

THE FAYETTE COUNTY PLANNING COMMISSION met on April 20, 2017 at 7:00 P.M. in the Fayette County Library, Fayetteville, Georgia.

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

MEMBERS ABSENT: 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 April, 6, 2017.

Al Gilbert made a motion to approve the minutes with John Culbreth's correction. Jim Graw seconded the motion. The motion passed 4-0. Arnold Martin was absent from the meeting.

Old BUSINESS

2. Discussion 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.

Pete Frisina presented and explained the following Power Point presentation:

The proposed Planned Residential & Business Unit Development (PRBD) is designed to allow property owners to combine a single family residence and business activity on a single parcel in residential zoning districts

The PRBD is a zoning category and it is a type of *planned unit development*. A planned unit development is designed to:

- Encourage development of large lots of land (to reduce density)
- Encourage flexible and creative concepts in site planning
- Preserve natural amenities by encouraging scenic open spaces
- Accomplish a more desirable environment than would be possible by strictly interpreting existing zoning regulations
- Provide for efficient land use that requires smaller street and utility networks
- Provide a stable land use character that is compatible with surrounding areas
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Every planned unit development (including this PRBD) must meet stringent minimal requirements designed to protect adjacent landowners and surrounding communities

What Does This PRBD Ordinance Allow?

- Residential and restricted commercial activity on the same lot
- A single family residence and restricted commercial structures
- Commercial activity between the hours of 9:00 am & 7:00 pm
- Up to five (5) non-family employees during business hours
- Limited commercial vehicle activity

PRBD Summary of Intent

No Planned Residential and Business Development is approved unless the developer submits a *summary of intent* that establishes:

- The development layout
- Residential structure sizes and restrictions
- Allowed business activities and number of employees
- Character of the business structures
- Types and sizes of business vehicles

Every summary of intent must be approved by the Planning & Zoning Commission meeting in an open public forum

Regardless of what's put into the developer's summary of intent, every PRBD is subject to the minimum requirements and restrictions spelled out in the proposed ordinance

Key PRBD Requirements

- A minimum of 75 contiguous acres
- Only along major thoroughfares
- A minimum 100' buffer on all sides and rear periphery
- Minimum lot size of 15 acres
- The businesses must be owned and operated by the occupants of the property

Key PRBD Restrictions

- All commercial structures must be located behind the residence
- Commercial structures must be fully enclosed and cannot exceed 35' in height
- All business related materials and supplies must be stored inside the commercial structures – no use of shipping containers or trailers for storage
- All business vehicles must be parked in the rear yard
- No business vehicle can exceed two (2) axles, 22' in length, 10' in height and exceed 8000 lbs curb weight

- Larger vehicles can only be on site during business hours for pick-ups and deliveries or providing other services

Clyde Mason stated that Pete Frisina mentioned that the property has to be owned by the property owners.

Pete Frisina stated that the individual lot would be; the 15 acres.

Clyde Mason asked if the business had to be owned by the property owner.

Pete Frisina replied yes.

Clyde Mason asked if that was 100 percent owned by the property owner.

Pete Frisina replied that the occupant of the property would be the owner of the business. He said that there are people who have partnerships. He stated that a lot of people incorporate just to incorporate their business and do not have multiple owners. He added if that was the case, we want the principle to be the property owner and to reside on the property. He stated that he doesn't think it is going to be a thing where people open a franchise, because most of what they are looking at are what they deal with everyday single proprietors and owners of business; what they have in the County right now that run businesses out of their homes.

Clyde Mason asked if there was a risk that they could have a business owner who is not the majority owner of that business. He stated that shouldn't be the case it would have to be a resident.

Pete Frisina replied yes.

Clyde Mason asked if there were restrictions on the type of advertising.

Pete Frisina replied that the County has an existing sign ordinance that allows it. He stated like the constitution, every property gets a certain amount of signage regardless of the use or what they do, but we do segregate those uses by residential and nonresidential. He said that he mentioned it to the Planning Commission that we would tie it back to the residential signage and not the nonresidential signage.

Clyde Mason asked if the community would have a say so in what particular business are allowed in the district.

Pete Frisina replied that what would happen when you go through this public hearing process the summary of intent would be available to anyone to look through. He stated that is why we go through public hearings because under State law a rezoning requires public input and there is no sense in requiring public input if you are not going to entertain it. He said that you have five (5) individuals in this County that make all the decisions and the Board of Commissioners are always interested in getting public input. He added that they may not always agree but you have two (2)

times to be heard. He stated that whatever you tell these guys is forwarded to the Board of Commissioners.

Chairman Haren stated that they review the summary of intent and make a recommendation to approve it or disapprove it based upon the merits of the summary of intent and it's the Board of Commissioners that make the final decision. He said that they grind through all of the details when reviewing the summary of intent and go back and forth with developers and at the end of the day they have a finite period of time in which they consider this. He added that they vote to recommend approval or not to recommend approval and regardless to how they vote it goes to the Board of Commissioners for them to make their decision. He stated that during their deliberations they are all opened to the public. He said that they get to come, sit, and at some level participate. He added that when it moves to the Board of Commissioners you also have the opportunity to provide your input to your individual Commissioner at the meeting. He added that they do not do anything behind closed doors because legally they are not allowed to do so.

Carol Springsteen asked if they were going to have a list of business that can operate out of their home.

Pete Frisina replied that the developer of the property will submit a list of business proposed for the property. He said what they are going to see are homeowners that want to run a business out the back of their home. He reiterated that the developer would give the list of business proposed for this development and we will go through that list and we may check them this one (1) yes this one (1) no. He added that then they would forward that list to the board.

Carol Springsteen asked how you are going to regulate these businesses.

Pete Frisina replied that they have to come in for an occupational tax certificate. He stated they have to come in when they open a business to pay taxes; we check it then.

Carol Springsteen stated that she thinks these businesses ought to be responsible for the cleanliness of their property. She asked why they have so many Dollar Stores on every corner. She stated that she doesn't mind driving a couple miles to get to one (1). She said that she would like to see more restrictions on the type of business for zoning because a tattoo parlor was able to get into Peachtree City because there was no zoning. She added that she would like to see those types of businesses out.

Garrett Reynolds asked if there was any process where you could rezone a current subdivision and turn it into one (1) of these.

Pete Frisina replied that you would have to have 75 acres to start with. He stated that he doesn't know if you could find a subdivision that somebody can buy every house and that sort of thing.

Garrett Reynolds asked if one (1) person has to own the entire thing.

Pete Frisina replied that you need 75 contiguous acres.

Chairman Haren stated that within those 75 acres every parcel that contains a business and a home has got to be a minimum of 15 acres. He said if somebody goes into a subdivision with one (1) acre parcels they are going to be knocking down a lot of houses.

Garrett Reynolds asked if there is an example in the metro area where this is already in place. He stated that he is having a hard time picturing a house with a gas station. He asked what kinds of businesses would be allowed.

Pete Frisina replied just service businesses that are related to the person that lives in the home.

Garrett Reynolds asked if an insurance agent could be in the development.

Pete Frisina replied the kind of businesses we see is a business that needs a certain amount of materials or tools and goes out and gives service.

Garrett Reynolds asked for an example.

Pete Frisina replied a plumber. He stated that one (1) of the groups we are working with supplies equipment to the movie industry; specialized camera equipment. He said a lot of the movie industry people want to be in Fayette County.

Garrett Reynolds asked if this existed anywhere in metro Atlanta.

Pete Frisina replied that it is only for unincorporated Fayette County. He said that there are similar zoning districts and this is allowed in other places. He added that we're just going about it and doing it in a very strict manner and a planned unit development manner. He stated that they talked about a lot of different ways to do this and we thought this was the best way for the County to see this process from start to finish; to make sure what happens doesn't create a problem.

John Reafe asked about the impact the truck driving will have off Sandy Creek. He stated that they have schools on Sandy Creek and the busses that travel on this road along with regular vehicle traffic. He said that heavy duty trucks traveling up and down that road is going to put a lot of pressure on that road and a lot of traffic is going to be backed up as a result. He asked if they had looked into that and gave it some consideration.

Chairman Haren replied that what the proposal is not for that specific development on Sandy Creek. He said that this is just to put into the County's Zoning Ordinances the ability to create something and one (1) of those somethings could be the development on Sandy Creek. He added that they really don't know the particulars of the Sandy Creek development unless and until this proposal is approved by the Commissioners. He stated what would happen if an individual wants to develop that piece of land on Sandy Creek they would come to us with their concept and that is when we go through the review process and then send it forward to the Board of Commissioners. He said that a lot of people have brought up the traffic issue and that would be the sort of thing where they would say they would need a traffic study to determine the impact.

He added that they look at what the developer wants to do and the estimated traffic that new PUD would generate and adding to the mix what's already happening on Sandy Creek we would look at the affordability, maybe make changes to curb cuts, and stuff like that. He stated that this is further down the road and what we are trying to do first is get this kind of activity allowed in the County Zoning Ordinance and then address the individual request like the Sandy Creek development. He said this is sort of like putting the cart before the horse because you really can't make a decision on that until this first becomes law in the County.

John Reafe asked what a spot PUD like that have on the surrounding areas.

Jim Graw replied the amount of traffic is dependent upon the types of businesses that are approved by the committee for these particular PUD's. He stated that the property on Sandy Creek Road is over 70 acres and that the people that wanted to purchase the property came in and asked for some type of zoning / land use that would permit what they wanted to do because they did the same thing down in Florida. He said they have 70 plus acres that they want to subdivide into four (4) 15 plus acre lots. He added that one (1) of the lots will be theirs and they will sell the other three (3), but we don't know what the other three (3) lots and those businesses will be. He stated that it will be very difficult to project what the traffic flow, traffic patterns, and the amount of traffic that will flow down Sandy Creek Road. He said that it would be almost impossible at this point to tell.

John Reafe stated that he is on the Board of Directors for South Hampton. He said many of the homeowners in his community and surrounding communities are quite concerned; not so much with the Planning Commission's attempt to make this particular chapter a PUD that includes business because our development is a PUD.

John Culbreth asked Pete Frisina if the current zoning on that property is residential only.

Pete Frisina replied R-70 two (2) acres.

John Culbreth asked if a developer could come in now and build a subdivision.

Pete Frisina replied yes.

Al Gilbert stated that on 75 acres and it doesn't matter where they are; two (2) acre lots take out the streets and detention ponds you will probably get 30 houses. He said that the 30 houses will probably have two (2) cars per house, and with teenagers it could be worse, and that is 60 vehicles going back and forth a day. He added that this a lot more traffic than what we are trying to do with this.

John Reafe stated that the only concern he would have would be the type of truck traffic. He said if it is a heavy duty 8,000 pound on a roadway that is very tight.

Chairman Haren stated that his concerns are very well founded, and that the considerations for the traffic study will come once the developer brings in their plan. He said that they can't say

right now what may or may not happen in that Sandy Creek development because right they can't do it because we haven't built that into the ordinance.

Carol Springsteen asked where the 70 acres were located on Sandy Creek.

Pete Frisian replied that it is about a thousand feet east of Highway 74 on Sandy Creek. He stated that about a thousand feet from the highway there is a curb in the road it's in that area and almost in Tyrone.

Pete Frisina asked did she hear about them talking about the signage.

Serrell Lomba replied no.

Pete Frisina stated that he told them her suggestion. He said that all property in Fayette County has the right to have a sign because of the first amendment. He added that we have two (2) sets of signs residential and nonresidential signs. He stated that we would tie these properties to the residential signage which is smaller. He reiterated that every property in the County has the right to a sign.

Serrell Lomba stated that she came in when the gentleman was talking about the trucks and that she does have a concern about it too. She said that 22 feet in length is long.

Pete Frisina interjected saying that is the maximum and that is about the typical pickup trucks, you're dully trucks which people drive every day.

Serrell Lomba stated 22 feet long.

Chairman Haren replied yeah, a long bed dual cab pickup; like an F250 or F350.

Serrell Lomba stated that she was looking at for 22 feet a U-Haul truck and that's not a dually truck.

Pete Frisina stated that you may have to look at the 8000 pound curb weight.

Serrell Lomaba stated that she doesn't agree with that. She said that the length of the truck needs to be shorter and the pounds need to be less; less than 5790. She added that the truck shouldn't be higher than 10 feet. She stated that her others issues are with subsection c the buffer of a 100 feet. She asked how much further from Sandy Creek Road is the business supposed to be.

Pete Frisina replied that you would generally have your home in the front of the property and it has to be 75 feet from the road and this building will have to be 100 feet from that home.

Serrell Lomba asked under subsection m if there were any stipulations on what type of enclosure it could be.

Chairman Haren replied that the concept is a building with four (4) sides; not a pole barn but a fully enclosed structure for commercial activity.

Serrell Lomba stated that she has a problem with the hour of operation 9am-7pm Monday-Saturday. She said that it would be nice if it was 9am-5pm Monday-Friday instead of 7pm. She asked what subsection r off street parking means.

Pete Frisina replied that each of these businesses can have up to five (5) employees so we want to make sure that these five (5) people have a place to park next to the building.

Sorelle Lomba stated that wouldn't be close to Sandy Creek Road.

Pete Frisina replied we want to make sure they have parking space for each of those employees if they have five (5) and that is the max they can have.

Serrell Lomba asked what they meant by gravel roads.

Pete Frisina replied within the property the driveway and the parking could be gravel.

Serrell Lomba asked if there would be gravel that extends to Sandy Creek Road and could possibly spill out into Sandy Creek Road.

Pete Frisina replied that we have people who have gravel driveways now and we don't require you to have a paved driveway on your individual lots.

Serrell Lomba stated but that's for a resident in that area and we're talking about trucks that are going to be coming in and out.

Pete Frisina replied that we do have agricultural operations that have similar vehicles to come out of their property. He stated that it's not really an issue that I have ever run into.

Serrell Lomba stated that she was concern about that as well.

Chairman Haren stated that the gravel driveway issue is one (1) of those things we would take a hard look at when we are reviewing a developer's proposal. He said they would have the authority to say Mr. Developer we didn't anticipate a lot of truck traffic coming in and out on to this road; we understand that you want gravel on your property and that would probably be less expensive and easier for you to maintain but for that throat section that comes out onto the road we want you to pave that. He said they could have that put on if they so desire when they got to that review of the statement that comes with the concept plan.

Serrell Lomba stated going back to subsection l:

1. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.

Serelle Lomba asked how many people would be residing at the house. She stated that there could be five (5) persons employed but then I don't know.

Chairman Haren interjected saying that it is a single family resident and we can't control that. He asked how many folks you will need to run a business. He said in our opinion you will need at least five (5) people and most businesses are going to want to bring at least that many in. He added that we had to pick a number and some argued for 10 and others argued for two (2) we said five (5) sounds like a good compromise number.

Serrell Lomba stated that she thinks that's all she has but she is concerned about traffic for Sandy Creek Road.

Chairman Haren stated that it is the number one (1) concern that has been brought up about the Sandy Creek development. She added that there is no traffic light at that intersection.

Chairman Haren stated that the consideration of the potential Sandy Creek development is down the road. He said that they first have to get the rule that allows for this type of development anywhere in the County into the Zoning Ordinance. He added that it's really what we are focusing on here, and once the Board of Commissioners approve this that's when we get into talking about the particulars of the Sandy Creek development, that the developer wants to go forward and any other developments that any other developers want to bring forward to us.

Serrell Lomba stated that she was not in agreement with this zoning proposal especially for that section because it is a residential section and she believes that type of business needs to be closer to an industrial type of businesses that are already around Fayette County. She said that Fayette County has a lot of property and she doesn't know why they are singling this particular area and a highly residential area. She added that she hopes they will take her concerns into their consideration.

Don Martin stated that he was in agreement with the young lady. He said that he was wondering about Veterans Parkway and how they have created more roundabouts. He asked if they could give him some knowledge of what's going on in that area.

Chairman Haren stated that most of that property is in the City of Fayetteville and we don't have any visibility of what the City of Fayetteville is doing out on that stretch. He said that all he can say is there were a lot of intensive development plans for that area. He added that we are the County and you really need to go to one (1) of their Planning & Zoning meetings and bring that issue up to them.

Don Martin stated that the reason he brought it to the floor is because an area like that would be more sufficient for that traveling with trucks going through than our Sandy Creek area.

Charlette Graham stated she lives right across the street from the location; many times tonight I have heard you all say this has nothing to do with the Sandy Creek development. She asked

what prompted this, if that has nothing to do with this, because this seems so geared toward this business. She asked if they had a lot of business that wanted to change their zoning.

Chairman Haren stated that she was right; a developer who was interested in doing this in that Sandy Creek area came to them saying we want to do this here to support the movie industry. He said they look at the zoning ordinance and said we don't allow that here, but if we were to allow it how would we want it to look; how would we control it so it meshes as nicely as possible with how the County looks. He added that is how a lot of these things happen we don't consider changes to Zoning Ordinances until someone says you know what I would like to do this with my property for example we didn't allow bed and breakfast until just last month. He stated that we didn't even know we had a bed and breakfast issue until a property owner came to us and said we would like to start a bed and breakfast in unincorporated Fayette County. He said to her it's a good idea but we don't allow it. He added that the Planning Commission began to think about if they wanted a bed and breakfast how would they control it to protect the adjacent property owners, give them best use of their land, and control traffic. He stated it is the same thing here, a developer came in and said, I have a customer who wants to do this very light commercial and live on the same property like they do in Florida. He said they talked among themselves and said this is probably something we should work on to see if we could shape this so we could allow it, not let it overrun the County, and have the mechanism in place to control how it looks, how its built and that it meets with the character of the area that its going in.

Charlette Graham stated that was definitely one (1) of our concerns and we would like to maintain the integrity of our neighborhood. She said as a resident of Rivercrest she is very curious as to what this would like. She added that she understands that they have to come to the Planning Commission to get approval but she thinks as residents they should have a voice because these are their homes and their values are heavenly impacted. She stated that she was a realtor and this was something she does not take lightly. She asked that they allow them to stay in the loop and they are able to voice their opinions. She said that this doesn't sound general to her and it sounds that this was all prompted because this developer came in and they will have to keep their eyes and ears open.

Pete Frisina stated that once it's in place its open to the entire County.

Charlette Graham replied that she understood that. She stated that this would not have happened if the developer had not come to you and that it what she discovered from this meeting tonight.

Pete Frisina stated that most of our ideas come from the public and had they not come in we probably wouldn't have worked on it. He said it's like if the property owner hadn't come in and asked about bed and breakfasts we probably wouldn't have allowed them.

Charlette Graham stated that she doesn't think this is as far down the line as they are being led to believe.

Pete Frisina replied they can't come in until we put this in. He stated if the Board of Commissioners decide we don't want it they can't bring it in.

Charlette Graham stated that she thinks they should be kept in the loop. She stated that it doesn't stop here it has to go back before the Commissioners.

Pete Frisina replied that it does have to go back before the Board of Commissioners. He stated that if and when property has to be rezoned there is a sign posted. He said that he has known from experience that when the sign goes up people see it and we get phone calls.

Carol Springsteen asked what type of development was petitioned.

Chairman Haren replied that the individual that approached us kind of laid it out in general terms stating: they run a business in Florida right now on a lot where we have a residence and a building in the back where we run the business out of. He said that they provide remote cameras for the movie industry. He added that they have digital cameras setups and cranes to support them. He stated that they go off site and set those things up all over the country. He said that they would do the shoot tear all the equipment down and bring it back, clean it up, and get ready to send it out for the next movie shoot.

Carol Springsteen stated that she would consider that anytime you go to a meeting like that it is a done deal, and if it is a done deal could they make sure that the landscaping and everything is hidden.

Chairman Haren interjected that it wasn't a done deal. He stated that they take public input seriously. He said to finish up what he was saying in reference to her question; they said they like Fayette County and like the same business arrangement where they can live and work on the same piece of property. He added that they said it may be a good idea depending on the type of business, but we don't currently allow it in our Zoning Ordinance so give us an opportunity to discuss it, think about it, and talk about the controls and restrictions we would put in place so you don't end up with a commercial trucking company in your back yard.

Tiffany Tatum asked once it goes through the appropriate approvals what type of time frame are we looking at. She stated that they mentioned about doing some studies and it usually takes a while for studies to see the impact of traffic and the trucks on the road with gravel and driveways. She asked again what type of timeframe we are looking at.

Chairman Haren stated that the studies could take months. He said that they work through it and answer all of their questions with staff and then they vote to approve or disapprove. He added then it goes before the Board of Commissioners and they get a nice package with the studies that have been done, recommendation, and staff report and they make their decisions. He stated that for bed and breakfast we worked on it for six (6) months.

Pete Frisina stated that when someone comes in for a planned unit development a normal rezoning can take roughly two (2) months. He said a planned unit development requires the developer to come in and meet with the staff prior to submitting the rezoning application and also meet with the planning commission prior to submitting a zoning application. He added that we can take a first look at what they are proposing and give them some guidance of what we

would be in favor of and not in favor of. He added that would be like a prelim to actually putting the rezoning through. He stated that the rezoning comes through at the first of the month to be heard by the end of the next month and during that period that is when the signs are posted. He said a rezoning can be tabled for instance: if they come before the Planning Commission and the Planning Commission says we need more work, we table it and see you in 30 days. He added that it can get to the Board of Commissioners and they can say we want some changes bring it back in 30 days. The two (2) month process can end up being four (4) months.

Tiffany Tatum stated that she was thinking something like two (2) years after you go through all the approvals and the appropriate studies. She said that it seems like it is a shorter time frame.

Pete Frisina stated that we could probably get with our Road Department to give us a traffic impact study.

Chairman Haren stated that we worked on the Bed and Breakfast for at least four (4) months.

Pete Frisina stated that we have been working on this for at least six (6) months.

Al Gilbert stated that about a year ago they had farmers come to them saying that they had people that wanted to do weddings on our property. He said that we had nothing on our books that would allow that. He asked how long they worked on it.

Chairman Haren stated that it was almost six (6) months.

Al Gilbert stated that we wanted to help the farmers and they had been looking for a way to utilize their property. He said that people want their weddings on these sites. He added that we took months and months to put it together.

John Culbreth stated that we look forward to have community input into every process that we deliberate on. He said that there is no agenda to push something forward for an individual developer, realtor, or private citizen without the input of the residents. He added that he is glad to see them out asking their questions. He stated as they package it and send it over to the Board of Commissioners we have good input. He said he thinks it makes it a fair place for everybody involved.

Chairman Haren stated that we do recommend disapproval. He said folks may come to us saying we want to do this here and we may say it is not the right use for that property. He added that the adjacent property owners may come in and talk to us and we say no. He stated were not afraid to say no and the public record will show it.

Commissioner Rousseau stated that what has been said shows the dynamics of planning and zoning in our community. He said that he hopes they will go back to their neighborhoods and if they have an HOA designate two (2) people that are retired or have some type of background in land use, and have them come to these meetings so they can share this information. He added the reason why he said two (2) people is so you won't burn that individual out. He stated that

they could rotate where one (1) takes one (1) month that way things don't catch you by surprise. He said one (1) of the challenges we have is we are conditioned to look for that rezoning sign, and in this case with the PUD this is something that has never been on the books so you will never see the sign. He added that is why it is important for you to come to those meetings and gather those tidbits that are happening in the County. He thanked the Planning Commission for their work. He stated that he heard them say there are times they deny because it doesn't fit or is not appropriate for that particular community or that piece of property. He said that he asked for them to hold this public meeting so you all can really look at the work they did to even get to this point. He added that it is pretty labor intensive. He stated that the key part in this is these are your neighbors. He said that these people serve and volunteer. He added that if you are interested in serving we have a spot available. He stated he was just informed that one (1) of the members resigned. He said delve in; get involved; it's pretty labor intensive, but it impacts the quality of life in our community. He encouraged them to come out next week because there are zoning issues on the Board's Agenda for next week that will have some impacts in the various parts of the County. He added that he commended them taking the time out of their busy schedules to come out. He stated that this is critically important do not miss these planning meetings. He said designate some people to get that information out.

Pete Frisina stated that next week we are working on the Comprehensive Plan. He said that part of what we have been doing especially with these types of zoning districts it fits into where I think the County wants to go. He added that we are given people incentives to maintain large lots, and hopefully curb subdivision development to maintain a rural character. He stated that we did a survey to take input from the County and that term rural character came up time and time again. He said that this type of zoning district is the kind of thing we are trying and maintain that rural character; where the house is still the predominate use on the property like on agriculture but these businesses or buildings are secondary to the primary use of the principle structure. He added that we have also done some other zoning amendments that we have talked about bed and breakfast and wedding facilities they all require large lots and it helps to encourage people to maintain large lots in the County. He stated that he thinks that is going to keep us looking the same way when people moved here. He said that they want that rural character to remain and that is what we are trying to do. He added that if they have time come back and look at the map he would be glad to sit back and talk to you about it.

Commissioner Rousseau stated that one (1) of the things that can be disconcerting is we all moved down here and a lot of the subdivisions and lots we live off of didn't have subdivisions before; and people want to say stop them coming in but you all moved in here. He said that is disheartening when we hear that, stop it; sometimes we can and sometimes we can't meaning the property is properly zoned and we have some limited options at our disposal and we have to approve it. He added that is when everybody gets upset saying we didn't hear them. He said attend these meetings are critically important to the vitality and quality of life for this community. He thanked and commended the Planning Commission and staff.

Chairman Haren asked if there were any other questions from the public. Hearing none he brought it back before the Planning Commission. He asked the Planning Commission if they had any comments or concerns.

Al Gilbert replied no, and thanked everyone for showing up.

Jim Graw stated that we talked about it six (6) weeks ago and voted on it about six (6) weeks ago. He said that we voted to send it to the Board of Commissioners and at that time I was in opposition to it and I am still in opposition to it. He added that he wrote down his rationale and my reasons on a page and a half and they are contained in the minutes of our meeting where we voted to send it to the Board of Commissioners. He stated that he would like to read it again tonight to make it a part of the record. He said that he did a little bit of changing but it's still the same thing.

Jim Graw read his letter:

During the past several months we have been discussing the development and potential implementation of a new PUD- Planned Residential and Business Development or a PRBD. Approximately 4-6 weeks ago the Planning Commission recommended approval of the new PUD to the Board of Commissioners by a vote of 4-1

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.

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 on the 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 must not and 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 to the Board of Commissioners.

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

I, again, 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 further discussion. He stated that they had heard a lot of input and a lot of good input. He said that this is all being put on the record and that this proposal is already going before the Board of Commissioners. He added that they could table it and ask us to hold some more public hearings like this one (1), get more input and to better explain the proposal to the public. He stated that they will look at some of the recommendations that come out of this meeting at the next one (1) that we hold to and incorporate them. He said that they are free to contact the Planning and Zoning Department Mr. Pete Frisina if you have any additional input that you want to give. He asked when the next public meeting.

Pete Frisina replied May 4th.

Chairman Haren stated that we are going to do this again on May 4th and they are more than welcome to come back. He asked that they let their neighbors know that live in the County or Tyrone that have some concerns about this to come on out.

Chairman Haren asked State Representative Derrick Jackson if he had anything to say.

State Representative Derrick Jackson stated that the three (3) questions his office had been flooded with: One (1) being with this PUD what other locations besides the area you are already looking at could fit this PUD. He asked if this PUD could fit in any other municipalities outside of Tyrone.

Jim Graw replied that this PUD will only be located in the County. He stated that we don't do business for Tyrone, Peachtree City, Woolsey, or anybody else they do their own. He reiterated that this is for the County.

State Representative Derrick Jackson stated that he understands that its for the County but his point is this impacts Tyrone. He asked if this PUD can be placed anywhere else and impact Peachtree City, Brooks or Woolsey.

Planning Commission replied yes.

State Representative Derrick Jackson said his second question was outside of traffic patterns and traffic-density will eminent-domain come into play with this PUD.

Planning Commission replied no.

State Representative Derrick Jackson stated in order to change the traffic scheme on Sandy Creek and Highway 74 where that church is will you have to change the traffic pattern for one (1) to keep it safe and it wont increase the traffic density on the corner.

Jim Graw stated of course for number one (1) and for two (2) it would have to go before the Board of Commissioners to determine that.

State Representative Derrick Jackson stated the final concern that came to him was because this developer is closely related to Pinewood Studios is that the driving force for this PUD. He said if it wasn't for this entity would this Planning Commission be working on this PUD prior to that. He asked before that developer came were you working on this PUD.

Chairmen Haren replied no. but as we explained earlier this happens a lot. He stated that he would go back to the example of bed and breakfast; we weren't giving any thought to bed and breakfast, we had no plan to work on them, until a property owner came to us and said I would like to open one (1) in unincorporated Fayette County; can you folks work on the Zoning Ordinance so it will allow for that activity. He said they said yes and thought that was a good idea. He added that they looked at this one (1) developer who was interested in the Sandy Creek property wanted to do in terms of the mix of residential and commercial and said that might be a good mix for some activity in the County. He stated that it was low density, it allows for the resident to have its business on the property but in a separate building. He said that we already allow home occupations in the County for things like accountants, tax prep services, and now we allow for barber shops. He added that this would just allow us to move that commercial activity out of the residential structure into a light commercial structure behind the resident. He stated that the way the County has grown and the type of business that are coming in are supportive of the film industry; these are service industry; they're not doing deliveries for Amazon. He added that they thought and said lets study and take a look at it and work on the mechanics of how we would want that to look and this is what we came up with and then we sent it over to the Board of Commissioners.

State Representative Derrick Jackson stated that a person can have a bed and breakfast in their residents and not change the infrastructure or the traffic patterns this is very different this changes traffic density and traffic patterns and especially when you start taking about the minimum is 15 acres. He said that structure behind that residents could be a huge warehouse, barn what have you. He added that what we don't want to do is adversely impact the residents that are already there to satisfy the need of a client that you all already have in mind for this PUD.

Chairman Haren stated that is where the summary of intent comes in. He said the developer brings the summary of intent to the County and the Planning and Zoning Staff along with the Planning Commission review that summary of intent work with the developer to make sure those things that you have concerns about the oversized buildings, the excessive traffic, are well controlled or don't take place at all. He added that we make sure that it is a good fit for that area and that piece of property. He stated that its not as though all you have to just meet this as a minimum; this is just a first filter of a series of reviews and approvals that must take place before we recommend approval or disapproval to the Board of Commissioners. He said that it is all done in an open public forum.

State Representative Derrick Jackson asked if this PUD anywhere else. He asked if any

other County has a PUD like this.

Pete Frisina stated that he has found instances where people allow this to happen but not to the degree of the control we are trying to put on it. He said that they mainly allow it as a conditional use.

State Representative Derrick Jackson stated that he would love to know what their feedback is before and after.

Pete Frisina stated that he did not find anybody that was going to this length to put something in place to control it like we are trying to do.

State Representative Derrick Jackson asked if Fayette County would be the first to have a PUD like this.

Pete Frisina replied to his knowledge yes.

Al Gilbert made a motion to adjourn the meeting. Chairman Haren said the meeting was adjourned at 8:20 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



BRIAN HAREN, CHAIRMAN

ATTEST:


