

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2017-03, 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.

Background/History/Details:

Staff and Planning Commission were approached by individuals wanting a mixed-use development consisting of a principal single-family residence with an incidental business run from a detached structure on the same property. This currently is not allowed (see backup).

Staff recommends approval of the amendments.

The Planning Commission recommended approval of the amendments.

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

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2017-03, 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.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Statement from Jim Graw:

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.

THE FAYETTE COUNTY PLANNING COMMISSION met on September 15, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of Home Occupations.

Pete Frisina stated that Debbie Lowe came in and talked to him about a client she has that works in the movie industry. He said that they were asking if it was possible to have a residence and a business on the same property. He added that the closest thing he could get to was the Home Occupation, which allows you to have a business in your home utilizing no more than 25 percent of your home. He stated that what they would like to do is utilize an accessory structure for the business. He said that this business happens to be specialized camera equipment for movies such as cameras on boons, helicopters, or drones to do a certain type of aerial photography. He added that they primarily work with movie industry, and this location is good because it is down the road from Pinewood Studios.

Debbie Lowe stated that there are certain criteria's that they need to have, like being close to an airport, security, privacy and close to Pinewood. She said that this particular piece of property is on the northeast corner of S.R. 74 and Sandy Creek Road across from the church; your land use plan shows it at R-70, and that zoning classification is not going to work for this piece of property. She added that she sent a couple of builders over to talk to Pete Frisina about it, but because of the watershed there are two (2) big ponds on that property plus the pond on the corner, and also the eastern boundary of this property, is the property that when they built Lake Horton was bought by the County for watershed. She stated that there was no sewer in there and they were trying to get septic tanks on two (2) acre lots were just not going to work. She said that when the people with Pinewood contacted her about trying to find a location that worked for them this property came into mind. She added that she has been selling real estate for over 30 years, and unfortunately we are starting to see things that do not fit into the parameters of the box. She stated that we need to be a little bit creative and hopefully make some of these things work, because this property is well suited for them. She asked Pete Frisina had the Planning Commission seen the topography and aerial of this property.

Pete Frisina replied no. He stated that we are in a position where somebody wants to do something that we do not allow. He said that the closest thing we have is a home occupation and it doesn't allow for that with outside structures. He added that our non-residential zoning says you can do residential or you can do business but you can't do them at the same time. He stated that you can live on a residential piece of property but once you convert it to a business you can't live there anymore. He said that the question we need to say is, do we want to work toward something, and where do we start working. He added do we look at the accessory use restrictions in a home occupation, or do we possibly come up with something from another direction. He stated that they want to do 20 acre parcels.

Debbie Lowe stated that they want to divide that 80 acre tract, and right now it is divided into three (3) parcels. She said that the large tract is 68 acres or so, and the tax rolls are showing it zoned agricultural and the land use plan shows it as R-70.

Pete Frisina replied that is a tax designation and it means nothing for zoning. He stated that it means that you are not getting charged as much.

Debbie Lowe stated that she sent Pete Frisina some pictures of their facility in Venice, Florida and what they would like to do here. She said that his accessory structure looks like a huge barn. She added that their camera equipment is extremely expensive, and they have to have access to it all the time; because if something breaks down they have to immediately repair and get it back on line. She stated that it is very important for him to have those cameras where he lives because they may have to work on those cameras all night to get them back up. She said that it is he and his brother that is involved in this with several other principles called Cinemoves. She added that she talked to Pete to see where they stood as far as zoning before they start to put people under contract. She stated that the property suits him fine, it's heavily wooded, and there are pastures that are within there where the structure would most likely go. She said they want three (3) tracts to divide, and the large tract will have frontage on Sandy Creek Road. She added that there will be no access road needed because they will all have their own driveway. She stated the two (2) parcels that Tina and her husband live on which are a two (2) and a four (4) acre tract that fronts on Sandy Creek Road will stay just like it is, because it has a very nice house on it and one (1) of them will utilize that. She said the little three (3) acre parcel that was deeded over to her brother will go back into the 68 acre larger tract. She added that each parcel that is subdivided will look like a fan. She stated if they are able to do what they want to do they will resurvey it into the three (3) parcels. She said they would apply for subdivision and go that route.

Al Gilbert asked why they need three (3) separate parcels.

Debbie Lowe replied that there are two (2) brothers, and there is one (1) other parcel that they may keep for themselves, or they may have some other entity that may want to come in and do something similar. She stated that the nice part about the property is that it has natural boundaries already there, and no one would know it's there.

Chairman Graw asked if the individual wants to buy the 100 acres.

Debbie Lowe replied that it was 80 acres.

Chairman Graw asked Pete Frisina if residential houses can have accessory structures and at what maximum square footage.

Pete Frisina replied yes, and in R-70 if you have more than five (5) acres you can have up to 3600 square feet.

Chairman Graw asked about the square footage for accessory structures with a lot size less than five (5) acres.

Pete Frisina replied 1800 square feet.

Debbie Lowe stated that the building is large, 6,000 square feet and it looks like a huge barn. She said that it is very attractive from the outside.

Al Gilbert said that he assumes all of their work will be done inside those buildings.

Pete Frisina asked if they had employees.

Debbie Lowe stated that they do, but they're never really here; they are with the cameras when they are shipped off.

John Culbreth asked what type of activity would be going in and out for example trucks.

Debbie Lowe replied probably no more than what a farm would have.

John Culbreth stated that there was a subdivision adjacent to the property.

Debbie Lowe replied yes, but the property is very well buffered.

Brian Haren stated that we have a 71.9 acre parcel that is zoned R-70, and then we have two (2) smaller parcels that they could build a house on. He asked if they could live on those two (2) smaller parcels and put the business on the larger 71.9 tract.

Pete Frisina replied no, not under R-70.

Debbie Lowe stated that the simplest thing to her would be to rezone it agriculture. She said that on an agricultural lot you can have a barn or a workshop.

Pete Frisina stated that camera companies are not agricultural.

Arnold Martin stated that you have a farmer with a lot of farm equipment in a very large barn facility that they are constantly working on machinery, and not necessarily selling it retail or anything like that; how does that equipment differ from camera equipment.

Pete Frisina stated that your zoning ordinance allows for agricultural equipment but it doesn't allow for camera equipment.

Debbie Lowe said its semantics.

Al Gilbert stated that it's for farming purposes.

Arnold Martin stated that he is asking the question based on the bigger picture in terms of usage.

Pete Frisina stated that permitted uses in A-R is agriculture. He said that we may be splitting hairs but that is what zoning does all day long. He added that a commercial business like this is not agricultural. He stated that if you wanted an agricultural business in there and you were zoned A-R that's allowable, but what you are doing is moving outside the realm of A-R into something different. He said that it may be very similar and that he understands that; that is what we're playing around with number one (1) how do we want to entertain this; do we want to

entertain it and how do we go about it.

Al Gilbert stated that with this much of property we have the freedom to say it has to be a certain amount of acres.

Chairman Graw stated that R-70 was out, and the potential buyer couldn't what he wanted to with the property. He said that the other option is to rezone the property A-R at which point you can have up to 3600 square feet with five (5) acres, and if you wanted two (2) buildings you can have 1800 square feet for each.

Al Gilbert stated that square footage has nothing to do with the size of the home. He said that he could build a 6,000 square foot home and have a 3,600 square foot accessory building.

Chairman Graw said that what we need to do is amend the Home Occupation ordinance in order to permit him to have one of those accessory structures as part of his home occupation.

Al Gilbert stated that the potential buyer's accessory structures are 6000 square feet.

Bryan Haren asked if we allow a camera equipment company in there what if someone wants to run a trucking business.

Pete Frisina stated that wants you open it up, it's open.

Chairman Graw stated that the rules of Home Occupation would prohibit that. He said that there are a lot of uses that are restricted as home occupations.

Pete Frisina stated that is why you put safeguards in place and try to mitigate the other activities. He said one (1) way to go about this is to say it can only happen under these circumstances, and find things that we think can happen under those circumstances.

Debbie Lowe asked if you have any kind of category called residential large tract which would be 20 acres or more.

Pete Frisina replied that it would have to be created.

Debbie Lowe stated that may be the way to go.

Al Gilbert suggested doing a PUD. He stated that with the PUD we would have some type of control, and the leeway to say if someone wants to bring a different type of business in; we could say that business doesn't fit this area. He said they could say this business fits this area because it's buffered and hidden.

Pete Frisina replied that is one (1) way of going about it.

Chairman Graw stated that you could add those businesses to the ones that are not permitted in the Home Occupation ordinance. He said just think of all the businesses you don't want and add

them into it.

Pete Frisina said that we are going to work toward this.

Al Gilbert stated that for the movie studio we bit off a big bullet when we put it there. He said that he thinks we have an obligation to support it.

Arnold Martin stated that this will not be the last time this is going to come up and if we don't address it now then we will have more challenges. He agreed with Al Gilbert that we made a commitment and we need to stand by it.

Pete Frisina stated that the consensus one (1) is to start reviewing this and figuring something it out.

Chairman Graw suggested some stipulations for the Home Occupation ordinance.

Al Gilbert stated that the buildings are 6000 square feet that they want to put in.

Tina Womack stated that her family has done everything that the County has wanted them to do all of their lives. She said they did not want Pinewood Studios and were against it because it didn't fit what they thought should be there. She added that they made it work and it has been an asset to our community and to the County. She stated that you are going to close a door to us but you easily let that come in. She said that she thinks it fits their property and has proven that nothing else can be put on it. She added when they wanted the property that was not swamp land for Lake Horton they sold because they said they would take it.

Debbie Lowe stated what they want to do doesn't fit anything that we have. She said what they had to cover is nothing that people want nowadays. She said that people want different things today and we need to be open minded about some of these things. She added that they are trying to recreate for other things to come in and knows they are not all going to work. She stated that she really thinks this is a good fit for this piece of property, and you want see any difference from what the property looks like from the road.

Arnold Martin stated that we would need to focus on what their potential needs are for the size of the structures. He said that he understands his proposal is but having heard what Debbie has said if we are going to look at this, this shuts the door on it. He added that if we use the PUD or another idea the focus needs to be on whether or not we will accommodate something like this and other scenarios; what types of structures would you allow and to what size of acreage and therefore how would we categorize it.

Chairman Graw stated that Pete is saying 10 acres is permitted but any number of square footage on any size.

Pete Frisina replied for A-R, yes.

Chairman Graw said all you need to do is add it to the Home Occupation.

Arnold Martin asked if tractor trailers will be moving the equipment in and out.

Debbie Lowe replied no. She stated that right now what they use is a three (3) quarter ton pickup and enclosed equipment trailer to move their cameras from their storage facility and the airport to Pinewood Studios.

Tina Womack said that there are 50-70 of those vehicles that go by my house every day.

Pete Frisina asked Debbie Lowe for more specifics so they can keep pushing through it to see what, where, and how we can do it.

Debbie Lowe agreed with Al Gilbert's idea of a PUD.

Al Gilbert asked what is the least amount of square footage they could get by with for these buildings.

Debbie Lowe replied that she would have to ask them.

Brian Haren asked what the heights of the structures were.

Debbie Lowe replied that they are not higher than 35 feet.

Pete Frisina stated that the structures are just your typical standing seam metal building.

Debbie Lowe stated that it looks like a barn.

Brian Haren asked if they had to store high gantries.

Debbie Lowe replied no, she said a lot of the scaffolding equipment they don't use. She stated they do hook cameras to helicopters and small platforms that fit on the sides of cars.

Brian Haren stated that he would like to go the PUD route.

Debbie Lowe agreed; she said you could be more restrictive with that.

Brian Haren stated that he is worried about the overall impact of A-R if they go the other route.

Debbie Lowe stated that each 20 acre parcel will have a house and an accessory building for the business.

Pete Frisina stated that they want to live next to the building where they keep all of their equipment.

Chairman Graw asked what would be the minimum acreage of the PUD.

Pete Frisina replied 80 acres. He stated that the only reason why he brought out the Home Occupation ordinance was because it was the closest thing he could get. He said that he is not saying that is the only way it can be done, but we had to start somewhere.

Chairman Graw asked what the difference between Home Occupation and PUD.

Pete Frisina replied Home Occupation is not zoning it's a conditional use within all the zoning districts. He stated that you would need to make the determination that these are not Home Occupations but businesses. He said a farmer farms land that is not a home occupation.

Brian Haren stated that it's where the primary business activity takes place.

Pete Frisina stated that this is setup for someone to take your typical residential structure and use it for a home office.

Brian Haren asked if the business aspect takes place in the home structure.

Pete Frisina replied yes. He stated if you are A-R and you have an agricultural business you can use as much property as you want and as many structures as you want. He said we don't sell you an Occupational Tax to be a farmer.

Chairman Graw asked if the gentleman repaired, sold or both.

Debbie Lowe replied that they technically operate all of this equipment, but they also have to repair it when it goes down. She stated that they don't send it out when it goes down; they don't send it out to the camera store when it needs to be repaired, they repair it.

Al Gilbert stated that it is similar to a rental.

Debbie Lowe replied that they do lease out some of their equipment.

Arnold Martin asked what the timeline was going to be.

Pete Frisina asked about next year.

Debbie Lowe stated that they would like to close and start doing some work around March or April.

Brian Haren stated that this gives us some time. He said that once we do our bid it goes to the Board of Commissioners.

Debbie Lowe stated that the need to know before the end of this year on whether they are going to approve this or not.

Brian Haren replied we don't know.

Pete Frisina said that we will get started

THE FAYETTE COUNTY PLANNING COMMISSION met on October 20, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

7. Discussion of PUD's.

Pete Frisina stated that Debbie Lowe sent pictures of the building and site plans for the structures.

Debbie Lowe introduced Michael and Judy Howell and Dennis Womack. She stated that they would be a good one (1) to ask questions to because they're very familiar with the Florida site.

Chairman Graw asked where in Florida this is.

Michael Howell replied Sarasota the south part of the County. He stated that it was a former dolomite plant and where the metal building is was the foundation of the plant. He said they had a horse farm there that they renovated to a living facility. He added that the idea that they would like to have. He stated that there was scale house built there too, where they can drive the trucks on and weigh them.

Pete Frisina asked if the structure was a residence now.

Michael Howell replied yes.

Pete Frisina stated that this is a residence and the horse barn was not.

Chairman Graw asked if the tractor trailers are permanently parked there.

Michael Howell replied that they don't stay anywhere very long. He stated that sometimes they are inside the metal building. He said that he also works as a technician on jobs; he started working on job in January at Pinewood and those trailers didn't come back until three (3) weeks ago. He added that they don't have a retail business, people don't show up. He stated they provide a service and he could be in California, Canada, and he has the luxury to come and go.

Al Gilbert asked if he planned to do three (3) of the structures.

Michael Howell replied no. He stated that they are interested in the Sandy Creek property, but they don't need all that land. He said that his wife and I are interested in the house with the six (6) acres and would like to divide the rest of it up into 15 plus acres. He said that they would be divided into four (4) parcels someone may get more than 15 acres. He added that his brother is interested in taking one (1) of those pieces and building a living facility/attached barn where they can keep their equipment at.

Pete Frisina asked do you have other people in the industry that may be interested in being on the same site with similar business.

Michael Howell replied that he can't say if he knows people that want to build something like that. He stated that he does know people that would be interested in that piece of property. He said that it is a great location for a place to live with 15 plus acres, close to the Pinewood Studios, Patchwork Studios across the way, and Tyler Perry Studios is close to town. He added that a lot of people are moving to the north part of town but the traffic is horrible. He stated he has lived in Newnan for over 30 years and is on exit 51 and could save himself a lot of time by moving to this site.

Al Gilbert asked if he just wanted one (1) of those parcels.

Michael Howell replied yes, and that he could find someone who wanted to do something similar but on a smaller scale. He stated that it would just be something with a barn in the back to keep their gear. He said what they drive is very small like a horse enclosed trailer.

Pete Frisina asked if they pulled it with a dually truck. He asked if it was semi or a tractor trailer truck.

Michael Howell replied that it's a dually and it doesn't cause a lot of traffic.

Arnold Martin stated that his question was going to be about traffic and what type of vehicles will be used and the impact it would have on the roads.

Michael Howell stated that they are just looking for a ranch atmosphere; so when they are not working we are enjoying ourselves and not in a commercial setting.

Arnold Martin asked if the equipment needed to be gated because of its value.

Michael Howell replied that it would be similar to a ranch type gate or an auto gate that probably opens. He stated that why they have the building like it is so everything is locked inside. He said that that the equipment will be out of sight from the road. He added that they plan to build it back in the property where there is already a field clearing and it will be set far enough where it wouldn't be seen from the road.

Pete Frisina asked if someone will want to have agricultural uses on this property.

Michael Howell replied that they would like to, and they have thought of co-opting with some young people for them to sell at the farmers market.

Pete Frisina stated when people have 15 plus acres they usually would like to have agricultural uses.

Michael Howell replied that it wouldn't be commercially only a garden.

Pete Frisina asked about livestock.

Michael Howell replied that he has a horse and cow in Florida.

Pete Frisina asked what kind of zoning is on this property in Florida.

Michael Howell replied that it is agricultural.

Pete Frisina asked what County in Florida.

Michael Howell replied Sarasota County.

Debbie Lowe suggested that Pete Frisina get with the people in Florida to see how they're zoning allowed for that to be there.

Pete Frisina replied he would like to see how they do it.

Judy Howell stated that people on that street do have cattle.

Michael Howell stated that they are fairly close to the Interstate with their house in Florida unlike Sandy Creek. He said there is a lot of development coming to the area with a lot of large tracts.

Pete Frisina asked if he had outside employees come in.

Michael Howell replied that they have local people that he has trained and they have some outside employees.

Pete Frisina asked if they come on a daily basis.

Michael Howell replied that there may be an employee that lives on the property that keeps an eye on the equipment. He stated that his brother would live there as well and would be coming in and out.

Pete Frisina stated that they would want to keep some semblance of how Fayette County is developing. He said they would want to see a principle residential structure and then a detached structure. He added that the house would be the principle structure which is the visible aspect of the property and everything else would be behind it.

Chairman Graw asked if they wanted to subdivide and sell the parcels in the future.

Michael Howell replied yes, maybe it will be one (1) or two (2) lots financially that they may have to sell.

Debbie Lowe stated that the way the property looks right now it may never change.

Pete Frisina stated that when we write the ordinance it applies to everybody. He said that we have to write it with the entire County in mind, and think how we want to handle it in when the next person comes in.

Michael Howell asked Pete Frisina if the detached building had to be a certain amount of feet from the principle structure.

Pete Frisina replied that in the County you basically have a principle structure and that is your home and everything else is an accessory use. He stated that there is no specific distance. He said detached could mean behind the home maybe attached by a breezeway for the convenience of not getting wet. He added that they are creating a new zoning to try and handle that. He stated that part of a PUD is setting loose parameters in the zoning. He said with a Planned Unit Development a developer has some flexibility; and then it is reviewed by staff, Planning Commission, and the Board of Commissioners to see if they like the flexibility. He added that where they may want flexibility we might tighten up a little bit. He reiterated that you have a lot more flexibility with a PUD and that is why it is loosely set up. He stated that the County has a number of PUD's.

Michael Howell stated that when you subdivide the property up and houses are built on it, they will not be visible from the road. He said maybe one (1) would be visible from the road. He added that the other would be further back and not visible from the road because of the driveway.

Pete Frisina stated that they would call it Residential Cottages PUD. He said that he had looked at some other ordinances and he picked and chose some bits and pieces to start the framework. He reads the ordinance:

Residential Cottage Industry PUD

Residential cottage industries can include one or more of the following aspects:

In conjunction with a principal residence conducts on-site business operations

Clients/customers visit the site

Has shipment of goods and deliveries

Employs non-occupant individuals

Development size_____ (70-80 acres)

Residential cottage industries shall not be operated on lots of less than 15 acres.

The cottage industry shall be owned and operated by the occupants of the property upon which the cottage industry operation is conducted.

Including the owner/occupants, no more than _____ persons shall be employed on-site by a cottage industry.

All structures associated with the cottage industry are allowed in the rear yard only behind the principal residence and must be fully enclosed.

All vehicles associated with the cottage industry must be parked in the rear yard only.

All cottage industry structures and operation areas, including business vehicle parking, shall be setback a minimum of 100 feet from all property lines.

All materials, equipment, supplies, and inventory associated with the cottage industry shall be stored, operated and maintained within the cottage industry structure.

The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

Arnold Martin asked if there was any special lighting needed.

Michael Howell replied that the type of work they do at the shop is maintenance of equipment and is usually done on site. He said when they are done working they usually are trying to keep up with the equipment. He added that what they do inside the shop is fabricate new product. He stated that the hours of operation in this business is hard to say because he might be going to work at 10 at night if it's a night shoot.

Pete Frisina stated that the hours are for clients and customers only. He said it doesn't mean you couldn't be in your shop working; we just can't have people coming and going.

Michael Howell replied that it's not that type of business.

Pete Frisina stated that it's for the next the person.

Brian Haren asked if all of the business activity takes place inside the accessory structure.

Michael Howell replied yes.

Brian Haren stated that back to Arnold Martin's question on lighting, we could say residential grade lighting. He said that there is no external activity taking place outside the buildings.

Arnold Martin stated that so often some of the first complaints from people are the lighting; huge lights being on in an area and changing people's lifestyles in an area.

Pete Frisina stated that we could word it to say that the lighting couldn't be more than what a farmer uses.

Chairman Graw asked for Pete Frisina to explain why we have development size of 80 acres and then have residential cottage industries shall not be operated on lots of less than 15 acres.

Pete Frisina replied that the development is 80 acres and you are chopping off lots inside there.

Chairman Graw stated that if someone came in with 40 acres they don't have to chop it up into smaller parcels. He said they could say they want to use these 40 acres as their cottage industry.

Pete Frisina replied not if they don't have the development. He asked what the development size they wanted for a PUD.

Arnold Martin stated that is development is already 80 acres.

Pete Frisina stated lets go with 75 acres. He said there are two (2) ways of looking at this; how do we want to control it, do we want to create a development which is what this is where we have multiple parcels with cottage industries; or do we want to approach this by saying lets deal with this on a case-by-case basis and do it some other way.

Arnold Martin asked if it was possible to put a range.

Pete Frisina replied that it's maximum or minimum only.

Chairman Graw asked if he was planning cottage industries on the other parcels or are you going to sell single family homes, and not worry about them having a cottage industry.

Michael Howell replied no. He stated that his idea was to take those two (2) parcels for themselves and then find someone else who would accommodate moving there.

Chairman Graw stated that defeats the whole idea of cottage industry. He said for you to have an 80 acre parcel and calling it a Residential Cottage Industry PUD that all of the parcels and residences on there would be involved in cottage industries. He added that if you are going to sell the other three (3) parcels as single family homes he has a problem with the PUD.

Michael Howell replied that he would like for it to be similar to us. He stated that he isn't trying to develop it and make money off of it.

Chairman Graw asked if the owner of the PUD would be required to make sure the other people involved are a part of the cottage industry.

Pete Frisina replied that the whole idea is how you want to approach it. He asked do you want to do it as a development or go back to a lot by lot basis.

Arnold Martin stated that you don't want to restrict an entity whether residential or business from our area. He said that we want to promote business within the guidelines of our County and culture. He added that it seems to be a large responsibility to put it on the initial owner for the whole track and say go and find like businesses of the cottage industry. He stated that was a large task and could restrict their ability to purchase or their ability in the future to meet their plans. He said if there was a way to come up with an individual approach or make a statement that the initial purchaser is in the cottage industry and then the remaining parcels will also have a statement. He reiterated that he didn't want to restrict both.

Pete Frisina stated that it seems like a long way to go to make sure one (1) lot has a cottage industry.

Arnold Martin agreed.

Pete Frisina stated that you are assuming that is what you are going to have on the entire parcel. He said that he doesn't know if you have to say every lot has to have a cottage industry, but you're assuming there could be more than one (1), and for their instances it's a one (1) right now not a two (2). He added that maybe we need to go back and see how we handle it on an individual lot basis.

Al Gilbert asked how many acres you and your brother will have.

Michael Howell replied that he would take one (1) of the divisions of the four (4) whether it is the 15 or 20 acres. He stated that they were hoping for the six (6) and taking the remaining property after it had been subdivided into four (4) parcels.

Al Gilbert asked if he meant at least 20 acres.

Michael Howell replied yes.

Judy Howell replied at least 26 acres.

Al Gilbert stated that he thinks we should do 25 acres on what we know for sure is going to happen. He said the rest of the acreage is hemmed up in the air.

Debbie Lowe stated that the problem with the rest of the acreage is that it's not contiguous. She said that it can't be cut in half. She added that the six (6) acre tract is on one (1) end and the property that Scott is going to take is on the other end.

Al Gilbert stated that the (6) acres to him is pulled out because it's really residential. He said that they are trying to come up with acreage for a business that would be the minimum you could do for any project going ahead.

Brian Haren stated that we may be trying too hard to fit this into that circumstance. He asked Pete Frisina in any PUD development must all of the development conform to the intended use of the PUD.

Pete Frisina replied that you have to say what the intended use of the PUD is.

Brian Haren asked if we take that whole 80 acres and make it a PUD for Cottage Industry, does that mean that all further development in those 80 acres must be a cottage industry.

Pete Frisina replied it doesn't say that.

Chairman Graw replied no it doesn't but isn't that the intent of the whole thing.

Pete Frisina stated this was very loosely on that, within this PUD whatever the size may be the lot that has the cottage industry is a minimum of 15 acres and it hasn't gone beyond that. He

said that they have not added any other restrictions.

Dennis Dutton stated that Camp Southern Ground has the campus for the camp, but also within that they have residential. He said that when they developed the PUD that was the plan, the summary of intent stated what they have in certain areas.

Pete Frisina stated the PUD-PRL is specific if you introduce residential it's got to be A-R.

Chairman Graw asked Michael Howell if he wanted 25 acres for his business.

Michael Howell replied 15 plus.

Chairman Graw suggested dividing the 80 acre tract into one (1) 25 acre parcel for the cottage industry, one (1) six (6) acre parcel for Michael Howell's home, and the remaining portion A-R. He stated that they really want to sell it as single family homes anyway.

Michael Howell stated that he has talked to people in his circle that would be possibly interested in doing it. He said they don't have the same amount of trucks, but they have gear that they carry with them.

Pete Frisina stated something similar but not on the same scale.

Michael Howell agreed.

Al Gilbert asked if with the do the whole tract and later on down the road they decide to take 15 acres and build four (4) houses on it; they would have to come back to us at some point.

Pete Frisina stated that we would have to set this up for what is in a PUD for cottage industry. He asked what will the PUD allow, single-family homes by themselves, size of the lots, is it a mixed of residential and cottage industry, could it be for cottage industry and nothing else. He said that it sounds like Michael Howell and his brother would have the main one (1). He added that it wouldn't stop someone else with a similar business to do the same thing as Michael Howell and his brother or if they wanted to just live on 15 acres and not have a business.

Debbie Lowe stated that there may be interest in a dog training business. She said that they train dogs for the movies and for veterans with PTSD. She added that it would be a cottage industry type of business.

Pete Frisina agreed that there are thousands of businesses that people could do. He asked out of those businesses which one (1) are we going to entertain.

Al Gilbert stated that his problem is that he's use to the PUD explaining where everything is going to be laid out. He said that he is not sure that we are going to know that in this case.

Pete Frisina reiterated that this PUD will have to be set on what we will allow, and give the person the ability to draw that plan up and bring it in for approval. He stated that if they say here

are the 10 things I going to do then that's the 10 things they're doing.

Al Gilbert asked if it was a 60 acre development carved into four (4) 15 acre tracts and later on down the road they decide there not going to do that in this 15 acre parcel there going to do something different. He said that he is use to them coming back and the Planning Commission saying yes you can or no you can't.

Pete Frisina replied that he is agrees and that the PUD has to allow that use in it. He said that you have to form it right first.

Al Gilbert stated that when you decide to present this to us you have to go in with a definitive plan saying this is what you are going to do. He said that it doesn't mean you can't change that plan, but we got to when we put this in place allow for any changes you're going to make. He added what if you want to do the same type of business on another 15 acre tract, but down the road you say this isn't working out and we have some people that want to build three (3) houses on five (5) acre each.

Debbie Lowe replied that will never happen. She stated that the way this is set up whatever those tracts are divided into is the final division.

Al Gilbert stated that he wanted to buy 15 acres and put his estate home on it. He said things change. He added that they are going have to set this up as it not being etched in stone but this is what your plans are when it is presented. He stated that they also have to have the leeway to make some changes if it doesn't work the way it's intended.

Debbie Lowe said that's very fair.

Pete Frisina stated that we are back where we started.

Arnold Martin stated that we have made progress of understanding the intent. He said that the greatest emphasis is not only the land and the project but also the future of Fayette County as we make decisions. He added that so much is changing now with the film industry and that there will be more request like this in the future. He apologized for using them as the guinea pig, but believes it will be a great tool for future projects.

Pete Frisina stated that we need to define what it is they do, and then also say that sounds like a great narrow type of business what are other businesses similar in like that we want and what we don't want.

Arnold Martin stated that this was similar to S.R 74 and 85, they came up with a list of suggested businesses and the ones we did not want to see we took it out. He said in doing that it helps to protect scenarios like yours. He added what if they did sell off the other acreage and it went from one (1) set of hands and then all of sudden to another set that has completely different intentions from what you originally wanted. He stated and now all of sudden you've lost control because you no longer own it. He said that's where we come in to protect you as the original owner, and the intent for future projects.

Judy Howell stated that's why we don't want to have anything less than 15 acres. She said she wants there to be one (1) owner on the 15 acre parcel.

Pete Frisina asked should we have cottage industry packed closely to each other. He asked if the development will have like business and like uses in it and specific areas where we want it. He said what if someone comes in wanting to do a cottage industry near Brooks; do we want a cottage industry in the south portion of the County.

Arnold Martin stated that he doesn't have a problem with it. He said that the biggest question goes back to what they've been saying is there is an 80 acre tract and they have said it is cottage industry; what happens if it is subdivided, does it still fall under cottage industry or is it deemed again A-R.

Chairman Graw replied that to him the 80 acres is Cottage Industry PUD. He stated that the entire 80 acres would be required to have cottage industry on it. He said if you are going to zone it 80 acres as a PUD than it's a PUD. He added that is the same thing we did for Zach Brown.

Pete Frisina stated that Zach Brown has houses on the development too.

Chairman Graw stated that he knew that and that they approved it.

Pete Frisina asked if he knew why he has houses in a PUD.

Chairman Graw replied no.

Pete Frisina stated that it's because the PUD allows houses. He asked what they want to allow in it besides cottage industry.

Arnold Martin suggested doing what we have done before, coming up with a comprehensive list. He said that the list would be protective and not restrictive, so people won't be able to go against the original intent.

Pete Frisina stated that we are looking at this as a development on a large piece of property, and going away from looking at this as an individual property. He said we're saying if you want to do this you got to have a certain amount of acreage to allow a cottage industry to be within this PUD. He added if you're going to create a PUD with cottage industry and not put one (1) in; why did you create the PUD. He stated that if this is not what you're looking for you're not going to go through this.

Arnold Martin recommended that they sit down and come up with a list as they have done before come up with a comprehensive list of what they feel would be allowed within that. He stated that it would not restrict his intentions on what he was trying to do, but also have the broader thought on how it will affect the County in a positive way. He said that he would love any suggestions by Michael Howell. He added that with the film industry coming here he would have not thought about the dog training facility, but it would make sense. He stated that things

like that is helpful input.

Judy Howell stated that they bought property in Sarasota County some years ago and there were three (3) residential lots and they said one (1) lot was not built on; they were told if they bought the empty lot along with the lot with their house on it no one could ever develop it. She said that they love that county feel in a residential area. She suggested that they place in the ordinance that the land can never be divided into less than 15 acres.

Pete Frisina replied that we are on the same page, but we have to figure out how to work their six (6) acre tract in it.

Judy Howell stated that they can up the property to 15 acres.

Michael Howell said that the property is already platted.

Pete Frisina stated that at the end of the day you will have four (4) 15 plus acre lots. He said and all the other lines would go away inside there.

Judy Howell said initially they were just going to buy the two (2) and four (4) acre piece with Dennis Womack's home on it, which is six (6) acres and platted, but they are not opposed to making it larger to accommodate the PUD.

Pete Frisina reiterated that at the end of the day you will have four (4) 15 plus acre lots. He said and all the other lines would go away.

Judy Howell replied yes.

Dennis Womack stated that if you look at the plat he has four (4) individual pieces. He said that he has a two (2) acre, a house that sits on four (4) acres, a three (3) acre that his father-in-law cut out for his brother in law, and the balance of that is his father-in-law's estate.

Arnold Martin asked how we proceed.

Pete Frisina replied that he would like to get some more information from the Howell's about related business industries.

Dennis Dutton asked if there were any other business that could tie into this.

Michael Howell replied that there were two (2) individuals that he talked to about this: one (1) was a dog trainer for the movie business and the other gentleman does spider-cam where they film football games and they use them in the movies. He stated the gentleman just has big wench motors and cases. He said he doesn't have a lot of gear and could probably do it anywhere and people not even know. He added that he is very interested because of the location.

Arnold Martin stated that one (1) of the things he pointed out based upon the location is not only the close proximity to Pinewood but the other studios on 85.

Debbie Lowe stated that its close to the airport if they have to fly cameras out overseas. She said another big thing about this particular piece of property is the way its situated because the majority of it is wooded. She added that it has several pasture openings, but the visual from Sandy Creek will not change. She stated that you won't see anything any different than what you see now.

Pete Frisina stated that they may want to think about restricting some areas. He said that he doesn't know if he wants to open the entire County to it.

Chairman Graw asked how many structures you plan on having.

Michael Howell replied three (3) structures; the house, the barn to house the cameras, and a structure to park outside vehicles.

Chairman Graw asked if it would be 3,000 square foot for each.

Michael Howell replied no.

Chairman Graw stated that he saw a letter where he said something about 8,000 square feet.

Michael Howell replied that 8,000 square feet was the ideal size for 6,000 workspace and 2,000 for living space residential. He said that it could be separated or together.

Chairman Graw asked if he was planning living quarters above.

Michael Howell replied that it doesn't have to be above.

Planning Commission replied that Pete Frisina already addressed this and that the living quarters would be separate.

Al Gilbert stated that the building had to be behind the house.

Pete Frisina asked them to send them the information. He asked the Planning Commission if they feel comfortable with moving forward with the PUD.
Planning Commission replied yes.

Al Gilbert asked what would be on the next agenda.

Pete Frisina replied just an amendment, and he would advertise it tomorrow.

Judy Howell stated that the larger building was just a tall one (1) story building and not two (2) stories.

Debbie Lowe suggested limiting the height of the accessory structures.

Pete Frisina replied that everything in the County is limited to 35 feet unless you're in an industrial or office or something. He said that we would have to set that in the PUD.

THE FAYETTE COUNTY PLANNING COMMISSION met on November 17, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of PUD.

Pete Frisina stated he is putting this into the PUD format. He stated that he has two (2) names and doesn't like either one (1). He asked if they could come up with something better to let him know.

He reiterated that he took the notes from last meeting and put them in form for what the PUD ordinance would be. He added that he received suggestions from Michael and Judy after sending an email out to them. He read the intent and residential uses of the PUD:

(1) Purpose. The intent of a planned _____ development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a P____D are: in conjunction with a principal residence business owner-occupant conducts on-site business operations, clients/customers visit the site, shipments of goods and deliveries occur, and non-occupant employees will be on site.

(2) Permitted residential uses. Planned ____ development shall contain single-family dwellings and residential accessory buildings and uses shall also be allowed per article III of this chapter.

He stated that since they don't know what types of businesses they want to do, he took the verbiage out of the ordinance they used for the small business PUD's (Storage Xtra). He said when you come in you for your PUD you get the businesses you think will be there, and we approve that list. He added that if you come back a year from now saying here's a business we didn't think about; he said that there will be a public hearing that will amend the summary of intent to add that business. He stated that right now he doesn't have a good feel for what business we need to have. He asked what the Planning Commission thought.

Arnold Martin asked if someone came in with a list stating these are the projected businesses we see going in there, but for some reason it doesn't work out and they move a tenant in there that doesn't meet that. He asked how do we control that from happening.

Pete Frisina replied that it wouldn't happen because we have to have an occupational tax. He stated that we would catch it when it happens, because when you're moving a business into a County space you have to apply for an occupational tax, and it goes through staff review.

Arnold Martin stated that he just wanted to make sure we have some sort of controls.

Chairman Graw stated that because it's a PUD and we're not sure on the uses, we will look at the letter of intent when it comes in. He said that because it's a PUD the Planning Commissioners and the Board of Commissioners can say we reject that use or we accept that use.

Pete Frisina stated that is the same verbiage we used for the small business center we came up with. He said that he added that any business listed as conditional use will have to meet in addition those conditions under conditional use whatever that may be. He read the proposed PUD ordinance:

- b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development.

Debbie Lowe asked if the perimeter of the two (2) outside lots decided not to have a business there but just a residence could that be waived for them.

Pete Frisina replied no, it's a development that is supposed to contain business and residential. He said that will go around the perimeter of the development which will be the 75 acres.

Chairman Graw asked Pete Frisina if he had a copy of what was sent to us. He asked if everyone received a copy of the letter that was sent by Judy and Michael Howell.

Debbie Lowe said that it was tentative and that the next step is to get a surveyor to see if the conditions are going to work on this property because I personally don't think they are going to get five (5) lots, I think they are only going to get four (4).

Arnold Martin asked why you feel that way.

Debbie Lowe replied if you put five (5) lots in there, they're going to be fairly narrow.

Dennis Womack stated that they're going to have 200 feet of frontage and only 400 feet in the back.

Debbie Lowe stated that to regain the privacy they want to get out of this, I think five (5) is going to make it too narrow. She said that we will just have to see and get a surveyor draw it out and see what will work best. She added that the worst thing you can do is try and jam too much in there, and then have nobody wanting to go for it.

Michael Howell stated that even with the five (5) lots with the 100 foot buffer on the sides its really going to push those outside lots. He said on the one (1) side it's 74 and commercial and on the other side it's a watershed.

Pete Frisina stated that the north end is all subdivision. He said that this lot is driving what we're doing but once we put it in it applies for the whole County.

Chairman Graw stated that this 75-80 acre development will have four (4) maybe (5) lots. He asked if we are saying in the PUD that all lots have to meet the PUD and the usages, or can some be sold as residential without meeting the PUD.

Pete Frisina replied anything in the PUD has to meet the PUD whatever the requirements are in the PUD.

Chairman Graw asked about the meeting the uses.

Pete Frisina replied yes.

Brian Haren asked if an onsite business a may....

Pete Frisina replied that it's not required. He stated that you are setting up this development to have that scenario.

Brian Haren asked if people can purchase lots and not run businesses off of them and just have a residence.

Pete Frisina replied that we are not forcing them to run one (1).

Chairman Graw asked if one (1) or two (2) of these lots cannot be sold as pure residential.

Pete Frisina replied all the lots in the PUD can do what the PUD allows.

Brian Haren asked again if they have to have a business.

Pete Frisina replied no, it's incidental to the principle use which is residential. He stated that we are looking at lot sizes of 15 acres. He said that the minimum lot size was pulled from the A-R lot. He added that under (f) minimum house size is not needed, and the developer should set that. He stated that "we" make a decision on the house size.

Debbie Lowe replied that would be great.

Al Gilbert asked about the limit on the height of the structure.

Pete Frisina replied that we haven't gotten to that part of the discussion.

Chairman Graw asked about the minimum house size.

Pete Frisina replied let's give the developer the flexibility to set it.

Chairman Graw asked if there were minimum house sizes on the Zach Brown PUD.

Pete Frisina replied that it was tied to A-R so it will be 1200.

Chairman Graw asked if we could say the same thing here.

Pete Frisina replied that he didn't care.

Arnold Martin asked what the advantage to that was.

Pete Frisina stated that we can say it meets A-R. He asked if we were going with all the other A-R aspects of it or just the house size.

Chairman Graw replied just the house size.

Pete Frisina stated that Camp Southern Ground those lots get all A-R uses and everything. He asked if they wanted to set the minimum house size or make a decision when the PUD comes.

Chairman Graw asked if someone comes in and buys Lot 1 and builds a 1200 square foot house on it. He stated that it would be inconsistent with the rest of the housing.

Pete Frisina replied that we are not going to set a house size. He stated we are going to let the PUD pick the minimum house size.

Chairman Graw asked what he meant by the PUD picking the minimum house size.

Pete Frisina replied that they will bring it in and say this is the house size we proposed for the PUD, whatever that may be.

Chairman Graw asked if it was for the lot or the entire development.

Pete Frisina replied for the entire development.

Arnold Martin asked if they would come in projecting that the house size would be 3000 square feet. He asked if that is what it will be for the development.

Pete Frisina replied yes.

Arnold Martin stated there will be no differentiation of one (1) person with a 1200 square foot home and a 3000 square foot home because they're setting it as soon as they have the application.

Chairman Graw asked who makes that determination.

Pete Frisina stated that it will be a part of the summary of intent.

Chairman Graw asked who would present it.

Pete Frisina replied the developer. He said they would suggest their house size and the Planning Commission would have to approve it.

Chairman Graw asked if it was for the whole PUD or just one (1) lot.

Pete Frisina replied the whole PUD. He said that it has to be consistent for each lot.

John Culbreth stated that he had no problem with the concept. He said that it gives them the opportunity to review the PUD prior to approval.

Al Gilbert stated that what concerns him is the legalistic part of this; what if he has to go before a judge and he asked why they turned down the 2000 square foot home and he replies that we didn't like it. He said that if we have it in writing what the minimum square footage is he would feel more comfortable defending it.

Pete Frisina stated that we will not turn down the PUD because of the house size. He said that we can approve the PUD on whatever we see as sufficient. He added that in the PRD's we didn't set the size they set it when they came in.

Chairman Graw asked what if a person says they don't like our recommendation and wants to do something else.

Pete Frisina replied that you make the recommendation and the Board of Commissioners make the decision. He stated that if someone comes in and says they want to build 500 square foot homes we will probably say that is too small. He added that they would say that we need it to be at least x.

Arnold Martin stated that if its really small you will also question the intent; it may be a way for them to circumvent what is really intended in that scenario.

Pete Frisina stated that all of our Planned Residential Developments do not have a minimum house size set in the ordinance. He reiterated that it is set by the PUD and we make a decision on whether or not we like the house size. He stated that he doesn't think we would turn the PUD down based on the house size.

Chairman Graw stated that he would like to see a minimum house size and it would make him feel much more comfortable. He said that they did it with the Zach Brown making it equivalent to the A-R, and there is no reason why we couldn't put a minimum in here making it equivalent to the A-R. He added that when you are talking these types of lots and the amount of money it would take to build these you're not going to put in 1500 square foot houses.

Pete Frisina asked if Chairman Graw wanted the same as A-R.

Chairman Graw stated that he didn't have a problem with it being A-R.

Brian Haren stated that he doesn't see anybody building anything smaller than that. He said that if you want to establish at least a legal minimum of 1200 so at least it's consistent with A-R.

Debbie Lowe stated that they don't have a problem with that.

Chairman Graw stated that as long as it is consistent with A-R he had no problems and would honor it. He added we at least have a minimum house size.

Al Gilbert stated that with it being a PUD we can always say we want it bigger than that.

Pete Frisina stated that when you set a minimum you are basically saying that is what you want.

Arnold Martin stated what he hears is that I minimally have to build a home 1200 square feet or larger.

Pete Frisina asked if you set 1200, then what would be your basis for saying you want 2000.

Arnold Martin asked if he meant in terms of review; coming back to them saying 1200 is not going to be enough.

Chairman Graw stated that it is all opinion.

Al Gilbert stated that depending on what area they go in you will have comparable houses in that area that will say homes in this area are 2000 square feet and 1200 is not going to fit in.

Pete Frisina stated that is a dangerous thing. He said it is one thing to mess with zoning it's another thing to mess with house size it's a slippery slope.

Arnold Martin stated that if an appraisal was done on this an appraiser can only go out and compare this to another PUD, because it is completely none conforming. He said that you wouldn't compare this to another 1200 square foot home down the road, because this is a completely different scenario. He added that this is a mix use on the PUD versus a tract that has 40 houses on it at 1200 square feet. He stated that there was no way any appraiser would go in there and use those as comps. He reiterated that they are completely different.

Pete Frisina stated once this thing is completed he would like to see an appraiser find a comp.

Chairman Graw stated that what we are trying to do is to maintain some type of consistency in case there are lawsuits. He said that you can at least point to this over here on why you established this minimum square footage and not that.

Pete Frisina reiterated that under the Planned Residential Development we do not set a minimum house size.

Brian Haren stated so there is a precedent.

Pete Frisina stated under the Planned Retreat and Lodge he doesn't think we set a minimum house size there. He said under the summary of intent we said that it had to meet all the A-R dimensional requirements for the residential lodge.

Chairman Graw stated that it would have been 1200.

Arnold Martin suggested to Chairman Graw that they put it to a vote.

Chairman Graw asked if Arnold Martin was in favor of a minimum square footage or not.

Arnold Martin replied based upon what has been brought out about the legal standpoint he sees the point; other areas do have some sort of minimum and sees how A-R can be the base. He stated that he always thinks in the mindset of people looking at something as a minimum and not necessarily following that. He said that Pete said once you establish a minimum overall that's usually the standard.

Chairman Graw stated that if you said A-R would be the base that you work from.

Pete Frisina stated that he wouldn't say A-R he would just say 1200. He said that the other PUD's that are residential it is part of the summary of intent; you do have the ability to look at it and say it is a good idea or not and make a recommendation to the Board of Commissioners and they will make a decision on whether or not they think it's too small too big or whatever.

Arnold Martin asked based on history has any of this ever been contested in court.

Pete Frisina replied no. He stated that when a PUD comes through nobody has a house size that anyone has a problem with.

Al Gilbert agreed and said that all the PUD's we approved have had good size homes. Chairman Graw stated that he doesn't think he has seen anything 1200 square foot nowadays.

Pete Frisina stated that he thinks the issue we are dealing with is according to the email some homes in there that are 1300 square feet.

Dennis Womack stated that the preexisting home out there is about 1600 square feet.

Pete Frisina asked how many homes are out there right now.

Dennis Womack replied one (1). He stated that there is an old home place that was my wife's father's house.

Pete Frisina asked if that was going to be kept.

Debbie Lowe replied that it may be kept and that is another discussion.

Pete Frisina asked if that was the 1300.

Debbie Lowe replied yes. She stated that the structures that are on there they would like to have grandfathered. She said that they're house is a very nice house but the old farm house is definitely able to be rehabbed.

Chairman Graw asked Debbie Lowe if she would be okay with the minimum house size of 1200 square feet.

Debbie Lowe replied yes.

Pete Frisina suggested under the summary of intent makes some provisions for the existing homes but a different provision for the new home.

Al Gilbert agreed with that.

Pete Frisina stated that he copied that from the last summary of intent for the one (1) out on Ebenezer. He said they should leave it open and let them provide it and will make a decision on it. He reiterated let the developer propose a number and they would work on it from there. He continues to read from the proposed ordinance:

- g. Front yard setback: 75 feet
- h. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- i. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
Height limit: 35 feet.
- j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
- l. Including the owner/occupants, no more than five (5) persons shall be employed on-site by a business.
- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

Chairman Graw asked if the lots were going to be sold to other people. He stated that he saw the trucks sitting out on the field in the email and was concerned about those trucks being on their property. He said that it would affect the people that will be living next door to him. He added that their job is to protect everybody. He asked how they can assure them that they want have these big rigs parked outside affecting other residents in the area.

Michael Howell replied that what Chairman Graw saw were gooseneck and are no bigger than a horse trailer. He stated that the plan was for his brother to buy two (2) lots and he and his wife were going to buy two (2) lots. He added they're really just talking about one (1) or two (2) extra lots; that they would be finding someone in their same situation that would be willing to live there. He stated that he doesn't see the trucks as a problem and it's no more than a horse trailer.

Chairman Graw stated that there was a semi-tractor trailer parked on the property.

Michael Howell replied that there might have been and then said there wouldn't have been one there. He stated that most people in his line of work would just by a farm and operate it and they would never know.

Pete Frisina replied oh we would find out.

Michael Howell stated that they were trying to do it the right way, and are no different than a farmer or a tree guy. He said they have equipment and they really just need a place to keep it and work on it. He added that the trucks would be inside or behind the building. He stated that the gooseneck trailers are 20 to 30 feet long.

Chairman Graw stated that he has no problem with gooseneck trailers. He asked what he saw in the picture.

Michael Howell stated that he thinks he saw one (1) of the gooseneck trailers.

Brian Haren stated that this is a PUD and if you're going to buy a lot in the PUD you're going to know what the intended and allowed uses are. He said you take your risk and you're going into that because you want to do the same thing that these folks are doing. He added and if someone wants to park the occasional semi on their 15 acres that's okay as long as it is an allowed activity.

Arnold Martin asked about the amount of on-site employees and whether the number three (3) was an arbitrary number. He stated that when you have that amount of acreage you usually have many people on site taking care of the property.

Brian Haren asked if that was three (3) non-residential employees.

Pete Frisina replied three (3) non-occupants.

Arnold Martin stated that if we're talking about 15 acres that's a good amount of acreage. He said not only do you have the employees for the business but other people taking care of the property.

Brian Haren asked if the people taking care of the property are a service provider or direct employees of the business operation.

Arnold Martin stated that he has seen both; people who have a business and they have "ranch-hands" that maintain the property. He said that he was just wondering is that enough employees.

Pete Frisina replied that he found the number three (3) in another ordinance, and he said he doesn't know if three (3) is better than four (4), two (2), or seven (7). He stated that you got to start some place. He said that three is the minimum for occupational tax in the County; at three (3) you're at one (1) of the breaks 0-3. He added it just depends on how many people do we want coming out on a daily basis.

Brian Haren asked if they wanted to go five (5).

Arnold Martin agreed saying he was thinking five (5).

Pete Frisina read the proposed ordinance:

- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

He stated that O will have to be change, because they have the periphery buffer now. He said there are two O's in there and the last one (1) comes from our occupational tax dealing with customers in the home. He added that they talked about limiting the size of the buildings; if this was A-R property at 15 acres they're unlimited for agricultural. He stated that you could have as large or as many buildings as you wanted in A-R for agricultural purposes. He asked for suggestions.

Al Gilbert stated that a barn was one (1) thing but we are talking about business structures and it's a little different than a barn.

Pete Frisina stated that he thinks that it will look like one (1). He asked what the others thought.

Brian Haren replied that he had nothing to go on.

Arnold Martin replied he had nothing to gage it on, because if we say unlimited someone may put this behemoth structure on there.

Dennis Dutton stated that anything over 10 acres than there is no limited on the number and the size.

Pete Frisina stated that between five (5) to 10 acres you're limited to 3600 square feet in agriculture.

Chairman Graw asked that once it hits 10 acres there is no limit on the size of the accessory structure.

Dennis Dutton replied that once you hit 10 there is no limit on the size and amount for farm buildings.

Pete Frisina stated that if you're trying to find a parallel; you can have a 15 acre property you could almost cover it up with greenhouses except for the setbacks.

Dennis Dutton stated that in A-R we have farm outbuildings and auxiliary buildings. He said that auxiliary buildings were basically farm outbuildings that weren't used for farming but were renovated for maybe their collector cars and we treat those the same way. He added that you could technically have an auxiliary building and a farm outbuilding over 10 acres.

Pete Frisina stated that you can ask them to set the limit in the PUD and make a determination based on that, and it will be a part of the summary of intent.

Brian Haren stated that he wouldn't know how to control that.

Pete Frisina stated that if you're on 15 acres; they're probably much wider than 250 feet so you're going to have externally a 100 foot buffer around the property and then internally a 50 foot setback off of each side line.

Brian Haren stated that should control it to some perspective.

Chairman Graw stated that you are forcing everything to the center of the lot. He said that by having the 100 foot buffer and the 50 foot yard side setback you are forcing everything down and in and behind the home.

Pete Frisina stated that we can say that we want the size set in the PUD.

Arnold Martin agreed and said that it will stay uniform with what we set for the residence.

Al Gilbert stated that down the road the type of neighborhood it goes in a huge structure may not fit even in 15 acres.

Pete Frisina stated that we may have to look at that location of the PUD and make that determination.

Al Gilbert stated that he likes his recommendation of putting it in the intent.

Pete Frisina asked if they wanted to designate other areas in the County for this because he didn't get a good feel for it at the last meeting. He asked would they like for this to pop up down in Brooks.

Debbie Lowe stated that they are limiting themselves quite a bit by saying the proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

Pete Frisina stated that is every big road in the County.

Debbie Lowe stated that the size of the tract is going to limited you drastically. She said there aren't that many real big tracts there are a few but not many. She added that you will find most of your large tract areas in Brooks or the Tyrone area.

Pete Frisina stated that there are scattered big lots around here even on Sandy Creek Road. He said that doesn't mean someone cant assemble two (2) or three (3) 20 acre tracts and put something together.

Chairman Graw stated that we haven't designated where other PUD's go we just look at them when they come in.

Pete Frisina stated that some of the PUD's have to be in A-R first. He said that takes them out of this area because there is nothing A-R.

Chairman Graw stated that he doesn't feel comfortable designated where to put these. He said that he doesn't think we did it for something else.

Pete Frisina replied yes we did; we did it for small business centers.

Chairman Graw stated that those are only on major thoroughfares.

Pete Frisina replied no, they can only be on three (3) highways 314, 85, and something else; but they can't be anywhere else in the County.

Chairman Graw stated that those are major thoroughfares.

Pete Frisina replied no; it's not tied to a major thoroughfare but three (3) roads.

Chairman Graw replied major roads but you're right. He stated that the business centers are tied to major commercial highways and he can see us doing that, but these are residential.

Arnold Martin stated that by tying it to a major thoroughfare it's already shaping where it can be without saying it. He said that there may be an opportunity for someone to put together to assemble, and based upon the definitions where these need to be off of, not every street in the County has that.

Pete Frisina stated that Davis Road is designated as a major thoroughfare based upon the Thoroughfare Plan, because that is going to be its function. He said the reason we do that is because when things come in, we want to get the right-of-way for a major thoroughfare as oppose to a local road.

Chairman Graw asked Pete Frisina where he thought they should be.

Pete Frisina replied he originally thought they should be in the northern part of the County as oppose to the southern part. He stated that he doesn't know where to draw the line.

Arnold Martin asked why that was.

Pete Frisina replied because it more rural and residential. He stated that he doesn't know if it sits well to have that kind of use. He added that he may be wrong and asked them to convince him otherwise.

Arnold Martin stated that 75 acres is already going to be in a rural setting whether north or south. He said that he would see the opportunity for both. He added that his only concern would be pushing this type of development in just a certain part of the County and that is it. He stated that he would like to be open and let the guidelines say where it can be placed.

Brian Haren stated that the way it is written now those can only be fronted on any of these roads currently highlighted.

Pete Frisina replied that anything that is thick and black is a major thoroughfare.

Brian Haren stated that it is going to be self-limiting.

Pete Frisina stated lets go with that then.

Brian Haren asked are we going to address the number of access roads you can have off these parcels.

Pete Frisina replied that each of these things are going to have there on individual driveways, because that is how it is set up. He said if someone wanted to develop one (1) with an internal street that would be find.

Brian Haren asked what if they said they don't want to use their principal residential use driveway to get their equipment in and out, but instead use another driveway.

Pete Frisina replied that they would have to get with the Road Department and see how they want to handle that. He stated that from the guidelines of the County every lot has to have a driveway except for some instances where there is bad site distance and you can share one (1) driveway cut between two (2) properties or to avoid some environmental impacts.

Brian Haren asked if you could have more than one (1).

Pete Frisina replied possibly. He stated that he would have to check with Public Works to see.

Arnold Martin asked if an alley or a main drive has ever been created for people that wanted access their properties from the rear as oppose to the main driveway.

Pete Frisina replied that its normally something that you don't see in residential property; in nonresidential property you see shared driveways and access and that sort of thing. He stated that we don't have any zoning that allows you to mix residential and business to scale we are talking about here. He said that is something that we would consider if they want to bring a plan in showing that.

Arnold Martin stated that it is something to think about, and that he has seen these in California. He said that the front is very residential and the back is agricultural or something else is going on back there; rather than going back through the residential property they have a road that runs behind it so there won't be any interference.

Pete Frisina replied that we can try and figure something out on that.

Brian Haren asked that any sceptic issues per the accessory structures will be related to the building itself.

Pete Frisina stated that Environmental Health will have to make the determination on what the capacity they need is and how it will respond. He said that he needs to look at separate drives

and how many driveways can be put in there.

Judy Howell stated maybe you can look at how many feet the initial driveway can go before it can take a fork to send business around.

Pete Frisina stated that what he needs to do is see what we allow now and how do we vary from it. He said that 911 likes for every house to have a driveway, and that is something that I will need to discuss with them for emergency access purposes.

Dennis Dutton stated the Fire Department/Fire Marshal will have to address the additional building and whether or not to designate it A and B.

Pete Frisina agreed that these buildings will be looked by every department, because they are quasi commercial even though we are using them the same amount as residential they will be developed and regulated as a commercial building.

Arnold Martin asked about the specification for fire hydrants.

Pete Frisina replied that it will have to go through Fire Marshal review and building review; the codes required for business will be different than if it was just a garage or a storage room.

Chairman Graw asked if he was going to be leasing or selling the cameras.

Michael Howell replied that its's a rental.

Pete Frisina stated that we will come back next month and if they have any other suggestions to just call him.

THE FAYETTE COUNTY PLANNING COMMISSION met on December 15, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

3. Discussion of PUD's.

Pete Frisina stated that he finally came up with the name Planned Residential and Business Development which is PRBD-PUD. He said that residential is supposed to be the primary use and the business use is supposed to be secondary. He added that Chairman Graw asked him about the minimum house size. He stated that they decided to allow the developer to bring it in during the summary of intent. He said that he thinks we did it based on the consideration of the one (1) parcel development where they have some older homes that are kind of historic but not large. He added that they talked about the summary of intent saying that older homes will remain in the historic shape but any new homes we can set a higher standard. He stated that is how we decided to handle that.

Chairman Graw stated that last time they spoke about tractor trailers, and he has the pictures that were passed out at the first meeting they had. He said that he does see what looks like a tractor trailer on the property.

Debbie Lowe stated that there is one (1) on the property.

Chairman Graw stated that he was really concerned about that. He said that we have to really make sure that we take into consideration neighbors and properties that are adjacent to any of these properties especially the one (1) the gentleman is going to buy or going to develop into the camera property. He added that he would like some assurances that the neighbors won't be looking at tractor trailer rigs parked in the back of the property for a period of time. He stated that he wouldn't want that around his house and he knows that anybody that would buy these other four (4) lots wouldn't want those either. He said that he needs to see something in the PUD; I don't know what that is that would restrict. He added that he knows that tractor trailers will have to come on the property to load and unload. He said that he wanted to know if the trucks will be staying on the property and parked for a period of time. He reiterated that was his concern and that the pictures don't tell him that they just show him that they are tractor trailers on the property.

Debbie Lowe stated that was the Florida facility and that's not to say they're going to have them here. She said that she thinks the Howell's mention to them that they typically what they use to transport their camera equipment is a dooley truck and something similar to a horse trailer. She added that they do not carry these cameras on tractor trailers. She stated that would be okay with putting a restriction in, because she really doesn't think they will be used here.

Chairman Graw reiterated that he doesn't feel comfortable unless there is something that restricts the big rigs. He stated that there is a picture that shows a big rig in Florida and it doesn't tell him that there won't be one (1) in Fayette County, GA. He said that is his problem, and that he has mentioned it at every meeting we have had, because he is concerned for the neighbors.

Debbie Lowe stated that we are talking about 15 acre tracts of property.

Chairman Graw stated that we are here for them as well as for the gentleman that wants to put his business here.

Debbie Lowe stated that she doesn't think there will be an issue with putting a restriction. She said that they were not little lots, but 15 acre tracts of property. She added that she lives on a 20 acre tract and that she hardly ever sees her neighbors. She stated that the reason they had chosen this particular piece of property is because it is heavenly wooded with clearings in certain areas where it would allow for a home and another structure without being seen from the second lot. She said if you pull an aerial you will see exactly what she is talking about there is lots and lots of buffers.

Chairman Graw stated that he had been by the property a couple of times.
Debbie Lowe stated that you never been in the property.

Chairman Graw agreed he hadn't been in the property but has been buy it.

Debbie Lowe stated that the finish product will not impact the visual integrity of this property at

all. She said that she talked to Pete about some of the concerns the Commissioners brought up. She reiterated that what they are proposing here will have less of an impact on the property than the current R-70 would have.

Chairman Graw stated that the lots are long and narrow. He asked how wide the lots were.

Pete Frisina replied that they all are about 250 feet to 300 feet at the street.

Chairman Graw stated let's say they're 250 wide; you put a house in the middle of these; you're only going to have a 125 feet either side and the next property is going to have 125 feet that means you're only going to have 250 feet in between the homes. He said that's not an awful lot of room between your home and your neighbor. He added that the lot in the corner could have a house on it and be hidden from the neighbors.

Brian Haren stated that he understands that these are heavily wooded lots and there is not really a line of sight from one (1) lot to another. He said that at the end of the day we are creating zoning not just for this, but for the whole County. He added that we have to make sure that there are mechanisms in place to prevent what Jim is trying to address here. He asked how we prevent semi-trailers 30 foot trailers being parked on property for long term. He asked what control mechanism do we have available.

Chairman Graw replied I don't know. He stated that was his problem and that he was trying to think of the wording. He said they could say anything 60 feet or more can't be parked on the property for more than 48 hours. He added that he didn't want to be so restrictive to where the people couldn't do their business, but he still doesn't want the people on either side to come to the County complaining about tractor trailers. He stated that complaints have come to Pete about different items. He said that there hasn't been anything that the Marshals can go out and cite them for. He added that is why he would like to see something in writing that would back up a Marshal if they're going to go out and tell someone to get their stuff out of here.

Al Gilbert stated that he like the wording of 48 hours and if they could come up with something that would suit him fine. He said another problem they are going to run into is a lot of people use trailers for storage. He added that he is not worried about a trailer coming in loading and unloading, but the problem is when it starts to accumulate merchandise.

Chairman Graw asked are they going to be storing cameras in these vehicles.

Debbie Lowe replied no, they're only for transporting. She said that is the whole purpose for trying to do this type of project. She added that these cameras are so expensive they have to be in a secure location at all times. She stated that is why they want to do it this way where they live on the property where these are going to be kept.

Brian Haren stated that he thinks the temporary storage piece is easy to fix if we are trying to avoid the use of trailers. He said it could simply say no temporary storage. He added that a lot of subdivisions covenants say if you own a boat or an RV you can only have it parked in your front yard for a 24 or a 48 hour period. He stated that you can bring it back from the lake and

clean it up and then put it back where it is stored. He said maybe a provision that says no parking of vehicles by a gross weight, commercial registration, or overall vehicle length on the property for more than 48 hours.

Pete Frisina stated that we right now have a regulation in the zoning ordinance that says in any residential zoning district except A-R on lots of 10 acres or larger no business vehicle exceeding 8,000 pounds shall be allowed to be parked. He said that if you have an A-R lot with 10 acres or greater you are allowed to park an 8,000 pound vehicle on your property. He added since it doesn't have an s on it does that mean singular; yes, so if you have an A-R tract with 10 acres or greater you can park one (1) business vehicle exceeding 8,000 pounds curb weight on that property.

Chairman Graw stated that was fine but they can't do it for any longer than 48 hours, because there is going to be tractor trailers coming in and out of that property, isn't there.

Debbie Lowe replied no.

Brian Haren stated that it maybe not for this but I can understand another type of business where he's going to come in and load the trailer and it's going to sit there until morning comes and they pull it out. He added that you have to allow them to conduct their business so to speak.

Al Gilbert stated that sometimes loading and unloading a trailer doesn't happen in a day.

Chairman Graw stated that he is not proposing something to try and hinder any business. He added that he wants to see neighbors treated fairly also.

Brian Haren asked in A-R over 10 acres you can have one (1) commercial vehicle.

Pete Frisina replied since there is no "s" on it I am going to say it's one (1) singular, no business vehicle exceeding 8,000 pounds shall be allowed to park on any residential lots except for A-R lots of 10 acres or greater you can't do it. He stated let's assume that the opposite on an A-R lot that is 10 acres or greater you could have a business vehicle exceeding 8,000 pounds.

Al Gilbert stated that he doubts a trailer weighs 8,000 pounds.

Brian Haren stated that it's the rated capacity.

Al Gilbert stated that he thinks that horse trailers are staying there in some cases.

Pete Frisina replied that those would be on site.

Al Gilbert agreed and said that we have to be careful on how we word this, because he already told us he would have horse trailers.

Brian Haren asked if they were true horse trailers.

Debbie Lowe replied they are equipment trailers which about the same size as a horse trailer.

She said that some are smaller and some are bigger.

Brian Haren asked if they were registered commercial.

Debbie Lowe replied not necessarily you don't have to have a DOT tag on a lot of equipment trailers unless they are used for business purposes; as long as there traveling then you would have to have a DOT tag on them. She said that would be a way to get around it is to say any vehicle requiring a DOT tag.

Chairman Graw stated that since PUD's are unique and we can basically put anything we want in a PUD regardless of what's in the ordinance right now; why don't we take the wording that's in there 8,000 pounds apply it to this and say it can't be parked for more than 48 hours.

Pete Frisina replied that he could put that in there.

Al Gilbert stated that he would like to find out what type of weight load we are talking about on the trailers.

Pete Frisina replied that he would look into getting some typical sizes and weight loads of trailers. He stated that it was written back in the very early 80's. He said that he read the minutes to understand why they wrote it that way and the issue that they had in 1982 was with semi-trailers or large trucks being parked in subdivisions. He added that they were trying to get them out of the subdivisions because at that point the County was just getting into subdivisions because everyone had 10 acres of land out there.

Brian Haren showed a large landscaper truck that weighed 8,000 pounds on his phone.

Debbie Lowe stated that she has a horse trailer and it weighs 7,500 pounds.

Brian Haren stated that we may be talking about two separate things the rate of capacity and the weight of trailer itself.

Chairman Graw asked if it was 15 feet.

Brian Haren replied probably yeah.

Debbie Lowe stated that hers is 20 feet.

Donna Black stated that code enforcement is not going to have a way of knowing how much this weighs and there are no scales around. She said the real concern is what it looks like in someone's back yard. She added that it would seem to make more sense and would be a little bit easier to enforce if you limited it to a size.

Al Gilbert asked how long a typical trailer is.

Brian Haren replied that a typical trailer is between 30-35 feet. He stated that horse trailers are

20 feet.

Chairman Graw said that the trailers are usually 60 feet.

Brian Haren agreed saying the heavy OTR trailers can be up to 55-60 feet. He said the common use one are 30-35 feet. Brian Haren asked what would we like to say; nothing longer than 30 feet for more than 48 hours.

Al Gilbert stated that he wants to find out how long the ones he uses are.

Chairman Graw said that would help you with the horse trailers, but horse trailers aren't going to be 30 feet unless you get one (1) with a six (6) horse trailer including the beds.

Pete Frisina replied that two (2) typical ranges are 48 and 53 for the large semi-tractor trailer.

Debbie Lowe replied theirs is not that big.

He reiterated that 48 and 53 are the standard sizes he is seeing on the computer.

Chairman Graw stated that the room was about 30 feet and would be the same size as a truck. He said when you put the cab on it you're talking about another 8-10 feet; so a 38-40 foot dib.

Brian Haren stated that we are just talking about the trailer itself. He asked what size.

Chairman Graw stated that he thinks they can get done what they need to with a 30 foot trailer.

Debbie Lowe stated that she was texting to see what the size is of the trailer they pull.

Brian Haren asked if they wanted to talk about the quantity of trailers.

Chairman Graw asked how many trailers can be on the property at one (1) time.

Debbie Lowe replied that it varies. She stated that most are out coming and going periodically; they may go on a shoot for four (4) to six (6) weeks and they may go longer, but they all aren't going to be there at one (1) time.

Brian Haren asked if we could say something that says no more than two (2) for more than a 48 hour period.

Chairman Graw stated that there were three (3) and a horse trailer.

Pete Frisina stated that horse trailers range from 15 to 33 feet.

Al Gilbert suggested saying 35 feet so we can catch anything that may be longer than 33 feet.

Brian Haren said that is the trailer size limit.

Debbie Lowe suggested saying anything on the property for more than 48 hours must be parked undercover or inside.

Chairman Graw stated that I saw that written somewhere.

Pete Frisina replied that it says they must be parked in the rear yard only and says nothing about screening. He asked about other vehicle sizes such as panel trucks and what their lengths should be.

Debbie Lowe stated that 24 feet would be the average trailer for her client. He said almost all are that size. She added if they say 30 foot or under they would be good.

Chairman Graw asked if 30 feet would be suitable.

Brian Haren asked how we would word it. He stated no trailers over 30 feet overall length can be parked on the property for more than 48 hours.

John Culbreth asked if a trailer could be there for more than 48 hours for operational purposes.

Brian Haren asked if they wanted to say 72 hours to get them over the weekend.

Debbie Lowe asked if they could say unless sheltered/parked inside. She stated that their building will be large enough where they could park the vehicle.

Chairman Graw stated that if they wanted to park it in the garage that he doesn't have a problem with it.

John Culbreth stated that he couldn't see them moving out every 24 hours.

Al Gilbert suggested they say that any other business related vehicles parked more than 48 hours need to be parked inside.

Chairman Graw asked if they owned any tractor trailers.

Debbie Lowe replied no.

Chairman Graw stated that the only thing that would be business related would be coming from someone else.

Al Gilbert stated that he would say the horse trailers are business related. He said if they are going to park six (6) horse trailers for over a month that would concern him the same way a tractor trailer truck would. He added that he is not saying they would but another business somewhere else might.

Brian Haren asked if they wanted to get in the business of all business vehicles. He asked how many businesses around here run F250's, and are we going to tell them they can only have them on the lots for 48 hours or put them under cover.

Planning Commission replied no.

Al Gilbert stated that we did that with an ambulance service here.

Pete Frisina replied that they had to be parked behind a fence.

Brian Haren stated that a lot of individuals use their business vehicle for business and to run errands. He said that this gets us back where we started. He asked if we regulate on size and then asked how big an F250 was.

Chairman Graw replied that we should just leave that alone. He stated that his intent was not to try and control F250's unless they have the 30 foot trailer on the back that they're hauling.

Al Gilbert asked about wording it as business trailers. He said that he was just trying to get out of having a lot of business trailers parked outside. He reiterated that any business trailers parked on the premise for more than 48 hours need to be inside.

Pete Frisina asked if a person had two (2) trailers would you say that at some instances both of those trailers would need to be parked inside a building.

Brian Haren replied yeah if they are there for more than 48 hours.

Pete Frisina clarified any trailer.

Brian Haren replied yeah any trailer.

Chairman Graw asked how we control it if someone takes it off the property and brings it back on. He asked does the clock start over.

Pete Frisina stated that we have a 100 foot buffer around the entire perimeter of the development; interior to the development these lots are all going to have common uses on them. He said if you move into this PUD and you're not looking to have a residence and a business, you shouldn't be complaining about someone having a residence and a business, because that it is the whole purpose of the PUD. He added that internally he doesn't know if that is an issue. He stated that is why we put such a huge buffer on the outskirts of it to push everything away from it. He said that everything should be parked behind the residence and the residence should be the focal point of it. He added that as oppose to putting it inside a building instead require a fence. He stated that if he had to build a building for his business and to hold his trailers that would be a big building.

Al Gilbert stated that he wouldn't mind the term screened.

Pete Frisina replied that we need to determine what we mean by that. He asked what type of trucks Ryder uses. He asked if they were panel trucks.

Chairman Graw replied panel trucks or box trucks.

Pete Frisina stated that the Ryder trucks can be 12, 16, 22, and 26 feet long. He said that those were standard sizes for those trucks and that the 26 foot truck is probably 10-15 feet high.

Al Gilbert stated based on his experience in the building industry that a lot of those Ryder trucks you can't get a seven (7) foot door through.

Brian Haren stated that they would be taller than eight (8) but less than 15 feet.

Pete Frisina stated that the computer is saying the box truck top is nine (9) feet six (6) inches. He said the trailer is probably going to be about 10 feet tall.

Brian Haren stated that the trailers would be the same height as that.

Debbie Lowe stated that she doesn't think the trailers are that tall. She said that cabinet makers deliver in box trucks and they're taller than the trailers that these people use.

Brian Haren replied that a regular 30 foot commercial over the road trailer is every bit as tall as a box truck.

Pete Frisina stated that he was looking more at the horse trailers.

Brian Haren suggested saying any trailers on the property for more than 48 hours have to be stored in a screened storage area.

Pete Frisina suggested saying as part of the PUD we will take this into consideration through their summary of intent they need to tell us: what kind of vehicles are they going to use; how many are they going to have on sight. He stated then we can handle it on a case by case basis. He reiterated that we need to know these things so we can look at the sight so we can handle it through the PUD.

Chairman Graw stated that he would like to see something in there.

Pete Frisina replied we will. He stated that they could say nothing larger than X then they're done, but we have to state what the number is going to be. He said that not every business is going to use one (1) trailer or two (2) trailers or three (3) or four (4). He added that he could try and do it that way and we can try and see if we feel comfortable handling it in that manner.

John Culbreth stated that he was okay with that.

Chairman Graw asked if the permitted uses allowed in the home occupation ordinance come into the PUD. He stated that they talked about looking at the uses as they come in. He asked what if someone comes in and says tax business.

Pete Frisina replied that you would then have to make a determination. He stated that a home

occupation is a very minimal use inside the home. He said that he doesn't think you would move in here to start a home occupation.

Chairman Graw stated that they may sell these lots to people who have no intent on putting a business in there.

Debbie Lowe stated that they had mentioned that someone may want to live in there and not run a business. She said it was possible but not probable.

Chairman Graw asked if it was possible for someone to buy lot two (2) and open a tax business.

Pete Frisina replied that you have a list of business you are going to approve prior to the PUD being approved. He stated if someone were to move into one (1) of these parcels and they have a business in the back that does something and they also have a side business inside the home where they make baskets to sell at fairs that would not be an issue, because home occupations are allowed.

Chairman Graw stated that he doesn't have a problem with someone having a home occupation. He asked if it would be a problem if someone wanted to open a home occupation in the PUD.

Pete Frisina replied the zoning allows for that to happen. He stated when they did the Planned Small Business Center up on S.R. 85; the whole purpose of creating that zoning category PUD was because they had no way to mix office, commercial, and industrial in one (1) development. He said you either had to have the parcel part zoned O-I, part commercial, or part of it zoned industrial; that's hard to do. He added that they created a PUD where you can pick from those three (3) categories and mix them in a development; but the 20 uses you they bring forth in the summary of intent that they approve those are the 20 uses that are going to go there. He stated if someone wanted to add a 21 uses they have to go back through the process. He said that this will be set up the same way. He added if they want to do a Hollywood base compound with cameras, gaffing, etc.; and someone says that they are a plumber it isn't in the intent of what this development is and if you really want one (1) we are going to go back through that process. He added that to amend a PUD you have to go back through the process, and it is the same as a rezoning.

Chairman Graw stated that he doesn't understand and asked if the gentleman with the 75 acres will bring in the uses.

Pete Frisina replied yes.

Chairman Graw stated that when he comes in and gets his property rezoned to this he is going give us a whole bunch of uses for 75 acres / five (5) lots.

Pete Frisina replied yes.

Chairman Graw asked when the people come in and buy lot two (2) who can't use one (1) of those uses; will they not be able to build there or petition to have their use added to the uses.

Pete Frisina replied that's right.

Chairman Graw stated that this was not a lot by lot basis. He said that this gentleman has all of his uses and lot two (2) when they come in their going to give whole bunch of their uses.

Pete Frisina replied no. He stated that the development has prescribed uses that we adhere to. He said those four (4) or five (5) lots can use those prescribed uses.

Brian Haren stated that he doesn't have a problem with home occupations. He asked will they state in the ordinance that home business are allowed.

Pete Frisina replied that he would put something in there.

Chairman Graw suggested saying that home occupations are permitted.

Pete Frisina stated that there was something in there that he makes a reference to conditional uses; that if one (1) of the permitted business uses they ask for is a conditional use it has to meet the conditions.

Debbie Lowe asked when we list the uses can they be fairly broad. She stated an example would be a woodworker someone who makes furniture or cabinetry that has a shop. She said that people who make tiny homes and put them on chassis would be a good business to have in the PUD. She added that this business is all enclosed.

Al Gilbert suggested a business where they build the scenery for the movies.

Debbie Lowe interjected saying set design. She stated that when you put your mind to it you could come up with all kinds of things that could go in there.

Pete Frisina stated that is something we are going to have to figure out; how broadly and how detail we want to be.

Chairman Graw replied that we might say yes to a broad definition of uses but we don't know what the attorney is going to say. He stated the attorney may say we need to know exactly just in case there is a suit of some kind. He added that if they deny something the attorney may say there needs to be something written down on why we denied it. He stated that the attorney is big on that.

Pete Frisina stated that is something that we will have to work out.

Chairman Graw stated that it is better to have more specific terminology on things than to just let it go.

Pete Frisina stated that he has spoken to four (4) Commissioners on the PUD in general and looking at this site specifically. He said that he has spoken to Commissioner Maxwell who is coming on board, Commissioner Brown, Commissioner Rousseau, and Commissioner Otto. He

added that he has not spoken to Commissioner Oginio. He stated that he gave them a briefing of what we are looking at to get some reactions to what they think. He said that two (2) Commissioners have brought up the issues of the curvature of Sandy Creek Road and the sight distance; they asked how we are going to handle large vehicles coming in and out on that road without causing an issue. He added that he is going to get with Public Works Department to put a tube counter out there, because of Pinewood and it being the major access to S.R. 74 it has seen a lot of traffic. He stated that a couple of commissioners are getting a lot of concern from citizens that live on Sandy Creek Road. He said that two (2) of them have mentioned that they would like to see a central entrance to this development.

Debbie Lowe stated that was impossible.

Pete Frisina stated that the two (2) he has spoken to are usually not on board with each other. He said one (1) of the Commissioners he will speak to usually sides with one (1) of the ones that said that. He added that will be an issue when the site comes up. He stated that Arnold Martin mentioned last time surface drives; and he spoke to Emergency Service and 911. He said that he tried to explain that you will have homes fronting these lots with driveways coming out servicing the homes, but will there be some way of running a service drive through there, to service the large buildings in the back so it has a separate interest. He added that they had some concerns because the way 911 works on a central access point stating where the home and the driveway is that is associated with the house; they have to pad the computer system to know there is a business in the back and the way you get to that business is another method to get back there. He stated that they were not very enthusiastic about that. He said that if that is the direction we are going to have to go, because the lots are larger than five (5) acres the standards go down somewhat. He added that they do not have to have curb and gutter but they do have to have paving to the road. He stated that the County Engineer said that there are some allowances for less than 24 feet of pavement.

Al Gilbert asked if he was talking about putting the road on the backside of the property.

Pete Frisina stated that what he had suggested to him was a small stub street that these lots come off of, because of the curvature of the road and the amount of traffic coming off of this road.

Al Gilbert stated that sub streets will have to be paved too.

Pete Frisina stated that it would be like a little subdivision street. He said then all the lots will front off that central drive like a small subdivision. He added that it would come in and have a cul-de-sac.

Brian Haren stated that any road or cul-de-sac is not going to impact the traffic volume. He said that it will just control the access going in and out.

Pete Frisina agreed. He stated that the other option that may come out of this is that you get more than four (4) or five (5) lots out of it.

Debbie Lowe stated that it would then drop the lot size down.

Pete Frisina asked if the lots are all 15 acres.

Debbie Lowe replied yes. She stated that there is already three (3) driveways there anyway.

Pete Frisina replied but there not pulling these things in and out.

Debbie Lowe stated that is a misconception that a business is going to bring traffic in an out of there all the time that is not so.

Al Gilbert stated that he wonders if they are envisioning traffic-trailer trucks.

Debbie Lowe replied that she really thinks they don't understand.

Pete Frisina interjected that he did try to explain the horse trailer thing.

Debbie Lowe stated that it won't be any more traffic than a regular home.

Brian Haren asked if there is ever a case where a County road bisects a residential lot.

Pete Frisina asked if he meant the road goes through the middle of it.

Brian Haren replied yes.

Pete Frisina stated yes it creates two (2) lots.

Brian Haren suggested maybe cutting a road behind it at their cost.

Chairman Graw stated that he thought the access road Arnold suggested was a great idea. He said that he could also see the point and asked what road you use in case of an emergency.

Brian Haren stated that he listens to 911 dispatch a lot. He said there are a lot of call outs where they give them unique and specific instructions on how to get to the points they need to get to.

Pete Frisina stated that what he gets from the 911 manager is that they would like curtail that to the greatest degree possible.

Al Gilbert stated that the biggest disaster was Whitewater and the emergency vehicles trying to get in there. He said that they had to have a key to get in the gate.

Brian Haren stated that as it is described there is not going to be a big impact on traffic. He said that the site distance may be a concern but there are already residences there.

Al Gilbert stated that it will be the same amount of traffic.

Debbie Lowe stated that across from this on the other side are the church and the cemetery. She said that you pretty much got wide open area over there too as well. She added that it's not like

you have a lot of traffic going in and coming out over there except on Sunday morning.

Chairman Graw stated that you have a lot of school traffic.

Pete Frisina stated that he would get the road department to do a 24 count.

Debbie Lowe interjected saying that school traffic will come from east to west and turn there on the back road.

Pete Frisina stated that the counter will give you east, west, plus size. He said that it can tell you how many vehicles, how many large trucks, east west dispersion, and it times and graphs everything for you.

Chairman Graw stated that the cul-de-sac was not a bad idea. He said that you may not get five (5) lots out of it.

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.

6. Discussion of PUD's.

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

- 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 do 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.

THE FAYETTE COUNTY PLANNING COMMISSION met on February 16, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville,

Georgia.

2. Discussion of PUD's

Pete Frisina stated that there wasn't much difference with the new document and there were only a few things he added. He said that he sent out what he had on Friday and got with Environmental Management later on in the week. He added that he took all the suggestions from the last meeting and got them in there. He stated that there was a reference made that all business structures should not allow residential. He said that it was under subsection (m).

Chairman Haren read subsection (m):

m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure. Pete Frisina stated that came from Bryan Keller on last week. He said that we are mixing residential and nonresidential. He added that Bryan is trying to figure out how we handle stormwater between residential and this business structure. He stated that is the typical setback that we would have if you had an agriculture building. He said that it gave Bryan some comfort to have that separation.

Chairman Haren asked if it was a minimum 100 foot separation.

Pete Frisina replied between the business structure and the residential.

John Culbreth asked front, back, or side.

Pete Frisina replied that these have to be in the rear. He stated that the only thing new to you guys that you don't have is (q) and (r).

Jim Graw asked if they could go back to (o). He asked by excluding Sunday, what have we done.

Pete Frisina replied nothing it's the same thing that's always been there.

Jim Graw asked that by excluding it we are not permitting it.

Pete Frisina replied no, customers on Sunday.

Chairman Haren stated that you conduct business activities but you can't have customers.

Pete Frisian stated that is what is under our Home Occupation ordinance right now and that is our standard. He said that this is a quasi home occupation and that's why it says that. He added that (q) and (r) are the two (2) new things he got from his sit down with Environmental Management this week. He stated that both (q) and (r) were taken from the two (2) other quasi-agricultural uses we worked on: A-R Weddings & A-R Deer Processing. He said that those were

using similar language brought into this ordinance to discuss stormwater requirements and on-street parking. He added that what this does is allow us to not to require a full blown site plan like this were a Wal-Mart shopping center. He stated that what they are trying to find something in-between so they can get what they need by not having one (1) of those humongous drawings, and its similar to what we did with those other two (2) uses. He said that those were the basics and he had made a few other changes such as the residential, but this now addresses the stormwater, addresses parking, and alleviates it from a lot of the heavy regulations that we would put on a full blown nonresidential development. He added that when they changed the development regulations not too long ago they put in exclusions. He stated that if it's excluded somewhere else or exempted it could rely back to this for us.

Chairman Haren asked about the list at the bottom of the page.

Pete Frisina replied that those were just notes. He said that some of those are unanswered because the Fire Department will make a determination about sprinkler systems, ADA requirements, fire truck access, and Environmental Health will look at septic system. He added that we are not going to know this until we have a site on the ground.

Chairman Haren stated that if the structure is located in the commercial portion everything in here is going to be inspected in accordance with the commercial regulations.

Pete Frisina replied that is exactly right. He said that at this point it is hard for them to give me concrete answers without something to go by. He added that they are not going to give him speculative answers.

Chairman Haren stated that he knows they have talked a lot about the vehicle issue. He asked if everyone was comfortable with that.

Debbie Lowe stated that is where we have a problem. She stated that the top copy was a picture of an enclosed cargo trailer, which Cinemoves has several of, and the next page is a picture of a 20 foot cargo trailer. She said there is very little difference between the two (2) other than the length and size. She added that this was typical of what they load their equipment on. She stated that its pull by either a three (3) quarter ton or a dually truck.

Jim Graw asked if there was going to be any storage in these at all.

Debbie Lowe replied no, it will be in the building. She asked that they don't limit the size of the trailer or increase it to 30 foot trailers. She stated that an 8,000 pound trailer is a two (2) horse trailer with two (2) horses in it. She added that we will have to increase the weight.

Pete Frisina replied that these requirements are for motor vehicles not trailers. He stated that we don't have a limitation on the size of the trailer. He said that a lot of this is taken from another ordinance

Debbie Lowe stated that they use three (3) quarter ton or one (1) ton pickups.

Pete Frisina stated that she would have to specify those sizes in the PUD and as it goes through the process we will see what happens.

Chairman Haren asked if anyone had any comments.

Al Gilbert asked if they were ready to vote on this to go to Public Hearing.

Pete Frisina asked if they wanted him to put “motor vehicles cannot exceed” instead of said motor vehicles.

John Culbreth agreed motor vehicles will clarify.

Jim Graw stated that it takes care of the problem with tractor-trailer rigs.

Pete Frisina replied that there is not a limit on the trailer size in the ordinance. He said that would have to be proposed in the PUD.

Jim Graw stated that this was intended to cover tractor trailer rigs....I think.

Pete Frisina asked what part of the tractor trailer is the motor vehicle. He replied the tractor not the trailer. He stated that they will have to look at it through the PUD and make a determination when they come in. He said unless you want to put a limit on the trailer size.

Chairman Haren asked if they are going to be there overnight and if so they would have to be enclosed.

Debbie Lowe stated that it was for a time limit and if they were going to be there for that period then they were supposed to be housed.

Pete Frisina stated that he didn't see it there because they talked about it at the last meeting.

Al Gilbert stated that (p) was close to it, because it was talking about storage.

Chairman Haren stated that we talked about having a requirement to make it indoors or a fenced in area shielded visually.

Pete Frisina stated that he didn't anticipate these types of businesses regularly using these types of vehicles in association with the business. He said in his opinion if you are using semi-tractor trailers this is no place for it. He added that we are using motor vehicles that we allow under a home occupation here, that's what this is, and that's not to push it to the next level. He stated that these motor vehicles can only pull a certain size trailer.

Chairman Haren stated that he was concerned that some point down the line in another one of these, someone is going to be putting in semi-trailers back there.

Debbie Lowe stated that each PUD is on its own merit. She said that the next one (1) maybe totally different than this. She added that when you put your application in for your design of the

PUD you are going to stipulate in there, where this one (1) it's not really needed.

Chairman Haren asked what the other Planning Commission members think.

Al Gilbert stated that he agreed with Chairman Haren. He said that he was afraid a business was going to pop up that will use tractor trailers.

Pete Frisina stated that was not the intent we want in this PUD.

Chairman Haren asked what if someone comes in saying I want to do something like this and says by the way my transport vehicles are 35 foot over the road trailers. He stated that they might say this boiler plate doesn't prohibit that.

Pete Frisina replied that you would have to prohibit that through the summary of intent.

Chairman Haren asked what if they say you didn't restrict it to these folks why are you restricting it to me.

Pete Frisina stated that in his opinion he never envisioned that on a regular basis we would have semi-tractor trailers coming in and out of the home office.

John Culbreth asked if they do what is our rationale to deny.

Chairman Haren replied that he understood that they might have vehicles of that size coming in and out of the business, but if you are going to park anything there overnight, so that it is out of view its behind and it's not an eye soar to the rest of the neighborhood.

Pete Frisina stated that size of vehicle will be out of the place in the development.

Jim Graw stated that Debbie Lowe was absolutely right we are going have to look at each PUD as it comes in stands on its own. He said the next PUD that comes in someone may ask to have cars, busses, and trucks specifically for the movie industry much like Ghostlight, Comoyo, and Picture Cars. He added that we may get one of these businesses in the future and we need to look at the possibility in this thing. He stated that Ghostlight provides busses to the motion pictures. He said that we may have to look at something to restrict that type of activity in the future. He added that he hopes they don't get a PUD where they want to put in cars, and get cars prepared for the movie industry on 15 acres.

Debbie Lowe stated that was more of an industrial type of thing.

Pete Frisina stated that he doesn't know how to articulate it, but I just didn't envision that level that intensity in something like this. He said the residential is supposed to be the primary and this is supposed to be secondary to it.

Jim Graw stated that his fear is it's not going to become the secondary it's going to become the primary. He said that he is very tossed around about this whole PUD idea and not convince this

is the way to go.

Chairman Haren stated that he thinks it is a good idea but he wants to make sure that we get it right as much as we can before moving it forward. He asked them to look at the wording in (n). He read (n):

n. All vehicles associated with the business must be parked in the rear yard only.

Chairman Haren asked what defines a rear yard.

Pete Frisina replied the area behind the principle structure. He stated that the arrangement for your semi-tractor trailers is 45, 48, and 53.

Chairman Haren stated that he doesn't care if they park the Star-Trek enterprises back there is it going to be visible to everybody else and everyone that drives back.

Pete Frisina stated that he would have a problem if someone put that in their letter of intent.

Chairman Haren asked if there was anything else.

Pete Frisina stated that he would change that to say motor vehicle. He asked if there was anything else. He asked if they were ready to throw it out there to see what happens.

Jim Graw asked if this goes through and something comes up would they be allowed to amend this.

Pete Frisina replied yes.

Chairman Haren agreed that they may have to amend the ordinance in the future.

Pete Frisina stated that he would advertise they would go to public hearings in March and on the fourth Thursday of the month is when the Board of Commissioners would hear it. He said they would either say it is not a good idea, it is a good idea, or bring it back to the Planning Commission.

Michael Howell stated that they have no customers and are looking for a farm setting to work/live out of as a family compound. He said they are not looking to run a business out of there. He added they don't need customers or anything. He added they are just looking for a better place other than College Park.

Pete Frisina stated that would be a part of your summary of intent. He said because you are making some additional lots that may or may not have additional business on their try to anticipate that. He added that if you didn't get it right in terms of your summary of intent you have the option to go back through that process to try and amend your summary of intent. He stated that it gives you a little bit of flexibility.

Debbie Lowe stated that they have not grasped that the way the property looks now that is the

way it is going to look when it's finished. She said that you will see nothing different from the road and it will all be tucked back in to that property and nobody will ever know it is there. She added that they want it to be that way because of the security.

Chairman Haren stated that he understood that but they are not writing it just for them but everybody else that comes along wanting to do something like this.

Bill Beckwith asked that since there is a concern about the vehicles would they want to put a limitation on the length of a trailer for this specific type of situation.

Chairman Haren stated that he doesn't think so for trailers.

Bill Beckwith stated that is where the concern is going to come out of.

Chairman Haren stated that the concern came from them being there overnight would they be visible from the public roadways. He said that he thinks they have gone passed that.

THE FAYETTE COUNTY PLANNING COMMISSION met on March 3, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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.

Sec. 110-149. - Planned unit development.

(a) *Purpose.* The intent of this section is to:

- (1) Encourage the development of large lots of land as: planned residential developments (PRD), planned industrial parks (PIP), planned retreats or lodges (PRL), planned entertainment farming (PEF), planned outdoor recreation (POR), and planned small business center (PSBC);
- (2) Encourage flexible and creative concepts in site planning;
- (3) Preserve the natural amenities of the land by encouraging scenic and functional open spaces;
- (4) Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this chapter;
- (5) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and
- (6) Provide an environment of stable character compatible with surrounding areas.

(b) *Development standards.* Each planned unit development shall meet the following standards in addition to any other as hereinafter set forth:

- (1) The development shall utilize creative and flexible design including, but not limited to: varied lot sizes, amenities, mixed uses, etc.;
- (2) The development shall be compatible with surrounding uses and with the land use plan of the county; and
- (3) *Paving of roads.* Developers of approved planned unit developments shall be required to pave all new subdivision streets contained within said development in conformance with the rules and regulations of the development regulations of the county (see chapter 104). Improvements to existing county-maintained roads or planned county roads which pass through a Planned Unit Development will be handled conditionally at the time of rezoning or at the time of a revision to a development plan. However, in any planned retreat or lodge (PRL), the developer shall be required to provide for all-weather roads, as approved by public works, suitable for the passage of emergency vehicles.

(c) *Relation to zoning districts.* An approved planned unit development shall be considered to be a separate zoning district in which the development plan, as approved, establishes the uses, restrictions and regulations according to which development shall occur. Upon approval, the zoning map shall be changed to indicate the area as a planned unit development.

(1) *Procedures.* The following procedures shall be followed in the establishment of each and every planned unit development:

- a. *Pre-application conference.* The deadline to submit copies of the development plan and Letter of Intent shall be the first of each month by noon. If the first of the month falls on the weekend or on a holiday, the deadline is automatically extended to the next working day by noon. Prior to filing a rezoning petition for a planned unit development, the applicant shall meet with the technical review committee (TRC) in order to review the general character of the proposed development, including, but not limited to: its scope, nature and location. At this time, the applicant shall be fully advised of the approval procedures contained herein and the various information, studies, etc., which the applicant may need in order to continue with the said procedures.
- b. *Pre-recommendation meetings.* Prior to filing a rezoning petition for a planned unit development and subsequent to the pre-application conference with the zoning administrator, the applicant shall meet with the planning commission in a plan review session. At this meeting, the applicant shall be required to review any plan with the planning commission and provide preliminary data concerning said plan as required by the planning commission. The planning commission may require additional pre-

recommendation meetings to review said preliminary data prior to their pre-recommendation.

- c. *Rezoning petition.* A rezoning petition for a planned unit development shall only be submitted subsequent to the pre-application conference with the zoning administrator and the pre-recommendation meetings with the planning commission. This petition shall contain a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both proposed and existing. A rezoning petition for a planned unit development shall follow the procedures in article VII of this chapter.
- d. *Development plan.* The following information shall be submitted as the development plan:
 - 1. General location map;
 - 2. Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than 20 feet based on field survey or photogrammetric methods;
 - 3. Map showing the existing floodplains and flood soil as indicated by FEMA;
 - 4. Legal description of the subject property;
 - 5. Location and use of existing and proposed public, semi-public, or community facilities such as schools, parks and other open space. This will include areas proposed to be deducted or reserved for community or public use;
 - 6. Elevations of building types for all nonresidential structures which indicate the proposed general architectural style and appearance; and
 - 7. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
 - (i) Off-street parking and loading plan;
 - (ii) Economic feasibility report or market analysis;
 - (iii) Area traffic study and circulation plan within the development and to and from existing thoroughfares;
 - (iv) Hydraulic, hydrologic; and drainage engineering studies;
 - (v) Environmentally sensitive areas, including, but not limited to: watershed protection, wetlands, or groundwater recharge, impact study;
 - (vi) Based on the pre-application meeting with the zoning administrator and/or the pre-recommendation meetings with the planning commission, other information as is deemed necessary may be requested, in addition any of the aforementioned required information (items enumerated in subsections (c)(1)a through h of this section) may be excluded if deemed not applicable.
- e. *Summary of intent.* The written statement submitted with the development plan shall include the following information:
 - 1. Statement of the present ownership of all land within the proposed development;
 - 2. Explanation of the character of the proposed development, including, but not limited to: a summary of uses, number and type of dwelling units, a net residential density calculation, and minimum standards for floor area, lot size, yard and spacing requirements;
 - 3. General statement of the proposed development schedule and progression of unit development or staging; and

4. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open space, including the provisions which will organize, regulate and sustain the property owners' association, where applicable.
- f. *Approval.*
 1. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications the proposed development after receiving the recommendations of the zoning administrator and planning commission.
 2. If the proposed development is approved as submitted, the zoning administrator shall cause the official zoning map to be changed to indicate the planned unit development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modification and a properly revised development plan with the zoning administrator prior to changing the map. The development plan and all other accompanying information shall be properly identified and permanently filed with the zoning administrator.
 - g. *Subdivision approval.*
 1. At the option of the applicant, a preliminary subdivision plat may be filed along with the development plan in order that tentative approval of the subdivision by the planning commission may be granted, pending the approval by the board of commissioners of the development plan.
 2. In no case shall final subdivision approval precede the approval of the development plan.
 3. Site development regulations, specifications, and procedures governing the platting of a planned unit development and plat approval shall be in accordance with chapter 104, article XV.
 - h. *Ownership control.* At the time a final plat or minor subdivision plat is approved and recorded for a planned unit development, as applicable, the land comprising the area for the final plat or minor subdivision plat shall be under one ownership (i.e., an individual, a corporation, or some other single legal entity). Individual lots may be sold only after the final plat or minor subdivision plat has been approved and recorded and the deed contains sufficient covenants assuring the continuance of the planned unit development as originally approved and developed.
 - i. *Building and occupancy permits.* The zoning administrator shall approve of the issuance of building permits for buildings and structures in the planned unit development if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. A certificate of occupancy shall be issued for any completed building or structure if it conforms to the requirements of the approved development plan and all other applicable regulations.
 - j. *Revision of development plan.* Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the zoning administrator and planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.
- (d) *Planned residential development.*
- (1) *Purpose.* The intent of a planned residential development (PRD) is to encourage creativity and resourcefulness in residential development and to provide open space, parks and recreational facilities for the residents of the development and/or the general public.

- (2) *Permitted residential uses.* Planned residential developments may contain single-family dwellings, two-family dwellings, townhouses, or a combination thereof. Residential accessory buildings and uses shall also be allowed per article III of this chapter.
- (3) *Permitted recreational uses.* A list of proposed recreational uses shall be submitted with the summary of intent. Only those uses approved through the rezoning process shall be allowed in the PRD.
- (4) *Permitted incidental uses.* The following incidental uses shall be allowed in a PRD:
 - a. Day care facility (including an outdoor play area only);
 - b. Church and/or other place of worship (including a parsonage and outdoor play area only); and
 - c. School, private (including an outdoor play area but excluding housing or a stadium).

The buffers and setbacks for these uses along the exterior boundary of the PRD shall be consistent with the applicable conditional use requirements listed in article V of this chapter.

- (5) *Conditional uses.* The following conditional uses shall be allowed in the PRD zoning district, provided that all conditions specified in article V of this chapter are met:
 - a. Home occupation; and
 - b. Horse quarters (see article III of this chapter).
- (6) *Minimum dimensional and other requirements.* The minimum dimensional requirements in the PRD shall be as follows:
 - a. Development size: 100 contiguous acres located within the A-R and/or residential zoning districts
 - b. Each single-family dwelling shall be placed on a separate lot.
 - c. Side yard setback: 15 feet.
 - d. Rear yard setback: 30 feet.
 - e. Maximum density: Four units per acre (single-family attached); and one unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.
- (7) *Common open space requirements.* Planned residential developments shall meet the following common open space requirements:
 - a. A minimum of 2,500 square feet per lot shall be reserved for open space. The open space shall not be located in the following areas: street rights-of-way (public or private); all land located within the 100-year floodplain; water impoundments; and all lands proposed to be dedicated to a governing authority.
 - b. The open space may be publicly owned, privately owned, or be deeded to and maintained by the property owners' association, comprised of the residents of the development. When the open space is to be deeded to the property owners' association the initial owner of the development shall be responsible for the organization of said association. The organization, responsibilities and financing of the property owners' association shall be established in appropriate deed covenants, which shall run with the land and which shall appear in each and every deed of property given by the initial owner.
 - c. Approved recreational uses may be located in the open space.
- (8) *General deed covenants.* Appropriate deed covenants, which shall run with the land, shall be made a part of each deed of property given by the initial owner of the development in order to ensure the continuance of the planned residential development in accordance with all approved

plans and this section. A copy of the covenants shall be given to the zoning administrator as a part of the record of the planned residential development.

(e) *Planned industrial park.*

- (1) *Purpose.* The intent of a planned industrial park (PIP) is to encourage the development of a localized industrial park designed to meet light and heavy industrial purposes.
- (2) *Permitted uses.* Only those uses (permitted and conditional) in the M-1 and M-2 zoning districts shall be proposed for the PIP. Only those uses approved through the rezoning process will be allowed in the PIP.
- (3) *Minimum dimensional and other requirements.* The minimum requirements for a PIP shall be as follows:
 - a. Location: M-1 or M-2 Zoning District.
 - b. The development shall have access and egress only to an arterial thoroughfare.
 - c. Development size: ten acres.
 - d. Front, side, and rear yard setbacks along the exterior boundaries of the development shall be consistent with either the M-1 or M-2 zoning district, whichever is applicable.
 - e. Height limit: 35 feet.
 - f. A buffer of 75 feet shall be provided around the periphery of the development.

(f) *Planned retreat and/or lodge.*

- (1) *Purpose.* The intent of a planned retreat and/or lodge (PRL) is to provide a development exclusively designed to accommodate the assembly of groups or organizations for the purpose of association, education, therapy, or instruction through conferences, seminars, and/or camps. Food and lodging may be furnished for a definite and temporary period.
- (2) *Permitted uses.* The following uses may be proposed in a PRL:
 - a. Assembly/meeting facilities (indoor and outdoor);
 - b. Dining facilities;
 - c. Lodges, dormitories, cabins, and/or tent campsites for temporary occupancy;
 - d. Recreational facilities, including, but not limited to: recreational courts/fields, playgrounds, picnic pavilions, swimming pools;
 - e. Caretaker and/or staff housing; and
 - f. Solar farm (limited to a net metered facility only), provided that any inoperative equipment is repaired or disposed of in a reasonable time and manner.

In addition, only those uses (permitted and conditional) allowed in the A-R zoning district may be proposed for a PRL. Only those uses approved through the rezoning procedure will be allowed in the PRL.

- (3) *Minimum dimensional and other requirements.* The minimum requirements for a PRL shall be as follows:
 - a. Location: A-R zoning district.
 - b. Development size: 50 contiguous acres.
 - c. Maximum density: One single-family unit for each ten net acres of the development.
 - d. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

- e. A site plan will be required prior to the construction of structures and/or recreational facilities, as applicable, per chapter 104.
- f. Each structure whose purpose is to provide lodging shall have paved access to a public street. Said access shall meet the requirements of chapter 104.
- g. No structure shall be permitted within 150 feet of the right-of-way (existing or required) of any existing street abutting or bisecting the development.
- h. A minimum buffer of 75 feet shall be provided around the periphery of the development. To provide sufficient separation from proposed uses to alleviate any adverse effect on the use or usability of abutting or nearby properties, said buffer may be increased through the rezoning procedure by the board of commissioners as a condition of approval and shall be indicated on the development plan. Any vehicular or multi-use path access proposed within the buffer shall be approved through the rezoning procedure and indicated on the development plan; conditions of approval may be incorporated by the board of commissioners.
- i. Height limit: 35 feet.

(g) *Planned entertainment farming.*

- (1) *Purpose.* To allow certain incidental uses to an active farming operation to preserve agricultural areas. An active farming operation is defined as any area of 100 or more contiguous acres from which \$10,000.00 or more of agricultural products are grown and sold on an annual basis. Income verification may be required. Agricultural products are defined here as the growing of annual crops, the raising of livestock and/or horses, and dairy farming.
- (2) *Permitted uses.* The following permitted uses shall be allowed in a PEF:
 - a. Single-family dwelling and accessory uses and structures associated with the single-family dwelling exclusively as per article III of this chapter;
 - b. Farm buildings (shall be bona fide structures related to the farming operation);
 - c. Growing of crops;
 - d. Raising and selling livestock;
 - e. Dairy farm and production;
 - f. Greenhouses and shrubbery sales;
 - g. Farmer's market (limited to sales of crops grown on premises by owner of property);
 - h. Pick-your-own produce;
 - i. Processing of agricultural products (shall meet conditional use requirements per the A-R zoning district);
 - j. Horse stables and horseback riding;
 - k. Horse show (by permit, temporary, 14 days per year);
 - l. Rodeo (by permit, temporary, 14 days per year);
 - m. Petting zoo;
 - n. Educational tours;
 - o. Picnic area;
 - p. Sit-down restaurant, banquet facility, bakery and catering (no drive-through, and selling of alcoholic beverages, shall be prohibited) (minimum seating capacity of 50 persons);
 - q. Gift shop in association with restaurant only; and
 - r. Pay fishing and bait sales in association with pay fishing.

- (3) *Conditional uses.* The following conditional use shall be allowed in the PUD PEF zoning district provided that all conditions specified in article V of this chapter are met: home occupation.
- (4) *Minimum dimensional and other requirements.* The minimum requirements for PEF shall be as follows:
 - a. Location: A-R zoning district.
 - b. Development size: 100 contiguous acres.
 - c. Single-family dwellings and those accessory uses and structures associated with the single-family dwelling shall meet those requirements established within the A-R zoning district.
 - d. All other nonresidential structures shall meet the following setbacks:
 - 1. Front yard: 200 feet.
 - 2. Rear yard: 100 feet.
 - 3. Side yard: 100 feet.
 - e. A site plan is required indicating the location of all structures/activities per chapter 104.
 - f. All parking and access areas shall be paved and landscaped per chapter 104.
 - g. All service areas shall be screened per article III of this chapter.
 - h. All parking and service areas shall be to the rear of any restaurant building.
 - i. Only structures whose principal purpose is for the storage of farm equipment and/or animals may have a metal facade. All other structures shall have a non-metallic facade.
 - j. Shall comply with all county, (including fire marshal), state and federal requirements.
- (h) *Planned outdoor recreation.*
 - (1) *Purpose.* The intent of a planned outdoor recreation development (POR) is to provide the residents of the county adequate recreational opportunities outside of existing public facilities, parks, private recreation and amenity areas.
 - (2) *Permitted uses.* The following permitted uses shall be allowed in a POR:
 - a. Outdoor athletic fields;
 - b. Outdoor athletic courts;
 - c. Accessory uses:
 - 1. Picnic and playground areas;
 - 2. Concession facilities;
 - 3. Press box facilities;
 - 4. Restroom facilities;
 - 5. Maintenance and/or equipment facilities;
 - 6. Ticket sales facilities;
 - 7. Bleachers;
 - 8. Dugouts;
 - 9. Lights; and
 - 10. Scoreboards.
 - (3) *Prohibited uses.* The following uses shall be prohibited in a POR:

- a. Motorized or other wheeled vehicle sports;
 - b. Swimming pools and water related activities;
 - c. Archery;
 - d. Firearms and target range;
 - e. Explosives and fireworks;
 - f. Paintball and similar activities; and
 - g. Amusement park activities and rides.
- (4) *Minimum dimensional and other requirements.* The minimum requirements for a POR shall be as follows:
- a. Development size: 50 contiguous acres.
 - b. The development shall have ingress and egress only to an arterial thoroughfare as designated by the county thoroughfare plan.
 - c. Maximum number of outdoor athletic fields and/or courts: eight.
 - d. Setbacks:
 - 1. No permitted uses shall be allowed within 100 feet of the right-of-way.
 - 2. No permitted uses shall be allowed within 500 feet from any A-R or residential zoning district.
 - 3. No permitted uses shall be allowed within 50 feet from any nonresidential zoning district.
 - e. A buffer of 100 feet plus the required setbacks shall separate all permitted uses from any A-R or residential zoning district. Off-street parking areas may be located within the setback areas.
 - f. Landscaping and buffer areas shall be planted in accordance with chapter 104.
 - g. Paved access and paved parking shall be provided as follows:
 - 1. 40 spaces per outdoor athletic field; and
 - 2. Ten spaces per outdoor athletic court.
 - h. Hours of operation are to be determined at the time of development plan approval. No play permitted after 10:00 p.m.
 - i. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents. No lighting permitted after 10:30 p.m.
 - j. Adequate trash receptacles and grounds maintenance shall be provided to maintain a litter-free recreation area. Dumpsters shall be screened on all sides.
 - k. Outside loudspeaker system use permitted until 10:00 p.m.
 - l. Height limit: 35 feet, with the exception of lights.
- (i) *Planned small business center.*
- (1) *Purpose.* The intent of the planned small business center is to provide a business incubator center through a planned, mixed-use nonresidential development consisting primarily of a mix of office uses, service uses, and light industrial uses, with limited small scale commercial uses as appropriate for the area. A PUD-PSBC will allow innovative and creative design and promote high standards in the development layout to alleviate incompatibility between the internal uses in the development to protect public safety to the greatest degree possible.

- (2) *Uses.* Only those uses (permitted and conditional) allowed in the O-I, C-C, C-H, and M-1 zoning districts shall be proposed for the PUD-PSBC. Only those uses approved through the rezoning process shall be allowed.
- (3) *Minimum dimensional and other requirements.*
 - a. Minimum lot size: minimum of ten acres.
 - b. The proposed site shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
 - c. Front, side, and rear yard setbacks and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 zoning district, as applicable to the use.
 - d. The development plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety. Vehicular access facilities shall be designed in a manner to preclude large vehicles (semi-tractor trailers, delivery trucks, etc.) from utilizing areas where pedestrians are likely to be present.
 - e. Location: only those areas indicated in the county Comprehensive Plan shall be given consideration for PUD-PSBC.
 - f. Height limit: 35 feet.

(j) Planned residential and business development (PRBD)

- (1) Purpose. The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.
- (2) Permitted residential uses and structures. Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) Permitted business uses and structures. A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD.
- (4) Business vehicles. The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
 - a. Development size: 75 contiguous acres.
 - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
- d. Minimum lot size: 15 acres.
- e. Minimum lot width: 250 feet.
- f. Front yard setback: 75 feet.
- g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
- i. Height limit: 35 feet.
- j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
- l. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.
- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- n. All vehicles associated with the business must be parked in the rear yard only.
- o. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
- 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.
- q. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.
- r. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

(Code 1992, § 20-6-25; Ord. of 8-25-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2016-11, § 1, 5-26-2016)

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2017-_____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING PLANNED RESIDENTIAL AND BUSINESS DEVELOPMENT (PRBD); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE ZONING ORDINANCE OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:

Section 1. By adding a new Subsection (j) to Section 110-149, pertaining to “Planned unit development”, of Article IV of Chapter 110, to be numbered and read as follows:

(j) Planned residential and business development (PRBD)

(1) *Purpose.* The intent of a planned residential and business development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.

- (2) *Permitted residential uses and structures.* Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area proposed for the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110.
- (3) *Permitted business uses and structures.* A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size and architectural character of the business structures proposed for the individual businesses in the PRBD.
- (4) *Business vehicles.* The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see Item o. of Subparagraph (5) below) and only for the purpose of making deliveries, making pickups, and providing services.

- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
- a. Development size: 75 contiguous acres.
 - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
 - c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
 - d. Minimum lot size: 15 acres.
 - e. Minimum lot width: 250 feet.
 - f. Front yard setback: 75 feet.
 - g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
 - h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).
 - i. Height limit: 35 feet.
 - j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
 - k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.
 - l. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.

- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- n. All vehicles associated with the business must be parked in the rear yard only.
- o. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.
- 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.
- q. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations. In the event that the property is subdivided with an internal street, the development shall comply with stormwater

requirements of the county development regulations, as applicable.

- r. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

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

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are

hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney