our ordinances that may not be even needed especially if the property is annexed into the city.

May 2, 2013
PC Meeting

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI, Sec. 6-26., G-B General Business District regarding: building height.

Pete Frisina stated this building height issue came up with the rezoning for the Pinewood movie studio and the Staff Report cited items that were in conflict with County regulations that would need to be discussed in terms of possible ordinance amendments. He said the Board of Commissioners has given staff direction to review the building height to accommodate movie studios. He added the proposal is to allow the height of 65 feet for a soundstage building and for every foot the building is over 40 feet the front setback will increase by eight (8) feet and the side and rear setbacks will increase by five (5) feet and this is a standard zoning practice and the county has something similar in A-R for agricultural building such as silos and windmills. He said the question from the last meeting is if this is allowed in G-B how will it affect the property on SR 138 as it is the only other property zoned G-B and based on the plat submitted with the rezoning there is a portion of the property where the proposed setbacks for a 65 foot tall soundstage could be met and the area comprises approximately two (2) acres that is 300 feet from the front property line and 200 feet from the side property lines.

Doug Powell asked if there has been any indication from Mr. Williams that he would want a 65 foot soundstage.

Pete Frisina replied that Mr. Williams indicated that he would like the same consideration as the Pinewood property to be competitive. He added that he had invited Mr. Williams to the meeting and hoped he would be here tonight.

Doug Powell stated that originally Mr. Williams wanted 45 feet of height and we limited G-B to 40 feet and his concern is that went through the public process and the citizens in that area of the county were involved.

Pete Frisina said we limited it to 40 feet because at the time that was the tallest build the county allows in any zoning district.

Doug Powell said his concern is with the citizens that thought it was a done deal with 40 feet and now here we are considering 65 feet.

Jim Graw said he has the same concerns as Doug Powell.

Tim Thoms said it can’t be 65 feet until the ordinance is changed.

Pete Frisina passed a picture around of a crane mast that was 65 feet tall taken at approximately 300 feet away to give some perspective to the presence of a 65 foot high structure.

David Brill said he measured his house at 31 feet today to get an impression of how high a 65 foot building would be and he said it would be a six (6) story building.

Aisha Abdur-Rahman said you can take a field trip to California and see what those big monolithic buildings look like and it is one thing to put them out on Sandy Creek Road on a big forested lot and another thing to put one right in the back of a residential neighborhood in the north end of this county and what Mr. Williams said he was going to do is produce TV shows and not major motion pictures like Pinewood and why he would need 65 feet to produce TV shows it makes her wonder what they were talking about in the first place.

Bill Beckwith asked if Mr. Williams indicated that he was going to build a building that tall.

Doug Powel replied that Mr. Williams indicated the he wanted 45 feet.

Bill Beckwith asked if he indicated that he wanted 65 feet.

Pete Frisina said he has now.

Jim Graw said he has driven past this area on SR 138 and this property is an open field.

Pete Frisina said the property is next to the back of the Catholic School and is pasture land.

Jim Graw said he is very concerned about a 65 foot building on that property in that area because of the residents and we talked about a 40 foot building height and now we are talking about a 65 foot building and he feels that 65 feet in that area is just too tall of a building even if it is 300 feet off of the road and 200 feet from the sides.

Chairman Gilbert said 65 feet in the area where Pinewood is located seems fine he is not sure that it fits on SR 138 and he thinks we should limit it on the number of acres.

Jim Graw said we should limit it to 100 acres and he got the 100 acres from the Planned Entertainment Farming PUD, so the county has used 100 acres for a minimum before.

Bill Beckwith asked what we consider media, is TV production media.

Pete Frisina said the term “media” is used in the G-B zoning district.

Jim Graw said we have two situations with G-B and we need to find a way to separate them and acreage is a way to do that and he also likes the increased setbacks. He added that there is not 100 acres available on SR 138 based on the area designated for G-B.

Aisha Abdur-Rahman asked instead of changing the entire ordinance why can’t the county just make an exception for Pinewood studios.

Doug Powel said that had we had time the county could have developed a Planned Unit Development type zoning to provide control and flexibility.

Tim Thoms said at the last meeting conditional zoning was discussed.

Patrick Stough said conditional zoning is used to restrict property.

Tim Thoms said he meant Condition Use not conditional zoning and could we use Conditional Use restrictions for soundstages.

