

THE FAYETTE COUNTY PLANNING COMMISSION met on March 2, 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, Zoning Administrator

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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1. Consideration of the Minutes of the meeting held on February 16, 2017.

Jim Graw made a motion to approve the minutes. John Culbreth seconded the motion. The motion passed 4-0-1. Arnold Martin abstained.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of the Samuel J. White Estate. The property will consist of two residential lots zoned R-70, is located in Land Lot 56 of the 7th District and fronts on Adams Road.

Chanelle Blaine stated that this is your standard minor subdivision plat. She said that it was zoned R-70 and is 28.048 acres. She added that two (2) lots were being created and is for a family and plans on staying in the family.

Chairman Haren asked if anyone would like to speak in favor of the petition.

Gail Pyron stated that she was the executor for her father's estate. She said that this is part of a farm that has been in her family since 1850. She added that her sister lived next door to her dad and he passed away this past May, and they are simply dividing the 28 acres between the two (2) of them. She stated that her sister would get 15 acres attached to her already existing lot. She said that she would inherit his house and a little over 12 acres.

Chairman Haren asked if she said that the plat had been in her family since the 1850's.

Gail Pyron replied yes. She said that she lived across the road and inherited her aunt's property that was close to hers and has about 30 acres over there.

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Arnold Martin asked if that property was 1850 as well.

Gail Pyron replied yes and it was all part of the same farm. She stated that it was a 65 acre farm and unfortunately her aunt and uncle back in 1980 sold 10 acres.

Al Gilbert asked if there was a reason they were doing R-70 instead of A-R.

Chairman Haren replied that it was already R-70.

Al Gilbert stated that he was just curious.

Pete Frisina stated that they weren't rezoning.

Gail Pyron stated that they were just subdividing two (2) lots.

Al Gilbert stated that it was a little unusual to see that big of a tract already zoned R-70.

Chairman Haren agreed. He asked if there was anything else they would like them to know.

Gail Pyron asked if they had any other questions. She said she doesn't. She added that before when someone passed away in the family they didn't have to go through this. She stated this is all new to them.

Chairman Haren asked if anyone had any opposition. Hearing none, he brought it back to the Planning Commission.

Jim Graw stated that he talked to Chanelle the other day and he should have looked at the plat more carefully because there is a 25 foot easement on tract one (1). He said that he assumes it's the driveway for that two (2) acre lot behind tract one (1). He asked if that was correct.

Gail Pyron replied yes.

Pete Frisina stated that it can be but it doesn't have to be.

Jim Graw stated that if it is going to be servicing a driveway for that tract; he asked Gail if she owned that tract.

Gail Pyron replied yes.

Jim Graw stated that in the future if you sell that tract to somebody they have to have access to that property. He said that 25 foot easement will give them access to that property. He added if you look where it comes out it doesn't align properly with Trammel Road. He stated if someone has to turn right out of there; there will have another sharp left and he doesn't know if that is a big problem or not.

Pete Frisina stated that you can't move it.

Jim Graw replied he understands, and that he just wanted to bring it up because it doesn't align and someone is going to have to come out like this and then go like this and that is a real shame.

Gail Pyron stated that Trammel Road is a dirt road and has very little traffic on it.

Jim Graw interjected saying that was all he wanted to do was ask about the easement and the turn. He asked if the easement was going to be used for the property behind you.

Gail Pyron replied that it is not being used for access right now to that property. She stated that it is on their deed.

Jim Graw asked if it would be used for access to that property in the future.

Gail Pyron replied that it could be.

Al Gilbert made a motion to approve the Minor Subdivision Plat of the Samuel J. White Estate. John Culbreth seconded the motion. The motion passed 5-0.

PUBLIC HEARING

3. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Chairman Haren stated that we have talked about this at great length over the last several months. He asked Pete Frisina if he thinks they have the language all set.

Pete Frisina asked them to turn to page four (4). He said that there was a lot of discussion about trucks and length of stay and all that and that he put something in there for discussion tonight. He said that was pull from another section of the ordinance that covers business vehicles. He added that they don't have to include it but he just put it there. He stated that if they feel comfortable with it we can send it through and if they don't we can take it off and send it through without it. He said that is how they left it at the last meeting.

John Culbreth stated that they were concerned about overnight.

Pete Frisina interjected that you were concerned about how long you can stay there, if they were oversized, and that sort of thing. He stated that this is how it is already handled in the zoning ordinance.

Chairman Haren reads:

Vehicles that exceed these parameters shall be allowed only during daylight hours and only for the purpose of making deliveries, making pickups, and providing services.

He asked if it would be more accurate to say only business hours.

Pete Frisina replied that he pulled that out of what is existing.... He stated that it was not a bad suggestions since we have business hours set for this district. He said that he does not have a problem with it.

Al Gilbert asked if it meant a tractor trailer truck.

Pete Frisina stated that it is anything that is over this parameter.

Arnold Martin stated that he likes business hours instead of daylight hours.

Pete Frisina stated because it changes.

John Culbreth asked if it would be nine (9) a.m. to seven (7) p.m.

Chairman Haren replied yes. He stated that he had a question on the second page item 1. He read item 1.

1. Including the owner/occupants, no more than five (5) persons shall be employed on-site by a business.

He asked if it should say including or excluding.

Pete Frisina stated that question is whether or not the owner is counted in the five (5). H

Chairman Haren replied yes.

Pete Frisina stated that he doesn't think that was the intent.

Chairman Haren said that it could be a family of six (6).

Pete Frisina stated that this is for people who don't live there. He said it should be excluding the owner/occupants.

Al Gilbert suggested leaving the "including the owner/occupants" off and then put not including the owner/occupants. He said eliminate "including the owner/occupants" and after a business put not including. He added that excluding and including might get a little confusing.

Pete Frisina stated no more than (5) persons shall be employed on-site by a business not including the owner/occupants. He asked the Planning Commission if that was good.

Chairman Haren replied yes.

Arnold Martin asked out item (o) and the time of the business. He stated that the average business opens at 8:30 a.m.

Pete Frisina stated that was pulled out of the occupational tax code. He said that is how we already do home occupations. He added that he thought these were somewhat related.

Arnold Martin stated that his office opens up at 8:30 a.m. He said all operational people and any office he has worked out of all open up at 8:30 a.m.

Chairman Haren stated that if you are the business owner and you live on site you can still do business activity, you just can't have customers. He asked if anyone would like to speak in favor of this.

Debbie Lowe thanked the Planning Commission for taking the time to try and put something like this together. She stated that initially when those clients approached me and told me what they were looking for she felt bad having to tell them unfortunately Fayette County does not have any type of zoning that would allow you to do what you would like to do. She said even though other parts of the country do we don't. She added that when she called Pete and explained the situation to him he said let's see if the Commission would be willing to sit down and try and work something out. She said that she knows the Commissioners are looking for low density type of developments but is still trying to bring businesses into the County. She added that this would be a great fit for something like that and whether it's the clients that I'm doing or other clients associated with different business around here now that need to have a facility where they can live and actually do their work. She stated that she appreciated everything that everyone has done to try and make this work and hopefully it will move forward again. She added that the Howell's and Womack's thanked them for taking the time to do this.

Chairman Haren asked if anyone would like to speak in opposition to it. Hearing none, he brought it back before the Planning Commission.

Jim Graw stated that this is one of the areas he had thought so much about. He said at the last meeting he mentioned he was conflicted and had problem. He added that he had a lot of thoughts and have organized and put them on paper. He then read his statement:

During the past few months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. When we started to put together the details of this new PUD there was something that bothered me but I couldn't put my finger on it.

The intent of the new PUD is to allow mixed use development with a principle single-family residence and incidental business uses. The principal residence business owner would conduct on-site business operations, clients/customers would visit the site, the receipt and shipments of goods and deliveries would occur and non-occupant paid employees could be on site.

About 2 weeks ago I was able to figure out what was bothering me. I drove through Kenwood Business Park in north Fayette County off GA 85 and saw many small business located in this park. Some businesses were related to the movie industry. Some rent office space as well as warehouse

space. Many of the buildings have loading docks for trucks. The businesses perhaps have on-site employees and conduct on-site business operations with clients visiting the offices. I believe the land use designation for the business park is industrial and the zoning is M-1.

The first PUD-PRBD would be created on 70 plus acres on Sandy Creek Road. The subject property is land used low density residential (1 unit/1-2 acres) and zoned R 70 (2 acre minimum). To the north and east the properties are in Tyrone. To the south and west (across Sandy Creek Road) the properties are in the county and zoned R 70. In my opinion, this new PUD creates a small business park on land that is land used and zoned residential. This new business park could be complete with some heavy duty truck traffic, warehousing, shipping and receiving of goods and perhaps some non – resident paid employees property. This new zoning could be used in other areas of the county and could also be in primarily residential areas.

The plan is for the owner of the PUD property to bring to the Planning Commission the planned uses for the PUD. The Planning Commission can either approve all or some of the uses or deny them. To this point I have not seen or heard what the criteria, if any, will be for approving or denying the recommended uses. Future Planning Commissions do not have the background information that has gone into the development of this PUD and may recommend approval of uses that are incompatible for the PUD since there are no criteria for determining appropriate uses. Personal preferences should not enter into those decisions.

I would also like to remind the Planning Commission that a petitioner's potential financial loss or gain on a requested zoning or rezoning should not be taken into consideration when making any approval or denial recommendations.

In my opinion, this zoning we are discussing and ready to vote on is unfair to surrounding residential properties not in the PUD and might be considered spot zoning.

I cannot support this PUD for the reasons I have just mentioned and since there are other options available to the petitioner for conducting business.

As a footnote, I do not nor does any member of my family have any interest whatsoever in the Kenwood Business Park.

Chairman Haren asked if there was any other input on this.

John Culbreth asked about the traffic analysis and if he could get those numbers.

Pete Frisina stated that it was 6580 vehicles per day.

Chairman Haren asked if they could put it in context. He asked if it was for an average high or low number for a road of that type here in the County.

Pete Frisina replied that he could not tell him. He stated that if he gave him a few minutes he could look up some other roads. He said this study was done between July and August 2016, and they also did a second one (1).

Chairman Haren asked John Culbreth what his concerns would be with the traffic.

John Culbreth replied would there be substantial amount of increased impacting the 6000; will there be problems with the ingress and egress.

Chairman Haren stated that for this particular one (1) with the types of business going in there I don't think so. He said that there was some concern about the amount of cuts you would be making on to Sandy Creek, but the volume of traffic for the use that your clients are talking about I don't think that's a real issue.

Pete Frisina stated that he had another traffic study upstairs in a hard copy but he doesn't think it differs much from this. He said the issue we are dealing with here is that we are just putting the zoning category out here. He added who knows where it will end up.

Chairman Haren asked the Planning Commission if they had any more questions or comments.

Al Gilbert stated that we have taken a long time to get this where it is tonight.

Chairman Haren stated that we are only making a decision on whether or not to send this to the board.

Arnold Martin asked about the width of the driveways because of the large vehicles. He stated that we have two (2) things going on here; based upon the speed we have on Sandy Creek if you don't have the type of cut that allows a vehicle especially a large vehicle to make a wide turn that could really create a problem. He said that he was just thinking about that.

Chairman Haren replied in this we are not specifically considering the petitioners specific design. He stated that we are really talking about this as an addition to the zoning ordinance to handle everything. He said that they will still have to do a concept study. He added that we would have a look at that when it is ready to come through. He stated that this is just is this ready to take to the board.

Pete Frisina stated that he has two (2) counts on Sandy Creek Road and in this area we have 5180 and a little further to the east we have 4960. He said to give you some relevance to something else Tyrone Road in one (1) spot has 8400 trips and it goes down to 5690. He added that is a parallel road in the same area. He stated to look at another road that may be similar would be Redwine Road with 5290.

Jim Graw asked if that was traffic going in both directions.

Planning Commission replied yes.

Pete Frisina stated that Tyrone Road looks to have heavier traffic than Sandy Creek right now.

Chairman Haren stated that he doesn't feel in this particular instance that the amount of traffic would put in to Sandy Creek. He said this is really not a big issue. He added the question is do we want to take this language to the board to allow them to review. He stated that he

understands and agrees with a lot with what Jim Graw put in there with his concerns about these types of development morphing into office parks. He said that was the statement that really got his attention. He added that he believes that is a concern, but it is our responsibility when we look at these concepts and approve or disapprove them to make sure something like that doesn't happen. He stated that 20 years from now the folks sitting in our chairs have the same understanding of what went on; I do not know; I can't speak for them. He said that he feels we have ground through this enough that we are at the point now where it is time to let the Commissioners have their say in the process.

Jim Graw replied that he understood and that he is not trying to convince someone one way or the other. He stated that he wanted to put his thoughts forward and there is enough concern on his part that he will vote against it. He added that Arnold has brought up a good point that safety is a consideration in zoning matters. He stated that we were appointed to this commission to uphold the health, welfare, and safety of the citizens of the County. He said that safety is an issue and we can say that it is not part of a zoning decision.

Chairman Haren asked if Ms. Ingrid??? Had any comments to make on this.

Ingrid asked what portion of Sandy Creek were you talking about.

Pete Frisina replied just west of Highway 74. He stated that it was very close to Tyrone and surrounded by it.

Ingrid asked if it was by the railroad tracks.

Arnold Martin replied pass the railroad tracks close to Highway 74.

Ingrid replied no, no, no. She said from Highway 74 to...

Al Gilbert asked if she meant by Coastline Road.

Pete Frisina replied that it is way before Coastline Road.

Ingrid stated but closer to 74 where that piece of blank area is.

Pete Frisina said right across from the church. He stated what he did on these vehicles that exceed these parameters shall be allowed only during business hours and I said see (o) below. He added that for the other one (1) he changed it and it said no more than five (5) persons shall be employed on site by a business not including the owner occupant.

Chairman Haren stated that they are not addressing that specific location we're just talking about in general.

Brian Haren made a motion to recommend approval of the proposed amendment with corrections. Arnold Martin seconded the motion. The motion passed 4-1.

4. **Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. - Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142. - O-I, Office-Institutional District., Sec. 110-144. - C-H, Highway-Commercial District., and Sec. 110-169. - Conditional Use Approval., concerning A-R Bed And Breakfast Inn use.**

Chairman Haren asked if anyone would like to speak.

Ingrid stated that the County needs a bed and breakfast as they continue to grow for a small business. She said that tourism, activity, and businesses are pickup and having alternative places for people to stay within the County. She added that the County does not have bed and breakfasts and supports them. She stated that the homes here are really conducive to it.

Chairman Haren asked if she was thinking of having one (1).

Ingrid replied I am thinking of starting one (1). She stated that when she first moved to the area she came to the County to see if they allowed a bed and breakfast. She said, he said no. She added that the fact that they are moving this forward is really a blessing.

Chairman Haren stated that they are only addressing the County not the City.

Ingrid replied yes she understands. She stated that she actually lives in the County.

Pete Frisina stated that he talked to the woman who brought this before them and asked if she was going to be there tonight. He said she replied she couldn't make it. He added that she was still interested and is still probably going to get that house. He stated that her property was close to Woolsey.

Chairman Haren asked if anyone was there in opposition. Hearing none, he brought it back before the Planning Commission.

Al Gilbert stated that he still thinks ten acres is a little bit excessive. He said the reason why five (5) acres will not hurt us is under number four (4):

4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.

He said for 30 years we have required subdivisions to be developed internally. He added that you are not going to have a great deal of five (5) acre lots sitting in subdivisions fronting on roads for these. He stated that he would not fail to vote on this because its 10 acres, but he thinks they will have to be fair if the 10 acres proves to be excessive. He said that they may need to come back down the road and reassess this. He restated that he doesn't think five (5) acres will be that big of a deal. He added that he doesn't see 500 people applying for these since they have five (5) acres.

John Culbreth asked where they got 10 acres from again.

Jim Graw stated that you have a lot of five (5) acre property, and that he personally if he had a piece of five (5) acre property doesn't want to have a bed and breakfast 200 feet from his house.

Al Gilbert replied that on 10 acres it would be the same way.

Jim Graw stated that you are going to have more room in between the homes.

Al Gilbert replied maybe not.

Arnold Martin asked Ingrid how many acres she had.

Ingrid replied 19.8.

Arnold Martin stated that in today's market we are often sitting next to homes that are turning into bed and breakfasts that we don't even know through Airbnb and other entities. He said that these entities don't require a five (5) or 10 acres. He added that most of the times it goes well unless you have excessive vehicle traffic going in and out. He stated that the average five (5) acre tract in the County is pretty isolated. He added that he doesn't believe that bed and breakfasts will be popping up everywhere, and there are probably more than we will ever realize because they are using the Airbnb and other things.

Brian Haren asked if someone does put their house on an Airbnb in the County is that an illegal violation.

Pete Frisina replied that there is a code section that we also looked at called Tourist Accommodations. He said that you are supposed to come in and get a permit as a tourist accommodation if you are renting for less than 30 days. He added that we don't look for these things we react to them when we get complaints. He stated that we are complaint base enforcement. He said to his knowledge we may have some operating but without complaints we don't investigate. He added that this takes it a step further because they are actually creating something in the zoning that actually talks about this. He stated that a bed and breakfast are defined not as a hotel or a restaurant; it is only there to provide accommodations, breakfast, and light meals for those occupants only. He said that it is very traditional and a good place to start. He added that he has been look at what he's been doing with the comp plan and has completed going through the survey material. He stated that some of the questions he had to filter through over 5000 comments and put those in categories; the thing that pops out more than anything is maintaining rural character. He said that he likes what they are doing, by saying here is an opportunity in A-R to create a business and we will help support that and asking for slightly larger lots, because he thinks the rural character is more maintained. He added that five (5) acre lots are the bare minimum for rural character and he would like to push it as far as he can, and if they find out its not feasible than we can come back and look at it.

Al Gilbert said that's what he was saying.

Pete Frisina stated that the predominance of five (5) acre lots is greater than ten, and the opportunity for those to be many more places is greater.

Al Gilbert stated that it troubles him that they look at a five (5) acre lot as if it is a postage stamp. He said that people in Gwinnett County think you're living on an estate if you're on five (5) acres or Cobb County even. He added that he thinks they ought to look beyond just what they think but look at what reality is. He restated that five (5) acres is a big lot just try and cutting the grass on five (5) acres.

Pete Frisina stated that in Fayette County that is medium density.

Chairman Haren stated going back to Jim's comments the 10 acre minimum ensured that we didn't have these things popping up all over A-R and people weren't looking out their windows at cars parked on what use to be a residence and is now basically a small hotel. He said let's start with 10 because we are just making a recommendation to the Board of Commissioners and see what they say; because they may say we like this but we like to see it on five (5) acres. He added that he would personally like to see it at 10 when we recommend this moving forward.

Chairman Haren asked if anyone else had any comments.

Jim Graw stated that if someone with 10 acres and its way out of sight for them and we're finding that happening a lot than maybe we should look at bringing it down to something different to help them out. He agreed that they should start off with 10 and see what happens. He said if they don't get any of these and they find out the reason why they can't afford the lots then find they will look back at it.

Brian Haren made a motion to recommend approval of the proposed amendments. John Culbreth seconded the motion. The motion passed 5-0.

Al Gilbert made a motion to adjourn the meeting. Chairman Haren said the meeting was adjourned at 7:47 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



BRIAN HAREN, CHAIRMAN

ATTEST:


