COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, March 28, 2013	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition Number 1228-13, ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC, Owner, and James I. Pace, Agent, request to rezone 288.5 acres from A-R and R-70 to G-B to develop a Media Production and Educational Campus, with said property located in Land Lots 10 &11 and fronting on Veterans Parkway and Sandy Creek Road.

Background/History/Details:

Staff recommends approval of rezoning Petition 1228-13 with seven (7) conditions.

The Planning Commission recommended approval of rezoning Petition 1228-013, with seven (7) conditions, by a 4-0-1 vote.

Please see Attachment A (immediately following this agenda form) for the seven recommended conditions.

Chairman Brown has recommended revising Condition #4. Please see Attachment B (located on the third page of this request.)

Staff Analysis, identified as Attachment C (beginning at page 4 of this request) provides further information on this request.

What action are you seeking from the Board of Commissioners?

Approval of Petition Number 1228-13, ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC, Owner, and James I. Pace, Agent, request to rezone 288.5 acres from A-R and R-70 to G-B to develop a Media Production and Educational Campus, with said property located in Land Lots 10 &11 and fronting on Veterans Parkway and Sandy Creek Road, and with seven (7) recommended conditions.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	Yes	Backup Provided with Request?	Yes

**** 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	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved G-B General Business Conditional subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner / developer shall dedicate, at no cost to Fayette County, via quit claim deed, fifty (50 feet of right-of-way as measured from the centerline of Sandy Creek Road prior to the approval of the Site Plan and said dedication area shall be shown on the Site Plan. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

2. That the state minimum buffer of 50 feet and setback of 75 feet, as measured from wrested vegetation, be maintained on Sandy Creek and any tributaries as required by the Georgia Environmental Planning Criteria. (This condition is to ensure adequate watershed protection as recommended by the Stormwater Department.)

3. That a 100 foot landscape / buffer area be established along Veterans Parkway and Sandy Creek Road. The landscape / buffer area shall only contain berms, landscape / buffer plantings, multi-use path, fencing and walls, entrance driveways, features (including architectural elements / structures), and signage as indicated in the owner / developer's Architectural Code and Regulations and the Entry and Road Frontage Character & Materials depictions as previously discussed under Development Guidelines above.

4. That a minimum 10 foot wide multi-use path be built by the owner / developer within the entire length of the 100 foot landscape / buffer area established along Veterans Parkway and Sandy Creek Road. The design specifications of the multi-use path shall be approved by Public Works / Engineering prior to installation.

5. That a 200 foot Studio Service Providers Character area be established along the aforementioned 100 foot landscape / buffer area and building facades in this area shall comply with the owner / developer's Architectural Codes and Regulations and Service Providers Character & Materials depictions as previously discussed under Development Guidelines above and shall not utilize any metal façade with vertical standing seams.

6. That the remainder of the subject property not within the 100 foot landscape / buffer area or 200 foot Service Providers Character area be established as the Studio Production Character area and comply with owner / developer's Architectural Codes and Regulations and Studio Production Character & Materials depictions as previously discussed under Development Guidelines above.

7. That a 30 foot wide landscape area for screening be established on the eastern side of the 110 foot power line easement from Sandy Creek Road south to the floodplain of Sandy Creek and where existing vegetation does not provide ample screening (as determined by the Stormwater Department) those areas shall, at minimum, be planted to meet the buffer requirements of the County's Non-residential Development Landscape Requirements and may be supplemented with berms and / or fencing.

Rezoning Petition 1228-13

Condition # 4 Revision

That the owner/developer commits to construct a minimum 10 foot wide multi-use path along Sandy Creek Road and Veterans Parkway including a multi-use path tunnel beneath Sandy Creek Road connecting the subject property to the Rivers Elementary School site. The multi-use path may be constructed within County ROW and/or on private property. Permanent easements shall be provided to the County for any multi-use path facility on private property.

a. The path along Sandy Creek Road shall start at northwest boundary of the subject property and continue east to Veterans Parkway. The owner/developer has the option to build the multi-use path on the south or north side of Sandy Creek Road.

b. A multi-use path tunnel will be constructed beneath Sandy Creek Road connecting the Rivers Elementary School site to the subject property. The owner/developer will pay for the cost of the tunnel.

c. The multi-use path shall continue south along Veterans Parkway to the point of the wetlands area on Sandy Creek in the area of the southeastern corner of the property. The owner/developer shall allow the Fayette County government full access to the property to facilitate the multi-use path continuing across the wetlands by bridge or using existing road right-of-way to the southeastern corner of the subject property.

d. The location, design, and construction of the multi-use path, tunnel and wetlands crossing shall subject to review, approval, and inspection by Public Works /Engineering.

e. The construction of the multi-use path and tunnel shall be completed within two (2) years of the issuance of the first land disturbance permit.

f. The owner/developer shall pose no objections to a multi-use path extension being constructed along the proposed sewer easement on the south end of the property by either Fayette County or the City of Fayetteville.

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1228-13

APPLICANT: ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC
6906 Kingston Pike Suite 205
Knoxville, TN 37919

STAFF RECOMMENDATION: Approval with Seven (7) Conditions

PLANNING COMMISSION HEARING: March 7, 2013

PLANNING COMMISSION RECOMMENDATION: Approval with Seven (7) Conditions

BOARD OF COMMISSIONERS HEARING: March 28, 2013

COMMISSION DECISION: _____

REQUEST: Request to rezone 288.50 from A-R & R-70 to G-B General Business to develop a Media Production and Educational Campus.

PARCEL SIZE: 288.50

EXISTING USE: Farming

PROPOSED USE: Media Production and Educational Campus

LOCATION: Land Lot 10 & 11 of the 7th District and fronts on Veterans Parkway & Sandy Creek Road

ZONING OF SURROUNDING PROPERTY: R-70

LAND USE PATTERN: Rural Residential (1 Unit/2 to 3 Acres)

MOTION AND VOTE OF PLANNING COMMISSION:

Bill Beckwith made a motion to approve the petition with the seven recommended conditions. Al Gilbert seconded the motion. Jim Graw said we have a motion to approve the petition with the seven recommended conditions and a second to the motion. Jim Graw asked if there is any further discussion, hearing none he called for vote. The motion passed 4-0-1 with Al Gilbert, Jim Graw, Bill Beckwith and Doug Powel voting in favor of the motion and Tim Thoms abstaining.

REASON(S) FOR RECOMMENDATION:

In compliance with several objects and policies within the Economic Development Element of the Fayette County Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION

DATE: March 7, 2013

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1228-13, the application of ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC to rezone 288.50 from A-R & R-70 to G-B General Business, be:

4-0-1

✓ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

TIM THOMS, ~~CHAIRMAN~~ ABSTAIN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

DOUG POWELL

JIM GRAW

Remarks:

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: March13, 2013

Subject: Board of Commissioners Public Hearing, March 28, 2013

The attached report is submitted for you consideration and contains the Staff's Recommendation and the Planning Commission's Recommendation on the rezoning application scheduled for public hearing on March 28, 2013.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	**1228-13**	**Veterans Pkwy & Sandy Creek Rd/ A-R & R-70 to G-B/ To develop a Media Production & Educational Campus on 288.50 acres**	**APPROVE G-B WITH SEVEN (7) RECOMMENDED CONDITIONS**	**APPROVE G-B WITH SEVEN (7) RECOMMENDED CONDITIONS**

PETITION NO: 1228-13

REQUESTED ACTION: A-R & R-70 to G-B General Business

PROPOSED USE: Media Production and Educational Campus

EXISTING USE: Farming

LOCATION: Veterans Parkway & Sandy Creek Road

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 10 & 11

OWNER: ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC

AGENT: James I. Pace, Jr.

PLANNING COMMISSION PUBLIC HEARING: March 7, 2013

BOARD OF COMMISSIONERS PUBLIC HEARING: March 28, 2013

APPLICANT'S INTENT

Applicant proposes to develop a Media Production and Educational Campus consisting of 288.50 acres.

STAFF RECOMMENDATION

APPROVAL WITH SEVEN (7) CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is a 288.50 acre tract fronting on Veterans Parkway and Sandy Creek Road in Land Lot(s) 10 & 11 of the 7th District. Veterans Parkway and Sandy Creek Road are classified as Minor Arterial roads on the Fayette County Thoroughfare Plan. The subject property is undeveloped and currently zoned A-R and R-70.

History: On August 26, 1999, the Board of Commissioners approved Petition No. 1028-99 to rezone 184 acres from R-70 to A-R. These 184 acres are within the southern portion of the subject property.

B. SURROUNDING ZONING AND USES

The general situation is a 288.50 tract that is zoned A-R and R-70. In the vicinity of the subject property is land which is zoned R-70. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across Sandy Creek Road)	30.00	R-70	Fayette County School	Rural Residential (1 Unit/ 2 to 3 Acres)
	45.00	R-70	Undeveloped	Rural Residential (1 Unit/ 2 to 3 Acres)
	24.50	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
South	3.20	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	6.70	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	97.00	R-70	Undeveloped	Rural Residential (1 Unit/ 2 to 3 Acres)
East (across Veterans Parkway)	12.00	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	2.50	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	10.90	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	123.10	R-70	Undeveloped	Rural Residential (1 Unit/ 2 to 3 Acres)
	1.85	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	97.87	R-70	Undeveloped	Rural Residential (1 Unit/ 2 to 3 Acres)
	1.00	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
West	17.90	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	6.38	R-70	Single-Family Res.	Rural Residential (1 Unit/ 2 to 3 Acres)
	357.00	R-70	Undeveloped	Rural Residential (1 Unit/ 2 to 3 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential (1 Unit/2 to 3 Acres), Conservation Areas associated with Sandy Creek and tributaries, and Low Density Residential (1 Unit/1 to 2 Acres) only on a small portion along the southern boundary (see LUP map). This request does not conform with the Future Land Use Plan map. However, this request meets several objects and policies within the Economic Development Element of the Fayette County Comprehensive Plan. These objectives and policies are as follows:

Objective E-1: Support the development of business opportunities to diversify and strengthen the tax base, create and maintain jobs, and preserve the quality of life in Fayette County.

Objective E-2: Provide for the development and expansion of a diversified economic base (office, industrial and commercial) to produce a wide range of employment opportunities.

Policy a. Target corporations that require a highly educated workforce matching the educational demographics of Fayette County.

Policy b. Recruit clean industry which has minimal impacts on existing public facilities and the environment.

The Georgia Entertainment Industry Investment Act (tax credit) has been instrumental in attracting the film industry to the state. A study entitled "Economic and Social Contributions of the Film and Television Industry in Georgia" by Meyers Norris Penny LLP and W2 Entertainment Finance provides an overview of the industry's economic impact on Georgia between 2005 and 2010. The study states the following:

- The total value of production spending in Georgia has increased over 400% from 2007 to 2010.
- Total annual production spending exceeded $600 million in 2010.
- Employment in Georgia's film industry increased 500% since 2005 and in 2010 the industry supported 11,000 full time equivalent (FTE) jobs (The ratio units are FTE units or equivalent employees working full-time. In other words, one FTE is equivalent to one employee working full-time.)

As the film industry is an emerging business in Georgia, this development will develop business opportunities, diversify and strengthen the tax base, and create and maintain jobs. The efforts of the owner/developer to create design guidelines over and above the minimum Fayette County requirements to achieve a unique look and character for the buildings and site will assist is preserving the quality of life in Fayette County. The film industry requires a wide range of occupation types including tradesmen, technicians, professionals and executives. The production of film and media projects is a relatively clean industry which will have minimal impact on public facilities and the environment.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R and R-70 to G-B General Business for the purpose of developing a Media Production and Educational Campus.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
G-B (proposed zoning district)	F - 100 ' Arterial F - 80 ' Collector F - 65 ' Minor S - 25 ' R - 25 '	1 Acre* 1.5 Acre**	1,200 sq ft	125 '	50'
A-R (existing zoning district)	F - 100 ' Arterial F - 100 ' Collector F - 75 ' Local S - 50 ' R - 75 '	5 Acres	1,200 sq ft	250 '	N/A
R-70 (existing zoning district)	F - 75 ' Arterial F - 74 ' Collector F - 50' Local S - 25 ' R - 50 '	2 Acres	1,500 sq ft	175 ' Arterial 175' Collector 150 ' Minor	N/A

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

Development Guidelines

The owner/developer is proposing a set of Architectural Codes and Regulations for the development of the subject property (see attached). The stated purpose of these codes and regulations is to achieve a unique look and character for the buildings and site proposed for the subject property. The owner/developer is proposing three character areas within the development. These character areas are: Entry and Road Frontage Character area, Studio Service Providers Character area, and Studio Production Character area. The owner/developer has proposed the architectural style and materials list for each character area including photographic examples for each of the three proposed character areas. Staff recommends that the proposed Architectural Codes and Regulations, which establish the aforementioned character areas including materials list and photographic examples, be utilized by the staff and owner/developer in conjunction with existing county ordinances to regulate the development except where the proposed Architectural Codes and Regulations conflict with existing County ordinances. The conflicts known at this time are specified below:

Signage: The Architectural Codes and Regulations propose each building will be allowed two building wall signs or one building wall sign and one monument sign, tenant space signs and individual tenant and door signs. In addition to this primary signage, site directional signage will be allowed as required for direction of pedestrian or traffic flows. The current sign ordinance will not allow the signage as proposed in the Architectural Codes and Regulations and depicted on the photographic examples. As the current sign ordinance did not envision this type or scope of development, it is conceivable that ordinance amendments will be required. Staff will seek direction from the Board of Commissioners to proceed with ordinance amendments at that time.

Building Height: The Architectural Codes and Regulations propose a building height of 65 feet in the Studio Production Area. The G-B zoning district currently limits the height of buildings to 40 feet. The zoning ordinance will have to be amended to allow building of 65 feet in height. Staff will need direction from the Board of Commissioners to proceed with an ordinance amendment.

Landscaping: The Architectural Codes and Regulations propose perimeter landscaping will be grass and indigenous materials with zeroscape characteristics. All perimeter landscaping will at a minimum meet Fayette County Landscape Requirements. Project interior landscaping will be by developer. In discussions with the design professional it has been stated that landscaping proposals are planned for the interior portion of the development and parking areas that may not meet the current Non-residential Development Landscape Requirements. The Stormwater Department will have to evaluate these proposals to determine what flexibility is available or whether ordinance amendments are warranted.

Heliport: In discussions with the owner/developer it has been mentioned that a heliport may be needed in the future. The zoning ordinance would need to be amended to allow a heliport, an existing Conditional Use in A-R, M-1, and M-2, in the G-B zoning district. Staff will need direction from the Board of Commissioners to proceed with an ordinance amendment.

The proposed Architectural Codes and Regulations will also be the basis for some of the recommended conditions of rezoning.

Right-of-Way Requirements

Veterans Parkway and Sandy Creek Road are classified as a Major Arterial roads on the Fayette County Thoroughfare Plan. Arterial roads require 100 feet of right-of-way. Per Public Works/Engineering, the County currently has 100 feet of right-of-way on Veterans Parkway but does not have 100 feet of right-of-way on Sandy Creek Road.

Access

The Concept Plan submitted indicates two (2) accesses; one (1) from Veterans Parkway and one (1) from Sandy Creek Road (see Public Works/Engineering comments).

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. Fayette County Non-residential Development Landscape Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

The Institute of Transportation Engineers (ITE)' "Trip Generation, 7th Edition", **does not** contain a category for a Movie and/or TV Production Studio. Therefore, there is not a specific ITE trip generation factor for a Movie and TV Production Studio in which to generate traffic estimates. The concept plan indicates 381 parking spaces. In addition, there will be some truck traffic generated by the development.

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

G. DEPARTMENTAL COMMENTS

Water System

The name of the cemetery is the Yates Family Cemetery. Water is available on Sandy Creek Road at Tillman Road (Veterans Parkway).

Public Works/Engineering

Public Works/Engineering offers the following comments for consideration by the applicant as they plan and budget for development.

1. ROW Dedication – The Rezoning Application indicates a Right-of-Way dedication of 60 feet from road centerline. Both Veteran's Parkway and Sandy Creek Roads are Minor Arterials with standard ROW widths of 100 feet. Although Fayette County will accept an additional 10 feet, only 50 feet from road centerline is required.
2. Multi-Use Path – the proposed path should extend to edge of property on both Sandy Creek and Veterans Parkway. Discussion is needed on bridge crossing over Sandy Creek.
3. Driveway Locations – Staff is supportive of concept showing access points on Veterans Parkway and Sandy Creek Roads (two total), although specific locations are still to be determined. Applicant should be aware that per Fayette County's Development Regulations the drives shall be aligned directly across from a nonresidential drive or road (e.g., the school's entrance on Sandy Creek or Hood Avenue intersection on Veterans Parkway) or offset the minimum required distance (ref. GDOT Regulations for Driveway and Encroachment Control).
4. Auxiliary Turn Lanes – A concept-level traffic study is not required for the rezoning but applicant should be aware that studies may be required as part of permitting process to determine need for auxiliary turn lanes, including right turn lanes and left turn lanes. Improvements to the County Roads for the project entrances would be the responsibility of the owner/developer. Similar to Driveway Locations, the GDOT Regulations for Driveway and Encroachment Control is used to determine need and specification of auxiliary turn lanes.
5. With respect to traffic volume, the goal is to maintain adequate Level of Service along the corridor and at the intersections. A two-lane arterial such as Sandy Creek Road or Veterans Parkway should function adequately as a corridor for traffic volumes up to 12,000 vehicles per day. Beyond that volume capacity improvements may be needed depending on the number of driveways, the number and type of intersections, and the traffic distribution over a typical day (e.g., peak hour volumes). Maintaining adequate Level of Service at intersections is harder to assess since it is a function of traffic volume and patterns on the arterial as well as side street approaches and the type of intersection control. Sandy Creek Road and Veterans Parkway are mostly free-flow with few stops, so the impact of increased traffic would likely first be noticed on the side streets.

Stormwater

Floodplain: Per FEMA FIRM panel 13113C0082E and 13113C0084E, the property **DOES** contain floodplain. Per Fayette County Floodplain Management Ordinance the elevation of the lowest floor, including basement and building access of any development shall be a least 3 feet above the base flood elevation or one foot above the future–conditions flood elevation, whichever is higher. A Floodplain Management Plan is required if any development activities are totally or partially within an Area of Special Flood Hazard as defined by the Floodplain Management Ordinance.

Wetlands: The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed Protection: The Fayette County Watershed Protect regulations do not apply to the subject property as it has not been subdivided since the 1987 inception of the aforementioned ordinance. However, due to the size of the development, the Stormwater Department recommends as a condition of rezoning that the state minimum buffer of 50 feet and setback of 75 feet as measured from wrested vegetation be maintained on Sandy Creek and any tributaries as required by the Georgia Environmental Planning Criteria.

Groundwater Recharge Area: The property **IS** within the groundwater recharge area per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20). Hazardous or toxic materials stored on this property must be contained by a spill and leak collection system as required by the Groundwater Recharge Area Protection Ordinance.

Stormwater: This development is subject to the Post-Development Stormwater Management Ordinance.

Environmental Health Department

On-site individual sewage disposal system design will be based on anticipated peak daily sewage flow and soil characteristics. Based on information conveyed in the transmittal sewage flows could exceed department's jurisdiction limits. Our department has no specific comment regarding the rezoning request.

Fire and EMS

The buildings and campus shall be required to meet the minimum requirements of the fire code with respect to access roads, fire hydrant locations and fire flow requirements for buildings. In addition, the NFPA 101 Life Safety code requirements will apply along with accessibility requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R & R-70 to G-B General Business for the purpose of developing a Media Production and Educational Campus. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Rural Residential (1 Unit/2 to 3 Acres), Conservation Areas associated with Sandy Creek and tributaries, and Low Density Residential (1 Unit/1 to 2 Acres) only on a small portion along the southern boundary (see LUP map). This request does not conform with the Future Land Use Plan map. However, this request meets several objects and policies within the Economic Development Element of the Fayette County Comprehensive Plan. These objectives and policies are as follows:

   Objective E-1: Support the development of business opportunities to diversify and strengthen the tax base, create and maintain jobs, and preserve the quality of life in Fayette County.

   Objective E-2: Provide for the development and expansion of a diversified economic base (office, industrial and commercial) to produce a wide range of employment opportunities.

   Policy a. Target corporations that require a highly educated workforce matching the educational demographics of Fayette County.

   Policy b. Recruit clean industry which has minimal impacts on existing public facilities and the environment.

The Georgia Entertainment Industry Investment Act (tax credit) has been instrumental in attracting the film industry to the state. A study entitled "Economic and Social Contributions of the Film and Television Industry in Georgia" by Meyers Norris Penny LLP and W2 Entertainment Finance provides an overview of the industry's economic impact on Georgia between 2005 and 2010. The study states the following:

- The total value of production spending in Georgia has increased over 400% from 2007 to 2010.
- Total annual production spending exceeded $600 million in 2010.
- Employment in Georgia's film industry increased 500% since 2005 and in 2010 the industry supported 11,000 full time equivalent (FTE) jobs (The ratio units are FTE units or equivalent employees working full-time. In other words, one FTE is equivalent to one employee working full-time.)

As the film industry is an emerging industry in Georgia, this development will develop business opportunities, diversify and strengthen the tax base, and create and maintain jobs. The efforts of the owner/developer to create design guidelines over and above the minimum Fayette County requirements to achieve a unique look and character for the buildings and site will assist is preserving the quality of life in Fayette County. The film industry requires a wide range of occupation types including tradesmen, technicians, professionals and executives. The production of film and media projects is a relatively clean industry which will have minimal impact on public facilities and the environment.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The owner/developer is proposing that a 100 foot Entry and Road Frontage Character area be established along Veterans Parkway and Sandy Creek Road to buffer/screen the development and maintain the rural character and Staff is recommending this as a condition of rezoning. A 110 foot power line easement runs along the entire western boundary of the subject property limiting any development in this area. In addition, staff is recommending, as a condition of rezoning, that a 30 foot landscape area for screening be established on the eastern side of the 110 foot power line easement from Sandy Creek Road south to the floodplain of Sandy Creek and where existing vegetation does not provide ample screening those areas shall, at minimum, be planted to meet the buffer requirements of the County's Non-residential Development Landscape Requirements and may be supplemented with berms and/or fencing. The sizable floodplain of Sandy Creek provides separation from adjacent properties to the south.

3. The proposed rezoning will not result in a burdensome use of utilities or schools. The Water System has indicated that water is available on Sandy Creek Road at Tillman Road (Veterans Parkway). The Summary of intent states; "It is anticipated that the Project will be connected to public sewerage system provided by the City of Fayetteville; however, in the event that connection to the public sewerage system becomes infeasible, it is specifically understood and agreed that the potable water and wastewater construction and operations will comply with the aforesaid regulations" (local, state, and governing authorities). The Environmental Health Department points out that the development's anticipated peak daily sewage flows may exceed the Environmental Health Department's jurisdiction. Approval of an on-site the sewage disposal system would then be subject to regulation under Georgia Environmental Protection Division.

The subject property fronts and accesses both Veterans Parkway and Sandy Creek Road. Veterans Parkway is a newly improved road with two (2) 12 foot travel lanes. Sandy Creek Road also has two (2) 12 foot travel lanes. Northbound at its intersection with Sandy Creek Road, Veterans Parkway has a divided raised median with a dedicated left turn lane. Southbound at its intersection with Sandy Creek Road, Veterans Parkway has a divided raised median with a dedicated right turn lane. Eastbound at its intersection with Veterans Parkway, Sandy Creek Road has a dedicated left turn lane and right turn lane as it forms a T intersection.

In terms of potential commuting patterns, Sandy Creek Road provides access to SR 74 and Veterans Parkway provides access to SR 54 and will provide access to SR 92 when construction is completed in 2014. The Georgia Department of Transportation (GDOT) has two (2) traffic count locations on Sandy Creek Road: one just east of SR 74 and the other in the area of Eastin Road. The location close to SR 74 had an actual Annual Average Daily Traffic (AADT) count of 4,060 in 2011. The location close to Eastin Road had an estimated AADT count of 4,720 in 2011. There are no GDOT traffic count locations on Veterans Parkway. GDOT defines AADT as the average number of vehicles that pass by a counter during a 24-hour period in a certain year. As was previously mentioned, there is not a specific ITE trip generation factor for a Movie and TV Production Studio in which to generate traffic estimates. Depending on the potential commuting patterns the County could be confronted with making road improvements in the future.

In terms of the immediate road area, the Public Works/Engineering Department had the following comments:

Driveway Locations – Staff is supportive of concept showing access point on Veterans Parkway and Sandy Creek Roads (two total), although specific locations are still to be determined. Applicant should be aware that per Fayette County's Development Regulations the drives shall be aligned directly across from a nonresidential dive or road (e.g., the school's entrance on Sandy Creek or Hood Avenue intersection on Veterans Parkway) or offset the minimum required distance (ref. GDOT Regulations for Driveway and Encroachment Control).

Auxiliary Turn Lanes – A concept-level traffic study is not required for the rezoning but applicant should be aware that studies may be required as part of permitting process to determine need for auxiliary turn lanes, including right turn lanes and left turn lanes. Improvements to the County Roads for the project entrances would be the responsibility of the owner/developer. Similar to Driveway Locations, the GDOT Regulations for Driveway and Encroachment Control is used to determine need and specification of auxiliary turn lanes.

With respect to traffic volume, the goal is to maintain adequate Level of Service along the corridor and at the intersections. A two-lane arterial such as Sandy Creek Road or Veterans Parkway should function adequately as a corridor for traffic volumes up to 12,000 vehicles per day. Beyond that volume capacity improvements may be needed depending on the number of driveways, the number and type of intersections, and the traffic distribution over a typical day (e.g., peak hour volumes). Maintaining adequate Level of Service at intersections is harder to assess since it is a function of traffic volume and patterns on the arterial as well as side street approaches and the type of intersection control. Sandy Creek and Veterans Parkway are mostly free-flow with few stops, so the impact of increased traffic would likely first be noticed on the side streets.

4. The subject property is located in a semi-rural area generally containing a mix of residential lots ranging in size from one to 24 acres and a number of large undeveloped tracts ranging in size from 45 to 357 acres. There is a Fayette County School on 30 acres located across Sandy Creek Road. The size and features of the subject property lends itself to a new use such as is proposed because it allows the owner/developer the flexibility to apply larger than required setbacks to maintain a rural character along the roadways and provide a greater separation of uses from surrounding properties due to a power line easement and floodplain areas.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH SEVEN (7) CONDITIONS.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved G-B General Business **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. The owner/developer shall dedicate, at no cost to Fayette County, via quit claim deed, fifty (50) feet of right-of-way as measured from the centerline of Sandy Creek Road prior to the approval of the Site Plan and said dedication area shall be shown on the Site Plan. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. That the state minimum buffer of 50 feet and setback of 75 feet, as measured from wrested vegetation, be maintained on Sandy Creek and any tributaries as required by the Georgia Environmental Planning Criteria. *(This condition is to ensure adequate watershed protection as recommended by the Stormwater Department.)*

3. That a 100 foot landscape/buffer area be established along Veterans Parkway and Sandy Creek Road. The landscape/buffer area shall only contain berms, landscape/buffer plantings, multi-use path, fencing and walls, entrance driveways, features (including architectural elements/structures), and signage as indicated in the owner/developer's Architectural Codes and Regulations and the Entry and Road Frontage Character & Materials depictions as previously discussed under Development Guidelines above.

4. That a minimum 10 foot wide multi-use path be built by the owner/developer within the entire length of the 100 foot landscape/buffer area established along Veterans Parkway and Sandy Creek Road. The design specifications of the multi-use path shall be approved by Public Works/Engineering prior to installation.

5. That a 200 foot Studio Service Providers Character area be established along the aforementioned 100 foot landscape/buffer area and building facades in this area shall comply with the owner/developer's Architectural Codes and Regulations and Service Providers Character & Materials depictions as previously discussed under Development Guidelines above and shall not utilize any metal façade with vertical standing seams.

6. That the remainder of the subject property not within the 100 foot landscape/buffer area or 200 foot Service Providers Character area be established as the Studio Production Character area and comply with owner/developer's Architectural Codes and Regulations and Studio Production Character & Materials depictions as previously discussed under Development Guidelines above.

7. That a 30 foot wide landscape area for screening be established on the eastern side of the 110 foot power line easement from Sandy Creek Road south to the floodplain of Sandy Creek and where existing vegetation does not provide ample screening (as determined by the Stormwater Department) those areas shall, at minimum, be planted to meet the buffer requirements of the County's Non-residential Development Landscape Requirements and may be supplemented with berms and/or fencing.

February 21, 2013

Mr. Pete Frisina
Director of Planning and Zoning
Fayette County GA
Stonewall Administrative Complex
140 Stonewall Avenue, West Suite 202
Fayetteville, Georgia 30214

Dear Mr. Frisina,

Thank you for the opportunity to address the questions that have arisen from the Fayette County GA Planning and Zoning group regarding the master plan for rezoning of the land for the Project Stargate in your county. As a veteran of 27 years within film studio management and design from London to Malaysia and the Dominican Republic I believe I can adequately address these three questions.

1. **PARKING:**
   The number of spaces indicated on the submittal for Stargate is 381. That number is adequate for the Initial phase for facilities envisaged and the type of productions that will evolve from these initial stages. Clear space around each stage is 100 feet, which will provide more than adequate room for static production trucks and any support vehicles.

2. **OPERATIONS:**
   A general rule for hours of operation for a production would normally be in line with other businesses and be between 07:00AM until 19:00PM. There will be exceptions for occasional night shoots and such but this would not be seen as the norm.

3. **TRUCKS:**
   For trailer-truck type traffic, the estimated daily traffic count is difficult to provide. A normal production would have a pre-production movement in which most trucks would arrive and remain static during the production phase; these movements will be coordinated by our studio management team. There is daily traffic and movement of delivery vehicles and some specialty production vehicles, but not an excessive increase in traffic count.

I appreciate the opportunity to provide additional information or examples if so needed. Please let me know.

Kind regards,

David Godfrey
Director of International Operations

www.pinewoodgroup.com

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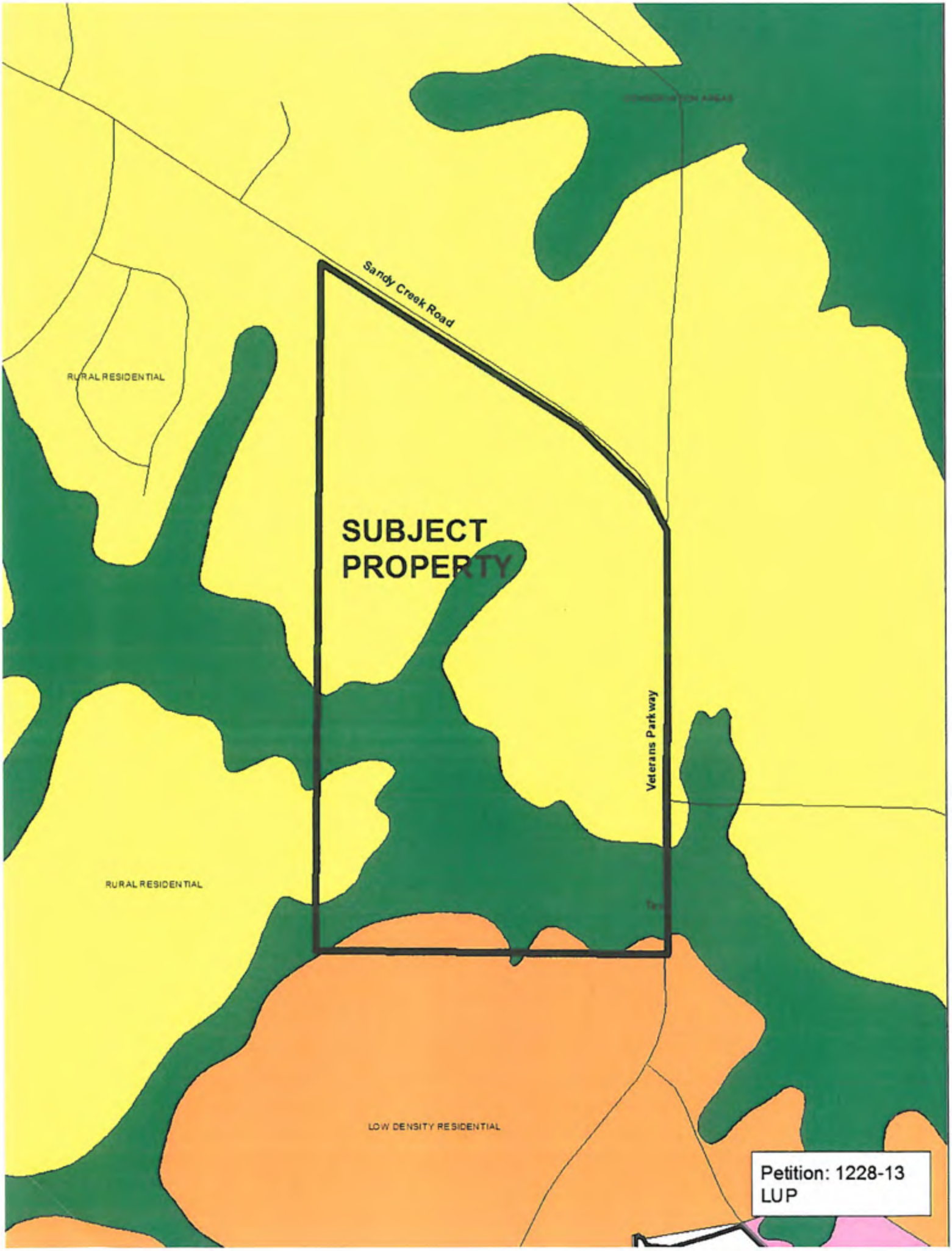
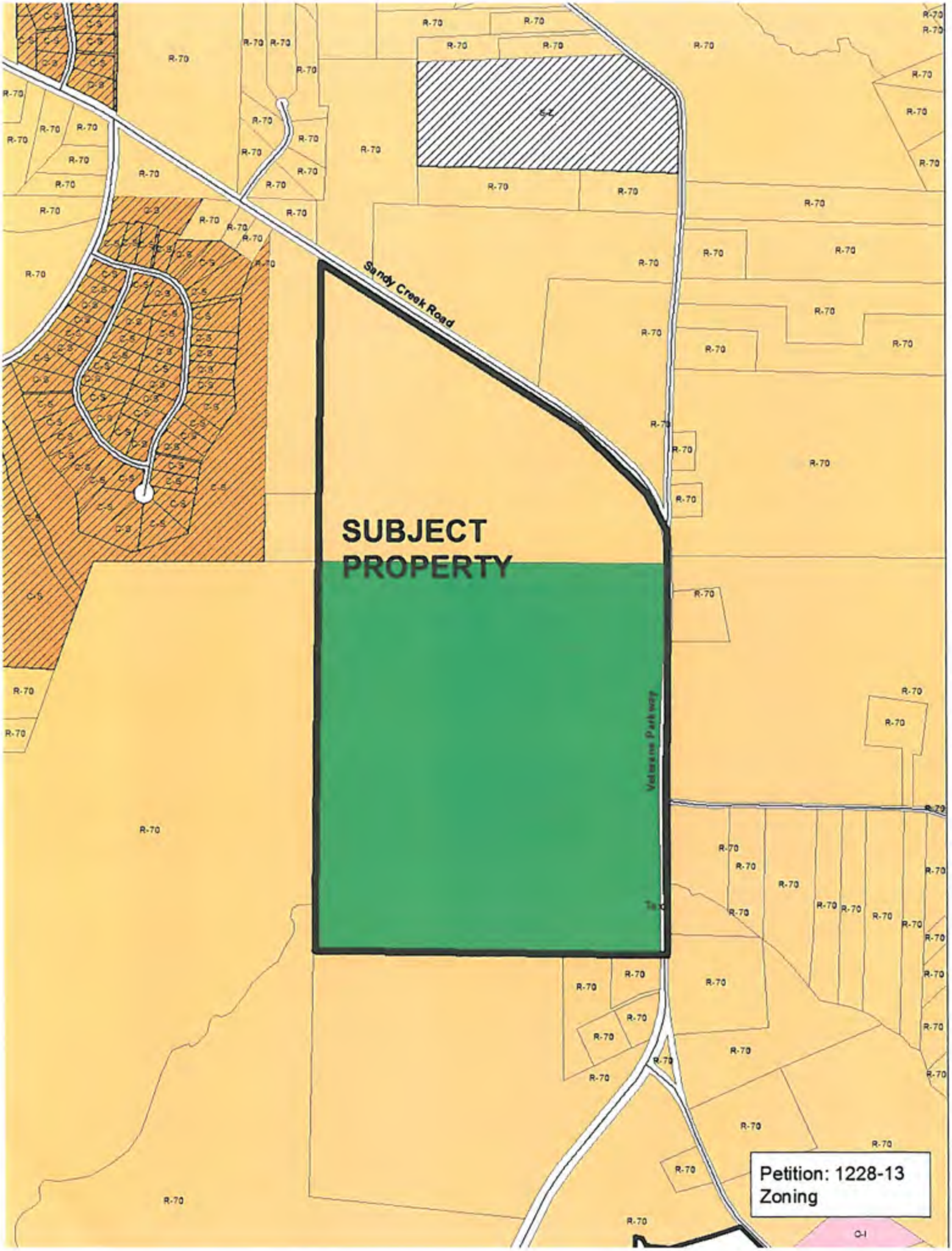
a Pinewood Studios Group company

Registered in England No 392619
Registered Office Pinewood Studios Pinewood Road Iver Heath Bucks SL0 0NH

Petition: 1228-13
Aerials


Sandy Creek Road
RURAL RESIDENTIAL
SUBJECT PROPERTY
Veterans Parkway
RURAL RESIDENTIAL
LOW DENSITY RESIDENTIAL
Petition: 1228-13 LUP


SUBJECT PROPERTY
Sandy Creek Road
Veterans Parkway
R-70
C-5
S-Z
C-1
Petition: 1228-13
Zoning

FCDA
COUNTY AUTHORITY
200 Courthouse Square, Fayetteville, GA 30214 | P: 770-461-5741 | F: 770-460-0259 | www.fayetteda.org

March 5, 2013

Pete Frisina, AICP
Fayette County Community Development Division
140 Stonewall Ave.
Fayetteville, GA 30214

RE: Project Stargate

Dear Pete:

This letter is to outline and summarize the potential economic benefits resulting from the proposed Project Stargate, which is scheduled to go before the Planning & Zoning Commission on March 7, 2013 and before the Fayette County Board of Commissioners on March 28, 2013.

First, please note that the Fayette County Development Authority (FCDA) has been working with the group that is behind Project Stargate for the last year. In developing these economic projections, we have attempted to be as conservative and impartial as possible. Ultimately, we want to see a successful project that benefits Fayette County and we have worked hard to ensure that our participation only helps this project become more successful. Being liberal with our estimations and projections does not ultimately benefit this project or Fayette County and we wish to make note that we have erred towards the conservative when inputs have been considered.

As proposed in the rezoning documentation submitted by the developer on Stargate Phase 1, the project would initially consist of five soundstages in four buildings with attached production office space, two workshop buildings and associated site infrastructure improvements such as paved drives, parking and utilities. Our understanding is that the budget for phase 1 is approximately $20 million - $25 million, not including land purchase costs. As the project grows, additional phases could include additional sound stages, workshops, support offices and support supplier buildings, with all phases being built on a 288-acre site. There is also potential for an educational complex for film production training and education that could be located on-site or on an adjacent off-site parcel.

When determining economic impact, we look at a number of base factors. These base factors include the initial start-up expenditures and labor necessary for construction, which have a beginning and finite end tied to completion of phased construction, as well as on-going operational expenditures for materials and operations. In the case of a film studio, we must also factor in the unique aspects tied to the film industry in relation to operational costs.

Construction, Phase 1

Construction for the proposed phase 1 is projected to commence in April 2013 and progress through the end of the calendar year, with a projected operational delivery date of a completed facility of mid-January 2014. For the purposes of calculating economic impacts, we have assumed that the materials to build the facility will cost approximately $12 million, the labor to construct the facility will cost approximately $8 million and the furniture, fixtures and equipment will cost approximately $3 million, for a total direct expenditure in Phase 1 of $23 million. We have also assumed that a majority of those expenditures will occur within greater metro Atlanta, while up to 50% of the expenditures will occur directly in Fayette County, providing a direct local economic impact on the Phase 1 project construction of $11.5 million.

Anything beyond the initial phase submitted is purely speculation when considering potential economic impacts, however, looking forward, it is our estimation that additional full or sub-phases will be constructed between 2014 and 2017 resulting in 459 full-time equivalent (FTE) construction positions over these first 5 year and a total direct expenditure of $62 million. Projected out over twenty years with additional activity that could occur, the project is estimated to employ 1009 FTE during active construction times and have a total direct expenditure of $147 million in labor, materials and equipment.

Operations

The proposed operational model for Project Stargate is unique. Unlike Hollywood area film studios, like Paramount or Universal, who are foremost in the business of producing and financing films and provide studio space primarily as an internal avenue to meet this goal, Project Stargate does not historically finance its own films. It is in the business of managing and operating a facility used by film makers and as such, operates like a convention center, promoting its buildings, facilities and operational acumen to film companies for their use. They are compensated through lease payments and rentals and through brokering the collective purchasing/leasing of materials and equipment that are to be used in the making of a film. Ultimately, it is in Project Stargate's best interest to keep their facility full and leased.

Based on this, it is likely that Project Stargate will not be a large direct employer. Reported direct employment for Atlanta's Tyler Perry Studios was 25 and the Riverwood/Raleigh Studio in Senoia is only 4. Current projections are that the studio will directly employ 5-10 people as part of Phase 1.

Instead, employment is expected to "ramp up" with specialized contract employees, who would be employed by the production companies who are leasing space on the grounds of Project Stargate. According to Michigan State University's study of film spending, approximately $65.4 million in production spending in Michigan directly supported 2,763 jobs or roughly 42 jobs per million dollars of production spending. Due to multiplier effects, this same spending indirectly supported another 1,100 jobs or roughly an additional 16 jobs per million dollars of production spending. In year 1 of operation of Project Stargate, we estimate that there will be production expenditures by film and tv enterprises of $17.2 million. This would equate to 722 direct FTE jobs and 275 indirect FTE jobs related to Project Stargate. In an effort to remain on the conservative side in our economic impact modeling, we are reducing this projection to 400 direct FTE jobs.

Summary

Based on the above construction and production information, including materials, labor and associated suppliers, training and miscellaneous items, it is our belief that, conservatively, this project will slowly ramp up to full operations and will have a direct economic impact as seen in the below chart:

	Year 0 → Year 5	Year 6 → Year 14	Year 0 → Year 14
Direct Investment	$149,160,000	$429,580,000	$578,740,000
Economic Output	$463,944,000	$1,432,772,000	$1,895,716,000
Labor Income	$212,668,000	$832,500,000	$1,045,168,000
Direct Employment (Operations -Final Year)	2889	5779	5779
Induced Employment (Operations -Final Year)	1100	2201	2201

If I can be of any service, please don't hesitate to contact me.

FAYETTE COUNTY DEVELOPMENT AUTHORITY,

Matthew W. Forshee

Matthew W. Forshee
President/CEO

Summary of Intent

PROJECT STARGATE

General Business (G-B) Zoning Request

February 27, 2013

Overview:

We are proud and excited to present Project Stargate to the Fayette County Board of Commissioners. In 2008, in order to attract the film, television, and digital entertainment production industry to the State, the State of Georgia passed the Entertainment Industry Investment Act, which provides a tax incentive for such production in the State of Georgia. The tax incentive creates significant cost savings for companies producing full-scale movie and film productions, feature films, television series, music videos, and commercials, as well as interactive games and animation. The Entertainment Industry Investment Act has been very successful in attracting production companies to the State of Georgia, creating an economic boom for the State, including many counties and municipalities. The tax incentive has spurred billions of dollars in economic activity throughout the State.

We have been working in conjunction with the State of Georgia and the Fayette County Development Authority to attract production industries to our community. We are pleased to present an opportunity for Fayette County and its local businesses to benefit greatly from such entertainment productions. We present the following request for rezoning in order to design, construct, and operate production studios right here in Fayette County, Georgia. Working closely with the worldwide film and television industries, our goal is to make Fayette County a large player in the entertainment production industry in the Southeast.

Statement of Present Ownership:

The request for rezoning to the General Business (G-B) district is comprised of a total of 288.50 acres of land. The subject property is located at the southwestern corner of the intersection of the Veterans Parkway and Sandy Creek Road. The property is currently owned by ARC Enterprises, LLLP, Sandy Creek Holdings, LLC, and Fayette Property Holdings, LLC; however, the property is currently under contract for acquisition by River's Rock, LLC (the "Company").

Character of Proposed Development:

We propose to develop a production facility that will consist of multiple production studio sound stage buildings and outdoor natural "back lot" areas (the "Project"). The goal of the Project is to provide on-site expertise and infrastructure to ensure that production companies can produce entertainment projects seamlessly here in Fayette County. The studios will provide independently-owned media companies a full range of production services to cater to every aspect of on-site filming. The First Phase of the Project will be developed with a total of five production studio sound stages for movies or television; however, the size of the subject parcel will allow for potential future expansion of the studios as market demand expands. Once the Project is completed, the studios will serve numerous international production companies and provide a significant economic impact to the County.

The Company has engaged Historical Concepts, LLC and Foley Design Associates Architects, Inc. to design the Project. The Project perimeter will respect the integrity of the rural character of the surrounding area using berming and landscaping, outdoor natural areas, maintaining natural wooded areas, and design elements such as fencing. Included in the berming and landscaping design along Veterans Parkway and Sandy Creek Road is a 10'-wide multi-use path for public use. The Company is committed to ensuring that the Project maintains the Fayette County aesthetic standard that its citizens demand.

The production stages and supporting buildings will be visually separated from the surrounding roads with a combination of using the natural grades of the existing site, and by berming and landscaping along Veterans Parkway and Sandy Creek Road.

Within the secured set areas the buildings and surroundings will be provided the ability to change facades to adapt to the production companies changing needs, such as recreations of Paris, New York, or street scenes. This will allow production companies worldwide to use the facilities without leaving Fayette County. The visual seclusion of the secured set area also provides for the control of outside noises necessary for the productions. The sound stages are constructed with intense soundproofing materials that will contain production noises within the buildings. This will maintain the sound levels both on set and the surrounding areas.

(a) **Environmental Stewardship:** The Project will be constructed in an environmentally-responsible manner. Of the 288.50 acres in the subject property, only approximately 71.71 acres will be used for the construction of the offices and sound stage studios at this time. The subject property contains approximately 78.26 acres of wetlands areas, flood plains, and other undevelopable areas, which will remain mostly undisturbed by any construction on the property. The Company has taken steps to engage a wetlands consultant to review the Project plans. The Company has worked with this wetlands expert, and along with the civil engineer will revise the Project plans in order to avoid any significant disturbance of the wetlands area. The Project plans will require the removal of a small portion of one minor creek bed; however, this encroachment would be under the disturbance limitation requirements set by the Nationwide Permit Number 39, which will be mitigated.

The Project will be developed with substantial outdoor natural areas incorporated into the overall design. The frontage of the property along Sandy Creek Road and Veterans Parkway will be bermed and landscaped to maintain the rural character of the area.

Stormwater management ponds and enhanced swales will provide bio-filtration and attenuation of surface runoff. The studio facilities and surrounding landscape will be designed to incorporate indigenous materials where possible. In summary, it is the Company's belief that this Project will have less of an environmental impact than the residential neighborhood use currently shown on the County's Future Land Use Plan.

(b) **Ingress and Egress:** The Project will initially have two points of vehicular access. One entrance to the studio facilities fronts Veterans Parkway, a Minor Arterial road pursuant to the Fayette County Thoroughfare Plan, and is depicted on the Zoning Concept Plan. The interior driveways will be a gated entrance with a security station to restrict public access to the property. A sufficient turn-around or cul-de-sac will be constructed at this location. A secondary ingress access gate will be installed fronting Sandy Creek Road, a Minor Arterial road pursuant to the Fayette County Thoroughfare Plan, and is depicted on the Zoning Concept Plan. The exact location of the roadway along the arterial road will be determined during the site plan review process.

(c) **Traffic**: It is the Company's belief that traffic generated by this Project will not substantially degrade the current level of service along Sandy Creek Road or Veterans Parkway and the nearest intersections. The presence of internal traffic circulation, available parking, the staggering of arrival and departure times of employees located at the Project, and the variable schedules implicit with production work is sufficient to accommodate even the peak traffic flows anticipated at the Project. Additionally, due to safety, security, and confidentiality reasons, members of the general public will be restricted from access to the production facilities; therefore, additional traffic caused by the general public is not anticipated.

(d) **Parking**: The vehicle circulation and parking plan/layout is based on the studio's design experience and comparative analysis of permanent parking constructed for similar projects. The Company proposes initially to build approximately 381 parking spaces, as shown on the Zoning Concept Plan, which will allow for automotive parking and an additional parking area that will accommodate approximately 44 service trucks, as necessary.

(e) **Operations**: The Project will have production staff, employees, and talent year round; however, a majority of television production is done during the early months of each year. At no time are the operations associated with the production studios anticipated to cause unnecessary traffic congestion along Sandy Creek Road or Veterans Parkway. Furthermore, all production operations shall strictly comply with all applicable public safety standards and the life safety

code, including, but not limited to, building capacity restrictions. All operations will be designed to, and shall comply with, Fayette County ordinances and all other applicable local, state, or federal regulations, and procedures will be in place to ensure a safe and healthy environment for the people working on site.

Proposed Development Schedule:

The Company has prepared a Zoning Concept Plan of the proposed improvements. These improvements will be constructed through a process that is generally phased as follows:

(1) Approval Phase: Prepare and submit required documents for local Governmental Authority approvals for the Project, including all permitting and zoning requirements.

(2) Site Utility Phase: This phase will include the installation of site utilities and portions of the stormwater management system, as well as the construction of the access roads.

(3) Construction Phase: This phase will consist of constructing the production offices and sound stages, together with the initial parking areas. These facilities are essential for the successful operation of the studio project.

(4) Non-Essential Phase(s): This phase will incorporate all other non-essential venues and common areas. Landscaping, permanent security fencing, and other such items will be installed during this phase. The limits of improvements initially constructed will be depicted on the phasing plan.

Agreements, Provisions, and Covenants:

This Project will be privately owned and operated. As such, all of the facilities and infrastructure will be designed, maintained, and operated in accordance will all local, state, and governing authority requirements.

The Company will employ or contract with individuals or companies to ensure that all facilities and systems are properly operated, maintained, tested, and certified in accordance with applicable codes, ordinances, and state or federal laws. It is anticipated that the Project will be connected to public sewerage system provided by the City of Fayetteville; however, in the event that connection to the public sewerage system becomes infeasible, it is specifically understood and agreed that the potable water and wastewater construction and operations will comply with the aforesaid regulations.

Education Opportunities:

In addition to the national recognition, financial benefits, and job creation that Fayette County will see as a result of this Project, the Company hopes to increase the educational opportunities here in Fayette County. The Company is committed to the employees located on site and the communities in which it operates. The Company is aware of the importance of this role and desires to invest in and support programs that benefit the local community. The Company's goal is to establish relationships with local schools, colleges, and universities and to work with such institutions to help guide and advise students pursuing careers in film, television, and wider creative industries. It is envisioned that this Project will foster such relationships with local institutions as to increase the secondary educational opportunities in Fayette County. Not only would such relationships provide for general educational opportunities in the County, they would also provide workforce training to meet the growing needs of the production industry.

IMPACT ON THE COMMUNITY

Since the passing of the Entertainment Industry Investment Act, the film and television industry's economic benefit to the State of Georgia has grown from $244 million to over $3.5 billion dollars per year. This growth has been accomplished without sufficient permanent infrastructure, and a labor force to maintain such growth is lacking. In recent years, the television production industry has established itself in Fayette County with shows such as "Drop Dead

Diva," "Walking Dead," and upcoming "Zombieland." To date, such productions have been accomplished with make-shift facilities and unfavorable conditions. With adequate permanent infrastructure and support, the economic boom could increase exponentially. With the presence of state-of-the-art production facilities, the Project will be a great attraction to producers in the industry. This Project will fill a definite void in the availability of permanent sound stage infrastructure, production offices, back lots, and pre- & post-production facilities.

This Project provides a viable opportunity for increased tax revenues in Fayette County. The Project will create numerous sources of increased revenue to the County, including, but not limited to, ad-valorem taxes, increased sales tax revenue from production crews and construction crews, increased hotel/motel tax revenue, and building permits and licenses. Fayette County has a prime opportunity to be at the forefront of the Georgia market and capture a much larger portion of the $3.5 billion economic impact derived from the State's tax credit program.

This Project is a great opportunity to create local jobs for the residents of Fayette County. The presence of production companies will allow for job expansion in many different industries, including, but not limited to, construction industry, aviation industry, direct movie industry, indirect movie industry, tourism industry, hotel/motel industry, real estate market, retail and commercial services, and other professional services. The increased presence of production crews, employees, and other crews working at the Project will also bring greater revenue to the County's existing local small businesses and increase the likelihood of many more new small businesses being created.

This Project meets mandates for Fayette County development by providing expansion to clean industry, bringing in additional investment dollars, promoting tourism, and creating well-paying jobs in Fayette County. The Fayette County Development Authority and local leaders have worked tirelessly to attract the entertainment production industry and this Project provides the County with the opportunity to capitalize on all those efforts.

PROJECT STARGATE

ARCHITECTURAL CODES AND REGULATIONS

February 27, 2013

Purpose: The following regulations are set forth as development guidelines to achieve a unique look and character for the buildings and site for Project Stargate. The intent is to maintain a consistent look and character for the perimeter area of the site while providing flexibility for the studio portions of the project.

1. **Approvals and Controls**: All buildings and site improvements will be submitted to the Project Stargate Development Team for conformance with the Architectural Codes and Regulations, and if conforming the specific building or improvement will be submitted to the County for final approval.

2. **Approved Uses**:
   Production Studios
   Workshops
   Support Business
   Material Storage Areas (Covered or enclosed structures)
   Temporary Production sets

3. **General Development Regulations**
   A. **Setbacks**: Buildings adjoining Veterans Parkway or Sandy Creek Road will have a setback of 100 feet from the Right of Way. Interior buildings will have setbacks varying from driveways based on uses. Entrances will include Security Buildings set back 100' from the right of way, with signage& monuments and features as allowed by County requirements.
   B. **Entrances**: Entrances will be provided at Veterans Parkway and Sandy Creek Road. These entrances will provide controlled access to the business support areas and the secured studio areas. The character and materials of these entrances will reflect the local character and materials as seen from the local roads.
   C. **Fencing**: Perimeter fencing at roadways will be equestrian type with details of stone or brick columns at key accent areas. Security fencing will be provided around the secured studio areas which will be visually screened from the surrounding roadways.
   D. **Signage**: Each building will be allowed two building wall signs or one building wall sign and one monument sign, tenant space signs and individual tenant and door signs. In addition to this primary signage, site directional signage will be allowed as required for direction of pedestrian or traffic flows.

1. General requirements: External Signs within view of Veterans Parkway or Sandy Creek Road shall not be translucent or illuminated from behind. All lighting for exterior signs shall be illuminated from a single source.

E. **Sidewalks**: Sidewalks will be provided for interior circulation between studio and support areas, and will be connected to the entrance at Sandy Creek Road and Veterans Parkway as the entrances are developed.

F. **Multi-Use Path**: An exterior multi-use path will be located in the landscape/buffer area along Veterans Parkway continuing on Sandy Creek Road to the entrance location. This combination of landscaping, fencing, and multi-use path will be provided to the area of existing trees west of the Sandy Creek entrance, from which point the existing trees will be maintained.

G. **Lighting Standards**: Exterior Lighting will be provided with cutoff type fixtures at various mounting heights. Street lighting will be themed, utilitarian security lighting and general illumination lighting will be mounted to allow fixtures to fold to ground level as production needs occur. All lighting will have controls to allow prescribed areas to be turned on or off as needed by the productions.

H. **Driveways**: Driveways will be private designed to allow traffic flows and allow utilization of driveways for studio production at various times. Driveways will be a minimum of 24 feet wide width curb to curb.

I. **Architectural Style**:

1. **Entry and Road Frontage Character**: All areas within 100' of Veterans Parkway or Sandy Creek Road and Vehicle Entrances will incorporate natural materials for features and Signage at each entry. The character of these structures will be reflective of the local Residential and Agrarian nature of the area. Reference attached Entry and Road Frontage Character Examples.

2. **Studio Service Providers Character**: All buildings within 200 feet or the view lines of Veterans Parkway or Sandy Creek Road, Studio Service Providers and Businesses will provide a consistent style of a traditional commercial style. Reference attached Studio Providers and Businesses Character Examples.

3. **Studio Production Character**: Studios Production Areas include a variety of Character for the Temporary Sets within the project will vary in style based on the production needs. Types include Sound Stages, Offices, Workshops, Material Storage Areas,

Administrative Areas, Canteen, and constantly changing sets. Reference attached Studio Production area Character Examples.

J. **Size/Height**:

1. Studio Support Businesses adjoining Veterans Parkway or Sandy Creek Road will be limited to 35 feet in height. Buildings will not be limited in area but will require no more than 100 of unbroken mass before a minimum 2 x 2 foot articulation occurs to break the massing.
2. Studio Production Areas including workshops and interior support buildings will be limited to 65 feet in height.
3. Specialty areas such as Water Towers, silos, or Steeples, or any temporary set structure will not be restricted except to be limited to the surround tree Canopy as maximum height.

K. **Materials**:

1. Entrance structures will be natural stone, brick, or wood, or any facade which simulates the same. Fencing will be wood or material that simulates wood with ornamental metal fencing at security points.
2. Perimeter buffer will be natural stone, brick or wood fencing and details.
3. Support structures within 200 feet of Veterans Parkway or Sandy Creek Road will be limited to consistent details and brick, wood appearance, stucco, or stone material, or facades that simulate the same material. No metal siding will be allowed.
4. Studio Production Areas include studios and workshops with metal siding, painted or natural concrete, stucco, brick, stone, or wood or facades that simulate the material. Temporary sets will also include plastics or other materials to simulate exterior materials.

L. **Roofs** :

1. Support structures within 200 feet of Veterans Parkway or Sandy Creek Road will be Either Flat roof structures with Parapets visually screening any roof equipment or pitched roofs 6/12 minimum slope with Shingle, Slate, or Tile Surface.
2. Studio roofs will not be limited in materials or pitch but will provide low reflectiveness.

M. **Tree Save Areas**: To the greatest extent possible, specimen trees and natural stands of trees will be projected and preserved.

N. **Landscaping**:

1. Perimeter landscaping will be grass and indigenous materials with zeroscape characteristics. All perimeter landscaping will at a minimum meet Fayette County Landscape Requirements.
2. Project interior landscaping will be by developer.

O. **Plant List** – See Attached Plant Material List, all plants will meet minimum Fayette County Landscape Requirements.

P. **Speed Limits**: Speed limits will be provided for all interior street areas.

Q. **Parking Areas**: Parking areas within 200 feet of Veterans Parkway or Sandy Creek Road will be visually screened by landscaped berms at a typical height of 4 feet in height in combination with evergreen hedges with limited spacing.

R. **Hours of Operation**: Production schedules will not limit hours of operation.

502

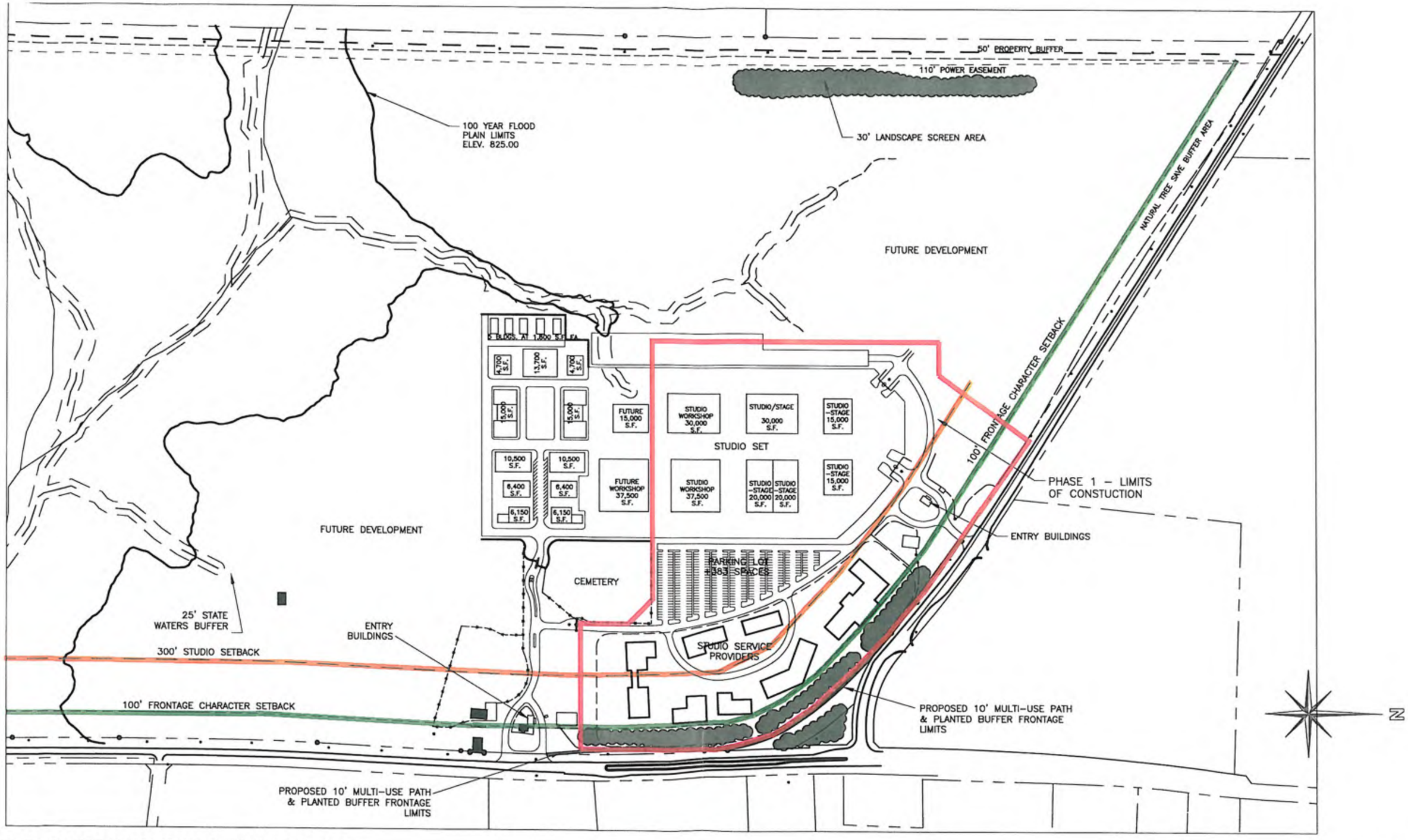
Fine Food & Spiri

12

STAGE

ORIENTAL
WAREHOUSE
BOND AND FRE

BUILDING
B

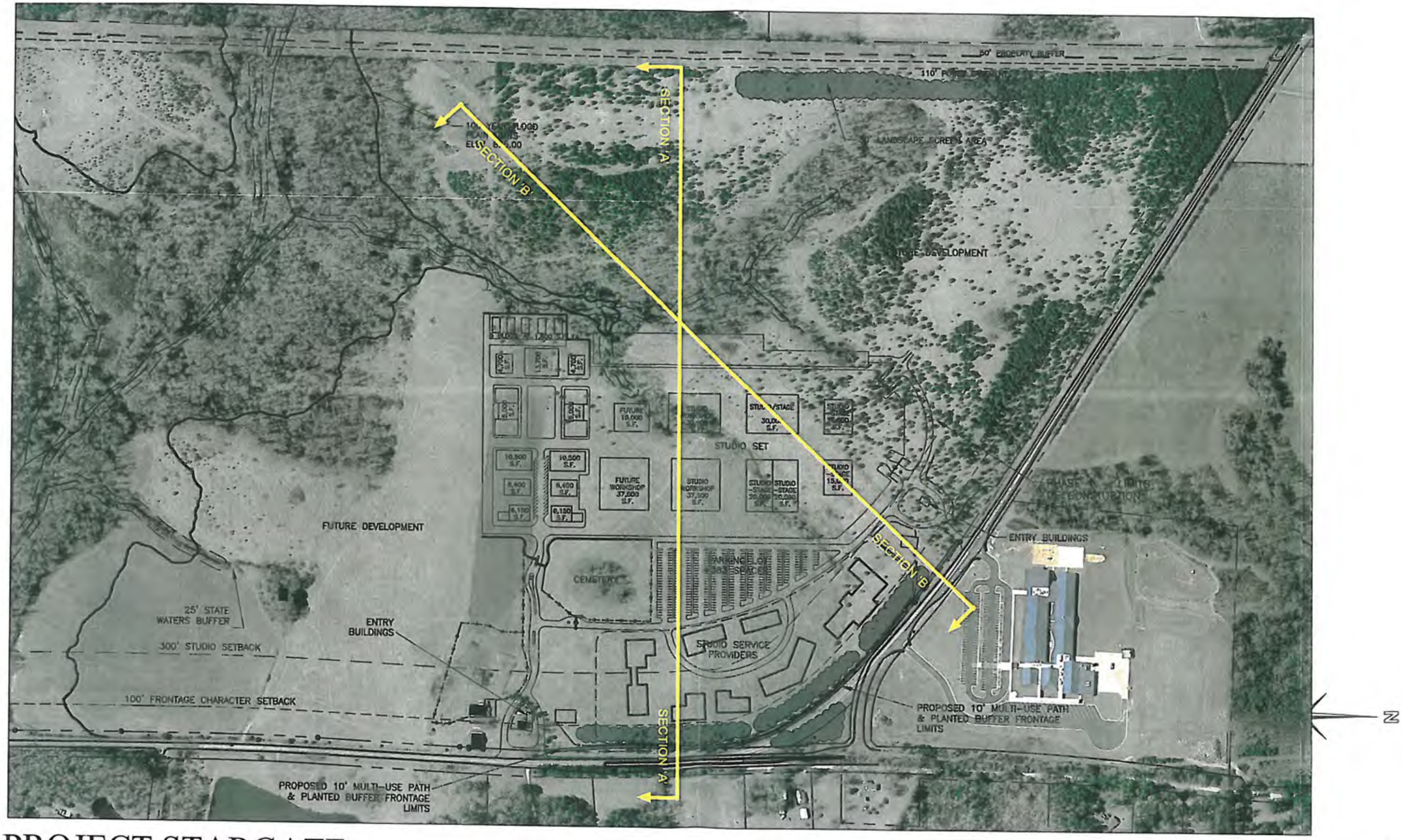


PROJECT STARGATE

2-22-13
SCALE: NTS

CONCEPTUAL SITE PLAN

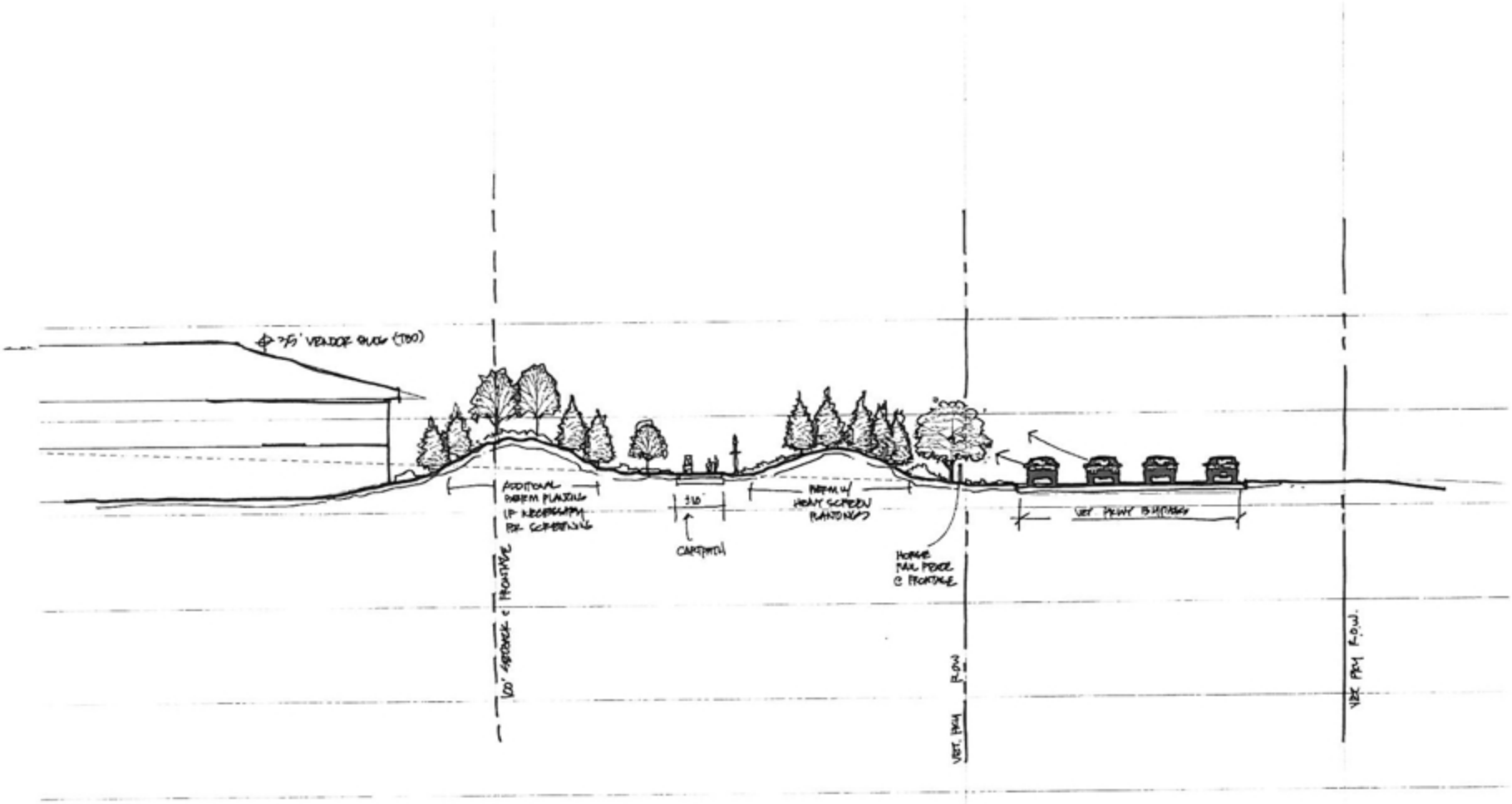
FOLEY DESIGN ASSOCIATES ARCHITECTS INC.
1313 Cleveland Avenue Building 100 Suite 102 East Point, Georgia 30344 (404) 761-1220



PROJECT STARGATE

2-22-13
SCALE: NTS
CONCEPTUAL SITE PLAN

FOLEY DESIGN ASSOCIATES ARCHITECTS INC.
1513 Cleveland Avenue Building 100 Suite 102 East Point, Georgia 30344 (404) 761-1200



HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 5'

PROJECT STARGATE: PLANT MATERIAL LIST

COMMON NAME	SCIENTIFIC NAME
Crape Myrtle	Lagerstroemia indica
Cryptomeria	Cryptomeria japonica
Emerald Arborvitae	Thuja occidentalis "Emerald"
Eastern Red Cedar	Juniperus virginiana
Fosters Holly	Ilex x attenuata "Fosteri"
Green Giant Arborvitae	Thuja "Green Giant" plicata
Leyland Cypress	Cupressocyparis leylandii
Little Gem Magnolia	Magnolia grandiflora "little gem"
Nellie Stevens Holly	Ilex x Nellie Stevens
River Birch	Betula nigra
October Glory Maple	Acer rubrum
Pin Oak	Quercus palustris
Vitex	Vitex agnus castus
Sugar Maple	Acer Saccharum
Shumard Oak	Quercus shumardii

EXISTING VEGETATION

PROJECT STARGATE

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THE FAYETTE COUNTY PLANNING COMMISSION met on February 7, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Douglas Powell
Bill Beckwith
Tim Thoms

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Pete Frisina, Director of Community Services
Patrick Stough, Interim County Attorney
Barry Baney, Marshal

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced Barry Baney of the Marshal's office and the Commission Members and Staff. Chairman Gilbert stated that he was not feeling well tonight and he would ask Jim Graw to chair the meeting.

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1. **Consideration of the Minutes for the Meeting Held on February 7, 2013.**

Doug Powell made a motion to approve the minutes. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

PUBLIC HEARING

2. **Consideration of Petition No. 1228-13, ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC, Owner, and James I. Pace, Jr. Agent, request to rezone property from A-R Agriculture-Residential and R-70: Single-Family Residential District to G-B: General- Business to develop a Media Production and Educational Campus. This property consists of 288.50 acres located in Land Lot 10 and 11 of the 7th District and fronts on Veterans Parkway and Sandy Creek Road.**

Jim Pace stated that it was a privilege to be before the Planning Commission tonight with this rezoning request. He said to give some background as to how this opportunity has come about; it stared about five years ago when the production of Drop Dead Diva started in Peachtree City and an effort to get five more sound stages in that area for a major motion picture studio company. He stated that the company did not like the location due to noise of the airport, but liked Fayette County and wanted to locate here. This company has been looking for a US location for ten years and they have facilities in London, Berlin, Toronto, Malaysia and the Dominican Republic. He added that the economic impact of this type of business on Fayette County will be great as they bring

in addition venders to serve the motion picture business. He said that this is the best project with the most benefit in which he has ever been involved.

Chairman Gilbert said that since this was such a big project the Planning Commission would give everybody time to speak to tonight.

Bill Foley said this is a great opportunity and the subject property is approximately a half mile wide and a mile long and the location meets the company's need to be in a quiet area with room for expansion and back lot locations. He stated that the site design consists of a buffer area along Sandy Creek Road and Veterans Parkway with a multi-use path and the studio entrances. He added that this facility is not the type that has tours for the public; it will be a secured site allowing only authorized personnel. He said the traffic pattern would be limited and would produce some truck traffic and these vehicles will be on site for the duration of a shoot. He said based on the experience of this company the resulting traffic flow for phase one consisting of five (5) sound stages and two workshops will only need about 380 parking spaces. The second tier of development will be the studio service provider area with the venders, scrip writers, editing companies, technology firms, etc. providing support services for the studio and not open to the general public. The studio portion of the development, including the back lots, will be fully contained and gated for security. The property has a lot of mature trees and the southern portion of the property contains Sandy Creek which will be maintained in a natural state. Architectural controls have been proposed for each of the areas. The buffer area will be the first 100 feet along Sandy Creek Road and Veterans Parkway, studio service provider area would extend 200 feet from the buffer area, and beyond that will be the studio area. The buffer along Sandy Creek Road and Veterans Parkway will contain the multi-use path and berms to screen the parking and buildings. The character for the buffer area would be rural with an equestrian fence and vegetation and materials would be wood, brick and stone. The cemetery on site will be fenced off with access provided to the families. The service provider area will have office type buildings with limited materials, no metal façades, and a building height limitation of 35 feet. The studio portion will contain large scale buildings where sets will be built and used for shooting. The façade of the sound stages could be changed periodically and used as back drops for shooting. The elevation of the studio area drops up to 40 or 50 feet below the elevation of the roads which will shield the view of the buildings. The schedule for shooting television shows normally shuts down in November and December and starts up in January.

Matt Forshee, President and CEO for the Fayette County Development Authority, thanked the Planning Commission for their service. He said he was recommending approval of this rezoning as it is his job to promote Fayette County as a location for new and expanding businesses, especially those businesses that match the socio-economic demographics of the County or where the County's workforce can adapt to a company's needs. He added that for the last seven years the Development Authority has been working with film projects and in 2009 Drop Dead Diva starting shooting in Peachtree City. He stated that over the last five years this program has purchased materials for sets, housed actors and crews in our hotels, hired locals with good wages, seen persons from out of state

purchase homes in our communities and pay rent and property taxes on four soundstages and a back lot area as they have made this community their home. He said we need to make Fayette County the home of the movie industry in Georgia by helping an international company to spend millions of their dollars to build a state of the art facility that will be like no other in Georgia and for millions of Hollywood dollars to be spent in our county. He added that this will give the support businesses that supply resources to the movie industry a reason to locate in Fayette County. He said it is estimated that 170 citizens could be employed next year alone in the film industry in Fayette County and 1,700 hundred employed within 15 years. He added that this project will give the plumbers, electricians and carpenters who were building houses a few years back an opportunity to transition into building movie sets. He said as this is an international company that will be operating the facility, the project is actually a local project as the development group, architects, and engineers are local businesses and this rezoning request is about jobs, investment and quality. He said his group has looked at long term and short tern fiscal impact of this development. He added that in the first five years the direct investment of construction is almost 100 million dollars, in operations another 100 million dollars and the output locally, and as the movie businesses spend money in existing businesses, the effect will be 500 million dollars in economic impact. He said the employment impact could be up to 2,000 jobs in the first five years in the region and over the next 15 years an economic output of 1.5 billion dollars from this project. He said in terms of local tax revenues in phase one, direct tax revenues of close to 10 million dollars, which could require additional operational expenditures of about seven million dollars for increased services, leaving a net revenue of 2.7 million dollars to the county and in six to 14 years a net revenue of over 12 million dollars. Matt Forshee thanked the Planning Commission for their time and asked for approval of the rezoning.

Jim Graw asked for those who wished to speak in favor of the rezoning.

Bob Ross said he was excited and he thinks Fayette County is excited about this project. He added that Fayette County needs to look out for the best interest of the County with this project. He stated that Fayette County hasn't seen an opportunity like this in his 16 years of living here and it a clean industry. He asked that the Planning Commission and staff work to preserve the rural character of the County and from what he has heard tonight he appreciates the effort of the developer is proposing to preserve the character. He said he initially had a concern with the venders but Senoia has had good success with this and it has not created a problem. He said that he understands that this could set precedence and he would not want to see lesser projects coming in and harming the County. He said that the project could employee Fayette County citizens and he recommends approval of the rezoning.

Brenda Torbush stated that the movie "Joyful Noise" was made locally in her church and she thinks movies are wonderful opportunities for Fayette County. She said that she has one item and that is her family have relatives in the cemetery on the site she understands that an archeologist has to define the location of the graves.

Jim Paced stated that an archeologist had done an initial study of the cemetery

Brenda Torbush asked if she could get a copy of the study.

Jim Pace stated that she could get a copy of the study when it is finished and the developer will preserve and improve the cemetery and provide access to the family members.

Brenda Torbush thanked Jim Pace.

Jim Graw asked for those who wished to speak in opposition to the rezoning.

Donald Fowler said there are residents in this are that will be affected by this project even with the restrictions that were discussed tonight. He said the residents will hear the new noise, the new traffic, and the air conditioning towers and see the floodlights. He stated that he has enjoyed the borrowed view of this farm for 45 years and now this is the beginning of the end of one of the few farms in Fayette County and he would publically like to thank the Rivers family, especially Paul and his late father, for hanging on as long as they have to the farm. He considering all of the things that could have been put on this property and the movie studio will be a win for the County and the neighborhood. He said that he is realistic and would have liked the farm to continue as the residents will have increased lights, noise and traffic but Fayette County will be better for the development. He added that some of the traffic noise could be reduced by closing South Sandy Creek Road to through truck traffic and forcing the trucks to use Veterans Parkway. He asked if this rezoning is approved will the zoning still apply to the property even if the project falls through because he would not want this to turn into an industrial park and have an auction house on the property. He added that the G-B has a 40 foot restriction for height and will that be changed or will they need a variance and will the sidewalk be inside their property and be for public use and can we expect the public to park and use the sidewalk.

Al Gilbert asked Mr. Fowler if he was referring to the multi-use path.

Donald Fowler replied that he was referring to the multi-use path and whether people will use it for a public park. He said that all in all he couldn't object but he wanted to state the issues and he thought the opposition portion of the meeting is when those issues should be raised.

Rena Chastain said she had some concerns and could the height of the buildings be raised or do they have to come back and ask for another meeting on that, and the traffic and lighting is a concern as we moved out here for the tranquility and quiet. She added that the traffic coming through makes it difficult to get onto Sandy Creek Road from Adams Road and Walton Road. She asked if the County will be responsible for repairing the roads from increased traffic. She asked if in the future will tours be offered to the public or will this be something that the County would have to vote on again in the future. She said she has a concern with the lighting. She stated that the timing is to get

something built by January and will the County have the time to control this development or will it be the City of Fayetteville. She said this will have a major impact on residents in a five mile radius and she is not saying she is against it or for it and hopefully this will bring up property values in the County.

Jim Graw asked if Mr. Pace or Mr. Foley if they would like to address the concerns raised tonight.

Jim Pace said the barn would be kept or relocated as maintaining the rural character, the fence and landscaping, is what he wants for the development. He said the site is unique in that the elevation in the middle of the property is low which will help hide the buildings. He also wanted to speak to the wetlands as the site has a significant amount of wetlands that will buffer the properties to the south and east and there is not a plan to push down all of the pine trees as we want the pine trees. He added that he wants the residents in the area to know that we are committed to not denigrating the quality of their lives. He stated that he has had the opportunity to work with the School Board and we intend to incorporate the Rivers school into this project with permission of the School Board and this will help the School Board as the school is not being fully used. He said that Fayette County needs something to restart economic growth and this project is the best he has ever seen to achieve economic growth. He added that the sound stages in Peachtree City have operated for five years and if you haven't noticed the impact at Falcon Field you are not going to notice a whole lot of impact here but we hope the County notices an impact to the economy and vacant businesses across from the hospital and throughout the County. He said that he wanted to reassure the residents that we have heard their concerns and we have had the ecologists looking at the property to protect the environment. He added that this project will help getting post-secondary education into the County.

Bill Foley said that the lighting will be controlled so light is not thrown into the surrounding area and will be controlled so filming can take place outside at night. He added that the building height in the Studio Provider area will be limited to 35 feet and the studios in the middle of the property will be 65 feet. He stated that the multi-use path is planned to go from the hospital multi-use path up and, if the school can be used for post-secondary education, provide access to the school.

Jim Graw said that one of the questions tonight is whether the path will be used by the public.

Bill Foley stated that the path is intended for public use. He added that with traffic, the area is shown on the County's land use plan as residential and a residential development, taking into the site constraints, will generate four times the traffic as the studio will generate. Bill Foley said that we have recommended conditions from staff and are supportive of those conditions.

Jim Graw said that a question about truck traffic came up tonight and the Board of Commissioners controls traffic regulations so that should be something that should be brought up at their meeting.

Jim Graw asked if there is anyone else that we like to comment.

Regina Burke said that she is concerned and she is the Director of Sales for the Holiday Inn and she has driven the route to the site and it is less than five miles away and can they be recommended to house persons involved with the movie studio.

Jim Pace stated that he hopes that they can refer clients to her hotel and others. He added that the hotels need to determine what they can do to enhance the hotels to be more attractive because he has had to take individuals back into Atlanta where the more expensive hotels are located.

Jim Graw said, seeing that there are no more comments, he was closing the floor to public comment and bringing the item back to the Planning Commission.

Tim Thoms made a motion to table the rezoning request to the May 2nd Planning Commission meeting. Doug Powell seconded the motion for discussion purposes.

Tim Thoms said that this is a great opportunity for the County but we don't know what impact it will have on the County. He said that the Planning Commission was given this petition on short notice and he was disappointed that this has been worked on for five years and he has had about three weeks to answer the questions brought up by the public tonight and he considers it his job and if he is not doing his job then he doesn't need to be up here tonight because he represents all the residents here tonight and all the residents that are not here tonight. He added that we are looking at the most significant zoning to ever come to Fayette County and it may be a great thing, but it may not be a great thing. He stated that he has a list of dozens of questions that he could not answer with the information in the packet he was given as he heard the answers to just a few of his questions from the presentation tonight. He said to look at this request is such a rush to judgment is not a good idea and the interest of the County is not served if we move too quickly. He said there is an indication that the studio buildings will be 65 feet high when current ordinance only allows 40 feet and the petitioners are asking us to increase the height by 50 percent as we had a gentlemen previously asking for a similar use and we spent four months developing the land use and a new zoning category (G-B) and he wanted a higher building than 35 feet which was the County regulation and we only raised it to 40 feet and now someone wants 65 feet and its questions like that, that I am not ready to answer tonight. He added that he would not propose to table this if he didn't think we could get those answers in that timeframe but he thinks we can get more answers in the proposed timeframe. He said if this development sets precedence and it is the quality development that we have been shown tonight let it set precedence in the direction of quality and not allow someone else to demand a 65 foot building in G-B and it is not the quality of the development we are discussing tonight.

Doug Powell said we have been asked to do a lot and there is no question that it is a great economic boon to the County but a citizen tonight mentioned that he wouldn't want this to establish a negative precedence. He added that the G-B zoning district was created with input from the public and we are being asked to consider this in short order and maybe a better way to do this is to create a new PUD zoning category in terms of a studio but given 28 days there isn't time to create a new zoning district.

He stated that if we allow 65 foot buildings in G-B, that would allow those building throughout the County and initially staff wanted to condition the rezoning to two or three uses in the G-B zoning but the County Attorney advised against the condition so it was removed. He said that he can not sit up here and tell you that if we approve this tonight that it won't be the precedence that will cause additional 65 foot structures in the County and I think there is a way to mitigate it but we don't have time to do that tonight.

Al Gilbert said that he would politely disagree with Tim and Doug as you remember that the bulk of the time we spent with the previous studio was to develop the G- B district and the Overlay for SR 138 and that actual rezoning required one meeting and he didn't understand what the delay will accomplish. He added that he had sit on this board for 25 years but the longer we wait it doesn't help and from what he has seen and heard tonight lets him know that this has the makings of a very good project.

Doug Powell asked how we mitigate the 65 foot building height.

Al Gilbert replied that we are not approving the 65 foot height tonight we are approving a rezoning to G-B with a 40 foot height. If the petitioner wants it changed they have to ask the County Commissioners to change the regulation.

Jim Graw said there were three things that are in conflict with current County ordinances and they are the building height, sign regulations and a heliport.

Bill Foley stated that there is not now a need for a heliport as that was an early need but it is no longer part of this development.

Jim Graw said the petitioner would need to request a change to the ordinances for the building height and signs and all we are doing tonight is considering the rezoning with a 40 foot height and current sign requirements.

Tim Thoms said the other issue is the change to the land use plan that could be required.

Jim Graw said he has a concern with that as well but there are properties zoned in the county in conflict with the land use plan and he has a hard time saying this property can't be rezoned when other pieces of property have been rezoned.

Bill Beckwith said he has been a professional planner for 25 plus years and one thing I know is a land use plan is strictly a plan and it is valid the day it is approved and anything that happens after that it can be modified. He added that the future land use plan was well thought out and well established but things do occur that mitigate against putting the land use plan into effect to stop something that had not been anticipated and that is the case we have here tonight. He said we have a

land use plan to protect the county and what this development will do is to enhance it in a lot of ways. He added as far as he was concerned we could modify the land use plan later and he would not entertain a tabling of this rezoning.

Al Gilbert asked vice-chairman Graw to call the question.

Jim Graw said there is a motion to table the request and a second and is there any further discussion.

Tim Thoms said as a point of order if you call the question there has to be a vote on that question.

Jim Graw said he is calling a vote on the question. Al Gilbert, Jim Graw, Bill Beckwith and Doug Powell voted to call the question and Tim Thoms voted in opposition of calling the question.

Jim Graw said so the motion has been made to table the petition and it has been seconded and is there any further discussion and hearing none I going to call for the vote. Tim Thoms voted in favor of the motion and Al Gilbert, Jim Graw, Bill Beckwith and Doug Powell voted in opposition of the motion.

Jim Graw said we will continue with the discussion and the Planning Commission does not need to have a motion to continue the discussion.

Al Gilbert asked staff to read the seven conditions for the public.

Pete Frisina read the seven conditions. Pete Frisina said the developer proposed guidelines that staff recommends adopting are over and above the County regulations and where they conflict with County regulations the development will either have to meet those regulations or the County will have to consider amending those regulations. Pete Frisina said staff would look to the Board of Commissioners for direction on amendments.

Jim Graw asked Patrick Stough whose responsibility it is ask for these amendments.

Patrick Stough said generally it is the petitioner's responsibility to ask for a text amendment.

Al Gilbert said he wanted to ask the petitioner if they are in agreement with the recommended conditions.

Jim Pace said he was in agreement with those conditions.

Doug Powell asked the County Attorney when a petitioner asks for the raising of the height limit for example in the General Business district and the County approves that for the General Business

district is there anything stopping an additional petition in the out years from the time its approved to not authorize a 65 foot building height.

Patrick Stough said he did not understand the question.

Doug Powell said if the petitioner petitions the County to raise the building height to accommodate the studio and once it is approved in G-B is there anything to stop someone with G-B from getting a 65 foot building.

Patrick Stough said they would not need to petition the County to get a 65 foot building as the zoning district would then allow the 65 foot building.

Jim Graw said unless there was something that restricted the 65 foot building to a property with a required number of acres.

Doug Powell said that is why he was thinking about a PUD but it would take time to do that.

Tim Thoms said the Planning Commission has all the time in the world. Tim Thoms added we have published deadlines and published opportunities to meet with the planning staff and Board of Commissioners to discuss aspects of the land use plan and ordinances much as we did with the only G-B in the County that just happened in December. He said we worked to develop what was in the best interest of the County. He said he has some additional questions for the petitioner.

Tim Thoms asked Jim Pace what his capacity as agent was to the petitioner.

Jim Pace said he was the manager to the LLC developing this property.

Tim Thoms as if he had other occupations.

Jim Pace said he was a commercial contractor and developer in Fayette County and he has built a five story building close to the hospital that was larger than 65 feet.

Tim Thoms pointed out that the building was in the City of Fayetteville.

Jim Pace replied that the building was in the City of Fayetteville. Jim Pace said that he has been involved with the Development Authority since 2007 to develop a plan for this area looking at what could be developed in this area and Historical Concepts was involved as well. He added that where we stand officially, a Memorandum of Understanding has been signed with the studio operators out of London and we are still in negotiations with them and the motion to table the rezoning could have very easily ended the deal as they are looking to us as to whether we want them or not. He stated that he has never been in the Governor's office before or the Speaker of the House's Chambers as there is

such support on the state level for this project. He said that we have had plenty of time to study this devolvement and have met with the planning staff numerous times working together and we submitted when we were told to submit and were told we would get an up or down answer and move on to the Commissioners after this meeting.

Tim Thoms said he was glad that Mr. Pace had been to the Governor's and Speaker's office and got that support as I see many powerful people in the audience tonight but we have rules and regulations in the County and I would like to see them followed. He added that he is not knocking the project but what happens if the contract falls through and the County has a G-B zoning on Sandy creek Road where anything in G-B can be developed and it is my job to look at what is in the best for the County and understand that you and Matt as Economic Development Director are looking out for the best interest of the County. He said that this development will have a great impact and I haven't had the time to look at it as you have.

Jim Pace said we are given timelines by the County that say submit on this date, wait for four weeks and come and get an answer and we haven't asked for special favors as any other citizen would expect and if I am wrong about that I don't know why I am wrong. He added that the planning effort has probably been the best planned as any other that I have seen and it was partly our intuitive in getting that effort underway because when back in the day when the County and City didn't work together, from what I have seen is a cooperative effort on something that can be very spectacular for the County. He said some people have been very excited about this path system and this was not our idea but we are happy to accommodate that if the County thinks that it is a good feature for the citizens and I was out there today looking for the best location for the path. He said that the team has been working very hard on this project since December and he gives Matt Forshee credit for keeping this project in the County when the location by Falcon Field was not desirable.

Jim Graw said it is his understanding that the multi-use path will be on private property.

Jim Pace said it is on private property.

Jim Graw said that he understands that the intent is for other developments to hook into this path even if they are in the City and how is another property owner going to cross over private property to hook to the path on your property.

Jim Pace said that in his history in Peachtree City he had built portions of the path system on his property and it went from one side of the property to the other side with no connection, but eventually the properties were developed on either side and connected. He stated that he was happy to provide the path but he really wanted to maintain the rural character of the area with the horse fence along the road and, 300 feet back, the sound stages well be built below the grade of the road and I know that because we had balloons flown at the exact height in the location of the proposed buildings.

Tim Thoms asked if they had those pictures as he would be interested in seeing them.

Jim Pace stated that they do have those pictures.

Jim Graw said that he lives in Peachtree City and he has seen the path system grow and he thought the paths were on easements.

Jim Pace said that the paths in the residential areas are deeded to the City but on commercial properties some of the paths were on private property.

Commission Chairman Steve Brown said he started the path conversation and if you are familiar with Redwine Road and the path there, that is similar to what we should see along these roads associated with this project.

Tim Thoms asked if the path along Redwine Road was in the County right-of-way.

Chairman Brown replied that it was in the County right-of-way.

Jim Graw said he wanted to know how another path is going to cross private property and I want to know the legal aspects and how it will be done.

Chairman Brown said the he has gotten the developers to agree to build the path without an ordinance requiring the path and we have identified that corridor as a multi-use path area and we are in the process of identifying other areas in the County that we think will be useful to identify as multi-use path areas. He added that as was done in Peachtree City the County will mandate that the path be built and connect as the properties are developed. He said the county would maintain the paths with an easement.

Jim Graw said so there is a way for some other developer to the south to hook up with a path and cross a property line.

Chairman Brown said that the path would go from property line to property line so the next property will have immediate access to hook onto the path

Jim Graw asked if that would be through as easement.

Chairman Brown said no it would just go up to their property line and then be continued. He added that we are currently working with GDOT to get a bridge to connect to the shopping center in Fayetteville and we are working closely with Fayetteville to achieve this connection and Fayetteville is taking responsibility for the path in their jurisdiction around the hospital.

Al Gilbert asked if we could make it an overlay zone to require a path on Veterans Parkway.

Pete Frisina said we can put that regulation in the development regulations and require it as any other infrastructure to accommodate development.

Tim Thoms said that it appears from the concept plan that the path stops at the wetlands so I assume you will build a bridge.

Jim Pace said that we are not going to build a bridge across the wetlands and the path is not going to end at the creek, the path will follow the sewer line as it is developed on the other side of the road.

Tim Thoms asked what sewer line.

Jim Pace replied the sewer line that will ultimately come up to the property.

Tim Thoms said he was confused on the sewer line.

Jim Graw said that is if the property is annexed into Fayetteville.

Jim Pace replied that is correct.

Tim Thoms said so you won't cross the wetlands you will build up to the sewer line.

Jim Graw said at this time we are only talking about Fayette County and not what can happen in Fayetteville.

Doug Powell said he has a question and it has to do with the annexation we have been reading about and me trying to satisfy the impact on 65 foot building height throughout the county and if the city annexes the property it would be a moot point to change the G-B district to allow 65 feet.

Jim Graw said we can only talk about Fayette County because we don't know if or when the property will be annexed and that is why the discussion needs to stick with Fayette County.

Jim Pace said with the multi-use path we don't want to get into the large wetland by building a bridge on the west side of Veterans Parkway, but there is ample room on the east side of Veterans Parkway. He added that the other thing that he doesn't want to do is have to remove the pine trees along Sandy Creek Road north of the school. He said he thinks it can be worked out as we need to move this process along because the land won't be purchased until the property is rezoned and we are purchasing more land than we need to buffer the development from surrounding properties.

Bill Beckwith made a motion to approve the petition with the seven recommended conditions.

Al Gilbert seconded the motion. Al Gilbert said he has lived in the County since 1977 when there were only about 15,000 people in the County and he has seen a lot of changes and these rezoning are emotional issues and if we don't act on this tonight, it will probably not change the outcome it just increase those emotions and we need to do something to improve our tax base.

Tim Thoms said he hasn't made up his mind yet and he has significant questions about the project and that he would like to bring to the Planning Commission's attention.

Al Gilbert said one of the things that makes him feel good about the project is the track record of the developers.

Jim Graw said he would have liked more time to look at this project but he has to be pragmatic and we make recommendations to the Commissioners and this is what we do and the company wants the first facility ready in January and I take that into consideration.

Tim Thoms said that is not our problem, our responsibility is to judge the request based on the County polices and their time constraints are not our problem. He said he had a question about the 35 foot building height and I did not see that in the documentation.

Bill Foley said that is in the developer's codes and regulations and that would be required on the buildings up to 300 feet from the roadways.

Tim Thoms said that Mr. Pace said he had followed all regulations and guidelines of the County and the application is dated February 5th and he thought the rezoning deadline was the first of the month.

Pete Frisina stated that the deadline was the first.

Jim Graw said he would like to move this along.

Tim Thoms said he wanted an answer to this question as it is pertinent to the application.

Jim Graw said this is the last question and we need to get to Doug Powell after this.

Jim Pace said to the best of his knowledge we submitted the application when we were supposed to submit the application and we were told the first Tuesday.

Tim Thoms said our ordinances say differently.

Doug Powell asked if there is any idea what will be in phase two of the development.

Jim Pace said at this time he didn't know exactly what would be in phase two or when it would be started.

Tim Thoms made a motion to table the motion made by Bill Beckwith.

Jim Graw said we have a motion and a second on the table already.

Tim Thoms said as a point of order he could make a motion to table the motion until the next meeting in April.

Jim Graw said we can't do that we have to act on the motion on the table.

Tim Thoms said the rules of the board allow this motion.

Patrick Stough said he can move to table the motion on the table.

Jim Graw asked if there is a second to Tim's motion to table the motion on the table.

Tim Thoms stated that his motion did not need a second.

Jim Graw said we will accept Tim's motion to table the motion on the table until April and he called for the vote. The motion failed 4-1 with Al Gilbert, Jim Graw, Bill Beckwith and Doug Powel voting against the motion and Tim Thoms voting in favor of the motion.

Jim Graw said we have a motion to approve the petition with the seven recommended conditions and a second to the motion. Jim Graw asked if there is any further discussion, hearing none he called for vote. The motion passed 4-0-1 with Al Gilbert, Jim Graw, Bill Beckwith and Doug Powel voting in favor of the motion and Tim Thoms abstaining.

Tim Thoms said the reason he is abstaining is he does not think that the Planning Commission has had sufficient time to study the petition.

Jim Graw suggests that the petitioner get with staff to see what can be done to amend zoning text for the 65 foot height and limiting it to a specific size of development and amending the sign ordinance.

Al Gilbert said he appreciates that the Planning Commission and they don't always agree but we will walk out of here as buddies.

Jim Graw called for a five minute recess to the meeting.

OLD BUSINESS

2. Discussion of Variance Criteria for the Subdivision Regulations.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

_____

AL GILBERT
CHAIRMAN

_____

APPLICATION TO AMEND
FAYETTE COUNTY ZONING ORDINANCE

PROPERTY OWNERS: ARC Enterprises, LLLP, Sandy Creek Holdings, LLC, and Fayette Property Holdings, LLC

MAILING ADDRESS: 6906 Kingston Pike - Suite 205, Knoxville, TN 37919

PHONE: 865-588-3850 **FAX:** 865-588-3840

AGENT FOR OWNERS: James I. Pace, Jr.

MAILING ADDRESS: 900 Westpark Drive - Suite 300, Peachtree City, GA 30269

PHONE: 770-389-9100 **FAX:** 770-631-7279

PROPERTY LOCATION: **LAND LOT** 10 **LAND DISTRICT** 7 **PARCEL** 0705007
LAND LOT 11 **LAND DISTRICT** 7 **PARCEL** ~~portion~~ of ~~0706006~~

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 288.50

EXISTING ZONING DISTRICT: 0705007 = A/R 0706006 = R-70 **PROPOSED ZONING DISTRICT:** General-Buisness (G-B)

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: farming

PROPOSED USE OF SUBJECT PROPERTY: media production and educational campus

LAND USE PLAN DESIGNATION: Rural Residential, Low Density Residential, and Conservation Area

NAME AND TYPE OF ACCESS ROAD: ~~West Fayetteville Bypass (a/k/a~~ Veterans Pkwy) and Sandy Creek Road

LOCATION OF NEAREST WATER LINE: Sandy Creek Road

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** 1228-13

[ ] **Application Insufficient due to lack of:**

by Staff: **Date:**

[✓] **Application and all required supporting documentation is Sufficient and Complete**

by Staff: [signature] **Date:** 2/5/13

DATE OF PLANNING COMMISSION HEARING: March 7, 2013

DATE OF COUNTY COMMISSIONERS HEARING: March 28, 2013

Received from Rivers Rock LLC **a check in the amount of $** 550.00 **for application filing fee, and $** 210.00 **for deposit on frame for public hearing sign(s).**

Date Paid: 2/5/13 **Receipt Number:** 3640722
3640773

NAME: James I. Pace, Jr. PETITION NUMBER: _____

ADDRESS: 900 Westpark Drive - Suite 300, Peachtree City, GA 30269

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

James I. Pace, Jr. **affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n)** A/R & R-70 **Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $** 570.00 **to cover all expenses of public hearing. He/She petitions the above named to change its classification to** G-B.

This property includes: (check one of the following)

[ ] See attached legal description on recorded Warranty Deed for subject property or

[X] Legal description for subject property is as follows:

See attached.

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 7th **day of** ~~February~~ March**, 20** 13 **at 7:00 P.M.**

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 28th **day of** ~~February~~ March**, 20** 13 **at 7:00 P.M.**

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1st **DAY OF** February**, 20** 13

NOTARY PUBLIC COMMISSION EXPIRES MARCH 12, 2013

APPLICANT'S SIGNATURE James I. Pace, Jr. Authorized Agent

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property:

ARC Enterprises, LLLP, Sandy Creek Holdings, LLC, and Fayette Property Holdings, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0705007 and a portion of 0706006

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 10 **of the** 7th **District, and (if applicable to more than one land district) Land Lot(s)** 11 **of the** 7th **District, and said property consists of a total of** 288.50 **acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).**

(I) (We) hereby delegate authority to James I. Pace, Jr. **to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.**

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

HEATHER THOMPSON
NOTARY PUBLIC
Fayette County - State of Georgia
My Comm. Expires November 22, 2014

ARC Enterprises, LLLP
By:
Signature of Property Owner 1

6906 Kingston Pike - Suite 205
Knoxville, TN 37919
Address

Signature of Notary Public

1/30/13
Date

Sandy Creek Holdings, LLC
By:
Signature of Property Owner 2

6906 Kingston Pike - Suite 205
Knoxville, TN 37919
Address

Signature of Notary Public

1/30/13
Date

My Commission Expires September 1, 2013

Fayette Property Holdings, LLC
By:
Signature of Property Owner 3

6906 Kingston Pike - Suite 205
Knoxville, TN 37919
Address

Signature of Notary Public

1/30/13
Date

James I. Pace, Jr.
Signature of Authorized Agent, James I. Pace, Jr.

900 Westpark Drive - Suite 300
Address Peachtree City, GA 30269

Signature of Notary Public

2/1/13
Date

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, ARC Enterprises, LLLP, Sandy Creek Holdings, LLC and Fayette Property Holdings, LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, sixty (60) feet of right-of-way along Sandy Creek Road and ~~West Fayetteville Bypass (a/k/a~~ Veterans Parkway) as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 1st day of February, 2013.

ARC Enterprises, LLLP
By: [signature]
SIGNATURE OF PROPERTY OWNER

Sandy Creek Holdings, LLC
By: [signature]
SIGNATURE OF PROPERTY OWNER

Fayette Property Holdings, LLC
By: [signature]
SIGNATURE OF PROPERTY OWNER

[signature]
NOTARY PUBLIC

HEATHER THOMPSON
NOTARY PUBLIC
Fayette County - State of Georgia
My Comm. Expires November 22, 2014

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

[X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 1st day of February, 20 13.

ARC Enterprises, LLLP
By: _____
APPLICANT=S SIGNATURE

Fayette Property Holdings, LLC
By: _____
APPLICANT'S SIGNATURE

Sandy Creek Holdings, LLC
By: _____
APPLICANT'S SIGNATURE

James I. Pace, Jr.,
Authorized Agent