Pete Frisina said that Conditional Use restrictions could be created and they would be in Article VII.

Tim Thoms asked if someone makes application for G-B and they want to do something out of the scope of G-B would they ask for a conditional zoning or a variance.

Jim Graw said a Condition Use would need to be established.

Tim Thoms asked if we make a soundstage a Conditional Use would you take it out of the Permitted Use of the zoning.

Pete Frisina replied that Tim was using the terms “Conditional Use” and “conditional zoning” synonymously and they are similar but different as conditional zoning is applied in a rezoning to restrict over and above the basic zoning requirements and Conditional Use are written into the zoning ordinance and also restrict over and above the basic zoning requirements.

Chairman Gilbert said we need to think about this in other zoning districts because we have a situation in an industrial park that needs a taller building as well and churches that want taller buildings and in some cases it fine and it others it is not.

Tim Thoms said for clarification once someone meets the Conditional Uses you can establish the use.

Patrick Stough replied that was correct.

Doug Powell said based on the proposed setbacks the property on SR 138 could meet the setbacks for a 65 foot building so in developing these standards we need to consider the size of the lot and this property would be limited to 40 feet even though it could meet the setbacks for 65 feet.

Tim Thoms said he didn’t understand how 100 acres relates to a movie studio as it seems meant to exclude the SR 138 area and he didn’t agree with the limitation.

Jim Graw said in part it does exclude the SR 138 area.

Aisha Abdur-Rahman said her question is still why the county can't treat Pinewood as an exception.

Pete Frisina said because the zoning ordinance does not have a mechanism to provide exceptions.

Aisha Abdur-Rahman so there is no way to write something in the ordinance to allow an exception.

Pete Frisina said currently there is a variance procedure but it is based on a hardship that relates to problems with the lot configuration.

Bill Beckwith said variances are not for convenience.

Pete Frisina said he had hoped that Mr. Williams would be at the meeting as he owns a G-B property and he feels we need his input as well. He said Mr. Williams expressed to him that he didn't want to be in a position where he couldn't compete in the market place. Pete Frisina suggested that we look at a range of acreages and additional landscaping to screen the buildings using berms and trees.

Doug Powell said what you are suggesting is the structure height be related to acreage and also require increased setbacks.

Pete Frisina stated that was correct.

Chairman Gilbert stated a range of acreage thresholds is a good idea.

David Brill said that seemed like a fair approach.

Pete Frisina said the other issues that have come up lately is an industrial building that needs to exceed the height limits and a church that wants to do the same. He said the industrial building has a 10 foot clearance requirement for the manufacturing of high voltage testing equipment due to potential arching and a crane mechanism that will be installed in the top of the building, however, if the setback ratio we are discussing is applied there will be no room to build the structure. He said there is also an issue with churches as well and added he has reviewed Peachtree City's ordinance and they do not limit the height of churches and industrial buildings but the buildings must meet structural and fire codes and could have additional conditions placed on industrial development through the site plan process. He said Fayetteville limits commercial and industrial buildings to 60 feet. He added that there are some churches in the county that are higher than 35 feet and he isn't totally clear on how these were approved.

Patrick Stough said his understanding was the height limit did not apply because it was not occupiable space.

Pete Frisina said to his knowledge the ordinance was not amended to address this situation.

Chairman Gilbert said if someone is building a church they will question how those other churches got approved.

Pete Frisina said he didn't know exactly how it was handled at that time and he would continue to research the records but he would like to correct the ordinance. He added that if the setback ratio we are discussing is applied there will be no room to build the church.

Jim Graw said he is familiar with this industrial park.

Tim Thoms said the park backs up to a residential area.

Jim Graw said that are a lot of trees behind this property.

Doug Powell pointed out that the top of this building will not be occupied space and if we make changes to G-B then someone will want the same height in another zoning district.

Pete Frisina said we should address this in each zoning district.

Chairman Gilbert recommended that staff prepare proposed building height requirements amendments for industrial and churches.

Doug Powell asked what we are going to do with G-B.

Pete Frisina said he really wanted Mr. Williams' input as well. He added that the suggestion tonight was to add an acreage requirement and to look at a range of required acreages.

Chairman Gilbert said he liked the range of acreage approach adding so much height per 25 or so acres up to 100 acres.

Jim Graw said another option is to increase the standard height requirement in G-B to 45 feet.

Aisha Abdur-Rahman said the county set a standard of 40 feet and now we are considering changing it 45 feet and she asks what people in the area can rely on if the requirements can be constantly changed and would an increased setback and acreage still be part of raising the standard height to 45 feet.

Pete Frisina said the setback could still be increased.

Aisha Abdur-Rahman said in her opinion, the ordinance should be amended to address Pinewood because it is a much larger operation on a much bigger property and 65 feet would be appropriate there and treat them as an exception and not rewrite an ordinance that was put in place just three months ago. She said she is not in favor of amending the ordinance in a way that affects the property on SR 138 by allowing a taller building.

Doug Powell said the BOC has asked us to look at this building height issue with the new studio as these studios are looked upon as economic development they have been approved to build their facility in a G-B zoning.

Tim Thoms said the zoning has been approved but the building height has not been increased yet.

Doug Powell said that Tim was correct.

Tim Thoms asked if the increased setback would apply to the rear yard as well.

Pete Frisina said the increase would include the rear yard as well.

Tim Thoms said he is not in favor of increasing the building height in G-B and he is not in favor of a 65 foot building on Sandy Creek Road or SR 138. He knows that Pinewood needs to be accommodated as they are a larger company and he doesn't fault Mr. Williams for wanting the same thing Pinewood wants to be competitive.

Bill Beckwith asks why Tim doesn't think that a 65 foot building is appropriate on Sandy Creek Road.

Tim Thoms said it is an agricultural area or it was an agricultural area until the county rezoned the Pinewood property, but it makes a huge impact and the applicant never shared the balloon test pictures they mentioned at the rezoning but a 65 foot building will stick out like a sore thumb.

Bill Beckwith said if the people that are in this business are rezoned and they know what they need, why would you say it is not right.

Tim Thoms said I can't say they don't need 65 feet, he said it shouldn't be in that area and they were approved G-B with a 40 foot height limitation.

Bill Beckwith said but they need 65 feet and we have been asked to look at the ordinance.

Tim Thoms said he thinks a 65 foot building is out of character in the agricultural-residential area.

Bill Beckwith said the area is agricultural-residential now but it is changing and it is close to the hospital.

Tim Thoms said in his opinion a 65 foot building is out of character for the county but he thinks the increased setbacks is a way to mitigate the height.

Doug Powell said when this property is annexed it will be under the city building height requirements.

Jim Graw said we don't know when the annexation will take place and they will start building these studios in the county and they need to know if they can build at 65 feet.

Doug Powell said the problem is we are changing our ordinance knowing that the property is going into Fayetteville and we are changing the entire G-B zoning district.

Pete Frisina said the movie business is one of the major growth industries in the state of Georgia and if this is the industry standard we may have to deal with this again in the future if another studio wants to locate in the County and we need to find a balance where we can between the neighborhoods and Mr. Williams and we already have Pinewood's input. He said he would take the suggestions from tonight and hopefully Mr. Williams can make the next meeting and we can continue the discussion.

Chairman Gilbert said that we should raise the standard building height to 45 feet as the property on SR 138 will find it hard to compete.

Aisha Abdur-Rahman said the county should start with 40 feet not 45 feet.

Doug Powell said we also have to understand the argument from the neighborhood's perspective.

Chairman Gilbert said he understood their opinion as well.

Jim Graw asked where would we start, does 25 acres allow 45 feet and then we go up incrementally from there.

Chairman Gilbert said let staff work on it and bring something back for discussion.

Jim Graw said Mr. Williams said he could work with 40 feet.

Chairman Gilbert said we capped the zoning district at 40 feet, what choice did he have. He said that we need look at Mr. Williams' property to be fair.

David Brill asked Tim Thoms what building height he would be comfortable with in the county.

Tim Thoms said he didn't know exactly right now and he wonders if there are other uses in G-B that may not be able to meet a 40 foot building height such as a recreational facility or gym.

Pete Frisina said Tim Thoms makes a good point and Fayette County could be at a turning point and we need to determine if we can still afford to be a bedroom community as the residential property has lost a great deal of value during the recession and may never regain their initial mortgage value and remain underwater and the new homes being built in the county now are not as big as were being built in the past and therefore have less value which affects tax revenue so we have to look at diversifying the tax base and movie studios and the like may be the way to go.

Tim Thoms said with that in mind if the county needs to intersperse 65 foot tall buildings amongst residential zoning and the only reason we controlled height in the past was for fire

control and now we have ladder trucks and it not an issue then we need to find a defining point for height limitations, such as aesthetics or do we need any limit at all.

Pete Frisina said it was based on fire prevention and it was also based on the character of development. He said Peachtree City and Fayetteville have a limit of 35 feet in residential zonings like the county. He said these other jurisdictions have taller building in their non-residential zoning districts but the county generally limits building height to 35 feet in both residential and non-residential and Tim Thoms' points are good because what happens when a non-residential use needs more than 35 feet in building height and there are uses allowed in the zoning ordinance that have yet to develop in the county and we could be faced with the problem in the future because we can't anticipate all of these situations. He added as example we tried to come up with standards for a movie studio and we never had a movie studio before so we do the best we can and the county is moving in new directions that we have never experienced before. Pete Frisina said he would get information back to the Planning Commission and the citizens.

May 16, 2013
PC Meeting

Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI, Sec. 6-26., G-B General Business District regarding: building height.

Tim Thoms entered the meeting.

Pete Frisina stated this building height issue came up with the rezoning for the Pinewood movie studio and the Board of Commissioners has given staff direction to review the building height to accommodate movie studios. He said to review from the last meeting, the proposal is to allow the height of 65 feet for a soundstage building and for every foot the building is over 40 feet the front setback will increase by eight (8) feet and the side and rear setbacks will increase by five (5) feet and the Planning Commission had recommended that an acreage range be added to the requirements where for every five (5) foot increment of building height over 40 feet to 65 feet an additional 25 acres would be required. He said staff developed two options for the acre range and the only difference is Option 1 starts at 45 feet of build height with 10 to 25 acres and Option 2 starts at 50 feet of building height with 10 to 50 acres.

Aisha Abdur-Rahman said this ordinance as it is currently written with 40 feet of building height only applies to lots of 10 acres or more.

Pete Frisina said the proposed increase in building height would only apply to soundstages.

Aisha Abdur-Rahman said that she never thought we were anticipating a soundstage on a lot as small as 10 acres.

Pete Frisina said since G-B allows a one (1) acre lot he wanted to start with something bigger and a ten acre lot is a pretty good sized lot for starting purposes.

Doug Powell said right now with one (1) acre you could have a 40 foot building so what these amendments suggest is to have more building height you have to have more acreage and greater setbacks the higher you go.

Aisha Abdur-Rahman said, why permit the height increase with ten acres, why not start the acreage ranges at 25 acres?

Pete Frisina said even at 10 acres you would still need to meet the same setback as 25 acres.

Bill Beckwith said 10 acres is a pretty sizable lot.

Pete Frisina agreed.

Aisha Abdur-Rahman said she objects to allowing a building height increase with only 10 acres.

Pete Frisina said the Planning Commission had asked staff to research approaches to mitigating building height and found recommended measures including: broken wall planes, façade modulation, pitched roof elements, varied wall finishes and building mass that conforms to site contours. He said the architectural requirements in the SR 138 and SR 314 overlay zone cover the broken wall planes, façade modulation, pitched roof elements and varied wall finishes and the proposed increased for setbacks based on building height address conforms the building mass to the site contours.

Alvin Williams said he was in favor of Option 2 based on his property which is close to 25 acres and Option 2 would allow him to build a 50 foot tall building. He added a 50 foot building would allow him to build a two story set within the building and a 45 foot building would not give him the room to build a two story set.

Aisha Abdur-Rahman said this zoning district was passed less than six (6) months ago and we went to the citizens and you said you can live with 40 feet and now you want 50 feet so what is the intent here and are the citizens going to feel like they were bamboozled.

Doug Powell said he agrees with Aisha Abdur-Rahman and the citizens in the area went through the process to create this zoning. He added that originally Alvin Williams had asked for 45 feet but the zoning was capped at 40 feet and he didn't know that everybody was happy with that height but that is what was approved. Doug Powell said he was in favor of Option 1 and he thinks the citizens in this area would be in favor of Option1 as well.

Alvin Williams said he respects Doug Powell's position but he respectively disagrees because at that time he was the only individual proposing to build a film and television studio and now Pinewood is coming into the marketplace which changes things as they are an international movie studio that will be much larger than his facility. He added his rezoning opened the door for movie studios in Fayette County and if you want to hold him to 40 or 45 feet, hold Pinewood to 40 or 45 feet. He said as a resident of Fayette County he would not want Pinewood held to less than 65 feet and he would not want to be held to less than 65 feet because both facilities will have a positive economic impact on the county but to be fair to him and his business peers if you keep him at less than 65 feet you need to keep Pinewood at less than 65 feet.

Bill Beckwith said if you have more than 100 acres as this proposal recommends you could have 65 feet.

Alvin Williams said his intent was to rezone only 25 acres on SR 138 of the 85 acre tract to protect the surrounding residential areas as he plans to live on the remainder of the property. He said that he is willing to compromise at 50 feet because it will allow him to stay competitive, however if he is held to 40 of 45 feet he cannot be competitive.

Aisha Abdur-Rahman said to Alvin Williams that he was not supposed to be competing with Pinewood's movie studio because that is not what you said you were going to do.

Alvin Williams said at the time he was the only studio being proposed for Fayette County and to be competitive he needs to have similar rules as Pinewood will have.

Aisha Abdur-Rahman said to Alvin Williams not what he said he was going to do.

Alvin Williams said at the time Pinewood had not been proposed.

Aisha Abdur-Rahman said to Alvin Williams that Pinewood should not have an effect on what Mr. Williams told the community he was going to build on SR 138 as he said he was going to film television shows and you could work in a 40 foot building.

Alvin Williams said you are giving pinewood a 65 foot building and if he could get 65 feet it would allow him the do the same type of production Pinewood is able to accomplish. Alvin Williams said Pinewood has changed the situation and all he wants is for the County to be fair to him.

Aisha Abdur-Rahman said to Alvin Williams that he needs to be fair to the residents of the area.

Chairman Gilbert asked everyone to address their comments to the Planning Commission.

Aisha Abdur-Rahman said the residents understood 40 feet would meet the intent so now don't change because another company has come into the county.

Alvin Williams said the intent changed because Pinewood came into the picture and when the county was working with him to create the zoning and rezone his property he was told that 40 feet was going to be the maximum height so he didn't have a choice. He added that he understood that the County needs to be careful when they create new regulations but he doesn't want to be treated unfairly when Pinewood will get the ability to build up to 65 feet and he will be held to 40 or 45 feet and he is in favor of Option 2 which gives him, the ability to build at 50 feet.

David Brill suggested in Option 2 that the starting acreage be 25 acres for a 50 foot building.

Aisha Abdur-Rahman said that still allows someone to build up to 50 feet with 25 acres.

David Brill said it does not allow 50 feet on a lot of less than 25 acres.

Pete Frisina said that Alvin Williams is just less than 25 acres so that is why he started the acreage at 10 acres.

David Brill suggested starting the acreage at 20 acres to allow some increase in building height but insist on a minimum amount of acreage.

Aisha Abdur-Rahman said that the bottom line is aesthetics and she doesn't even think a 40 foot building belongs in a residential neighborhood.

Alice Jones said we need to consider fairness as an equitable situation and consider all sides of this issue given the present ordinance and the business concerns.
Tim Thoms said that initially he didn't think a 65 foot building belonged anywhere in unincorporated Fayette County but he drove by the Pinewood site and they have started a berm along the road and the site slopes down where the buildings will be located so those building will be less visible. He added that he is not as familiar with the site on SR 138 because there is a row of pine trees along the road.

Alvin Williams said the pine trees will help block the view on his property.

Tim Thoms said wasn't as familiar with the area on SR 138 but there are some neighborhoods close by.

Pete Frisina said the site on SR 138 backs up to a portion of Dix-Lee-On subdivision.
Tim Thoms said we have to look at the future as well as the existing properties and try to be equitable. He added that the increased setbacks combined with minimum acreage are a good approach and he is leaning toward Option 1.

Alvin Williams said he would like to restate his earlier comment and he doesn't think it is a good idea to hold Pinewood to less than 65 feet because they need that for the product they produce because the economic impact they will have on the County will be great. He added that what he likes about these meetings is the people involved here are great stewards of the County and have the best interests of the County in mind. He said any consideration for a building of greater than 40 feet that can be given to his site would help him remain competitive and that is all he can ask.

Doug Powell said when Alvin Williams first came in he asked for 45 feet and the County gave him 40 feet and he asked Alvin Williams how he came up with 45 feet.

Alvin Williams said he needs a five (5) foot clear area between the set and the roof for riggings, lights, and fire safety as the lights get very hot and that is why he initially requested 45 feet. He added that if he could get a 50 foot building he could build a two story set which would be more economical.

Doug Powell said Option 1 gives you 45 feet.

Alvin Williams said the higher the building the more he can do in terms of sets.

Doug Powel said we are giving you what you originally wanted in the first place with Option 1 and we don't want everyone on every G-B lot to have the ability to build up to 65 feet unless they have a lot of property. Doug Powell asked what other zonings are in the County that allows the property owner to do more based on the amount of property.

Chairman Gilbert said that the more acreage you have in residential zoning the more horses you could have.

Doug Powel said the point is the County has in practice allowed greater usage of property based on the amount of acreage and that is the principal we are applying with building height in G-B.

Alvin Williams said his request started the process of creating the G-B zoning district and acreage was not tied to building height initially. He added that he understands what the County is trying to do now because of Pinewood studios and acreage is another method to control the development but because of Pinewood other studios will be interested in coming into Fayette County.

Tim Thoms asked Alvin Williams if he had looked at sinking the building to reduce the height.

Alvin Williams said he had not hired an engineer yet but he thinks the water table on his property is high which would make it hard to sink the building.

Bill Beckwith said the acreage range we have come up with is a good approach as it is reasonable to allow greater usage, or in this case a higher building, as the acreage is increased.

Pete Frisina said that he developed both options based on the discussions at previous meetings and he took into consideration the situation with pinewood studios, the property on SR 138, input from the neighborhood when the zoning district was developed and the issue of competitiveness and he recommends Option 2 as a good compromise because strikes a balance between the various interests.

Aisha Abdur-Rahman said if we were starting from scratch and this had been what you were going to do six (6) moths ago instead of going back on what you said you were going to do six (6) months ago that would make a lot more sense than doing it now.

Bill Beckwith said you are right but things have changed and if we would have known then what we know now, we would have probably come up with something similar to what we are doing now with acreage and building height.

Doug Powell said if we had time we would have developed a PUD zoning for a movie studio and dealt with building height but we only had 27 days to look at Pinewood.

Tim Thoms agreed that we would have probably looked at increased acreage for greater building height.

Alvin Williams said the movie industry will have a positive impact on the economy of Fayette County.

Tim Thoms said we have to be careful what we do because we need to protect the County.

Alvin Williams said as a resident of the county he understand the concern.

Pete Frisina said he will take these two options back to the BOC for their input.

Tim Thoms asked Pete Frisina why he recommends Option 2.

Pete Frisina said he feels it is a good compromise and a 65 foot building on SR 138 may not be appropriate but we need to be cognizant of the competitive nature of the business and that is why we needed the input from Alvin Williams and he thinks it is a fair balance between all of the concerns.

David Brill asked if it would be advisable to move the acreage in option 2 from 10 to 20 acres.

Pete Frisina said that would be alright.

Aisha Abdur-Rahman said what difference it would make to her neighborhood.

Pete Frisina said we had to start at some acreage.

Aisha Abdur-Rahman said these amendments are being done specifically for individuals and that is not the way zoning should work and it should be done for what's best for the community not individuals and this is not going to keep this building from being 50 feet tall as opposed to the 40 feet that was initially approved in her neighborhood.

Doug Powell said when you develop a new zoning district and you put it into practice you sometimes have to go back and amend the regulations based practical experience.

Aisha Abdur-Rahman said you don't even have anything built under this zoning and in less than six (6) months you are already changing the ordinance.

Alice Jones asked if the County had communicated directly with the people in Dix-Le-On.

Pete Frisina said he had contacted David Brill as President of the North Fayette Community Association and asked him to get the word out.

Alice Jones said the North Fayette Community Association has a meeting this Saturday and could Alvin Williams attend the meeting.

Alvin Williams said he could attend the meeting on Saturday.

David Brill said he could come to the meeting and speak.

Aisha Abdur-Rahman said there are more neighborhoods than just Dix-Le-On that will be affected by this development.

Pete Frisina said that he will take these recommended amendments to the BOC for their input.