

THE FAYETTE COUNTY PLANNING COMMISSION met on April 21, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
Al Gilbert
Brian Haren
John H. Culbreth Sr.

STAFF PRESENT: Pete Frisina, Director Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator
Patrick Stough, County Attorney
Phil Mallon, County Engineer

Welcome and Call to Order:

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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1. Consideration of the Minutes of the Meeting held on April 7, 2016.

Brian Haren made a motion to approve the minutes. Al Gilbert seconded the motion. The motion passed 5-0.

Chairman Graw stated that the order of the agenda will be changed starting with the discussion of Solar Farm in PUD-PRL

2. Discussion of Solar Farm in PUD-PRL.

Alice Nerad with SunEnergy1 stated the solar farm is proposed for Camp Southern Ground to net meter their facility. She stated that SunEnergy1 is a full service solar company and most of their projects are utility grade. She said that SunEnergy1 built the largest solar farm east of the Mississippi an 80 megawatt in Edgecombe, North Carolina. She stated that the benefit of having the solar farm at Camp Southern Ground is that it makes having power a non-issue. She said that the size of Camp Southern Ground in its ultimate use and drain on the grid is huge. She added that this would offset the power that they use, and when they are not using it the power will feed back into the grid.

Arnold Martin asked would Camp Southern Ground be selling the power back to the utility company.

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Alice Nerad replied that the Camp Southern Ground area is serviced by a utility co-opt and there are limits on how much they would buy. She said if it's over that limit it would be given to them for free. She added that there is still a balancing act because the utility company won't deal with an inner-connect unless it is signed off by the County.

Pete Frisina showed on the map where the solar farm will be placed on the Camp Southern Ground property.

Al Gilbert asked if the solar farm will be in area to itself not infringing on any camp activities.

Pete Frisina replied no.

Al Gilbert asked how much space the panels will take.

Alice Nerad replied that the solar farm will be 8.25 acres. She said that the area will be fenced.

Pete Frisina showed pictures of a solar farm at the Biltmore Estates in North Carolina.

Alice Nerad said that the system shown is the same as Camp Southern Ground. She said that it's a fix-tilt so the panels do not rotate. She added that the panels are taller than 5'4" and they will be a six (6) foot fence around it. She said that solar farm on the Biltmore property is unable to be seen because of the fence and buffers surrounding it. She stated that the solar panels are quiet and they do not move.

Arnold Martin asked how much wattage Camp Southern Ground will be using.

Alice Nerad replied they're planning to use 500 kilowatts and if more is needed they will then turn on the rest. She said the goal is not to flood the grid but to offset the camp's power needs. She added that owner of SunEnergy1 and Zach both have a passion for children and giving back to the community.

Pete Frisina stated that the way the Ordinance reads solar farms are only allowed in the M-1 district. He said that solar farms are defined as any place with more than three (3) panels. He said that the ordinance was mainly written for residential use, and they thought if anyone was going to do an energy project to specifically generate power it was going to go in an industrial area. He added that the purpose of this is not to generate power to sell but to generate power to be used by this facility. He stated to do that we would have to add a solar farm under the uses of the PUD-PRL.

Chairman Graw asked if this would make the facility energy independent.

Alice Nerad replied yes. She added that the complete buildout of Camp Southern Grounds would be a considerable drain on the Ebenezer Church area. She said the benefit to residents in the area is that they won't have to worry about power outages.

Brian Haren asked what neighbors would see when they looked out their back porch.

Alice Nerad replied they would see only the trees planted in his backyard. She added that even in the dead of winter they will only see the evergreens planted as a buffer around the solar farm. She said the goal is for it to become a very neutral area that is not seen, heard, smelt, or tasted.

Chairman Graw asked Pete Frisina if homes were expected on the left side.

Pete Frisina replied yes, and said we have to make the decision on whether or not solar farms are a good idea in a PUD-PRL. He said that he doesn't have a problem with it.

Chairman Graw asked Pete Frisina to show where the expected houses will be in relation to Camp Southern Ground for the newer Commissioners.

Pete Frisina showed them the area on the map. He said that original plan was to make two (2) lots flag lots and they later decided to come back and square off the lots. He stated that in his opinion when we make the decision to change the ordinance there are a couple of things that have to happen: one (1) they need to bring their development plan back through and we need to look at it, and it has to go before the Planning Commission and the Board of Commissioners. He added that this is a new use we're adding to this site and it's not a small thing its 8.3 acres.

Chairman Graw asked how many lots are planned.

Pete Frisina replied two (2).

Chairman Graw asked if the two (2) homes would be using power from the solar farm.

Alice Nerad replied no. She said that the solar power is only for Camp Southern Ground.

Arnold Martin asked about the construction trucks entrance access and storage area, and whether or not that will impede on the neighbors.

Pete Frisina replied that construction is already happening down Ebenezer Church Road and there are areas designated for it.

Alice Nerad added that most of the property coming down Arnold Road is owned by Zach. She said that they have paved the road and installed a security gate.

Chairman Graw stated that Camp Southern Ground initially planned on having an equestrian facility and the solar farm is replacing it. He said that since they are making major changes from the original plan the Planning Commission must review it. He asked if it would impact the property lines of the residential lots.

Pete Frisina replied that they will have to revise them.

Al Gilbert stated that he doesn't have any issues with the solar farm being a part of the PUD-PRL.

Brian Haren agreed with Al Gilbert that he had no issues with the solar farm and that other issues on the property can be handled at a later date. He suggested that limits to be put on the capacity of the system to make sure that it balances the camp's impact on the grid. He added that if a system is built 50% over capacity it implies that a profit is trying to be gained. He said that they need to figure out a mechanism that ensures what you build actually does balance (+/-) impact on the grid, and not doing it to make a few bucks which would then make it a commercial activity.

Alice Nerad stated that you would either apply with the utility company as a net meter or a utility scale. She said that in Georgia when you make a certain percentage over the net meter you are giving it to the power company for free. She suggested wording it in the ordinance as a net meter facility only.

Arnold Martin asked if the net meter were just for the utility co-opt or was it a Georgia statute.

Alice Nerad said that utility companies usually pay for unused power back on the grid with a credit and not cash. She said these credits come into play in the winter months. She stated that Georgia utility companies are very lean in what they give out (credit) to a non-utility scale system.

Brian Haren asked how you manage glare.

Alice Nerad said that these panels are meant to absorb the sun and are less reflective than regular pavement and are straight silicone glass and are in a frame that is 4X6. She added that there very flat.

Al Gilbert asked about the life expectancy of the solar panel.

Alice Nerad replied that it is about 25 years. She said that as the system age you update the panel and it will reduce the carbon footprint. She added that the panels are completely recyclable.

Al Gilbert stated that a few years ago you couldn't get that amount of life expectancy for solar panels.

Alice Nerad said that the solar panels are engineered to make sure that hurricanes and winter storms do not affect them.

Chairman Graw asked if solar farms are allowed in the Zoning Ordinance and if there were stipulations on the size of its panels.

Pete Frisina replied that solar farms are allowed in the Zoning Ordinance and there are stipulations on the size of panels in residential districts. He said that he doesn't think there are stipulations on panels outside of residential districts.

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Chairman Graw said that the panels look a lot bigger than previously discussed.

Dennis Dutton said that in residential districts solar panels are limited to only three (3) per lot. He said that solar farms are allowed but it's only in the M-1 district as an industrial type use. He added that this was new to staff because they never anticipated a facility running with this type of power.

Alice Nerad stated that the way the panel is projected in the picture actually shows two (2) back to back. She said that each panel is 4X6 and weighs 50 pounds.

Arnold Martin asked if there is any light needed at night time for the solar panels.

Alice Nerad replied none is needed. She said that they were quiet and non-intrusive and do not need a light on at night. She added that if there were a thunderstorm the panels would automatically shut down so it won't over power the grid.

Chairman Graw asked what danger could these solar panels present to animals and children.

Alice Nerad replied that the solar farm will have a six (6) foot high security fence around it with an access gate that only the utility company and her O&M people can use. She said that once the solar farm is constructed they would only need to visit it every quarter. She added that the only problem they've had with animals on their larger sites was deer coming in before the fence was constructed, but the fence here will already be put up.

Brian Haren asked if Camp Southern Ground was leasing the panels from SunEnergy1.

Alice Nerad said that the company is donating the equipment, engineering, and construction to Camp Southern Ground. She stated that this site is worth about five (5) million dollars.

John Culbreth asked why her company is donating the solar panels to Camp Southern Ground.

Alice Nerad said that president of SunEnergy1 is a big country music fan and likes what Zach is doing and wanted to be a part of it. She added that the president is also involved in a lot of charity work for children in North Carolina.

John Culbreth asked if there were any Federal rebates or incentives for the donation.

Alice Nerad replied no not in Georgia. She stated that SunEnergy1 is a self-funded company. She said that SunEnergy1 is still building and acquiring sites even though there are no tax incentives allowed in North Carolina.

Chairman Graw asked if there were any other questions. Hearing none they moved to the next item on the agenda.

Pete Frisina asked if he could advertise for the Solar Farm in PUD-PRL in May.

Planning Commission replied yes.

2. Pre-Application Meeting for a Planned Unit Development-Planned Residential Development consisting of 212.1 acres located in Land lots 5, 28, 29 & 30 of the 7th District fronting on Ebenezer Church Road and Davis Road.

Chairman Graw stated that Phil Mallon is here to take part in the discussion of the PUD. He stated that the Pre-Application Meeting is part of the zoning ordinance. He said that this is an opportunity for the Planning Commission to hear the presentation of the petitioner and to look at the proposed development and make some strong recommendations to the petitioner on what we would like to see. He read the purpose of a Planned Unit Development-Planned Residential Development:

The intent of a planned residential development (PRD) is to encourage creativity and resourcefulness in residential development and to provide open space, parks and recreational facilities for the residents of the development and/or the general public.

Chairman Graw also read subsection Development Standards under Planned Unit Development:

The development shall utilize creative and flexible design including, but not limited to: varied lot sizes, amenities, mixed uses, etc.

Chairman Graw told the Planning Commission that these were the things they needed to look at when reviewing a Planned Residential Development.

Randy Boyd stated that he worked on this piece of property about 10 years ago. He added that he surveyed the original piece of property back in 1984. He said it has been owned by three different developers. He said that nine (9) years ago he went before the Planning Commission and Board of Commissioners with a 91 lots subdivision.

Peter Frisina stated that it was more like a 180 lots.

Randy Boyd stated that they cut that number of lots in half, but they couldn't protect it. He said they asked for an R-45 zoning district which they got across the street for the Waterlace Subdivision but never got it for this piece. He added that he was asking for the one (1) acre zoning with protected open space, but the market crashed. He said that the only way to protect the open space is to do a PUD. He added that he is back asking for the same thing with a different developer. He stated that the gross area is about 212 acres, with the flood plain, right-of-way, and the detention basin area removed it would be 182 net acres. He said that he divides the net acres by two (2) because they touch the Waterlace Property that is zoned R-40 which gives them 91 lots. He added that they did vary lot size a little but did not have gigantic lots. He stated they wanted to make a community with tremendous open space. He said the community will have 212 acres total with 91 lots and 84 acres of open space. He asked the Planning Commission to work with him to create a good project.

Pete Frisina told the Planning Commissioners that this meeting is for them to ask any questions.

John Culbreth asked if the ponds were natural.

Randy Boyd replied no, they are detention basins.

Pete Frisina said that the entrance off of Davis Road will need to be reconfigured because of a road being planned across it.

Chairman Graw stated that Davis Road is not paved and will not be paved until Waterlace Subdivision comes down to a certain point. He said that when you look at the proposed plat there is a road that dumps out on to Davis Road and there possibly might be 30-40 lots utilizing Davis until it gets to a point where it overflows. He added that once Davis Road gets to a place where it's difficult for the residents to use they will then start using Ebenezer Church Road. He asked Randy Boyd to do a traffic study.

Randy Boyd stated that Davis Road is very narrow. He said that they originally wanted to have one (1) entrance, but Phil Mallon said that he wanted to see a tie on to Davis Road. He added that they did not see the code referencing 75 lots require two (2) entrances. He stated that they are tying it in and they will come right across from Waterlace Subdivision. He said yes someone may use that entrance but it is very ruddy and a gravel road.

Chairman Graw said that the more its use the worst it is going to be.

Donna Black stated that Davis Road is really intended for emergency access. She added that it was Mr. Mallon's request that they add access for emergency vehicles.

Brian Haren said that it may not be intended to be used by the residents, but the residents on the north end of the subdivision will use it because it's the fastest way to gain access to the center portion of the county.

Donna Black stated that they talked about a number of options one is putting in a parkway down at the south end to get to the 75 lot mark, emergency access only with a gate that only EMS has access to. She said that Mr. Davenport did not have a problem with it, but Phil Mallon did not like the idea. She added the option that satisfied the most concerns was the option that sits before you.

Phil Mallon said that he thinks it's important for the Planning Commission to assess them. He added that it is his opinion that the more connectivity you can provide will be the best for the future. He stated that we have created a situation similar to Highgrove Grove Subdivision. He added that this will be a problem later on but one (1) he will recommend that we walk into. He said that he welcomes the Planning Commission recommendations, because they can put two (2) entrances on Ebenezer Church Road to meet the minimum requirements.

Brian Haren asked if there was a time limit for when Davis was going to be paved.

Phil Mallon said we can assume that there are no plans to pave Davis Road any time soon. He added that there is no funding and he doesn't intend on it being there any time soon.

Arnold Martin asked would it be better to have two (2) entrances on Ebenezer.

Randy Boyd replied that they could do the divided entrance to satisfy the two entrance minimum.

Al Gilbert asked how many residences are on Davis Road.

Randy Boyd replied probably 10.

Al Gilbert said if he lived on Davis Road he would appreciate people not having the ability to get on the road.

Randy Boyd said that if this project gets canned an entrance on Davis Road will happen because of Waterlace Subdivision.

Chairman Graw asked how long you think it will take before Waterlace Subdivision is built up.

Randy Boyd replied not long.

John Culbreth asked if this was a proposed gated community.

Randy Boyd replied no.

Al Gilbert asked on the 8.7 flood plain area does that include the watershed protection ordinance lands.

Randy Boyd replied no.

Al Gilbert asked how much is effected by the watershed protection.

Pete Frisina replied that the buffers are shown on the plan.

Al Gilbert said that it shows but it's in acreage. He said that he is not sure if that should be taken into account when saying how many lots are available for development.

Randy Boyd replied that you can put your lots in that area and back it up such that your rear building line is off of your floodplain area as long as you meet the contiguous area minimum. He stated that what they have tried to do is to get totally out of the floodplain area.

Brian Haren asked if everything east and west of this and south of Davis is zoned A-R.

Pete Frisina replied yes.

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Brian Haren asked how big the lots are in Waterlace.

Pete Frisina replied one (1) acre. He said that Davis Road is the dividing line between the two (2) land use categories. He added that your one (1) acre lots are north of Davis Road and to the south is two (2) acre or greater lots.

Chairman Graw said that we look at this as a one (1) acre subdivision even though it has a two (2) acre yield.

Randy Boyd said that it is the same as Conservation Subdivision. He said that you would do a two (2) acre yield based on a R-70 criteria, and then remove 40 percent of the gross for the design and then you try to get that yield number of one (1) acre lots in there. He added that yes it yields one (1) acre lots but it was a two (2) acre zoning. He stated that this is very similar to that.

Chairman Graw asked why he chose a PRD instead of a Conservation Subdivision.

Randy Boyd replied that they didn't want to be stuck to the gross area of the open space. He added that the area has a lot of floodplains and a creek that they were trying to work around.

Brian Haren asked what their plan was for the conservation areas.

Randy Boyd replied just open space.

Arnold Martin asked what the distance is from front to the back of the subdivision. He stated if there is no exit or entrance on the south end and there was an emergency it would be a long distance for public safety to travel. He added if there is no way to get out it could cause bottle-necking.

Donna Black said that the distance would be 4,700 linear feet a little less than a mile.

Brian Haren agreed with Arnold Martin saying that the distance argues against that terrain feature of two (2) entrances at the front of the subdivision. He added that the entrance could possibly flood and the residents would not have a way out.

Ryan Boyd said that he talked to Phil Mallon of having a breakaway gate on Davis Road just in case for emergency vehicles. He added that they could create an emergency gravel 60 foot right of way off of Davis Road and once it's paved it can be tied into and dedicated to the County's right of way. He said that they would rather do the emergency gravel right-of-way instead of the two (2) entrances at the front.

Al Gilbert mentioned that some developments create a temporary cul-de-sac and if a development occurs on the other side you can cut the road through.

Randy Boyd said that was the intention there. He stated that they were going to get a subdivision there because Waterlace is heading that way.

Brian Haren asked Randy Boyd if he had done a two (2) acre work up for this area.

Randy Boyd replied no.

Brian Haren said that he understands that there will be a lot of greenspace and it will be shielded but it's a stark transition.

Pete Frisina said that it's not like we have five (5) acre lots and larger lots in this area and they won't last forever. He added that if the County wants this to be A-R we should have never land used it to be two (2) to three (3) acre lots in 1985.

Brian Haren said he understood but would like for the two (2) acre lots to look like two (2) acre lots.

Al Gilbert stated that at one (1) time this property was de-annexed from the County into the City of Fayetteville and back into the County.

Pete Frisina stated that it is a two (2) to three (3) acre area in our plan and we need to make a decision on whether or not it's appropriate. He said is it zoned A-R yes and is the property around it zoned A-R yes. He added that at some point if that is our intention and we don't want anything but A-R we need to change the land use plan.

Chairman Graw stated that he is not speaking for the Planning Commission. He asked to see various lot sizes. He said that he would like to see various two (2) acre lots, three (3) acre lots, and one (1) acre lots. He added that the PRD talks about various lots sizes and other amenities. He said that it's a one (1) acre subdivision. He asked Randy Boyd what you are going to do with the areas in conservation for the residents. He asked if there will be walking trails and picnic parks. He asked how many acres were in the amenity area.

Donna Black replied that the amenity area is two (2) and a half acres.

Randy Boyd said that we could make larger lot sizes but we would be getting rid of the open space. He added that by increasing the lot size the property will be going into the protective buffers. He stated that yes you could have larger lots but it will destroy the open space concept. He said that majority of the bigger lots do not use the land in the back. He said the reason behind the one (1) acre lots is for protection so no one can destroy the open area. He added that walking trails don't work because of the maintenance.

Donna Black stated that they could draw these lots bigger and residents may clear them or they may not. She said if you were to drive through the subdivision it wouldn't look any different. She added that if the lots are smaller there are more areas that will be maintained as open space. She stated that canopy cover, air quality treatment, storm runoff, and absorption areas are better as a forest rather than being a lawn. She added that when you drive down the street you cannot see their property lines. She said that they could make bigger lots but it wouldn't make it a better subdivision.

Phil Mallon said that he wanted to echo what Randy said the idea of maximizing the conservation areas and staying out of the buffers is in line with all of the environment tech documents we are getting. He added that they spend a lot of time arguing about buffer violations and the simplest way to get away from those is to keep the buffers out of the property lines.

Chairman Graw asked what they had planned for the amenity area down the road.

Donna Black said that it hasn't been planned yet, but they have found that people use most picnic areas and parks. She stated that it takes about a 100 houses to support a pool and this subdivision will probably not get one. She added that they would do an amenity concept plan for the Planning Commission.

Al Gilbert asked Randy Boyd what do lots 1-6 abut up to.

Pete Frisina replied a large lot with one house.

Al Gilbert said that he thinks it would be easier for traffic to flow if lots on Ebenezer Church Road were two (2) acre lots. He said out of those 11 lots you may come up with five (5) two (2) acre lots, because that is where the greatest impact is going to be.

Pete Frisina suggested increasing the distance along these side property lines of this development to make these lines further back to away from the adjacent property. He said that I think that these lines are 50 feet make them 100 feet to push everything in.

Chairman Graw asked where the subdivision was in relation to Bridger Pointe.

Pete Frisina replied that Bridger Pointe would be the next subdivision over past Martha's Cove.

Chairman Graw asked what Martha's Cove was zoned.

Pete Frisina replied A-R.

Randy Boyd said that they tried to give the subdivision a tremendous amount of open space to buffer that property.

Pete Frisina said that he would push those properties further in.

Randy Boyd replied that the last time they requested rezoning the people in the subdivision requested the lots the way they are now.

John Culbreth asked if the residents wanted the buffer.

Randy Boyd replied yes sir, they wanted more screening. He reiterated that the open space would be protected and would be dedicated either to the County, HOA, or a 501(c)(3) and would never be developed.

Chairman Graw asked for a traffic study and more buffers.

Pete Frisina stated that he wants them to push them in as far they can.

Phil Mallon stated that the regulations have changed since the last subdivision to come up. He said there is a provision in it to have a concept level traffic study, and it doesn't preclude from doing a full study. He added that its attempt is to not waste a lot of money and its purpose it to get the applicant and the County to agree on a certain amount of trips. He said they will look to see if mitigation is needed or maybe they can look at it and say that this is straight forward and there is no reason to proceed.

Pete Frisina asked Phil what he was looking for in the concept plan.

Phil Mallon replied for the concept level his two (2) recommendations would be the two (2) intersections on Ebenezer and the two (2) on Davis Road. He said it would be a minimum cost to the developer. He added if there are questions they can discuss the assessment or they may say this is more than I thought we may have to do further study.

Chairman Graw asked what the solution for Davis Road is.

Phil Mallon said that he wants an entrance on Davis Road.

Brian Haren asked if it had to be an active entrance or an emergency entrance.

Phil Mallon replied that he would want it to be an active entrance.

Chairman Graw said that there needs to be another ingress and egress out of that subdivision. He added that if it goes on to Davis Road it will be a pain because of all the traffic and the County will have to watch it actively. He said that once we get that traffic study we will see that a lot of people will be using Davis Road.

Phil Mallon said that it is inevitable Davis Road will be paved sometime in the future with or without this development. He added that it may be 20 years from not but the land is too valuable to stay as 20 and 30 acre tracts.

Chairman Graw said to the newer Planning Commissioners that this concept is not etched in stone it must go to Public Hearing and then the Board of Commissioners. He added at that time we can say yes we agree with it, or no we don't agree with it. He stated that we are only here to make recommendations tonight and those recommendations are the traffic study, 100 foot buffer, and some two (2) acre lots.

Al Gilbert asked how many two (2) acre lots are in Whitewater Subdivision.

Pete Frisina replied that there is nothing that is established as two (2) acres but there may be some in there.

Randy Boyd said that the amounts of PUD's in this County are pretty scarce.

Pete Frisina replied that he is not that hung up on lot sizes he just wants to get this thing pushed away from everybody else.

Al Gilbert said that he really likes PUD's because it gives them the opportunity to review it and if any changes are made the developer has to come back before the Planning Commission to ask for those changes.

Chairman Graw agreed with Al Gilbert and said that Zach Brown's Camp is another example of a PUD coming back in to request a change.

Pete Frisina said the changes must be substantial.

Randy Boyd stated that reason why they try to get these lots numbers up is to take care of land cost.

Donna Black stated that homebuyers value a publicly preserved open space rather than another acre behind them.

Arnold asked if the trend is moving toward smaller lot sizes.

Donna Black said the idea of spending your Saturday riding the lawnmower for over an acre people are just not interested in doing that.

Al Gilbert stated that there is a big discussion going on, on how to keep the younger people in Fayette County and we're not going to do it by putting everything on two (2) acres. He said that we're a peculiar County our land cost is atrocious even through the recession. He added that when a builder has to buy an acre lot for 100,000 they must build a house half a million dollar home on that lot. He said so now a kid getting out of college, married, and has a child now has to buy a half a million dollar home this is a problem and I don't have a solution for it.

Arnold Martin stated that he asked this question to see what our vision is for the future as more PUD proposals are presented before us. He said that as people move from the east and west coast they are used to living up next to each other. He added it is a long term question on whether or not we move toward the trend or stay the way it's always been for 100 years.

Pete Frisina said that we moved toward this trend of open space and conservation 10 years ago. He added that we have had plenty of conservation subdivision with the acre lot.

Randy Boyd encouraged the Planning Commission to visit the Edgewood Subdivision south of town. He said that the complex has a double entrance and pockets of houses very similar to the proposal. He added that the people love it and he asked them to see if anyone has cut every tree on that one (1) acre lot.

Al Gilbert asked the question are you more concerned with density or lot size he said this is the same question posed by Pete Frisina many years ago. He said that Pete was proposing clustering homes in one (1) area and leaving huge open space the size of soccer fields in the development. He added the proposal got shot down and at the time an acre lot was a terrible lot size.

Randy Boyd said that it is big enough for you to have your house, the backyard and plenty of open space behind it.

Al Gilbert stated that we must have the infrastructure in place, because you don't want to have one (1) acre lots where you don't have water or the road network. He added that the lack of infrastructure is the reason why the south end of the county has not developed to any large degree.

Brian Haren asked what the Commissioners have to say about the vision of the County.

Pete Frisina replied that we have a land use plan and that is our guide to make decision.

Randy Boyd stated that this follows the land use plan. He said that we took our net number divided by two (2) because of the two (2) to (3) acres area above us. He added that they are there for a rezoning and if the Planning Commission never rezones a piece of property we should just throw out the window.

3. Discussion of Hens in Conjunction with Residential Use.

Pete Frisina stated that he was approached by a Commissioner about this and on March 10, 2016 Chairman Oddo brought this before the Board. He said that it is something they would like to explore and asked him to figure out how to allow chickens in the residential zoning district. He stated that the rule of thumb for urban chickens is:

- *The number of hens allowed per principal dwelling unit is limited to three (3)*
- *No roosters are allowed.*
- *No on-site slaughter is allowed.*
- *Hen houses/coops are allowed in side and rear yards only and shall be set back from all property lines a minimum of 50 feet.*
- *Hens shall be contained on the lot.*
- *The containment area shall be in side and rear yards only and shall be limited to no more than 40 percent of the lot.*

He showed the Planning Commission a copy of a prefab chicken coop. He said that they would hold up to three (3) chickens per night. He added that there was an email sent to the Planning

Commission from the head tax accessor telling them how conservation use works. He said in the letter that if someone comes in and proves to the Board of Tax Accessors that they were using over half of their one (1) acre lot for chickens they may be able to get a conservation tax benefit. He said that he and Chairman Graw talked about containing the chickens x percent of the lot which would be lower than 50. He added that the ordinance would say that the chickens cannot free range more than 40 percent of the lot. He said that it takes that issue out. He added if someone says they're using more than 60 percent of their lot we could say by ordinance you can't do that.

Arnold Martin asked who trumps who the HOA or the county if the HOA says that chicken coops are not allowed.

Al Gilbert said that the HOA has to enforce it the County cannot.

Pete Frisina replied that it is the HOA's responsibility to enforce the covenants. He said that they are both equal to some to degree. He added the covenants cannot allow something we don't allow. He said that the County rules are going to apply as zoning applies so if your covenant allows for something that is in conflict with zoning the zoning still holds to that. He said that if the County allows a use on a piece of property but the covenants don't then the covenants would enforce from the other side.

Brian Haren so the covenants can be more restrictive.

John Culbreth asked why no roosters.

Pete Frisina replied that they make too much noise.

Chairman Graw stated the last time this was brought up they talked about keeping the area clean. He said the ordinance was going to state that the homeowner must clean up the area ever so often.

Pete Frisina said that is why we are requiring that it be 50 feet from everybody. He also stated that we have a nuisance ordinance and it doesn't say you have to clean up after your three (3) dogs.

Brian Haren stated that the other unattended consequence of chickens is that it increases the predators in your area. He said when the chickens go away the predators aren't going to they will just look for alternative food sources such as your little dog or cat.

Pete Frisina said that there are predators everywhere.

Brian Haren stated that you become the drive-through for the neighborhood.

Pete Frisina said that these are just like bee hives the novelty wears off and you eventually get rid of it. He added that we won't be having thousands of people with chickens in their backyards.

He said that he may get calls about chickens every two (2) to three (3) months. He reiterated that this is something the Board of Commissioners has asked us to look at again. He said that he is willing to put something together with containment aspects that keeps it below the 40 percent. He added that he would look at some other ordinances. He stated that these ordinance before you are what we have already. He said we have regulations for horses, animals (cats and/or dogs) and bees. He added that under the beekeeping ordinance it talks about the on premise sale of honey, and he said that people don't get beehives to make honey just for themselves. He said that once chicken owners start to get 90 eggs a month they will want to sell them. He asked if he could draft something similar to the beekeeping ordinance that allows for eggs to be sold on the premise.

Chairman Graw stated the reason he brought up chicken manure is because chickens are more apt to have predators such as big cats more than horses and dogs. He reiterated that the smell is awful. He said that his daughter down in Columbus has already lost two (2) chickens due to predators coming on the property. He said that he would like to see something about maintaining the cleanliness of the area just for that purpose.

Pete Frisina said that we can put something in there that says the property has to be maintained and cleaned. He asked what his quantitative measure of clean was.

Chairman Graw replied that is a tough one, because if the Marshal has to go out he needs something to measure it by.

Pete Frisina said that he can add something in the ordinance about keeping the area clean but he doesn't know how to quantify that.

Chairman Graw asked if the Marshals can use their judgement on a case like this.

Patrick Stough said that it would be easier for an animal control officer to be given that kind of leeway. He added that for a zoning standpoint he didn't know if we could build that into the zoning ordinance.

Pete Frisina said that our nuisance ordinance talks about foul smells. He added that he could refer the chicken ordinance to the nuisance ordinance.

Chairman Graw asked if the 50 foot setback for all residential zoning districts including A-R.

Dennis Dutton replied yes and that A-R doesn't need a 50 foot setback because it's already allowed.

Pete Frisina said that he would look at containment area and cleanliness.

Chairman Graw asked about a fence and how high it would be.

Pete Frisina said that he would draft something that addressed the containment area but he doesn't know how high the fence will be. He added that he would talk to someone in extension services and look at the animal ordinance law. He asked if they would like to address the sale of eggs.

Brian Haren said no because of salmonella. He said don't address it.

4. Discussion of A-R Deer Processing and Wedding /Event Facility.

Pete Frisina said that he had to expand on the parking requirements under the Deer Processing and Wedding/Event Facility and they are:

8. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations. Graveled parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

He said that another department said you're allowing for this A-R wedding to go in, but you have this quasi parking area and our ordinance says it has to be landscaped. He stated that gravel parking areas are exempt from the landscaping requirements however; they have to have these minimum shade trees. He added that wedding facility will allow grass, gravelled, or paved parking. He stated that the Environmental Management's thing is nothing in the grass, shade trees, and islands in the gravelled and if they're doing paved parking they're required to do full-blown landscaping.

Arnold Martin asked if they are requiring similar provisions in the Deer Processing Ordinance too.

Pete Frisina replied that we are requiring an island with one shade tree for gravel and if they want to do paved parking it will have full landscaped. He added that he doesn't think they will do paved parking. He stated that the last wedding facility proposal said they wanted half to be paved parking for heavier use. He said that they're not limited to the 12 events per year, and the parking will be a combination of gravel and paved. He added that there was another proposal that talked about just grass parking.

Pete Frisina said that he is now working on exemptions that were made in the Zoning Ordinance and making the changes in the Development Regulations so everything is coordinated.

Arnold Martin asked if those changes will be brought before the Planning Commission again.

Pete Frisina replied yes. He asked the Planning Commission if they were okay with the changes. He said that the only thing staff has worked on is the parking under Wedding/Event Facility. He added that changes were also made to number 11 under Wedding/Event Facility:

11. Tents shall require ~~the county fire marshal~~ approval, ~~as applicable of the county fire marshal.~~

He said that his thing is if it's a tent you go and buy at Wal-Mart there is no need for him to look at it, but if it's a tent you rent from a company he wants to inspect it. He added that is why the ordinance said as applicable so he can make that determination.

Dennis Dutton stated that he talked to Patrick about the outdoor storage for deer waste. He said that he called the DNR and they said they don't get into it for a facility of this size. He added that the only way they get into specifics that the Agricultural Department would have to look at is if they do it as retail. He said that Pete and I reconfirmed that all storage of those renderings will have to be done within the facility. He added that if there is a nuisance complaint Robert Kurbes could possibly go out to the property and investigate it to say that it is unsanitary. He said that it's covered in the ordinance that all waste parts have to be in that building.

Pete Frisina read numbers four (4) and seven (7) under the Deer Processing Ordinance:

4. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see Sec, 110-169, u.);
7. All deer processing waste, not being routed to a rendering plant or other venders, shall be disposed of in compliance with the Guidance Document Disposal of Deer Processing Waste from the Georgia Department of Natural Resources, Environmental Protection Division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in Municipal Solid Waste Landfills (MSWL). The burial of any deer processing waste is prohibited;

Dennis Dutton said that he talked to Johnny Black about it and he was okay with it.

Brian Haren asked if anyone other than Johnny Black expressed interest in the Deer Processing Ordinance.

Dennis replied no.

Chairman Graw asked if there will be a freezer on site.

Dennis Dutton replied no just refrigeration.

Chairman Graw asked if everyone was okay with the Wedding Facility and the Deer Processing Ordinance.

Planning Commission replied yes.

Pete Frisina reiterated that he has to go and work on the development regulations to tie it back into the zoning ordinance. He added that in the process some changes other departments may want to make in the development regulations so we may do them all at the same time.

Chairman Graw asked if we're going to have Public Hearings on all of these.

Pete Frisina stated that they will hold off on the Deer Processing Ordinance but the Solar Farm will go in on next month. He said that the legal ad will go in tomorrow.

Al Gilbert stated that we have the PUD-PRD, the 74/85 land use, and the Solar Farm for the May meeting.

Pete Frisina said we want have the PUD until June. He added they will apply for it in May and it will be heard in June.

Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 9:03 pm.

ATTEST: 

**PLANNING COMMISSION OF
FAYETTE COUNTY**


JIM GRAW, CHAIRMAN

