

THE FAYETTE COUNTY PLANNING COMMISSION met on January 19, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chanelle Blaine, Planning and Zoning Coordinator
Bryan Keller, Assistant Director of Environmental Management

Welcome and Call to Order:

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

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Pete Frisina asked if we could consider adding an item to the agenda. He stated that we tabled River Park at the last meeting due to some issues that had to be taken care of by Environmental Management.

Bryan Keller stated that per the last meeting he sent an email out asking that some things be considered and they also had a resolution ready and drafted. He said that all items in the resolution have been addressed and all items from his email have been addressed. He added that they have also been given a performance bond to ensure the permanent stabilization is there. He stated that it is his recommendation that they amend the agenda to take that item off being tabled, and considerate tonight for approval.

Chairman Haren asked if the process was that they vote to add that to the agenda, and then we vote to approve or disapprove.

Pete Frisina replied yes, and that we do it after the first item.

Jim Graw asked if we add this item to the agenda there is going to be a discussion; and will there be a vote taken.

Pete Frisina replied yes.

Chairman Haren asked for a motion to add this item to the agenda.

Al Gilbert made a motion to add the agenda consideration of a Final Plat of River Park Phase II Subdivision. John Culbreth seconded the motion. The motion passed 4-1. Jim Graw opposed the motion.

Chairman Haren stated that we would bring this back up under old business.

Jim Graw asked if he could explain why he was opposed to the motion.

Chairman Haren replied him to go ahead.

Jim Graw stated that agenda is established so the public will know what we are going to be talking about. He said it is also established so we can have a guide on how we are going to conduct a meeting. He added that the people who were at the last meeting or not are assuming that at the first meeting of February we are going to be discussing this item. He stated at the first week in February when we don't discuss this item; they are going to ask what's going on and why aren't you going to discuss it. He stated that we said it's going to be brought up on the first meeting in February; if you don't have it on there then what. He said that he doesn't feel comfortable at all because we told the public what we are going to do if the public is even concern about it and we're not going to do it. He concluded saying that is why he voted against it.

Chairman Haren stated that he supported it, because of what Pete said these agendas are really not published ahead of time.

Pete Frisina stated that this was not an advertised item.

Chairman Haren stated the second reason why he went with it was because every Commissioner meeting he has attended he has seen them add items to the agenda at the last minute. He said that he doesn't think it is an unusual action in this forum. He added that he also sees that the developer wants to get moving on this thing. He stated that it is uncommon but not unusual and that is why he supports it. He thanked Jim Graw for his input but stated that he believes they are taking the right course of action tonight.

Jim Graw asked who is going to make the motion to un-table this action. He asked if that was going to be done at the first meeting in February.

Pete Frisina replied that they could do it now.

Chairman Haren stated that we are going to do a vote to un-table and then we are going to do a vote to approve or disapprove.

Arnold Martin made a motion to rescind the tabling of the Final Plat of River Park Phase II Subdivision from February 2, 2017. John Culbreth seconded the motion. The motion passed 5-0.

1. Consideration of the Minutes of the meeting held on January 5, 2017.

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

NEW BUSINESS

2. **Consideration of a Minor Subdivision Plat of Bankstown Estates Subdivision. The property will consist of eight (8) residential lots. This property is located in Land Lot 94 of the 4th District, fronts on Bankstown Road, and is zoned A-R.**

Chairman Haren asked if anyone would like to speak in favor of the Minor Subdivision Plat.

Rob Debien with Moore Bass Consulting stated that he was there to answer any questions.

Chairman Haren asked if anyone had any questions.

Arnold Martin asked if there was any additional background.

Pete Frisina replied that this is a five (5) acre subdivision with no internal streets; all lots meet the minimum requirements for zoning and providing that they can be platted and then each permit will come through the County.

Chairman Haren asked if there were any other questions or comments. Hearing none, he brought it back to the Planning Commission.

Jim Graw made a motion to approve the Minor Subdivision Plat of Bankstown Estates Subdivision. Arnold Martin seconded the motion. The motion passed 5-0.

3. **Consideration of a Final Plat of River Park Phase II Subdivision. The property will consist of 45 residential lots. This property is located in Land Lot(s) 223 & 224, of the 5th District, fronts on S.R. 92, and is zoned C-S.**

Chairman Haren stated per Bryan Haren that all of the County's reports have been satisfied, and there are no outstanding issues. He said that the County recommends approval. He asked if there was any new discussion on the issue and if there were any questions. Hearing none, he asked if anyone was here to speak in favor of River Park Phase II Subdivision. He asked if anyone had any questions or comments for Daniel Greene.

Daniel Greene stated that he appreciated them taking the item off this evening.

Al Gilbert made a motion to approve the Final Plat of River Park Phase II Subdivision. John Culbreth seconded the motion. The motion passed 5-0.

OLD BUSINESS

6. Discussion of PUD's.

Pete Frisina stated that he made notes on page two (2) based on their last meeting and they were:

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- Notes from last meeting:
- Limit vehicle size/length
- Limit time large vehicles can be site
- Semi-trailers cannot be used for storage
- Trailer size 30 feet if over no more than 48 hours parked outside
- Limit number of trailers
- Screening for vehicles
- Home occupation
- How detailed or broad can uses be?

He said that number four (4) on page one (1) is new and then read it:

- (4) Business vehicles. The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PUD and the anticipated frequency of business vehicular trips. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight).

He stated that the last sentence was once part of five (5) but decided to put it there so it could be in one place. He said that they still have a limit to the size of vehicle and those are going to be more of motor vehicles. He added that there is not a specific limit to the size of trailers. He stated that they need to tell us what they are going to do in their summary of intent, and then we can make a judgement at that point.

Jim Graw asked if tractor trailers could still come on the property.

Pete Frisina replied that there is nothing that says they can't.

Jim Graw stated that they can come on the site to deliver and can't be parked longer than 48 hours.

Pete Frisina stated that he didn't put that in there. He reiterated that under number four (4) they need to tell us what kind of vehicles they are going to have in conjunction with the business. He said that is his recommendation on how to handle it. He added that they should handle it on a case by case basis with the PUD. He stated that some may never have them. He said that it gets really hard to start counting 48 hours when it comes to enforcement.

Jim Graw stated that it is going to be up to the people that own the property.

Pete Frisina stated that if someone complains we have to be able to enforce it.

Chairman Haren asked if the Planning Commission approved all of the conditions for each PUD.

Pete Frisina replied that the summary of intent sets the parameters for each PUD. He said they are all unique and you would go through each one (1) and say which one (1) do I like and which ones do I not like. He added if someone says they want to have a semi-tractor trailer there we are already pass two (2) axles.

Chairman Haren stated that each PUD is approached and looked at as an individual. He said that's where they can say in this one (1) we don't want trucks there for more than 48 hours, and there may be one (1) depending on location and intent of use where we say we are okay with 72 hours. He added in the approval of the uses of the PUD that's where we get to specify the size of the trucks, the time they are on the property, and all those individual specifications.

Pete Frisina stated that the last sentence precludes a tractor trailer being part of this PUD.

Jim Graw asked where they were talking about putting it.

Pete Frisina replied that in his opinion it's under number four (4) the last sentence. He stated that a tractor trailer exceeds two (2) axels and it is not allowed as part of that business. He said if I own a business and I have a tractor trailer that makes a delivery; he then asked them to turn to page two (2) under Section 110-84. He added this is not applicable to this but read Section 110-84 (a):

(a)

In any residential district, except A-R on lots of ten acres or larger, no business vehicle exceeding 8,000 pounds (curb weight) shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

He stated that he doesn't know if we want to go to the degree of trying to regulate that.

Arnold Martin stated years ago he was living in one (1) of his first neighborhoods, and one (1) of his neighbors were dating a truck driver and he decided to bring his rig home and park the cab in the driveway every night and he had to wake up to looking at this big tractor trailer. He said that he had to call the County and tell them that it was an unlawful use of a commercial vehicle in his neighborhood. He said the County told him he was right and told his neighbor that he would have to park the rig in the lot across the street. He added that in his circumstances he was looking at the rig every night. He stated that when he call they had Code Enforcement come out and say that this was a violation. He said he wanted them to make sure that we had something clear in the ordinance; not that we are encouraging people to complain.

Pete Frisina asked them to look at page two (2) Section 110-84 subsection (a) again and read: shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

Debbie Lowe asked if they could put something in the ordinance that says if a tractor trailer has to stay on the property overnight that it has to be housed within the facility.

Arnold Martin asked her to define housed.

Debbie Lowe replied within the building structure.

Arnold Martin stated basically part in the garage.

Pete Frisina stated if they have a building that big.

Al Gilbert stated that if they don't put subsection (a) in you don't have a way of getting a tractor trailer into the premise based on number four (4).

Pete Frisina reiterated that those are hard enforcements.

Al Gilbert stated if a tractor trailer arrives at 4:30 in the afternoon it is not going to get unloaded that afternoon if it is fully loaded. He said that it's going to have to sit there overnight. He added that is something that no one (1) can control when a tractor trailer gets to its destination.

Chairman Haren stated that it could be by the time the driver gets to its destination they have time out and can't ride for another eight (8) hours.

Pete Frisina stated that he could work on subsection (a) where it says daylight hours and only for the purpose of making deliveries, making pickups, providing services, and add if the vehicle remains overnight it must be stored within the business structure.

Jim Graw stated that it has to be parked inside a building. He asked if there building was going to be that big.

Arnold Martin stated if you are receiving a delivery and this is not a part of your business; just as it was said, it is late in the afternoon and your business does not have that sort of garage or barn. He asked if they are now saying if it is not parked in they are in violation. He added that it is not a part of their business and will be unloaded in the morning.

Chairman Haren replied if it is a third party delivery than it's the responsibility of that service to make sure when that delivery is complete that vehicle is out of there. He stated that he couldn't imagine a FedEx guy would drop off a package at his house and then ask permission to park overnight. He said if it is a vehicle that is actually owned by the business it's got to stay overnight.

Pete Frisina stated that number four (4) would preclude that being used with the business. He said that the intent of subsection (a) is to say that you can't have this on your property, but if it shows up based on a third party providing delivery or services or something that is a different story. He added that it is except during daylight hours. He stated that it means it can't be

there overnight and that is its intent. He said that he could take some of the language and craft that and add the caveat if it is to stay overnight then it has to be stored inside the business structure. He added that it's easy for enforcement. He stated that if enforcement goes by at night it's easier to say it needs to be inside the structure or else it has to be gone.

Al Gilbert stated that another way you could handle it is by saying you have 24 hours.

Pete Frisina asked when you start counting 24 hours.

Arnold Martin stated that when we were talking about business that may have a regular flow of tractor trailers and when we also talked about common driveways or roads; should we make any statement on the type of pavement needed. He said that if you have a PUD that is going to have a business in there that has a bunch of deliveries constantly and everything is setup with concrete for your standard driveway. He added that the driveways will be busted it up really quickly, whereas if parts of it need to be specified there must be this type of paving in here. He stated that he doesn't know if this needs to be done on a per PUD basis.

Chairman Haren asked what we currently say about driveway material in residential areas.

Bryan Keller stated that he does work for the Public Works Department also so he can answer some of these questions. He said that there are specifics based on volumes and road type for what you are going to put in there.

Pete Frisina asked if it was for residential.

Bryan Keller replied yes for residential. He stated at one (1) point there were commercial driveway requirements that address certain things like that. He said that he is not seeing that right now.

Pete Frisina asked if it was for road standards or driveway standards.

Bryan Keller stated that these were road standards.

Pete Frisina asked if he had commercial site and he had to build an interior drive within his commercial site to handle a large vehicle do we have things for that. He said it would be similar to parking lot standards.

Bryan Keller replied we do not.

Pete Frisina stated that typically when someone builds something like this parking lot out here where he has seen semi-tractor trailers park or grocery store parking lots where tractor trailers

drop off deliveries; we wouldn't have standards for the pavement that goes out there.

Bryan Keller replied no.

Pete Frisian stated that it would be up to the developer to know what he needs to put in there because otherwise he will be replacing it quite often.

Al Gilbert stated that you would be amazed at what a Home Depot tractor trailer with a fork lift with roofing material weighs. He said that they go in and out of subdivisions all the time.

Pete Frisina asked what the standard was for a low volume subdivision street.

Bryan Keller replied that generally the base is six (6) inches unless it's in the cul-de-sac and then you will have a two (2) inch binder which is a coarser type asphalt and then you will have your top coat at a half an inch.

Jim Graw stated that it's about nine (9) to ten inches.

Pete Frisina stated that the actual pavement is about eight (8) in a half.

Bryan Keller replied yes for a current local road.

Arnold Martin asked if you have your PUD and you have one (1) type of business that will have a lot of deliveries and things like that and then you have two (2) or three (3) other business that do not; and in their mind they like nice pea gravel grass type of road that comes in as a combination of a driveway will they all have the same type of driveway. He asked will the business with the deliveries be required to have a certain type of pavement around it and the rest choose something different.

Al Gilbert stated that you will have to have a one size fits all policy, because if one business goes in there today doesn't mean the same business will go in there tomorrow.

Arnold Martin asked if we should be setting the standard or if the standard has already been set here.

Chairman Haren replied that these are not public roads and are the equivalent of connected driveways. He stated that he is not sure if he wants to get into the engineering standards for that unless it already exists in the County ordinance. He said let the developer think that through and then bring that to us when they bring it forth for approval. He added that he thinks that everyone that goes into something like this is going to have the same sort of business activity. He stated it's not like one (1) guy is going to be delivering palletized concrete and

another guy is going to have a butterfly delivery business. He said that they will all to roughly the same thing.

Arnold Martin stated that he is just thinking of the two (2) people that are living there and one (1) of them say, hey these people are getting all of these deliveries and its busting up our driveways because this is just your standard concrete and it's not a paved road. He said he was just trying to think of scenarios.

Chairman Haren stated that he would assume that HOA's would go along with something like these things.

Bryan Keller stated that we need to specify private drive versus internal access, because a private road has to meet County standards. He reiterated that they need to be clear on the language if it's a drive, access, or an internal type of access.

Chairman Haren reiterated Bryan's point that if it is a private road it must meet County standards.

Debbie Lowe stated that there will not be a private road in this PUD. She said that she thinks they are going to move it to four (4) lots instead of five (5) and there will be four (4) individual driveways. She added that there were four (4) cuts there as it stands, and that is the way they want to leave it.

Arnold Martin asked how they will have access to the main road with four (4) entry ways.

Debbie Lowe replied yes they will. She said that there are four (4) driveways and that there was a lot of frontage on this road.

Jim Graw stated that all of the driveways are on Sandy Creek Road. He said that Arnold was not at the last meeting and asked Pete to inform him on what one (1) or two (2) of the Commissioner's said about the PUD.

Pete Frisina replied that they want to see a road.

Chairman Haren stated that's their call. He said that their job is to just work on the ordinance. He added if it is an internal access road all we need to do is point back to the existing ordinance and say that it just needs to meet the existing standard for a County road. He added and let the driveway standard issue be worked out as part of the PUD.

Arnold Martin stated that they were talking about tractor trailers and this and that with a whole different mix of things and not be clear.

Pete Frisina stated that he would take some of subsection (a) on page two (2) and try and lead it into four (4) somehow. He asked if they were good with that.

Planning Commission Members replied yes.

Pete Frisina stated that he added subsection (p) on the second page to the ordinance.

Chairman Haren read subsection (p):

- p. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.

He said that it meshes well with what we have discussed in the recent past.

Pete Frisina stated that he didn't add anything more for screening. He said that he added a caveat under number two (2) on page one that says: In addition, a home occupation is allowed per article V of chapter 110. He added that this would be over and above the business portion you are running out of the back building. He stated if someone wanted to have a home occupation in conjunction or in addition to it's allowed.

Chairman Haren asked if a home occupation is a situation where everything is in the residence.

Pete Frisina replied yes.

Jim Graw suggested that the second to last sentence where it talks about shipments of goods should say, receipt and shipment of goods occur. He stated take the "and deliveries out."

Pete Frisina stated the next one (1) says how detail or broad can the uses be. He said we are going have to judge those on each one (1) that comes in.

Chairman Haren stated that he agrees and that would be a lot to tease out.

Jim Graw asked under subsection (a) what services the vehicles will provide.

Pete Frisina stated that this is in the ordinance right now. He said let's say you are having some work done on your house for example remodeling or reroofing. He added that the contractor may have one (1) of these vehicles on site while they are doing the work. He stated that it will be daylight hours only.

Chairman Haren stated you're having your front lawn re-sodded. He said they will park a 30 foot trailer with a forklift.

Jim Graw stated that he got it.

Pete Frisina stated that he asked the building department to give him some comments. He said the comments are at the bottom on page two (2). He added that is why he asked Bryan to come because we are moving into a thing where we have a mixture of residential and non-residential. He stated that we have a lot of people who look at development in this County besides the Zoning department and they are geared towards residential and non-residential. He said there will be some issues when we start mixing them. He read the comments from Building Permits and Inspections:

- Business Structure will be based on commercial building codes and practices
- Commercial licensed builder
- Separate electrical service
- Hazardous material storage per Building and Fire Codes
- Fire Marshal sprinkler requirements?
- Fire Marshal ADA requirements?
- Driveway access for Fire Trucks?
- Environmental Health requirements concerning commercial septic issues?
- Environmental Management requirements regarding Stormwater and Erosion Control for commercial structures?

Bryan Keller stated that they look at residential and non-residential a little bit differently. He said that generally all residential if it is just a cut out parcel on the side of the road is exempt from stormwater requirements, but commercial is not. He added that when we have a residential in the front and a commercial in the back we have to figure out how we are going to do that. He stated that if we are to do a subdivision; say a road is required that's a whole other ball game on how the stormwater is going to be handled. He said in that case when we do a subdivision the stormwater has to be on an individual lot not part of the subdivision and has to be owned and maintained by an HOA or another approved entity by the County. He added that a maintenance agreement usually goes with it. He stated that if a road is to be put in private or public they will have to dedicate a lot specifically for stormwater management.

Chairman Haren asked if it was for a retention pond.

Bryan Keller replied retention pond, water quality, and some other crazy stuff we are trying to get out of.

Chairman Haren asked how large does the lot have to be.

Bryan Keller replied it is based on the final use. He stated the best guess is probably whatever maximum area you all allow in the PUD along with some calculations for the drive and the parking. He said that it would be done by engineer, and then they would have to approve it. He added that it could get pretty large depending on how large the buildings get. He stated that impervious area for the drives and the parking lots will be included. He said that is only for a subdivision it has to be on its own lot. He added that it could have multiple ones if you go through subdivisions throughout Fayette County like ones you all have approved they have

ponds here, here, and here. He stated that they try to minimize it. He said that large lots get some discounts and can shrink the pond size. He reiterated that if it is a subdivision it will have to be on its own separate lot. He added that there are reasons for it because when you start talking about maintenance on these facilities we have to have an entity ready to maintain that. He stated that there is an agreement that goes with it. He said going back to the individual lots they don't regulate residential lots generally they are just cut out on the side of the road with no common infrastructure. He added that the commercial aspect is where they would have to pick up and decide where the commercial or nonresidential use start, and then we would have to have each individual lot have some sort of stormwater management on it. He stated be it a bioswale, a retention/detention pond, disconnecting the downspouts, cisterns, or pervious pavers. He said there are a million different ways to handle stormwater, but that would be on each individual lot to have a facility.

Jim Graw asked if someone was to purchase one (1) of these lots, and didn't want to get involved in this business, and just wanted to put a house there knowing that there will be business all around them will they still have to have a retention pond.

Bryan Keller replied no we wouldn't require it until that commercial activity went in. He stated that it would be the time of that building. He said that there is an agreement that goes with that also that runs with the property that whoever is going to own it is going to maintain that facility. He added that one (1) issue they could possibly have in the future is if one (1) person moves out and no longer uses that as a commercial there is still an agreement that runs with that property and that property owner will have to take care of.

Pete Frisian stated because the impervious area doesn't go away.

Bryan Keller agreed because the impervious area doesn't go away the building the building is still there and the agreement runs with the property not the property owner. He stated that it is not undoable it's just working through it. He said that he, Pete, and his boss have talked about doing a distance off the houses where the commercial starts. He added that you don't want to include someone's pool because it's a residence. He stated that they are leaning towards use.

Pete Frisina stated that he thinks one (1) of the things we talked about was having a specified distance between these buildings. He said so they would have some clear demarcation of where they can start regulating.

Arnold Martin asked if it would be a distance between the residential and the commercial.

Bryan Keller replied yes.

Chairman Haren asked if it was calculated outside of the accessory structures.

Bryan Keller replied yes. He stated that they didn't want to count on residential accessory structures because they don't do it now so why would they force them do it on the nonresidential part.

Chairman Haren stated that we just buffer outside the accessory structure however far we decide, and say okay that's the limit of the residential and everything else is commercial.

Bryan Keller stated that is a way to look at it. He said that they were open to suggestion because it is new.

Debbie Lowe stated that what they are planning on doing is not unlike somebody who has twenty or thirty acres and a house with a big barn, and they are not required to have a retention pond.

Bryan Keller replied correct.

Debbie Lowe stated that she feels like there will be some issues with that because their accessory structure for all practical purposes will be like a big barn. She said that it may have a bathroom in it, but that's it. She added that it will be a place to work and store camera equipment and scaffolding and things like that. She stated that she doesn't see in a lot of respects the need for a retention pond or something like that, because they are going to have 15-20 acres of basically woods and pasture.

Bryan Keller replied that the distinction comes with nonresidential use and how their current stormwater ordinance is written. He stated anything over 5000 square feet of impervious area that is nonresidential must have some sort of stormwater management facility to go with it.

Al Gilbert stated that they may hire an engineer that says you don't need a detention pond. He said they may say because of the lay of the land you can put a berm here and a berm there. He added that there is a strong possibility you may need one but the lay of the land a lot of other factors are going to determine it too.

Debbie Lowe stated that there are already two (2) lakes on this property so we don't want to be putting in a whole bunch of ponds.

Chairman Haren asked if a large enough area of permeable surface substitute for a retention pond.

Bryan Keller replied without getting to technical with the calculations that can reduce the size of the pond, but there is still water quality.

Chairman Haren stated that they think they ought to note what they are talking about here and somebody having a barn where they keep horses well that's an agricultural use and is exempted. He said they are addressing commercial use and unfortunately those rules got to apply because I think a lot of the stormwater rules are actually written by the State. He added that we just follow and have no authority to deviate from what the State says.

Bryan Keller stated that there is a caveat if it is a residential large house. He said they have looked at it with a couple but have not followed through of permanent things but they have

another one (1) coming up a little bit later. He added that we can require it even for just a single family residential house; so if they were to build another Holyfield situation we could require them to. He added that we can require it on smaller and residential we just generally don't.

Arnold Martin asked there would be a requirement of a hydrant.

Pete Frisina replied that there fairly well could be.

Arnold Martin asked what would be the standard for saying a hydrant is required or a hydrant is not required.

Pete Frisina replied that the Fire Marshal uses standard and that he doesn't know what those standards are. He stated that his experience with him is, bring us a scenario that's going on the ground and we'll make a decision from there. He said that he is not going to do a lot of speculative type of stuff. He added that is just the way they work; we react to the real world not a bunch of things.

Chairman Haren stated that they will probably look at this and say that they want at least one (1) hydrant out there. He asked who pays for hydrants, the developer.

Al Gilbert replied yes, and it is 8,000 dollars to permit it I think. He said that just gets you the permits and it's a double flow back filled type of system that the County furnishes. He added that it's expensive.

Chairman Haren asked if that was all a part of the approval process.

Al Gilbert stated that from owning a business in the County before; the distance with water from a hydrant and the water supply is going to be a determining factor. He said and having 15 acres out in this area you are going to have to have more than one (1) fire hydrant would be his guess.

Jim Graw stated that he doesn't know if we discuss this, but the ordinance will allow up to five (5) employees; are we going to permit living quarters on that property for any of the employees.

Pete Frisina stated that it's not part of it now.

Jim Graw replied that he knows and that he saw it but there is nothing in the ordinance that prohibits it.

Pete Frisina stated that there is nothing that allows it either.

Jim Graw replied that he was questioning it; whether they are going to permit living quarters for employees.

Pete Frisina replied that it wasn't his intent. He said single-family.

Jim Graw asked if someone wants to have a big heart for one (1) of the employees that's having a hard time, and they say okay will build a little apartment on top of the barn here for you; are we going to permit that.

Pete Frisina replied that is not my intent, no.

Jim Graw stated that we need to put it in here that there are no living quarters for employees if we are not going to permit it.

Al Gilbert stated well if we are not going to put gas pumps are we going to put that in there. He said I don't think you can put something in there to cover everything we don't want.

Pete Frisina stated that it is a single-family residential lot. He asked if I have a single-family lot can I have an apartment on my lot with my house. He replied no. He said under accessory structures which is allowed under residential everybody gets a guest home that is 700 square feet.

Chairman Haren stated that the answer to your question on the commercial portion would be no, but on the residential portion it is allowed.

Jim Graw stated that he understood the residential portion but what he wanted to know dealt with living quarters in the commercial area.

Chairman Haren and Pete Frisina replied no.

Jim Graw asked what prohibits that.

Pete Frisina stated that it's a PUD so if someone was to propose that we would just say it is not a part of the setup.

Jim Graw stated that's what we will say but what happens ten years from now when they are a whole new group of us and they don't know the conversation we are having tonight. He said they may say oh sure that's fine not a problem.

Chairman Haren stated that we can add that.

Al Gilbert stated there are a lot of things we don't allow that we don't write out. He said when things are stated already that it is not allowed, and we know it is not allowed in commercial; why do we need to restate it.

Chairman Haren stated that he understood, but he also understands where Jim is coming from too. He said this is commercial but it's a special kind of commercial, and a stone's throw away you have residential activities going on. He added that you want to make it clear on the

commercial portion of this development there are no living quarters.

Al Gilbert stated that what he is getting at is that we wouldn't allow gas pumps to be put out there, but we don't put that down in writing. He said that he could come up with over a hundred things that we don't allow. He added that he thinks they ought to be careful. He stated that it would become redundant with our ordinances sometime; adding stuff that we already don't allow.

Pete Frisina stated that what he could do under number three (3) add a sentence that says business structures cannot be used for residential purposes.

John Culbreth asked how you enforce it.

Pete Frisina replied if someone brought in plans for a building in, and had that sort of thing in there we would say okay that's not allowed. He stated that he would have to get with Phil to discuss how they will handle it. He said they got a good indication but until they see one (1) it is going to be difficult.

Chairman Haren asked if everyone was comfortable with the idea of buffering around all of the accessory structures a certain distance and that is the residential and everything outside of that is the commercial. He asked if they were comfortable with the concept or if they thought something else might work.

Bryan Keller replied the only thing we thought of was the use.

Pete Frisina stated at least having a separation between the residential structure and the business structure.

Chairman Haren stated that you have the house and the pool and you look at the accessory structure that is furthest away from the main residence and then you go another 100-150 feet from there. He said and that forms the line between the commercial and residential.

Bryan Keller asked if we allow the accessory structures to go anywhere on the property. He asked if they could have their big building in the back and right next to it have their 700 square foot house.

Pete Frisina replied that is a good question.

Bryan Keller stated if that is the case the buffer won't work. He said if they have their large building and have their 700 square foot guesthouse 10 feet away from their other structure then how do we separate that.

Pete Frisina replied maybe you don't. He stated that accessory structures have to be in close proximity of the house.

Jim Graw asked if we they were worried about what the residents of that house will be looking at.

Planning Commission replied no.

Jim Graw asked if you are looking at four (4) lots what is the approximated width of each lot.

Debbie Lowe replied that she doesn't have the plat with her.

Jim Graw stated roughly a guess.

Pete Frisina stated that they have to be a minimum of 250 feet.

Debbie Lowe stated that the lots were wide.

Jim Graw stated that she said 250 last meeting when she had five (5) lots with four (4) what do you think it would be roughly.

Debbie Lowe replied that you can't really say because the lots are a lot smaller in the front and fan out in the back. She stated that they get wider as they go back in. She said that the property is mostly wooded with open pastures and is ideally set up for them to do what they want to do. She added that it will be so buffered from the lot next to you won't see anything.

Jim stated if the lots are 300 feet wide at the house width.

Debbie Lowe interjected that it would be much wider than that.

Jim stated let's say 400 feet wide at the house width; you would have 200 feet on either side and then you would have another 200 feet from the next house on the next lot; so you would have 400 feet from one (1) house to the other house on the other lot. He asked do we need buffering when you have 400 feet between two (2) homes.

Chairman Haren replied formally I don't think so, because the intent of buffering is encompassed in those 400 feet for this particular development but there might be other developments where that becomes an issue.

Pete Frisina stated that the way the PUD is set up the development has a 100 foot buffer around the development. He said the individual lots inside are not buffer from each other because they are all a part of that development. He added that they should be like uses and there would be no reason to separate them except for the setbacks. He stated if you have four (4) lots in this PUD the nature / character of these four (4) lots is to have a house and a business so there is no internal buffer from each other. He said that there is on the periphery of the development.

Al Gilbert stated one (1) thing they discussed last meeting about being a PUD was we could

take certain things and force certain situations. He said for a PUD we know we allowed them this but you are a lot closer with those distances then the last one (1) we approved.

Pete Frisina stated that is why each PUD stands on its own.

Arnold Martin asked about addressing the items with question marks.

Pete Frisina replied if a developer comes in the Fire Marshal is going to make a determination because it's outside of this. He said if we don't get through this he's not going to be able to make a determination on this. He added or even the Building Inspector. He stated that he just wanted to get some input and that is what he received.

Chairman Haren said he would entertain a motion to adjourn the meeting.

John Culbreth said so moved.

Chairman Haren said the meeting was adjourned at 7:32 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**



BRIAN HAREN, CHAIRMAN

ATTEST:


